

Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

February 20, 2025

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: Samuel Harvey

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 January 16, 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 Subcommittee: Yes on Measure CC / No on Measure BB; discussion and possible action.
9. Enforcement referral regarding Andy Kelley for Rent Board 2020 campaign; discussion and possible action.
10. Enforcement referral regarding Campaign for Police Accountability campaign and possible administrative termination of committee pursuant to FCPC Regulation R2.12.270.1; discussion and possible action.
11. Enforcement referral regarding Vanessa Danielle Marrero, Rent Stabilization Board Commissioner; discussion and possible action.
12. Review and possible revision of Procedures for the Fair Campaign Practices Commission (Available at <https://berkeleyca.gov/sites/default/files/2022-01/FCPC-Procedures.pdf>); discussion and possible action.

Open Government Commission (OGC) Agenda

13. Reports.
 - a. Report from Chair
 - b. Report from Staff
14. Publicizing commission work and vacancies, information about commissions on the web; discussion and possible action.

15. Commissioners Manual - Recommendations for revision: discussion and possible action.
16. City Council Rules of Procedure and Order Revisions
(See https://berkeleyca.gov/sites/default/files/documents/Supp%202%20-%20Rules%20of%20Procedure%20and%20Order%209_24_24.pdf);
discussion and possible action.
17. Regulations for the Open Government Commission; discussion and possible action.
18. Progress in providing remote access to Commission and Board meetings; discussion and possible action.

Joint FCPC-OGC Calendar

19. Training presentation: procedural due process: discussion and possible action.
20. Chair and Vice-Chair elections; discussion and possible action.

Information Items

21. Adjournment

Communications

None

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

January 16, 2025

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

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

Secretary: Samuel Harvey

Members Present: Janis Ching, Emmanuelle Soichet, Andrew Lazarus, Kitt Saginor

Also present: Sam Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:30 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 agenda. (M/S/C: Lazarus/Ching; Ayes: Ching, Lazarus, Saginor;
Noes: none; Abstain: none; Absent: O'Donnell, Soichet)

5. **Public Comment**

No speakers.

6. **Approval of minutes for November 21, 2024 FCPC-OGC Regular Meeting**

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

Motion to approve minutes pending verification and correction. (M/S/C: Lazarus/Saginer; Ayes: Ching, Soichet, Lazarus, Saginer; Noes: none; Abstain: none; Absent: O'Donnell)

Fair Campaign Practices Commission (FCPC) Agenda

7. **Reports**

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

8. **Report from Negotiating Subcommittee: Yes on Measure CC / No on Measure BB**

Chair Saginer appointed Commissioner Soichet to serve on this ad hoc subcommittee with Commissioner Lazarus.

9. **Clerk Referral: Failure to repay unspent public financing funds**

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

Motion to request staff to investigate as of the first week in February and return with a report to our next meeting. (M/S/C: Ching/Lazarus; Ayes: Ching, Soichet, Lazarus, Saginer; Noes: none; Abstain: none; Absent: O'Donnell)

10. **Proposed Amendment to Commission Regulation R.2.12.270.1 – Administrative Termination of Filing Obligations**

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

Motion to amend Commission Regulation R2.12.270.1 Administrative Termination of Filing Obligations as follows: end the items on the numbered list with semicolons; insert a clause into R2.12.270.1(b) last paragraph to read:

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.

(M/S/C: Ching/Saginer; Ayes: Ching, Soichet, Lazarus, Saginer; Noes: none; Abstain: none; Absent: O'Donnell)

11. **Enforcement referral regarding Andy Kelley for Rent Board 2020 campaign**

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

Motion to refer this matter to the Secretary to investigate and return with a report and recommendations for further action. (M/S/C: Ching/Soichet; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

12. **Enforcement referral regarding Campaign for Police Accountability campaign and possible administrative closure of committee pursuant to FCPC Regulation R2.12.270.1**

Item deferred to future meeting.

13. **Enforcement referral regarding Vanessa Danielle Marrero, Rent Stabilization Board Commissioner**

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

Motion to refer this matter to the Secretary to investigate and return with a report and recommendations for further action. (M/S/C: Ching/Soichet; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

14. **Review and possible revision of Procedures for the Fair Campaign Practices Commission**

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

Open Government Commission (OGC) Agenda

15. **Reports**
- a. Report from Chair
 - b. Report from Staff

16. **City Clerk referral of non-filing of quarterly lobbying activity disclosure: Yuro Sadiki-Torres (Northern California Land Trust); discussion and possible action**

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

Motion to direct staff to investigate this matter and report to our next meeting with recommendations on how to proceed. (M/S/C: Ching/Soichet; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

17. **Publicizing Commission work and vacancies**

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

Motion to direct Chair to work with Secretary to revise and send letter concerning vacancies for submission to City Council. (M/S/C: Ching/Soichet; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

18. **Commissioners Manual - Recommendations for revision. (Includes action on Commissioner stipends)**

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

Motion to direct Commission staff to communicate Commission's recommendations for amendments of Commissioners' Manual to the City Clerk. (M/S/C: Soichet/Ching; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

Motion to recommend amendments to City Council and authorize Chair and Secretary to amend or withdraw any portion or all of the proposal based on the content of the proposal from the City Clerk's Office. (M/S/C: Soichet/Lazarus; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

19. **City Council Rules of Procedure and Order Revisions**

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

Joint FCPC-OGC Calendar

20. **Training presentation: Brown Act**

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

21. **Adoption of 2025 FCPC-OGC Joint Concurrent Meeting Schedule; discussion and possible action**

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

Motion to adopt schedule proposed by staff (M/S/C: Saginor/Ching; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

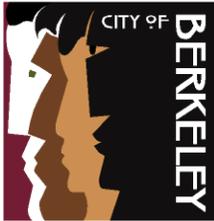
22. **Chair and Vice-Chair elections to be held at February meeting**

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

23. **Adjournment**

Motion to adjourn (M/S/C: Ching/Soichet; Ayes: Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: O'Donnell)

The meeting adjourned at 8:59 p.m.



Fair Campaign Practices Commission

Date: February 13, 2025

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Enforcement referral regarding Andy Kelley for Rent Board 2020

At its October 17, 2024 meeting, the Commission received the attached referral from the City Clerk regarding failure by the campaign committee Andy Kelley for Rent Board 2020 (“Committee”) to file the campaign statement (Form 460) covering the period January 1, 2024 to June 30, 2024, which was due July 31, 2024. The Clerk’s referral also indicated that the Committee failed to file any reports covering the year 2023. (Attachment 1.)

At the Commission’s direction, the Commission Secretary sent the attached notice to the Committee on October 25, 2024, informing the Committee of its obligations and warning the Committee that the Commission may pursue enforcement action against the Committee. (Attachment 2.)

On October 25, 2024, the same day the Secretary’s notice was sent, the candidate sent a response indicating that he did not believe there has been any activity by the Committee since the 2020 election, and that he intends to resolve the outstanding filings “as soon as possible.” (Attachment 3.)

As the candidate noted in his message to the Secretary, it is possible the Committee has had little or no activity since the 2020 election. The Committee’s last-filed campaign statement, which was filed on April 12, 2023 and covers the period from July 1, 2022 to December 31, 2022, shows a single un-itemized expenditure of \$99 and an ending cash balance of \$302.83. (Attachment 4.)

At its November 21, 2024, meeting, the Commission decided to take no action and await possible filings from the Committee as indicated in the candidate’s communication to the Commission Secretary.

Commission staff emailed the candidate on January 7, 2025, reminding him of his obligations to file outstanding reports. (Attachment 5.) As of the date of Commission’s January 16, 2025 meeting, the Committee had not filed any of the outstanding reports.

At its January 16, 2025 meeting, the Commission directed staff to investigate and return at a future meeting with an investigatory report and recommendation for further action.

Since the Commission’s January 16th meeting, the Committee has filed the outstanding Form 460 Campaign Statements covering the following periods:

February 13, 2025

Page 2

1. January 1, 2023 – June 30, 2023
 - a. Due: July 31, 2023. Filed January 27, 2025
2. July 1, 2023 – December 31, 2023
 - a. Due: January 31, 2024. Filed January 27, 2025
3. January 1, 2024 – June 30, 2024
 - a. Due: July 31, 2024. Filed: January 27, 2025

Based on staff's review, these filings cover all outstanding Campaign Statements for 2023 and 2024 which formed the basis of the Clerk's referral

On January 31, 2025, the Committee also timely filed the Campaign statement covering the period from July 1, 2024 to December 31, 2024. (Committee's Campaign Statements included as Attachment 6.)

BERA and FCPC Procedures

BERA requires that City campaign committees file campaign reports consistent with the requirements of state law. (See BMC §§ 2.12.032.A & 2.12.270.A.) The provision of state law incorporated by reference requires that candidates and committees "shall file semiannual statements each year no later than July 31 for the period ending June 30, and not later than January 31 for the period ending December 31." (Cal. Gov. Code § 84200(a).)

The Commission may dismiss this matter or make a finding of probable cause that a violation of BERA has occurred. (FCPC Procedures § VI.B.1.) Under the Commission's procedures, probable cause exists that BERA has been violated "when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred." (FCPC Procedures § VI.B.2.) As outlined above, Staff believe that the late-filing of the above reports provides a reasonable basis to believe that BERA has been violated.

Even with a finding of probable cause, the Commission may dismiss a matter "if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources." (FCPC Procedures § VI.B.1.)

Here, the Committee's late-filed reports show no contributions received or expenditures made during 2023 or 2024. The reports indicate an outstanding loan amount from the candidate to the Committee of \$100 and a total cash balance of \$302. Given the lack of activity of the Committee, which was formed for the 2020 Rent Board campaign, and the relatively small cash balance reported by the Committee, staff believe that there is sufficient basis to conclude that the failure by the Committee to timely file these reports had "only a slight impact on the administration of BERA and/or the outcome of any election," and that further proceedings on this matter would not be an efficient use of Commission resources.

February 13, 2025

Page 3

Notably, the City Clerk has authority under state law to issue fines for late-filed Campaign Statements. Specifically, the Clerk may levy a fine of \$10 per day up to the greater of \$100 per report or the “cumulative amount” stated in the late-filed report (Cal. Gov. Code § 91013.) The “cumulative amount” means the amount of contributions received or expenditures made in the calendar year. (Cal. Gov. Code § 82018.) As noted above, the late-filed statements do not report any contributions or expenditures. The Clerk would therefore have authority to issue maximum fines of \$100 per late-filed report, for a total of \$300 in late filing penalties. Note that the Clerk’s authority to issue these fines is independent of BERA and the Commission does not have authority to direct the Clerk to issue or refrain from issuing these fines.

Attachments:

1. Excerpt from City Clerk’s referral as published in October 17, 2024 meeting agenda packet
2. Notice from Secretary to Committee (Oct. 25, 2024)
3. Message from the Candidate to the Secretary (Oct. 25, 2024)
4. Committee’s Semi-Annual Statement for July 1, 2022 – December 31, 2022.
5. Commission Secretary message to Committee (Jan. 7, 2025)
6. Committee’s Campaign Statements for the following periods:
 - a. January 1, 2023 – June 30, 2023
 - b. July 1, 2023 – December 31, 2023
 - c. January 1, 2024 – June 30, 2024
 - d. July 1, 2024 – December 31, 2024.



City Clerk Department

September 25, 2024

To: Fair Campaign Practices Commission

From: Mark Numainville, City Clerk

Subject: Referral of Non-Filers to the Fair Campaign Practices Commission

This memo serves as an official referral to the Fair Campaign Practices Commission for the non-filing of campaign disclosure statements required under the Berkeley Election Reform Act.

Treasurers for the following committees were properly noticed of their requirement to file campaign statements no later than July 31, 2024 for the semi-annual reporting period ending June 30, 2024.

1. Andy Kelley for Rent Board 2020

Ending cash balance of previous report: \$302.83 (Statement period 7/1/2022 – 12/31/2022). The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

2. Campaign for Police Accountability

Ending cash balance of previous report: \$0.00 (7/1/2022 – 12/31/2022).

The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

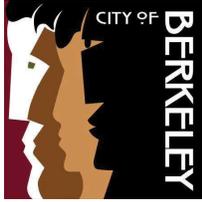
The Elected official below was properly noticed of their requirement to file an officeholder campaign statement, Form 470, covering the calendar year 2024.

3. Vanessa Danielle Marrero, Rent Stabilization Board Commissioner

The notices were sent on July 19 and July 24.

These filers have failed to file the required statements and are being referred to the Fair Campaign Practices Commission for enforcement. Detailed information regarding each filer case, including relevant correspondence, is attached to this memorandum.

Please confirm receipt of this referral and provide notice of any next steps in the enforcement process to my office and to the committees being referred. My staff is available if you have any questions regarding this matter.



City Clerk's Office

Non-Filer Referral to the Fair Campaign Practices Commission

Non-filer Information

Committee Andy Kelley for Rent Board 2020

Treasurer Andy Kelley

Candidate Andy Kelley

Statement Information

Filing Due Date 7/31/2024

Reporting Period Start Date 1/1/2024

Reporting Period End Date 6/30/2024

Notifications to Filer

Date 7/19/2024 Type Notification (letter & email)

Date 7/24/2024 Type 1st Reminder (email)

Date 8/6/2024 Type 1st Notice of Non-Filing (letter & email)

Date 9/10/2024 Type 2nd Notice of Non-Filing (letter & email)

Date _____ Type _____

Additional Information

Ending cash balance of previous report: \$302.83 (Statement period 7/1/2022 - 12/31/2022).

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.



City Clerk Department

July 18, 2024

Andy Kelley, Treasurer
Andy Kelley for Rent Board 2020
1418A 67th Street
Berkeley, CA 94702

Dear Andy:

This letter is notice that open campaign committees must file a semi-annual campaign statement (Form 460) covering the period of January 1 – June 30, 2024. The statement is due by **Wednesday, July 31, 2024**. Failure to file by the deadline may result in enforcement actions or fines under the Political Reform Act and the Berkeley Election Reform Act (BERA). Additional information regarding your filing obligations is below.

Termination

Filing obligations continue until the committee has terminated. You may terminate when there are no surplus funds, no outstanding loans or unpaid bills, or there is inability to discharge debt. To terminate the committee, file a terminating Form 410 and Form 460. Refer to the [State Campaign Disclosure Manual](#) appropriate for your committee for detailed information on these requirements. Remember that the original Form 410 is filed with the Secretary of State, and a paper copy is filed with my office.

Differences in State and Local Law

Berkeley's campaign disclosure requirements differ from state law. Consult the Fair Campaign Practices Commission's regulations and campaign filing manual (available on our website at <https://berkeleyca.gov/your-government/elections>) to ensure full compliance with the law.

Most campaign statements must be filed electronically. If you need help with the electronic filing system, please contact my staff at (510) 981-6908 or elections@berkeleyca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville
City Clerk

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: andykelley@gmail.com
Cc: [Elections](#); [FCPC \(Fair Campaign Practices Commission\)](#)
Subject: Notification regarding campaign filing requirement (due by July 31, 2024)
Date: Friday, July 19, 2024 10:40:31 AM
Attachments: [2024-07-18 Andy Kelley for Rent Board 2020.pdf](#)
Importance: High

Good morning,

Please see the attached correspondence regarding the *Andy Kelley for Rent Board 2020* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704
elections@berkeleyca.gov

From: [Elections](#)
To: andykelley@gmail.com
Cc: [Elections](#)
Subject: REMINDER: Notification regarding campaign filing requirement (due by July 31, 2024)
Date: Wednesday, July 24, 2024 1:59:32 PM
Attachments: [2024-07-18 Andy Kelley for Rent Board 2020.pdf](#)
Importance: High

Hello,

This is a reminder of the upcoming filing deadline outlined in the attached correspondence.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Email: elections@berkeleyca.gov
Website: <https://berkeleyca.gov/your-government/elections>

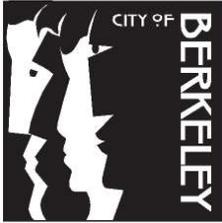
From: Elections <elections@berkeleyca.gov>
Sent: Friday, July 19, 2024 10:40 AM
To: andykelley@gmail.com
Cc: Elections <elections@berkeleyca.gov>; FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: Notification regarding campaign filing requirement (due by July 31, 2024)
Importance: High

Good morning,

Please see the attached correspondence regarding the *Andy Kelley for Rent Board 2020* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704
elections@berkeleyca.gov



City Clerk Department

August 6, 2024

VIA Email and U.S. Mail

Andy Kelley, Treasurer
Andy Kelley for Rent Board 2020
1418A 67th Street
Berkeley, CA 94702

NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Andy:

As a campaign treasurer for an open campaign committee, you were required to complete and file a semi-annual campaign statement (Form 460) for the period January 1 - June 30, 2024 with the City Clerk no later than July 31, 2024. **A review of your file indicates that you have not yet filed this statement.**

The Political Reform Act prohibits filing officers from extending filing deadlines. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing by completing the enclosed Request for Waiver of Liability form.

According to Government Code § 91013, a fine of \$10 per day may be assessed for the late filing of a required campaign statement. Please file immediately to avoid increased penalties. If you have discharged the committee's surplus funds in accordance with the Political Reform Act and BERA regulations and your committee is no longer active, you must file a Form 410 and Form 460 to terminate your committee.

Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Encl.

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: andykelley@gmail.com
Cc: [Elections](#)
Subject: Notice of non-filing of campaign statement (Andy Kelley for Rent Board 2020)
Date: Wednesday, August 7, 2024 1:40:36 PM
Attachments: [2024-08-06 Andy Kelley for Rent Board 2020 NONF 460.pdf](#)
Importance: High

Hello,

Please see the attached Notice of Non-Filing regarding the *Andy Kelley for Rent Board 2020* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA

Assistant City Clerk

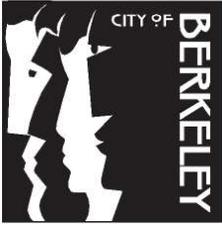
City of Berkeley

2180 Milvia Street, 1st Floor

Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>



City Clerk Department

September 10, 2024

VIA Email and U.S. Mail

Andy Kelley, Treasurer
Andy Kelley for Rent Board 2020
1418A 67th Street
Berkeley, CA 94702

2nd NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Andy:

As a campaign treasurer for an open campaign committee, you were required to complete and file a semi-annual campaign statement (Form 460) for the period January 1 – June 30, 2024 with the City Clerk no later than July 31, 2024. A Notice of Non-Filing was sent on August 6, 2024. **A review of your file indicates that you have not yet filed this statement.**

The Political Reform Act prohibits filing officers from extending filing deadlines. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing by completing the enclosed Request for Waiver of Liability form.

According to Government Code § 91013, a fine of \$10 per day may be assessed for the late filing of a required campaign statement. Please file immediately to avoid increased penalties. If you have discharged the committee's surplus funds in accordance with the Political Reform Act and BERA regulations and your committee is no longer active, you must file a Form 410 and Form 460 to terminate your committee.

If the statement is not filed by **September 24, 2024**, the matter will be referred to the Berkeley Fair Campaign Practices Commission for enforcement action. Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Encl.

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: andykelley@gmail.com
Cc: [Elections](#)
Subject: Second Notice of Non-Filing of Campaign Statement (Andy Kelley for Rent Board 2020)
Date: Wednesday, September 11, 2024 9:33:46 AM
Attachments: [2024-09-10 Andy Kelley for Rent Board 2020 2NONF 460.pdf](#)
Importance: High

Hello Andy,

Please see the attached second Notice of Non-Filing regarding the *Andy Kelley for Rent Board 2020* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA

Assistant City Clerk

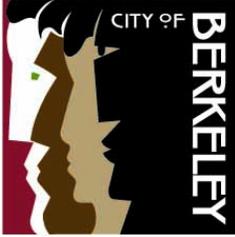
City of Berkeley

2180 Milvia Street, 1st Floor

Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>



Fair Campaign Practices Commission

October 25, 2024

VIA E-MAIL AND U.S. MAIL

Andy Kelley, Treasurer
Andy Kelley for Rent Board 2020
1418A 67th Street
Berkeley, CA 94702
andykelley@gmail.com

RE: Notice of Investigation and Possible Imposition of Penalties for Failure to File Campaign Statements

Dear Mr. Kelley:

Please be informed that the City of Berkeley's Fair Campaign Practices Commission ("FCPC" or "Commission") considered the attached referral ("Referral") from the City Clerk Department at its meeting on Thursday, September 19, 2024. As indicated in the Referral, your campaign committee Andy Kelley for Rent Board 2020 has failed to file the following:

- Campaign statement (Form 460) for the period January 1, 2024 to June 30, 2024, due July 31, 2024

As the Clerk's Referral indicates, you received a notification and a reminder on July 19, 2024 and July 24, 2024 respectively, informing you of your obligation to file the campaign statement due July 31, 2024. Following your failure to file the statement, you also received two notices of non-filing, via letter and email, on August 6, 2024 and September 10, 2024, reminding you of your obligation to file the above campaign statement.

In addition, City records indicate that your committee has failed to file any reports covering the year 2023. Specifically, your campaign committee Andy Kelley for Rent Board 2020 has failed to file the following:

- Campaign statement covering the period from January 1, 2023 to June 30, 2023, due July 31, 2023
- Campaign statement covering the period from July 1, 2023 to December 31, 2023, due January 31, 2024

Notice of Investigation and Possible Imposition of Penalties for Failure to File Campaign Statements

October 25, 2024

Page 2 of 2

Failure to file campaign statements is a violation of the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12) and the California Political Reform Act (Cal. Gov. Code § 81000 et seq.) If you do not file these campaign statements, the FCPC may initiate a hearing pursuant to the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12), where the FCPC will be empowered to levy fines of up to \$1,000 per violation, or up to the amount of the undisclosed contributions or expenditures, whichever is greater. (BMC § 2.12.231.C.) Additionally, should the Commission determine that you have committed a “substantial violation” of BERA, you will be barred from receiving matching funds under the City’s public financing program for a period of four years. (BMC § 2.12.555.)

Please also be advised that the City Clerk is authorized to impose penalties for late filing of campaign statements in the amount of \$10 per day for late filings. (Gov. Code § 91013). If imposed for your committee’s late statements, late penalties could total up to the greater of \$100 or the total amount of contributions or expenditures reported on each late campaign statement. (Gov. Code § 91013(c).)

Please file your outstanding campaign statements as soon as possible. This matter will appear again on the agenda for the FCPC’s November 21, 2024 regular meeting. You are welcome to appear at that meeting to discuss this matter.

Sincerely,



Samuel Harvey
Secretary, Fair Campaign Practices Commission

Attachment: City Clerk Referral of Non-Filers to the Fair Campaign Practices Commission

cc: Kitt Saginor, Chair, Fair Campaign Practices Commission
Mark Numainville, City Clerk

From: [Andy Kelley](#)
To: [FCPC \(Fair Campaign Practices Commission\)](#)
Cc: [Kitt Saginor](#); [Numainville, Mark L.](#)
Subject: Re: FCPC: Notice of Investigation and Possible Penalties
Date: Friday, October 25, 2024 11:46:04 AM

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.

Hi Samuel, Mark, Kitt,

Thank you for bringing this to my attention.

I do not believe I have had any activity in that account since the 2020 election occurred. I served as my own Treasurer in 2020.

I have reached out to a treasurer to request advice on how to properly go about closing the campaign account with the City, however with the upcoming election it is difficult to get that assistance immediately.

I am very involved in my re-election campaign right now and making sure those reports are filed correctly and on time, but definitely intend to resolve this matter as soon as possible.

If it is helpful for me to attend the FCPC meeting I am glad to do so. I hope to be able to report to them that the account has been closed by then or to have a timeline for its closure, pending the conversation with a Treasurer.

Thank you,
Andy

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA FORM

460

Page 1 of 5

For Official Use Only

Date Stamp

E-Filed
04/12/2023
23:27:49
Filing ID:
207738089

Date of election if applicable:

(Month, Day, Year)

11/09/2020

Statement covers period

from 07/01/2022

through 12/31/2022

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- Recall *(Also Complete Part 5)*
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored *(Also Complete Part 6)*
- Primarily Formed Candidate/Officeholder Committee *(Also Complete Part 7)*

2. Type of Statement:

- Preelection Statement
- Semi-annual Statement
- Termination Statement *(Also file a Form 410 Termination)*
- Amendment *(Explain below)*
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER

1429628

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)

Andy Kelley for Rent Board 2020

Treasurer(s)

NAME OF TREASURER

Andy Kelley

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY

Berkeley

STATE

CA

ZIP CODE

94702

AREA CODE/PHONE

(510) 473-7896

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY

Berkeley

STATE

CA

ZIP CODE

94702

AREA CODE/PHONE

MAILING ADDRESS

CITY

STATE

AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

andykelley@gmail.com

OPTIONAL: FAX / E-MAIL ADDRESS

andykelley@gmail.com

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 04/12/2023
Date

By Andy Kelley

Signature of Treasurer or Assistant Treasurer

Executed on 04/12/2023
Date

By Andy Kelley

Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____
Date

By _____

Signature of Controlling Officerholder, Candidate, State Measure Proponent

Executed on _____
Date

By _____

Signature of Controlling Officerholder, Candidate, State Measure Proponent

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

CALIFORNIA FORM 460
Page 2 of 5

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
Andy Kelley
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
Rent Stabilization Board Berkeley: City of Berkeley
RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP
Berkeley CA 94702

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE
COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER JURISDICTION SUPPORT OPPOSE

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROONENT

OFFICE SOUGHT OR HELD DISTRICT NO. IF ANY

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

Amounts may be rounded to whole dollars.

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

Statement covers period

from 07/01/2022

through 12/31/2022

Page 3 of 5

I.D. NUMBER

1429628

Contributions Received

Column A
TOTAL THIS PERIOD
(FROM ATTACHED SCHEDULES)

Column B
CALENDAR YEAR
TOTAL TO DATE

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

1/1 through 6/30 7/1 to Date

1. Monetary Contributions	Schedule A, Line 3	\$ 0.00	\$ 0.00
2. Loans Received	Schedule B, Line 3	0.00	100.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2	0.00	100.00
4. Nonmonetary Contributions	Schedule C, Line 3	0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4	0.00	100.00

20. Contributions Received \$

21. Expenditures Made \$

Expenditures Made

Expenditure Limit Summary for State Candidates

6. Payments Made	Schedule E, Line 4	\$ 99.00	\$ 159.00
7. Loans Made	Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7	99.00	159.00
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3	0.00	0.00
10. Nonmonetary Adjustment	Schedule C, Line 3	0.00	0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10	99.00	159.00

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) Total to Date

_____/_____/_____/ \$
_____/_____/_____/ \$

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16	401.83
13. Cash Receipts	Column A, Line 3 above	0.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4	0.00
15. Cash Payments	Column A, Line 8 above	99.00
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15	302.83

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2	\$ 0.00
18. Cash Equivalents	See instructions on reverse	\$ 0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above	\$ 100.00

Cash Equivalents and Outstanding Debts

ITEM NO.9-ATTACHMENT 4

**Schedule B – Part 1
Loans Received**

Amounts may be rounded to whole dollars.

Statement covers period from 07/01/2022 through 12/31/2022

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

I.D. NUMBER

Andy Kelley for Rent Board 2020

1429628

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	OUTSTANDING BALANCE BEGINNING THIS PERIOD	AMOUNT RECEIVED THIS PERIOD	AMOUNT PAID OR FORGIVEN THIS PERIOD*	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	INTEREST PAID THIS PERIOD	ORIGINAL AMOUNT OF LOAN	CUMULATIVE CONTRIBUTIONS TO DATE
Andy Kelley Berkeley, CA 94702	Planning Commissioner Alameda County	\$ 100.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 100.00	0 %	\$ 100.00	CALENDAR YEAR 0.00 PER ELECTION** \$ 2020 100.00
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$	\$	<input type="checkbox"/> PAID \$ <input type="checkbox"/> FORGIVEN \$	\$	%	\$	CALENDAR YEAR \$ PER ELECTION** \$
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$	\$	<input type="checkbox"/> PAID \$ <input type="checkbox"/> FORGIVEN \$	\$	%	\$	CALENDAR YEAR \$ PER ELECTION** \$
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$	\$	<input type="checkbox"/> PAID \$ <input type="checkbox"/> FORGIVEN \$	\$	%	\$	CALENDAR YEAR \$ PER ELECTION** \$
SUBTOTALS \$		0.00 \$	0.00 \$	0.00 \$	100.00 \$	0.00		

Schedule B Summary

- Loans received this period (Total Column (b) plus unitemized loans of less than \$100.) \$ 0.00
- Loans paid or forgiven this period (Total Column (c) plus loans under \$100 paid or forgiven.) \$ 0.00
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) **NET \$** 0.00
Enter the net here and on the Summary Page, Column A, Line 2.

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

†Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

**Schedule E
Payments Made**

Amounts may be rounded
to whole dollars.

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

Statement covers period
from 07/01/2022

through 12/31/2022

Page 5 of 5

I.D. NUMBER

1429628

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- | | | | | | |
|-----|---|-----|---|-----|---|
| CMP | campaign paraphernalia/misc. | MBR | member communications | RAD | radio airtime and production costs |
| CNS | campaign consultants | MTG | meetings and appearances | RFD | returned contributions |
| CTB | contribution (explain nonmonetary)* | OFC | office expenses | SAL | campaign workers' salaries |
| CVC | civic donations | PET | petition circulating | TEL | t.v. or cable airtime and production costs |
| FIL | candidate filing/ballot fees | PHO | phone banks | TRC | candidate travel, lodging, and meals |
| FND | fundraising events | POL | polling and survey research | TRS | staff/spouse travel, lodging, and meals |
| IND | independent expenditure supporting/opposing others (explain)* | POS | postage, delivery and messenger services | TSF | transfer between committees of the same candidate/sponsor |
| LEG | legal defense | PRO | professional services (legal, accounting) | VOT | voter registration |
| LIT | campaign literature and mailings | PRT | print ads | WEB | information technology costs (internet, e-mail) |

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$ 0.00

Schedule E Summary

- Itemized payments made this period. (Include all Schedule E subtotals.) \$ 0.00
- Unitemized payments made this period of under \$100 \$ 99.00
- Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$ 0.00
- Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) **TOTAL \$ 99.00**

ITEM NO.9-ATTACHMENT 4

Harvey, Samuel

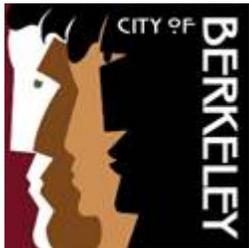
From: FCPC (Fair Campaign Practices Commission)
Sent: Tuesday, January 7, 2025 10:30 AM
To: FCPC (Fair Campaign Practices Commission); 'Andy Kelley'
Cc: Harvey, Samuel
Subject: RE: FCPC: Notice of Investigation and Possible Penalties

Hi Andy,

This is a reminder for you to please file the late campaign statements as soon as possible. The FCPC will be meeting next week, and may decide to pursue enforcement action against you if you file to file the statements. Please note, as stated below, that it is better to file the statements sooner rather than later, even if the statements are not in perfect shape and require subsequent correction, than it is to delay further in filing.

If you would like to attend the next meeting to discuss the status of your efforts to close the account, I am sure the Commission will be happy to hear from you. The next meeting will likely be held (assuming we have a quorum) on January 16, 2025, at 6:30pm.

Thanks,
Stephen

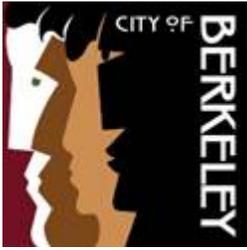


Stephen A. Hylas
Acting Secretary
Fair Campaign Practices Commission
2180 Milvia Street, 4th floor
Berkeley, CA 94704
fcpc@berkeleyca.gov

From: FCPC (Fair Campaign Practices Commission)
Sent: Wednesday, October 30, 2024 9:42 AM
To: Andy Kelley <andykelley@gmail.com>
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: RE: FCPC: Notice of Investigation and Possible Penalties

Thank you, Andy. We will bring this information to the Commission at the next regular meeting on November 21. In the meantime, if you are able to file the late statements as soon as you can, that would be helpful. It is common for people to file amendments later if there are any mistakes, so even if the statement is not in perfect shape, it is better that it be filed sooner rather than later, and then it could be subsequently corrected.

Thanks,
Stephen



Stephen A. Hylas
Acting Secretary
Fair Campaign Practices Commission
2180 Milvia Street, 4th floor
Berkeley, CA 94704
fcpc@berkeleyca.gov

From: Andy Kelley <andykelley@gmail.com>
Sent: Friday, October 25, 2024 11:46 AM
To: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Cc: Kitt Saginor <ksaginor@gmail.com>; Numainville, Mark L. <MNumainville@berkeleyca.gov>
Subject: Re: FCPC: Notice of Investigation and Possible Penalties

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.

Hi Samuel, Mark, Kitt,

Thank you for bringing this to my attention.

I do not believe I have had any activity in that account since the 2020 election occurred. I served as my own Treasurer in 2020.

I have reached out to a treasurer to request advice on how to properly go about closing the campaign account with the City, however with the upcoming election it is difficult to get that assistance immediately.

I am very involved in my re-election campaign right now and making sure those reports are filed correctly and on time, but definitely intend to resolve this matter as soon as possible.

If it is helpful for me to attend the FCPC meeting I am glad to do so. I hope to be able to report to them that the account has been closed by then or to have a timeline for its closure, pending the conversation with a Treasurer.

Thank you,
Andy

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

CALIFORNIA FORM 460

Page 1 of 4

For Official Use Only

Date Stamp: E-Filed 01/27/2025 13:24:12, Filing ID: 212958513

Statement covers period from 01/01/2023 through 06/30/2023

Date of election if applicable: (Month, Day, Year)

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. Includes checkboxes for Officeholder, Candidate Controlled Committee, State Candidate Election Committee, Recall, General Purpose Committee, etc.

2. Type of Statement: Includes checkboxes for Preelection Statement, Semi-annual Statement, Termination Statement, Amendment, Quarterly Statement, Special Odd-Year Report, Supplemental Preelection Statement.

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Andy Kelley for Rent Board 2020. Includes fields for STREET ADDRESS, CITY, STATE, ZIP CODE, AREA CODE/PHONE, and OPTIONAL: FAX / E-MAIL ADDRESS.

Treasurer(s): NAME OF TREASURER Andy Kelley. Includes fields for MAILING ADDRESS, CITY, STATE, ZIP CODE, AREA CODE/PHONE, and OPTIONAL: FAX / E-MAIL ADDRESS.

4. Verification: I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/27/2025 By Andy Kelley Signature of Treasurer or Assistant Treasurer
Executed on 01/27/2025 By Andy Kelley Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor
Executed on _____ By _____ Signature of Controlling Officeholder, Candidate, State Measure Proponent
Executed on _____ By _____ Signature of Controlling Officeholder, Candidate, State Measure Proponent

Recipient Committee
Campaign Statement
Cover Page — Part 2

CALIFORNIA FORM	460
Page <u>2</u> of <u>4</u>	

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
Andy Kelley

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
Rent Stabilization Board Berkeley: City of Berkeley

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
	<u>Berkeley</u>	<u>CA</u>	<u>94702</u>

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY
-----------------------	---------------------

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

**Campaign Disclosure Statement
Summary Page**

Amounts may be rounded
to whole dollars.

Statement covers period from <u>01/01/2023</u> through <u>06/30/2023</u>	CALIFORNIA FORM 460
	Page <u>3</u> of <u>4</u>
	I.D. NUMBER 1429628

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ 0.00	\$ 0.00
2. Loans Received Schedule B, Line 3	0.00	100.00
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ 0.00	\$ 100.00
4. Nonmonetary Contributions Schedule C, Line 3	0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ 0.00	\$ 100.00

**Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections**

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

Expenditures Made

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made Schedule E, Line 4	\$ 0.00	\$ 0.00
7. Loans Made Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ 0.00	\$ 0.00
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	0.00	0.00
10. Nonmonetary Adjustment Schedule C, Line 3	0.00	0.00
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ 0.00	\$ 0.00

**Expenditure Limit Summary for State
Candidates**

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
____/____/____	\$ _____
____/____/____	\$ _____

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ 302.83
13. Cash Receipts Column A, Line 3 above	0.00
14. Miscellaneous Increases to Cash Schedule I, Line 4	0.00
15. Cash Payments Column A, Line 8 above	0.00
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ 302.83

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2	\$ 0.00
---	---------

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ 0.00
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ 100.00

**Schedule B – Part 1
Loans Received**

Amounts may be rounded to whole dollars.

Statement covers period from 01/01/2023 through 06/30/2023	CALIFORNIA FORM 460
Page 4 of 4	
I.D. NUMBER 1429628	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Andy Kelley Berkeley, CA 94702	Planning Commissioner Alameda County	\$ 100.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 100.00 12/01/2020 DATE DUE	0% RATE \$ 0.00	\$ 100.00 07/31/2020 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION** \$ ^{G2020} 100.00
† <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
SUBTOTALS \$			0.00 \$	0.00 \$	100.00 \$	0.00		

Schedule B Summary

(Enter (e) on Schedule E, Line 3)

- Loans received this period \$ 0.00
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period \$ 0.00
(Total Column (c) plus loans under \$100 paid or forgiven.)
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (**Subtract** Line 2 from Line 1.) **NET \$** 0.00
Enter the net here and on the Summary Page, Column A, Line 2.
(May be a negative number)

†Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

CALIFORNIA FORM 460

Page 1 of 4

For Official Use Only

Date Stamp: E-Filed 01/27/2025 13:27:11, Filing ID: 212958599

Statement covers period from 07/01/2023 through 12/31/2023

Date of election if applicable: (Month, Day, Year)

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. [X] Officeholder, Candidate Controlled Committee...

2. Type of Statement: [X] Semi-annual Statement, [] Preelection Statement, [] Quarterly Statement...

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Andy Kelley for Rent Board 2020...

Treasurer(s): NAME OF TREASURER Andy Kelley, MAILING ADDRESS, CITY Berkeley, STATE CA, ZIP CODE 94702...

4. Verification: I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein...

Executed on 01/27/2025 Date, Executed on 01/27/2025 Date, Executed on Date, Executed on Date

By Andy Kelley Signature of Treasurer or Assistant Treasurer, By Andy Kelley Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor...

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

CALIFORNIA FORM	460
Page <u>2</u> of <u>4</u>	

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
Andy Kelley

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
Rent Stabilization Board Berkeley: City of Berkeley

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
	<u>Berkeley</u>	<u>CA</u>	<u>94702</u>

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY
-----------------------	---------------------

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

**Campaign Disclosure Statement
Summary Page**

Amounts may be rounded
to whole dollars.

Statement covers period from <u>07/01/2023</u>	CALIFORNIA FORM 460
through <u>12/31/2023</u>	
Page <u>3</u> of <u>4</u>	I.D. NUMBER <u>1429628</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ <u>0.00</u>	\$ <u>0.00</u>
2. Loans Received Schedule B, Line 3	<u>0.00</u>	<u>100.00</u>
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ <u>0.00</u>	\$ <u>100.00</u>
4. Nonmonetary Contributions Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ <u>0.00</u>	\$ <u>100.00</u>

**Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections**

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

Expenditures Made

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made Schedule E, Line 4	\$ <u>0.00</u>	\$ <u>0.00</u>
7. Loans Made Schedule H, Line 3	<u>0.00</u>	<u>0.00</u>
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	<u>0.00</u>	<u>0.00</u>
10. Nonmonetary Adjustment Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ <u>0.00</u>	\$ <u>0.00</u>

**Expenditure Limit Summary for State
Candidates**

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
<u> </u> / <u> </u> / <u> </u>	\$ _____
<u> </u> / <u> </u> / <u> </u>	\$ _____

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ <u>302.83</u>
13. Cash Receipts Column A, Line 3 above	<u>0.00</u>
14. Miscellaneous Increases to Cash Schedule I, Line 4	<u>0.00</u>
15. Cash Payments Column A, Line 8 above	<u>0.00</u>
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ <u>302.83</u>

If this is a termination statement, Line 16 must be zero.

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2	\$ <u>0.00</u>
---	----------------

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ <u>0.00</u>
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ <u>100.00</u>

**Schedule B – Part 1
Loans Received**

Amounts may be rounded to whole dollars.

Statement covers period from 07/01/2023 through 12/31/2023	CALIFORNIA FORM 460
Page 4 of 4	
I.D. NUMBER 1429628	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Andy Kelley Berkeley, CA 94702	Planning Commissioner Alameda County	\$ 100.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 100.00 12/01/2020 DATE DUE	0% RATE \$ 0.00	\$ 100.00 07/31/2020 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION** \$ ^{G2020} 100.00
† <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
SUBTOTALS \$			0.00 \$	0.00 \$	100.00 \$	0.00		

Schedule B Summary

(Enter (e) on Schedule E, Line 3)

- Loans received this period \$ 0.00
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period \$ 0.00
(Total Column (c) plus loans under \$100 paid or forgiven.)
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (**Subtract** Line 2 from Line 1.) **NET \$** 0.00
Enter the net here and on the Summary Page, Column A, Line 2.
(May be a negative number)

†Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

CALIFORNIA FORM 460

Page 1 of 4

For Official Use Only

Date Stamp: E-Filed 01/27/2025 13:29:34, Filing ID: 212958701

Statement covers period from 01/01/2024 through 06/30/2024

Date of election if applicable: (Month, Day, Year)

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. Includes checkboxes for Officeholder, Candidate Controlled Committee, State Candidate Election Committee, Recall, General Purpose Committee, etc.

2. Type of Statement: Includes checkboxes for Preelection Statement, Semi-annual Statement, Termination Statement, Amendment, Quarterly Statement, Special Odd-Year Report, Supplemental Preelection Statement.

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Andy Kelley for Rent Board 2020. Includes fields for STREET ADDRESS, CITY, STATE, ZIP CODE, AREA CODE/PHONE, and MAILING ADDRESS.

Treasurer(s): NAME OF TREASURER Andy Kelley. Includes fields for MAILING ADDRESS, CITY, STATE, ZIP CODE, AREA CODE/PHONE, and MAILING ADDRESS.

4. Verification: I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/27/2025 By Andy Kelley Signature of Treasurer or Assistant Treasurer
Executed on 01/27/2025 By Andy Kelley Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

CALIFORNIA FORM	460
Page <u>2</u> of <u>4</u>	

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
Andy Kelley

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
Rent Stabilization Board Berkeley: City of Berkeley

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
	<u>Berkeley</u>	<u>CA</u>	<u>94702</u>

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY
-----------------------	---------------------

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

**Campaign Disclosure Statement
Summary Page**

Amounts may be rounded
to whole dollars.

Statement covers period from <u>01/01/2024</u>	CALIFORNIA FORM 460
through <u>06/30/2024</u>	
Page <u>3</u> of <u>4</u>	I.D. NUMBER <u>1429628</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ <u>0.00</u>	\$ <u>0.00</u>
2. Loans Received Schedule B, Line 3	<u>0.00</u>	<u>100.00</u>
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ <u>0.00</u>	\$ <u>100.00</u>
4. Nonmonetary Contributions Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ <u>0.00</u>	\$ <u>100.00</u>

**Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections**

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

Expenditures Made

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made Schedule E, Line 4	\$ <u>0.00</u>	\$ <u>0.00</u>
7. Loans Made Schedule H, Line 3	<u>0.00</u>	<u>0.00</u>
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	<u>0.00</u>	<u>0.00</u>
10. Nonmonetary Adjustment Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ <u>0.00</u>	\$ <u>0.00</u>

**Expenditure Limit Summary for State
Candidates**

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
<u> </u> / <u> </u> / <u> </u>	\$ _____
<u> </u> / <u> </u> / <u> </u>	\$ _____

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ <u>302.83</u>
13. Cash Receipts Column A, Line 3 above	<u>0.00</u>
14. Miscellaneous Increases to Cash Schedule I, Line 4	<u>0.00</u>
15. Cash Payments Column A, Line 8 above	<u>0.00</u>
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ <u>302.83</u>
<i>If this is a termination statement, Line 16 must be zero.</i>	
17. LOAN GUARANTEES RECEIVED Schedule B, Part 2	\$ <u>0.00</u>

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ <u>0.00</u>
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ <u>100.00</u>

**Schedule B – Part 1
Loans Received**

Amounts may be rounded to whole dollars.

Statement covers period from 01/01/2024 through 06/30/2024	CALIFORNIA FORM 460
	Page 4 of 4
I.D. NUMBER 1429628	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Andy Kelley Berkeley, CA 94702	Planning Commissioner Alameda County	\$ 100.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 100.00 12/01/2020 DATE DUE	0% RATE \$ 0.00	\$ 100.00 07/31/2020 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION** \$ ^{G2020} 100.00
† <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
SUBTOTALS \$			0.00 \$	0.00 \$	100.00 \$	0.00		

Schedule B Summary

(Enter (e) on Schedule E, Line 3)

- Loans received this period \$ 0.00
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period \$ 0.00
(Total Column (c) plus loans under \$100 paid or forgiven.)
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (**Subtract** Line 2 from Line 1.) **NET \$** 0.00
Enter the net here and on the Summary Page, Column A, Line 2.
(May be a negative number)

†Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

CALIFORNIA FORM 460

Page 1 of 4

For Official Use Only

Date Stamp: E-Filed 01/31/2025 20:37:51, Filing ID: 213053086

Statement covers period from 07/01/2024 through 12/31/2024. Date of election if applicable: (Month, Day, Year)

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. Includes checkboxes for Officeholder, Candidate Controlled Committee, State Candidate Election Committee, Recall, General Purpose Committee, etc.

2. Type of Statement: Includes checkboxes for Preelection Statement, Semi-annual Statement, Termination Statement, Amendment, Quarterly Statement, Special Odd-Year Report, Supplemental Preelection Statement.

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Andy Kelley for Rent Board 2020. Includes fields for STREET ADDRESS, CITY, STATE, ZIP CODE, AREA CODE/PHONE, and MAILING ADDRESS.

Treasurer(s): NAME OF TREASURER Andy Kelley. MAILING ADDRESS. CITY Berkeley, STATE CA, ZIP CODE 94702. NAME OF ASSISTANT TREASURER, IF ANY. MAILING ADDRESS. CITY, STATE, ZIP CODE, AREA CODE/PHONE. OPTIONAL: FAX / E-MAIL ADDRESS andykelly@gmail.com

4. Verification I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/31/2025 Date By Andy Kelley Signature of Treasurer or Assistant Treasurer. Executed on 01/31/2025 Date By Andy Kelley Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor.

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

CALIFORNIA FORM	460
Page <u>2</u> of <u>4</u>	

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE			
Andy Kelley			
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)			
Rent Stabilization Board Berkeley: City of Berkeley			
RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
	Berkeley	CA	94702

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE		
BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
Identify the controlling officeholder, candidate, or state measure proponent, if any.		
NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT		
OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY	

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

**Campaign Disclosure Statement
Summary Page**

Amounts may be rounded
to whole dollars.

Statement covers period from <u>07/01/2024</u>	CALIFORNIA FORM 460
through <u>12/31/2024</u>	
Page <u>3</u> of <u>4</u>	I.D. NUMBER <u>1429628</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ <u>0.00</u>	\$ <u>0.00</u>
2. Loans Received Schedule B, Line 3	<u>0.00</u>	<u>100.00</u>
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ <u>0.00</u>	\$ <u>100.00</u>
4. Nonmonetary Contributions Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ <u>0.00</u>	\$ <u>100.00</u>

**Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections**

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

Expenditures Made

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made Schedule E, Line 4	\$ <u>0.00</u>	\$ <u>0.00</u>
7. Loans Made Schedule H, Line 3	<u>0.00</u>	<u>0.00</u>
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	<u>0.00</u>	<u>0.00</u>
10. Nonmonetary Adjustment Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ <u>0.00</u>	\$ <u>0.00</u>

**Expenditure Limit Summary for State
Candidates**

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
<u> </u> / <u> </u> / <u> </u>	\$ _____
<u> </u> / <u> </u> / <u> </u>	\$ _____

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ <u>302.83</u>
13. Cash Receipts Column A, Line 3 above	<u>0.00</u>
14. Miscellaneous Increases to Cash Schedule I, Line 4	<u>0.00</u>
15. Cash Payments Column A, Line 8 above	<u>0.00</u>
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ <u>302.83</u>

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2	\$ <u>0.00</u>
---	----------------

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ <u>0.00</u>
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ <u>100.00</u>

**Schedule B – Part 1
Loans Received**

Amounts may be rounded to whole dollars.

Statement covers period from <u>07/01/2024</u> through <u>12/31/2024</u>	CALIFORNIA FORM 460
	Page <u>4</u> of <u>4</u>
I.D. NUMBER 1429628	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Andy Kelley for Rent Board 2020

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Andy Kelley Berkeley, CA 94702	Planning Commissioner Alameda County	\$ 100.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 100.00 12/01/2020 DATE DUE	0% RATE \$ 0.00	\$ 100.00 07/31/2020 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION** \$ ^{G2020} 100.00
† <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
† <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	_____ DATE DUE	_____ RATE \$ _____	_____ DATE INCURRED	CALENDAR YEAR \$ _____ PER ELECTION** \$ _____
SUBTOTALS \$			0.00 \$	0.00 \$	100.00 \$	0.00		

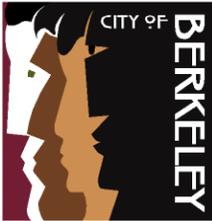
Schedule B Summary

(Enter (e) on Schedule E, Line 3)

- Loans received this period \$ 0.00
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period \$ 0.00
(Total Column (c) plus loans under \$100 paid or forgiven.)
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (**Subtract** Line 2 from Line 1.) **NET \$** 0.00
Enter the net here and on the Summary Page, Column A, Line 2.
(May be a negative number)

†Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.



Fair Campaign Practices Commission

Date: February 13, 2025

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Enforcement referral regarding Campaign for Police Accountability; possible administrative termination of Committee

At its October 17, 2024 meeting, the Commission received the attached referral from the City Clerk regarding failure by the campaign committee Campaign for Police Accountability (“Committee”) to file the campaign statement (Form 460) covering the period January 1, 2024 to June 30, 2024, which was due July 31, 2024. The Clerk’s referral also indicated that the Committee failed to file any reports covering the year 2023. (Attachment 1.)

At the Commission’s direction, the Commission Secretary sent the attached notice to the Committee on October 25, 2024, informing the Committee of its obligations and warning the Committee that the Commission may pursue enforcement action against the Committee. (Attachment 2.) As of the date of this report, the Secretary has not received any confirmation of receipt of the notice or any correspondence from the Committee, and no additional filings have been submitted by the Committee.

In its last-filed campaign statement, which was filed on January 27, 2023 and covers the period from July 1, 2022 to December 31, 2022, the Committee reported no activity during that period, a cash balance of zero dollars, and only \$50 in contributions and \$50 in expenditures made during the first half of 2022. (Attachment 3.) It is possible the Committee has not had any activity since 2022.

At its November 21, 2024 meeting, the Commission directed staff to pursue contact with the Committee, to notify the Committee treasurer of the Commission’s intent to consider administrative termination of the Committee, and request that any objection be submitted by a date set by the staff, and directed the staff to make recommendations for further actions to be taken.

The Commission Secretary sent two email communications to the Committee Treasurer (on December 27, 2024 and January 8, 2025) informing the Committee that the Commission will consider administrative termination of the Committee. (Attachment 4.) The Secretary requested that the Committee submit any objection to such termination by January 15, 2025. The Commission Secretary also attempted to contact the Committee Treasurer via the telephone number provided in the Committee’s Statement of Organization but found that the number was no longer in service.

February 13, 2025

Page 2 Re: Enforcement referral regarding Campaign for Police Accountability

At its January 16, 2025 meeting, the Commission did not take action on this item. At that meeting, the Commission also adopted an amendment to the Commission's regulation pertaining to administrative termination to clarify that a committee may be administratively terminated where the only apparent violation of the Berkeley Election Reform Act ("BERA") (BMC Ch. 2.12) is the failure to file one or more outstanding campaign statements. (FCPC Reg. § R2.12.270.1; see Attachment 5.)

The Commission Secretary sent another notice to the Committee on February 12, 2025 informing the Committee that the Commission will consider administrative termination of the Committee at the Commission's February 20, 2025 meeting. As of the date of this report, the Commission Secretary has not received any communication from the Committee.

Commission Regulation R2.12.270.1(a) provides that

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.

(Attachment 5)

Notably, while administrative closure would eliminate the Committee's obligations under the Berkeley Election Reform Act ("BERA") (BMC Ch. 2.12), it would not eliminate any state or other filing obligations the Committee may have.

The Commission's regulations direct the Commission to consider the following factors in determining whether to administratively close a committee:

- (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

As noted above, the Committee's last-filed statement, filed in January 2023, shows no activity, a cash balance of zero dollars, and only \$50 in contributions and \$50 in expenditures made during the first half of 2022. (Attachment 3.) Because the Committee appears to be inactive, with almost no reported activity on its last-filed report, the factors above appear to be satisfied. However, staff cannot determine with complete certainty that absolutely no activity has occurred since 2022 as no reports have been filed. Nonetheless, the near-zero activity reported in 2022, coupled with the inability of staff to make contact with the Committee's Treasurer/Principal Officer, indicates that the Committee is likely inactive and defunct. Staff therefore believe that administrative termination is permissible under the Commissions' regulations and would serve the interest of administrative efficiency and fair and effective enforcement of BERA.

February 13, 2025

Page 3 Re: Enforcement referral regarding Campaign for Police Accountability

Attachments:

1. Excerpt from City Clerk's referral as published in October 17, 2024 meeting agenda packet
2. Notice from Secretary to Committee (Oct. 25, 2024)
3. Committee's Form 460 (July 1, 2022 – December 31, 2022)
4. Emails from Commission Secretary to Committee (Dec. 27, 2024, Jan. 8, 2025 & Feb. 1, 2025)
5. FCPC Regulation R2.12.270.1.



City Clerk Department

September 25, 2024

To: Fair Campaign Practices Commission

From: Mark Numainville, City Clerk

Subject: Referral of Non-Filers to the Fair Campaign Practices Commission

This memo serves as an official referral to the Fair Campaign Practices Commission for the non-filing of campaign disclosure statements required under the Berkeley Election Reform Act.

Treasurers for the following committees were properly noticed of their requirement to file campaign statements no later than July 31, 2024 for the semi-annual reporting period ending June 30, 2024.

1. Andy Kelley for Rent Board 2020

Ending cash balance of previous report: \$302.83 (Statement period 7/1/2022 – 12/31/2022). The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

2. Campaign for Police Accountability

Ending cash balance of previous report: \$0.00 (7/1/2022 – 12/31/2022). The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

The Elected official below was properly noticed of their requirement to file an officeholder campaign statement, Form 470, covering the calendar year 2024.

3. Vanessa Danielle Marrero, Rent Stabilization Board Commissioner

The notices were sent on July 19 and July 24.

These filers have failed to file the required statements and are being referred to the Fair Campaign Practices Commission for enforcement. Detailed information regarding each filer case, including relevant correspondence, is attached to this memorandum.

Please confirm receipt of this referral and provide notice of any next steps in the enforcement process to my office and to the committees being referred. My staff is available if you have any questions regarding this matter.



City Clerk's Office

Non-Filer Referral to the Fair Campaign Practices Commission

Non-filer Information

Committee **Campaign for Police Accountability**

Treasurer **Russ Tilleman**

Candidate **N/A**

Statement Information

Filing Due Date **7/31/2024**

Reporting Period Start Date **1/1/2024**

Reporting Period End Date **6/30/2024**

Notifications to Filer

Date **7/19/2024** Type **Notification (letter & email)**

Date **7/24/2024** Type **1st Reminder (email)**

Date **8/6/2024** Type **1st Notice of Non-Filing (letter & email)**

Date **9/10/2024** Type **2nd Notice of Non-Filing (letter & email)**

Date _____ Type _____

Additional Information

Ending cash balance of previous report: \$0.00 (7/1/2022 - 12/31/2022).

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.



City Clerk Department

July 18, 2024

Russ Tilleman, Treasurer
 Campaign for Police Accountability
 2670 Parker Street
 Berkeley, CA 94704

Dear Russ:

This letter is notice that open campaign committees must file a semi-annual campaign statement (Form 460) covering the period of January 1 – June 30, 2024. The statement is due by **Wednesday, July 31, 2024**. Failure to file by the deadline may result in enforcement actions or fines under the Political Reform Act and the Berkeley Election Reform Act (BERA). Additional information regarding your filing obligations is below.

Termination

Filing obligations continue until the committee has terminated. You may terminate when there are no surplus funds, no outstanding loans or unpaid bills, or there is inability to discharge debt. To terminate the committee, file a terminating Form 410 and Form 460. Refer to the [State Campaign Disclosure Manual](#) appropriate for your committee for detailed information on these requirements. Remember that the original Form 410 is filed with the Secretary of State, and a paper copy is filed with my office.

Differences in State and Local Law

Berkeley's campaign disclosure requirements differ from state law. Consult the Fair Campaign Practices Commission's regulations and campaign filing manual (available on our website at <https://berkeleyca.gov/your-government/elections>) to ensure full compliance with the law.

Most campaign statements must be filed electronically. If you need help with the electronic filing system, please contact my staff at (510) 981-6908 or elections@berkeleyca.gov.

Sincerely,

Mark Numainville
 City Clerk

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: russ.tilleman@gmail.com
Cc: [Elections](#); [FCPC \(Fair Campaign Practices Commission\)](#)
Subject: Notification regarding campaign filing requirement (due by July 31, 2024)
Date: Friday, July 19, 2024 11:08:11 AM
Attachments: [2024-07-18 Campaign for Police Accountability.pdf](#)
Importance: High

Good morning,

Please see the attached correspondence regarding the *Campaign for Police Accountability* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA

Assistant City Clerk

City of Berkeley

2180 Milvia Street, 1st Floor

Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>

From: [Elections](#)
To: russ.tilleman@gmail.com
Cc: [Elections](#)
Subject: REMINDER: Campaign filing requirement (due by January 31, 2024)
Date: Wednesday, January 24, 2024 9:17:53 AM
Attachments: [2024-01-10 \(Semi-Annual Form 460\) Campaign for Police Accountability.pdf](#)
Importance: High

Hello,

This email is a reminder of the upcoming filing deadline outlined in the attached correspondence.

Please contact our office at elections@berkeleyca.gov or call (510) 980-6908 if you have any questions.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704
elections@berkeleyca.gov

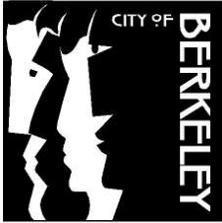
From: Elections
Sent: Wednesday, January 10, 2024 11:48 AM
To: russ.tilleman@gmail.com
Cc: Elections <elections@berkeleyca.gov>
Subject: Notification regarding campaign filing requirement (due by January 31, 2024)
Importance: High

Hello,

Please see the attached correspondence regarding the *Campaign for Police Accountability* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704
elections@berkeleyca.gov



City Clerk Department

August 6, 2024

VIA Email and U.S. Mail

Russ Tilleman, Treasurer
Campaign for Police Accountability
2670 Parker Street
Berkeley, CA 94704

NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Russ:

As a campaign treasurer for an open campaign committee, you were required to complete and file a semi-annual campaign statement (Form 460) for the period January 1 - June 30, 2024 with the City Clerk no later than July 31, 2024. **A review of your file indicates that you have not yet filed this statement.**

The Political Reform Act prohibits filing officers from extending filing deadlines. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing by completing the enclosed Request for Waiver of Liability form.

According to Government Code § 91013, a fine of \$10 per day may be assessed for the late filing of a required campaign statement. Please file immediately to avoid increased penalties. If you have discharged the committee's surplus funds in accordance with the Political Reform Act and BERA regulations and your committee is no longer active, you must file a Form 410 and Form 460 to terminate your committee.

Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Encl.

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: russ.tilleman@gmail.com
Cc: [Elections](#)
Subject: Notice of non-filing of campaign statement (Campaign for Police Accountability)
Date: Wednesday, August 7, 2024 1:42:20 PM
Attachments: [2024-08-06 Campaign for Police Accountability_NONF_460.pdf](#)
Importance: High

Hello,

Please see the attached Notice of Non-Filing regarding the *Campaign for Police Accountability* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA

Assistant City Clerk

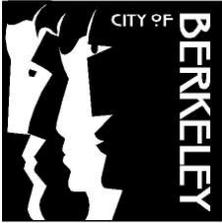
City of Berkeley

2180 Milvia Street, 1st Floor

Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>



City Clerk Department

September 10, 2024

VIA Email and U.S. Mail

Russ Tilleman, Treasurer
Campaign for Police Accountability
2670 Parker Street
Berkeley, CA 94704

2nd NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Russ:

As a campaign treasurer for an open campaign committee, you were required to complete and file a semi-annual campaign statement (Form 460) for the period January 1 – June 30, 2024 with the City Clerk no later than July 31, 2024. A Notice of Non-Filing was sent on August 6, 2024. **A review of your file indicates that you have not yet filed this statement.**

The Political Reform Act prohibits filing officers from extending filing deadlines. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing by completing the enclosed Request for Waiver of Liability form.

According to Government Code § 91013, a fine of \$10 per day may be assessed for the late filing of a required campaign statement. Please file immediately to avoid increased penalties. If you have discharged the committee's surplus funds in accordance with the Political Reform Act and BERA regulations and your committee is no longer active, you must file a Form 410 and Form 460 to terminate your committee.

If the statement is not filed by **September 24, 2024**, the matter will be referred to the Berkeley Fair Campaign Practices Commission for enforcement action. Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Encl.

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: russ.tilleman@gmail.com
Cc: [Elections](#)
Subject: Second Notice of Non-Filing of Campaign Statement (Campaign for Police Accountability)
Date: Wednesday, September 11, 2024 9:32:52 AM
Attachments: [2024-09-10 Campaign for Police Accountability 2NONF 460.pdf](#)
Importance: High

Hello Russ,

Please see the attached second Notice of Non-Filing regarding the *Campaign for Police Accountability* campaign committee. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA

Assistant City Clerk

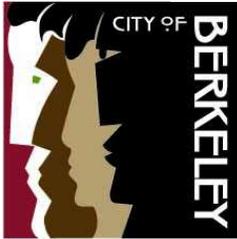
City of Berkeley

2180 Milvia Street, 1st Floor

Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>



Fair Campaign Practices Commission

October 25, 2024

VIA E-MAIL AND U.S. MAIL

Russ Tilleman, Treasurer
Campaign for Police Accountability
2670 Parker Street
Berkeley, CA 94704
russ.tilleman@gmail.com

RE: Notice of Investigation and Possible Imposition of Penalties for Failure to File Campaign Statements

Dear Mr. Tilleman:

Please be informed that the City of Berkeley's Fair Campaign Practices Commission ("FCPC" or "Commission") considered the attached referral ("Referral") from the City Clerk Department at its meeting on Thursday, September 19, 2024. As indicated in the Referral, your campaign committee Campaign for Police Accountability has failed to file the following:

- Campaign statement (Form 460) for the period January 1, 2024 to June 30, 2024, due July 31, 2024

As the Clerk's Referral indicates, you received a notification and a reminder on July 19, 2024 and July 24, 2024 respectively, informing you of your obligation to file the campaign statement due July 31, 2024. Following your failure to file the statement, you also received two notices of non-filing, via letter and email, on August 6, 2024 and September 10, 2024, reminding you of your obligation to file the above campaign statement.

In addition, City records indicate that your committee has failed to file any reports covering the year 2023. Specifically, your campaign committee has failed to file the following:

- Campaign statement covering the period from January 1, 2023 to June 30, 2023, due July 31, 2023
- Campaign statement covering the period from July 1, 2023 to December 31, 2023, due January 31, 2024

Notice of Investigation and Possible Imposition of Penalties for Failure to File Campaign Statements

October 25, 2024

Page 2 of 2

Failure to file campaign statements is a violation of the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12) and the California Political Reform Act (Cal. Gov. Code § 81000 et seq.). If you do not file these campaign statements, the FCPC may initiate a hearing pursuant to the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12), where the FCPC will be empowered to levy fines of up to \$1,000 per violation, or up to the amount of the undisclosed contributions or expenditures, whichever is greater. (BMC § 2.12.231.C.)

Please also be advised that the City Clerk is authorized to impose late filing penalties in the amount of \$10 per day. (Gov. Code § 91013). If imposed for your committee’s late statements, late penalties could total up to the greater of \$100 or the total amount of contributions or expenditures reported on each late campaign statement. (Gov. Code § 91013(c).)

Please file your outstanding campaign statements as soon as possible. The FCPC understands that City records indicate that your committee had a cash balance of \$0.00 and no outstanding debts as of December 21, 2022. However, even inactive campaign committees continue to incur campaign statement filing obligations until the campaign committee is terminated.

This matter will appear again on the agenda for the FCPC’s November 21, 2024 regular meeting. You are welcome to appear at that meeting to discuss this matter.

Sincerely,



Samuel Harvey
Secretary, Fair Campaign Practices Commission

Attachment: City Clerk Referral of Non-Filers to the Fair Campaign Practices Commission

cc: Kitt Saginor, Chair, Fair Campaign Practices Commission
Mark Numainville, City Clerk

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA FORM 460

Page 1 of 3

For Official Use Only

Date Stamp

E-Filed
01/27/2023
18:11:28
Filing ID:
206058879

Date of election if applicable:
(Month, Day, Year)

Statement covers period
from 07/01/2022 through 12/31/2022

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- Recall (Also Complete Part 5)
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored (Also Complete Part 6)
- Primarily Formed Candidate/Officeholder Committee (Also Complete Part 7)

2. Type of Statement:

- Preelection Statement
- Semi-annual Statement
- Termination Statement (Also file a Form 410 Termination)
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER
1400286

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Campaign for Police Accountability

Treasurer(s)

NAME OF TREASURER
Russ Tilleman
MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE
Berkeley CA 94704 (510) 485-6044

CITY STATE ZIP CODE AREA CODE/PHONE
Berkeley CA 94704 (510) 485-6044

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS
russ.tilleman@gmail.com

OPTIONAL: FAX / E-MAIL ADDRESS
russ.tilleman@gmail.com

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/27/2023 Date
By Russ Tilleman Signature of Treasurer or Assistant Treasurer

Executed on _____ Date
By _____ Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____ Date
By _____ Signature of Controlling Officerholder, Candidate, State Measure Proponent

Executed on _____ Date
By _____ Signature of Controlling Officerholder, Candidate, State Measure Proponent

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

**CALIFORNIA
FORM 460**

Page 2 of 3

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE _____

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE) _____

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP _____

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE
Police Accountability Board

BALLOT NO. OR LETTER JURISDICTION SUPPORT OPPOSE

NA City of Berkeley

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROONENT _____

Related Committees Not Included in this Statement: List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE
COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

7. Primarily Formed Candidate/Officeholder Committee List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

Amounts may be rounded
to whole dollars.

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Campaign for Police Accountability

Statement covers period
from 07/01/2022
through 12/31/2022

Page 3 of 3

I.D. NUMBER
1400286

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 0.00	\$ 0.00
2. Loans Received	Schedule B, Line 3 0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 0.00	\$ 0.00
4. Nonmonetary Contributions	Schedule C, Line 3 50.00	50.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 0.00	\$ 50.00

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

1/1 through 6/30 7/1 to Date

20. Contributions Received \$ _____
21. Expenditures Made \$ _____

Expenditures Made

6. Payments Made	Schedule E, Line 4 \$ 0.00	\$ 0.00
7. Loans Made	Schedule H, Line 3 0.00	0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 0.00	\$ 0.00
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0.00	0.00
10. Nonmonetary Adjustment	Schedule C, Line 3 50.00	50.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 0.00	\$ 50.00

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) _____ Total to Date
_____/_____/_____ \$ _____
_____/_____/_____ \$ _____

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 0.00	\$ 0.00
13. Cash Receipts	Column A, Line 3 above 0.00	0.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00	0.00
15. Cash Payments	Column A, Line 8 above 0.00	0.00
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 0.00	\$ 0.00

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED

Schedule B, Part 2	\$ 0.00
--------------------	---------

Cash Equivalents and Outstanding Debts

18. Cash Equivalents	See instructions on reverse	\$ 0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above	\$ 0.00

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

Harvey, Samuel

From: FCPC (Fair Campaign Practices Commission)
Sent: Wednesday, February 12, 2025 9:16 PM
To: russ.tilleman@gmail.com
Cc: FCPC (Fair Campaign Practices Commission); Harvey, Samuel
Subject: FCPC: Notice of Possible Administrative Termination

Mr. Tilleman,

I am following up on my January 8th message to you. I attempted to reach you via telephone but found that the number we have on file for you ((510) 485-6044) is no longer in service.

Please be informed that, at its November 21, 2024, regular meeting, the Fair Campaign Practices Commission (FCPC) considered the matter of the numerous outstanding filings of your committee, Campaign for Police Accountability. Given the failure by your committee to file any required reports in 2023 and 2024, and the apparent inactivity by the committee during that time, the FCPC will consider administratively terminating your committee at its February 20, 2025, regular meeting pursuant to FCPC Regulation R2.12.270.1.

Please submit any objection to such termination to FCPC@berkeleyca.gov no later than Wednesday, February 19, 2025.

Please feel free to contact me with any questions.

Regards,

Sam Harvey



Samuel J. Harvey
Deputy City Attorney
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
o: (510) 981-6988
c: (510) 704-3229
sharvey@berkeleyca.gov

This E-Mail message and any attachments are confidential and may be privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this E-Mail in error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: Harvey, Samuel <SHarvey@berkeleyca.gov>
Sent: Wednesday, January 8, 2025 3:30 PM
To: russ.tilleman@gmail.com
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: FCPC: Notice of Possible Administrative Termination

Mr. Tilleman,

I am following up on my December 27th message to you. I attempted to reach you via telephone but found that the number we have on file for you ((510) 485-6044) is no longer in service.

Please be informed that, at its November 21, 2024, regular meeting, the Fair Campaign Practices Commission (FCPC) considered the matter of the numerous outstanding filings of your committee, Campaign for Police Accountability. Given the failure by your committee to file any required reports in 2023 and 2024, and the apparent inactivity by the committee during that time, the FCPC will consider administratively terminating your committee at its January 16, 2025, regular meeting pursuant to FCPC Regulation R2.12.270.1.

Please submit any objection to such termination to FCPC@berkeleyca.gov no later than Wednesday January 15, 2025.

Please feel free to contact me with any questions.

Regards,

Sam Harvey



Samuel J. Harvey
Secretary
Fair Campaign Practices Commission / Open Government Commission
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
fcpc@berkeleyca.gov

This E-Mail message and any attachments are confidential and may be privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this E-Mail in error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: Harvey, Samuel
Sent: Friday, December 27, 2024 6:14 PM
To: 'russ.tilleman@gmail.com' <russ.tilleman@gmail.com>
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: FCPC: Notice of Possible Administrative Termination

Dear Mr. Tilleman,

Please be informed that, at its November 21, 2024, regular meeting, the Fair Campaign Practices Commission (FCPC) considered the matter of the numerous outstanding filings of your committee, Campaign for Police Accountability. Given the failure by your committee to file any required reports in 2023 and 2024, and the apparent inactivity by the committee during that time, the FCPC will consider administratively terminating your committee at its January 16, 2025, regular meeting pursuant to FCPC Regulation R2.12.270.1.

Please submit any objection to such termination to fcpc@berkeleyca.gov no later than Wednesday January 15, 2025.

Please feel free to contact me with any questions.



Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@berkeleyca.gov

This E-Mail message and any attachments are confidential and may be privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this E-Mail in error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: FCPC (Fair Campaign Practices Commission)

Sent: Friday, October 25, 2024 11:36 AM

To: russ.tilleman@gmail.com

Cc: Kitt Saginor <ksaginor@gmail.com>; Numainville, Mark L. <MNumainville@berkeleyca.gov>

Subject: FCPC: Notice of Investigation and Possible Penalties

Restricted

Mr. Tilleman,

Please find attached a notice that the City of Berkeley's Fair Campaign Practices Commission (FCPC) has received and considered a referral from the City Clerk regarding repeated failure by your campaign committee Campaign for Police Accountability to file outstanding campaign statements.

Please file your outstanding campaign statements as soon as possible. This matter will appear again on the agenda for the FCPC's November 21, 2024 regular meeting. You are welcome to appear at that meeting to discuss this matter.

Sincerely,

Sam Harvey

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

CONFIDENTIALITY NOTICE

This message, including any attachments, is intended solely for the named addressee, and may contain information that is confidential, privileged, proprietary, or legally protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender and delete this message and any attachments from your system. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

R2.12.270.1 Administrative Termination of Filing Obligations

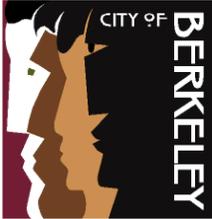
(a) A candidate's or committee's status and filing obligations pursuant to BMC Chapter 2.12 may be administratively terminated by the Commission, either on its own initiative or upon the candidate's or committee's request.

(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.



Fair Campaign Practices Commission

Date: January 9, 2025

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Enforcement referral regarding Campaign Rent Stabilization Board Commissioner Vanessa Danielle Marrero

At its October 17, 2024 meeting, the Commission received the attached referral from the City Clerk regarding failure by Rent Stabilization Board Commissioner Vanessa Danielle Marrero (“Officeholder”) to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. (Attachment 1.) Officeholders are required to file a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

At the Commission’s direction, the Commission Secretary sent the attached message to the Officeholder on October 25, 2024, informing the Officeholder of the referral and reminding the Officeholder of the obligation to file a Form 470 for the year 2024. (Attachment 2.) As of the date of this report, the Secretary has not received any confirmation of receipt of the message.

At its November 21, 2024 meeting, the Commission directed the Commission Secretary to again attempt to contact the Officeholder. The Commission secretary sent two emails to the Officeholder (on December 30, 2024 and January 8, 2025). (Attachment 3.) The Secretary also attempted to contact the Officeholder via telephone but found that the number the City has on file for the Officeholder is no longer in service. The Secretary subsequently attempted to contact the Officeholder via email on February 12, 2025. (Attachment 3.) As of the date of this report, the Secretary has not received any communication from the Officeholder and no additional filings have been submitted by the Officeholder.

As noted above, the Berkeley Election Reform Act (“BERA”) requires City officeholders to file a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

Under the Commission’s procedures, probable cause exists that BERA has been violated “when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred.” (FCPC Procedures § VI.B.2.) Staff believe that the Officeholder’s failure to file a Form 470, as evidenced by the absence of any record of the form being filed with the City, provides a reasonable basis on which to believe that a violation of BERA has occurred.

February 18, 2021

Page 2 Re: Administrative Closure of Inactive Campaign Committees

Even with a finding of probable cause, the Commission may dismiss a matter “if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources.” (FCPC Procedures § VI.B.1.) Here, the form in question is a verification submitted by an officeholder asserting that they will not engage in sufficient campaign activity to qualify as a campaign committee under BERA. Therefore, in staff’s estimation, the possible violation has only a slight impact on the administration of BERA.

Under the Commission’s procedures, the Commission may take any of the following courses of action after making a finding of probable cause:

1. Dismiss the complaint
2. Request the Secretary conduct further investigation
3. Require the timely filing of campaign statements
4. Invite the respondents to participate in settlement negotiations.
5. Schedule and conduct a hearing
6. Ask the City Attorney or the District Attorney to seek legal remedies.
7. Seek any other remedy within its authority

(FCPC Procedures § VI.C.)

At this time, staff recommend the Commission direct the Secretary to continue to seek the filing of the non-filed report, including attempting to confirm the currentness of the Officeholder’s contact information with Rent Board staff.

Attachments:

1. Excerpt from City Clerk’s referral as published in October 17, 2024 meeting agenda packet
2. Notice from Secretary to Officeholder (Oct. 25, 2024)
3. Emails from Commission Secretary (Dec. 30, 2024, Jan. 8, 2025 & February 12, 2025)



City Clerk Department

September 25, 2024

To: Fair Campaign Practices Commission

From: Mark Numainville, City Clerk

Subject: Referral of Non-Filers to the Fair Campaign Practices Commission

This memo serves as an official referral to the Fair Campaign Practices Commission for the non-filing of campaign disclosure statements required under the Berkeley Election Reform Act.

Treasurers for the following committees were properly noticed of their requirement to file campaign statements no later than July 31, 2024 for the semi-annual reporting period ending June 30, 2024.

1. Andy Kelley for Rent Board 2020

Ending cash balance of previous report: \$302.83 (Statement period 7/1/2022 – 12/31/2022). The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

2. Campaign for Police Accountability

Ending cash balance of previous report: \$0.00 (7/1/2022 – 12/31/2022). The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

The Elected official below was properly noticed of their requirement to file an officeholder campaign statement, Form 470, covering the calendar year 2024.

3. Vanessa Danielle Marrero, Rent Stabilization Board Commissioner

The notices were sent on July 19 and July 24.

These filers have failed to file the required statements and are being referred to the Fair Campaign Practices Commission for enforcement. Detailed information regarding each filer case, including relevant correspondence, is attached to this memorandum.

Please confirm receipt of this referral and provide notice of any next steps in the enforcement process to my office and to the committees being referred. My staff is available if you have any questions regarding this matter.



City Clerk's Office

Non-Filer Referral to the Fair Campaign Practices Commission

Non-filer Information

Officeholder Vanessa Danielle Marrero (dmarrero@gmail.com)

Statement Information

Filing Due Date 7/31/2024

Statement Covers Calendar Year 2024

Notifications to Filer

Date 7/19/2024 Type 1st Notification (Letter and Email)

Date 7/24/2024 Type Reminder (Email)

Date 8/7/2024 Type 1st Notice of Non-Filing (Letter and Email)

Date 9/11/2024 Type 2nd Notice of Non-Filing (Letter and Email)

Date _____ Type _____

Additional Information



City Clerk Department

July 18, 2024

Vanessa Danielle Marrero
1819 Addison Street, #4
Berkeley, CA 94703

Dear Vanessa:

As an elected official without an open campaign committee, you are required to complete and file the enclosed [Form 470](#) (Officeholder Campaign Statement – Short Form). This statement covers calendar year 2024 and is due to my office by **Wednesday, July 31, 2024**.

Failure to file by the deadline may result in enforcement actions or fines under the Political Reform Act and the Berkeley Election Reform Act (BERA). Additionally, if you plan to raise or spend \$1,000 or more during calendar year 2024, you are required to create a campaign committee and file the Form 460 (Recipient Committee Campaign Statement).

Please contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville
City Clerk

cc: Fair Campaign Practices Commission

Burgara, Denise

From: Elections
Sent: Wednesday, July 24, 2024 1:04 PM
To: 'vdmarrero@gmail.com'
Cc: Elections
Subject: Notification regarding officeholder filing requirement (due by July 31, 2024)
Attachments: 2024-07-18 Marrero.pdf

Importance: High

Categories: Denise responding

Hello,

This is a reminder of the upcoming filing deadline outlined in the attached correspondence.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Email: elections@berkeleyca.gov
Website: <https://berkeleyca.gov/your-government/elections>

From: Elections <elections@berkeleyca.gov>
Sent: Friday, July 19, 2024 10:06 AM
To: 'vdmarrero@gmail.com' <vdmarrero@gmail.com>
Cc: Elections <elections@berkeleyca.gov>; FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: Notification regarding officeholder filing requirement (due by July 31, 2024)
Importance: High

Good morning,

Please see the attached correspondence pertaining to your upcoming officeholder filing requirement. Hard copy to follow by mail.

If you have any questions regarding this matter, please contact our office at elections@berkeleyca.gov or (510) 980-6908.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Burgara, Denise

From: Elections
Sent: Wednesday, August 7, 2024 1:38 PM
To: dmarrero@gmail.com
Cc: Elections
Subject: Notice of Non-Filing Form 470 (Due July 31)
Attachments: 2024-08-07 Marrero_NONF_470.pdf

Importance: High

Categories: Denise responding

Hello Vanessa,

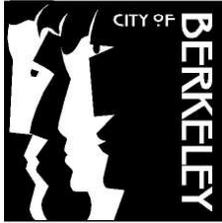
Please see the attached Notice of Non-Filing Form 470 campaign statement. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>



City Clerk Department

August 7, 2024

VIA Email and U.S. Mail

Vanessa Danielle Marrero
1819 Addison Street, #4
Berkeley, CA 94703

NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Vanessa:

As an officeholder without an active campaign committee, you were required to complete and file **Form 470**, Campaign Statement, Short Form, covering the 2024 calendar year, with the City Clerk no later than July 31, 2024. A review of your file indicates that you have not yet filed a statement as requested in my letter of July 19, 2024.

The Political Reform Act prohibits filing officers from extending a filing deadline. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing. Enclosed please find a Form 470 and a Request for Waiver of Liability form.

Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Enc.

cc: Fair Campaign Practices Commission

Officeholder and Candidate Campaign Statement — Short Form - AND - Form 470 Supplement

CALIFORNIA
FORM 470

Who Uses Form 470:

Form 470 is for use by officeholders and candidates who:

- do not have a controlled committee;
- do not anticipate receiving contributions totaling \$2,000 or more during the calendar year; and
- do not anticipate spending \$2,000 or more during the calendar year.

Officeholders and candidates who have a controlled committee or who have raised or spent \$2,000, file the Recipient Committee Statement – Form 460.

Exceptions:

The following individuals seeking or holding office are not required to file campaign disclosure statements (Form 470 or Form 460):

- candidates for county central committee offices that do not raise or spend \$2,000 or more in a calendar year;
- officeholders whose salaries are less than \$200 per month and judicial candidates who have not made or received contributions or made expenditures during non-election years; and
- judges who do not receive contributions and who make personal expenditures of less than \$1,000 or more in non-election years.

Period Covered:

The period covered is always the calendar year (January 1 through December 31).

\$2,000 Threshold:

To determine if \$2,000 has been raised or spent, or will be raised or spent, the candidate's personal funds for the filing fee or statement of qualifications are excluded.

A campaign bank account must be established if the candidate receives contributions from other persons.

When to File:

Ensure campaign deadlines are met. Go to www.fppc.ca.gov for campaign disclosure filing schedules.

If the Form 470 is filed in connection with an election, or on or before the filing deadline for the first campaign statement required for the calendar year, no additional campaign statements need to be filed for that calendar year as long as total contributions received remain less than \$2,000 and total expenditures made remain less than \$2,000. In most cases, July 31 is the filing deadline for the first campaign statement required to be filed by officeholders and candidates not being voted upon.

The Form 470 is filed in connection with an election if it is filed with the declaration of candidacy, or as a first preelection statement in connection with an election, covering the year of the election. If, after filing Form 470, receipts or expenditures reach \$2,000 or more, see the attached Form 470 Supplement for important reporting requirements.

Where to File:

State Elections:

State officeholders, state candidates, candidates and members of CalPERS and CalSTRS, judges and judicial candidates must file the original and one copy with:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814
Phone (916) 653-6224
Fax (916) 653-5045
www.sos.ca.gov

Additional Copies:

A copy of the Form 470 must also be filed with the candidate's county of domicile's filing officer. CalPERS and CalSTRS board candidates must file a copy of the Form 470 with the relevant CalPERS or CalSTRS office and not the candidate's county of domicile.

Local Elections:

- Elected officers and candidates for local multi-county agencies file an original and one copy with the elections official for the county with the largest number of registered voters in the district and one copy with the candidate's county of domicile.
- Elected county officeholders and candidates for county offices file an original and one copy with the elections official for that county.
- Elected city officeholders and candidates for city offices file an original and one copy with the city clerk.

Note: A local agency may impose additional requirements.

Amendments: If you are filing an amendment to a previously filed statement, give a brief explanation of the amendment. Be sure to enter the calendar year covered by the statement you are amending and the date of election, if applicable.

This form was prepared by the Fair Political Practices Commission (FPPC). For detailed information on campaign reporting requirements and the Information Practices Act of 1977, see the FPPC Campaign Disclosure Manual.

ITEM NO. 11-ATTACHMENT 1

**Officeholder and Candidate
Campaign Statement –
Short Form**

Date Stamp 	CALIFORNIA FORM 470 For Official Use Only
Date of election if applicable: (Month, Day, Year)	<input type="checkbox"/> Amendment (Explain Below)

1. Statement Covers Calendar Year 20 _____.

2. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE _____

OFFICE SOUGHT OR HELD _____

STREET ADDRESS _____

JURISDICTION (LOCATION) _____

DISTRICT NUMBER (IF APPLICABLE) _____

CITY _____ STATE _____ ZIP CODE _____

AREA CODE/DAYTIME PHONE NUMBER _____

OPTIONAL: FAX / E-MAIL ADDRESS _____

4. Committee Information

List all committees of which you have knowledge that are primarily formed to receive contributions or to make expenditures on behalf of your candidacy.

COMMITTEE NAME AND I.D. NUMBER	COMMITTEE ADDRESS	NAME OF TREASURER

5. Verification

I declare under penalty of perjury that to the best of my knowledge I anticipate that I will receive less than \$2,000 during the calendar year and that I have used all reasonable diligence in preparing this statement. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ DATE By _____ SIGNATURE OF OFFICEHOLDER OR CANDIDATE

**Officeholder and Candidate
Campaign Statement
Form 470 Supplement**

Amendment (Explain Below)

Date Stamp

**CALIFORNIA
FORM**

**470
SUPPLEMENT**

For Official Use Only

SEE INSTRUCTIONS ON REVERSE

This form is written notification that the officeholder/candidate listed below has received contributions totaling \$2,000 or more or has made expenditures of \$2,000 or more during the calendar year.

1. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE

STREET ADDRESS

CITY

STATE

ZIP CODE

AREA CODE/DAYTIME PHONE NUMBER

OPTIONAL: FAX / E-MAIL ADDRESS

2. Office Sought

OFFICE SOUGHT

DISTRICT NUMBER
(IF APPLICABLE)

DATE OF ELECTION (MONTH, DAY, YEAR)

3. Date Contributions Totalling \$2,000 or More Were Received or Date Expenditures of \$2,000 or More Were Made

(MONTH, DAY, YEAR)

Instructions for Completing Form 470 Supplement

Form 470 Supplement:

If an officeholder or candidate files the Form 470 for an election year and later receives contributions (including monetary and non-monetary contributions, loans, and the candidate's personal funds) totaling \$2,000 or more or makes expenditures totaling \$2,000 or more during the same calendar year, the officeholder or candidate must send a written notice within 48 hours. Use the attached Form 470 Supplement or follow the instructions below for preparing the notice.

When to File:

The notice must be sent within 48 hours of receiving contributions totaling \$2,000 or more or making expenditures of \$2,000 or more.

Method of Delivery:

The notice must be sent by guaranteed overnight delivery service, personal delivery, fax, or email. Regular mail may not be used.

Where to File:

- Secretary of State's Office;
- local filing officer with whom the officeholder/candidate is required to file the originals of his/her campaign statements; and
- each candidate seeking the same office.

Contact your filing officer for candidate addresses.

Officeholder/Candidate Information:

Enter the officeholder/candidate's full name, residential or business address and daytime telephone number.

Office Sought:

- Enter the title of the office sought;
- the district number, if any; and
- the date of the election.

Date Contributions/Expenditures Were Made or Received:

Enter the date monetary or non-monetary contributions totaling \$2,000 or more (including the candidate's personal funds) were received or the date expenditures of \$2,000 or more were made.

Amendments: If you are filing an amendment to a previously filed statement, give a brief explanation of the amendment.

Note: Once an officeholder or candidate reaches the \$2,000 threshold in receipts or expenditures, in addition to filing the Form 470 Supplement, other forms are required. See FPPC Campaign Disclosure Manual 1 for state candidates or Manual 2 for local candidates.



REQUEST FOR WAIVER OF LIABILITY

ITEM NO. 11-ATTACHMENT 1

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6909
(510) 981-6901 fax
www.cityofberkeley.info/clerk

FILER NAME		
TREASURER NAME (IF ANY)	COMMITTEE ID NUMBER	
ADDRESS	PHONE NO. WITH AREA CODE	
CITY	STATE	ZIP CODE
PERIOD COVERED	FORM TYPE	
<p>AFTER REVIEWING "GOOD CAUSE" WAIVER RESTRICTIONS, IDENTIFY AND EXPLAIN REASON FOR LATE FILING AND SUPPLY SUPPORTING DOCUMENTATION (IF NEEDED):</p> <div style="text-align: right; margin-top: 20px;">(Continue of reverse side, if needed)</div>		

I declare under penalty of perjury that the foregoing information on this request for waiver is true and correct. I hereby request that the liability for failing to file a statement required by the Political Reform Act on time be waived.

Executed on _____, 20____, at _____, _____
(Month, Day) (City) (State)

(Signature) (Type or Print Name)

(Signature) (Type or Print Name)

AFTER REVIEWING "GOOD CAUSE" WAIVER RESTRICTIONS, IDENTIFY AND EXPLAIN REASON FOR LATE FILING AND SUPPLY SUPPORTING DOCUMENTATION (CONTINUED):

(Continue of reverse side, if needed)

CITY CLERK DEPARTMENT USE ONLY			
FILING DETAIL			
Period Covered _____			
Form Type _____	Date Due _____	Date Filed _____	Fine (Liability) _____
WAIVER ACTION			
Waived _____	Action Justification/Comment (circle one) F1 F2 F3 F4 S1 S2		
Reduced (Amt.) _____			
Waiver Denied _____			

Burgara, Denise

From: Elections
Sent: Wednesday, September 11, 2024 9:36 AM
To: dmarrero@gmail.com
Cc: Elections
Subject: Second Notice of Non-Filing (Form 470 due by July 31, 2024)
Attachments: 2024-09-10 Marrero_2NONF_470.pdf; 470 ADA.pdf

Importance: High

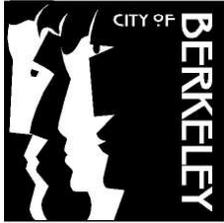
Categories: Denise responding

Hello Vanessa,

Please see the attached second Notice of Non-Filing Form 470 campaign statement. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704
elections@berkeleyca.gov



City Clerk Department

September 10, 2024

VIA Email and U.S. Mail

Vanessa Danielle Marrero
1819 Addison Street, #4
Berkeley, CA 94703

2ND NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Vanessa:

As an officeholder without an active campaign committee, you were required to complete and file **Form 470**, Campaign Statement, Short Form, covering the 2024 calendar year, with the City Clerk no later than July 31, 2024. A Notice of Non-Filing was sent on August 7, 2024. **A review of your file indicates that you have not yet filed a statement.**

The Political Reform Act prohibits filing officers from extending a filing deadline. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing. Enclosed please find a Form 470 and a Request for Waiver of Liability form.

If the statement is not filed by **September 24, 2024**, the matter will be referred to the Berkeley Fair Campaign Practices Commission for enforcement action. Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Enc.

cc: Fair Campaign Practices Commission

From: [FCPC \(Fair Campaign Practices Commission\)](#)
To: dmarrero@gmail.com
Cc: [Kitt Saginor](#); [Numainville, Mark L.](#)
Subject: FCPC Referral: Failure to File Campaign Statement
Date: Friday, October 25, 2024 11:36:00 AM
Attachments: [2024-09-25 Filing Officer Referral to FCPC.docx.pdf](#)

Restricted

Hello Ms. Marrero,

Please be informed that the City's Fair Campaign Practices Commission (FCPC) received the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

Your Form 470 for 2024 was due on July 31, 2024. Prior to the July 31, 2024 deadline, the City Clerk provided you with two notifications reminding you of your filing obligation. Following the deadline, the City Clerk has sent you two notices that the filing is late.

The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws. **Please file your Form 470 for 2024 as soon as possible.**

This matter will appear again on the agenda for the FCPC's November 21, 2024 regular meeting. City staff are free to answer any questions you may have about this filing.

Sincerely,

Sam Harvey

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

CONFIDENTIALITY NOTICE

This message, including any attachments, is intended solely for the named addressee, and may contain information that is confidential, privileged, proprietary, or legally protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender and delete this message and any attachments from your system. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

Harvey, Samuel

From: FCPC (Fair Campaign Practices Commission)
Sent: Wednesday, February 12, 2025 8:51 PM
To: Marrero, Vanessa; dmarrero@gmail.com; Marrero, Vanessa; Marrero, Vanessa
Cc: FCPC (Fair Campaign Practices Commission); Harvey, Samuel
Subject: ENFORCEMENT REFERRAL - Failure to File Campaign Statement (Form 470)
Attachments: 2024-09-25 Filing Officer Referral to FCPC.docx.pdf

Importance: High

Hello Ms. Marrero,

I am following up on my January 8th message to you. We have also attempted to reach you via telephone but found that the number we have on file for you ((916) 527-4109) is no longer in service.

Please note that, at its November 21, 2024 meeting, the City's Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

This matter will come before the FCPC again at its February 20, 2025 meeting. The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey
Deputy City Attorney
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
o: (510) 981-6988
c: (510) 704-3229
sharvey@berkeleyca.gov

This E-Mail message and any attachments are confidential and may be privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this E-Mail in

error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: Harvey, Samuel <SHarvey@berkeleyca.gov>
Sent: Wednesday, January 8, 2025 3:26 PM
To: Marrero, Vanessa <VMarrero@berkeleyca.gov>; dmarrero@gmail.com; Marrero, Vanessa <VMarrero@berkeleyca.gov>
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: FW: FCPC Referral: Failure to File Campaign Statement
Importance: High

Hello Ms. Marrero,

I am following up on my December 30th message to you. I attempted to reach you via telephone but found that the number we have on file for you ((916) 527-4109) is no longer in service.

Please note that, at its November 21, 2024 meeting, the City's Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

The FCPC requested that I attempt again to contact you regarding your outstanding filing. This matter will come before the FCPC again at its January 16, 2025 meeting. The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey
Secretary
Fair Campaign Practices Commission / Open Government Commission
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
fcpc@berkeleyca.gov

This E-Mail message and any attachments are confidential and may be privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this E-Mail in error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: Harvey, Samuel
Sent: Monday, December 30, 2024 10:20 AM
To: dmarrero@gmail.com; Marrero, Vanessa <VMarrero@berkeleyca.gov>
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: FCPC Referral: Failure to File Campaign Statement
Importance: High

Hello Ms. Marrero,

Please note that, at its November 21, 2024 meeting, the City's Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

The FCPC requested that I attempt again to contact you regarding your outstanding filing. This matter will come before the FCPC again at its January 16, 2025 meeting. The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey
Deputy City Attorney
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
o: (510) 981-6988
c: (510) 704-3229
sharvey@berkeleyca.gov

This E-Mail message and any attachments are confidential and may be privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this E-Mail in error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: FCPC (Fair Campaign Practices Commission)
Sent: Friday, October 25, 2024 11:37 AM
To: dmarrero@gmail.com
Cc: Kitt Saginor <ksaginor@gmail.com>; Numainville, Mark L. <MNumainville@berkeleyca.gov>
Subject: FCPC Referral: Failure to File Campaign Statement

Restricted

Hello Ms. Marrero,

Please be informed that the City's Fair Campaign Practices Commission (FCPC) received the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

Your Form 470 for 2024 was due on July 31, 2024. Prior to the July 31, 2024 deadline, the City Clerk provided you with two notifications reminding you of your filing obligation. Following the deadline, the City Clerk has sent you two notices that the filing is late.

The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws. **Please file your Form 470 for 2024 as soon as possible.**

This matter will appear again on the agenda for the FCPC's November 21, 2024 regular meeting. City staff are free to answer any questions you may have about this filing.

Sincerely,

Sam Harvey

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

CONFIDENTIALITY NOTICE

This message, including any attachments, is intended solely for the named addressee, and may contain information that is confidential, privileged, proprietary, or legally protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender and delete this message and any attachments from your system. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

**Commissioners' Manual - Recommendations for revision?
Prepared for the Open Government meeting on January 16
Kitt Saginor, January 9, 2025**

Background. During the shutdown, meeting procedures for Boards and Commissions were adjusted for remote participation, and temporary changes were made to the Commissioners' Manual. Some of those changes have become permanent, and other updates are needed for the Manual which was last revised in 2019. Last fall, I became aware that the City Clerk's office is preparing revisions to the Manual, to be presented to the City Council sometime this Spring. If there are also changes that the Open Government Commission would like to recommend, this may be an opportunity for the City Clerk's Office and the City Council to consider those as well - if we act swiftly. To expedite our discussion for the January meeting, I have prepared this report.

Find the [Commissioners Manual 2019](#) here.

https://berkeleyca.gov/sites/default/files/documents/Commissioners%20Manual%202019%20WCAG_Final.pdf

Changes that the City Clerk's Office is expected to make:

References to the Police Review Commission will be changed to the Police Accountability Board.

II.C. ACCOMMODATIONS FOR COMMISSIONERS WITH DISABILITIES. p. 31 Changes in line with recent settlement of legal case.

II. D. STIPEND INFORMATION. pp. 31-32. Should be corrected to current requirements and dollars.

II.F. COMMISSION ORGANIZATION 5) Temporary Subcommittees/Ad Hoc Subcommittees. p. 38 and elsewhere. The designation of ad hoc subcommittees as subject to the Brown Act, and various passages concerning those requirements should be permanently deleted.

IV. D. MEETING LOCATION AND ACCESSIBILITY p. 56. Changes to accommodations for disabilities and for remote participation in accordance with recent settlement of legal case.

IV. G. DISTRIBUTION OF COMMISSION AGENDA PACKETS
p. 60

When all necessary documents are submitted from the commissioners by the deadlines noted above, the secretary will mail complete agenda packets, first-class postage, to commissioners no later than seven days before the meeting. All written communications sent to the commission shall be distributed to all commissioners in the packet or at the next meeting. Any commissioner may opt to receive the agenda packet in electronic format only. This request must be made in writing to the secretary of the commission.

....

Secretaries must maintain a list of persons requesting mailed notice and agenda packets pursuant to Government Code Section 54954.1. These rules require that any person who requests a copy of the agenda and agenda packet in writing must be mailed a copy of the agenda and packet at the time that the agenda is posted or a distribution is made to a majority of the commission. Such a written request for agendas and packets is effective for the calendar year in which it is requested and must be renewed January 1 of each year. Failure to follow this requirement will not result in the invalidation of the action taken by the legislative body. Per City policy, a fee to cover the cost of mailing and such agendas and supporting documents should be charged. The Brown Act requires that the secretary maintain a continuously updated list of persons who have requested agendas and agenda materials in writing.

I am assuming that this will be changed to reflect that packets are primarily distributed electronically.

Changes that the Open Government Commission may wish to recommend:

The current version of the manual applies to board members as well as commissioners, but this is stated only in a footnote to a sentence in the middle of the fourth paragraph of the introduction. This should be explicitly stated within the text of the first sentence of the introduction. Better would be to amend the title of the manual to “**Commissioners’ and Board Members’ Manual**” to accurately reflect the scope of the manual. Best would be to amend the title AND change references throughout the manual from “commissions” to “commissions and boards” and references to “commissioners” to “commissioners and board members.” Likewise, the “**Commissioner Roster**” should be retitled “**Commissioners and Board Members Roster.**”

II.C. ACCOMMODATIONS FOR COMMISSIONERS WITH DISABILITIES. p. 31

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 to ensure that the City has an adequate opportunity to provide reasonable accommodation.

Suggest last sentence:

Individuals must make a disability-related accommodation request 72 hours in advance of meetings or with as much advance notice as possible. 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 pp.41-42

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 three weeks after receiving the final text from the commission.

Recommend change from three weeks to one or two weeks?

Rationale: a longer delay is no longer necessary with contemporary electronic communication.

See Also VI.C COMMISSION REPORTS TO COUNCIL 5) Timeline, p. 75

Commissions may also transmit their findings or recommendations to the Council in the form of a letter. This type of communication is more timely; however, the Council cannot take any official action based solely on a written communication from a commission. Sending a letter to the City Council requires the authorization of the commission. Once approved by the commission, the secretary submits the letter to the City Clerk.

Recommend add “within 24 hours”.

Rationale: Implication that it will happen swiftly, but time is not specified.

III. A. COORDINATION WITH CITY COUNCIL

4) Council Meeting Procedures and Commission Participation. p. 42

Questions & Answer Box asks:

If a commission places a report on the Council agenda as a Consent item, will it be heard at the beginning of the meeting?

This question and its answer implies that a commission or board specifies whether an item will be on Consent or Action, changed only by the full Council. - This is clarified elsewhere in the Manual, but it should also be clear here that the Commission only **requests** placement of an item on Consent or Action. Actual placement of the item on the published agenda is determined by the A&RP Committee.

ITEM 15

Harvey, Samuel

From: Kitt Saginor <ksaginor@gmail.com>
Sent: Monday, February 10, 2025 10:06 AM
To: Harvey, Samuel; Hylas, Stephen
Subject: Further requests for changes to the Commissioners' and Board Members' Manual

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.

Please include this as an information item for the next OGC meeting. Thanks so much!

From: **Kitt Saginor** <ksaginor@gmail.com>
Date: Mon, Feb 10, 2025 at 9:43 AM
Subject: Re: Recommendations for Council
To: Hylas, Stephen <SHylas@berkeleyca.gov>
Cc: Harvey, Samuel <SHarvey@berkeleyca.gov>

Hi Stephen,

Thanks so much for providing the final version. I really appreciate the work that has gone into this.

Reading through it, I found a few issues, some substantial, some picky. I've put them here in order of where they occur in the manual, not in order of importance. Pagination references are to the clean copy.

I.B. End of first paragraph, p. 11:

Some Commissioners are **also** appointed by the Berkeley Unified School District Board.

"also" is ambiguous - some commissioners are appointed jointly by BUSD? or are appointed by BUSD instead of by Council?

II.A. 8) Last paragraph, p. 19:

The two youth commissioners on the Environment and Climate Commissions are appointed by the Council as a whole with candidates recommended by the Berkeley Unified School District Board of Directors.

perhaps instead of "appointed by the Council **with** candidates recommended by," "appointed by the Council **from among** candidates recommended by ..." The candidates are not helping the Council make appointments.

II.E. Third paragraph, p. 26:

State Political Reform Act and Berkeley Conflict of Interest Code

The state Political Reform Act, Government Code Sections 81000 et seq., and the Berkeley Conflict of Interest Code adopted pursuant to the Act prohibit a commissioner from making, participating in making, or attempting to influence the making of any City decision if the commissioner knows or has reason to know that it is reasonably foreseeable that the decision will have a material financial effect on **specified** interests of the commissioner or a member of the commissioner's family distinguishable from its effect on the public generally.

"specified"?? Specified by whom? Should it be "specific"?

II.E. Fifth paragraph, p. 27:

Recusal for Conflict of Interest

Recusal is the affirmative action of removing oneself from consideration, discussion, and voting on an issue in which a conflict of interest exists. Commissioners must make the required disclosure above and then physically remove themselves from the proceedings. Recusal requires that the commissioner leave the room where commission discussion is occurring. The commissioner may not reenter the meeting space until after the consideration (including any votes taken) of the issue has concluded.

ITEM 15

This assumes attendance in person. Should direction be given for a commissioner attending virtually, since there are circumstances in which that can happen?

Subcommittees and ad hoc committees. In most places, this is capitalized as "Ad Hoc committees," but there is some inconsistency in the capitalization, and I don't think capitalization is required at all.

There are still some references to "subcommittees." If intentional, then an explanation of "subcommittee" is now needed:

II.F. 5) 6th paragraph, p. 33:

Extensive collaboration between commissions can be accomplished through concurrent meetings of **subcommittees**, meaning **subcommittees** meet in the same place at the same time. In almost every case, concurrent meetings facilitate collaborative goals. Rarely, the City Council may choose to approve a joint **subcommittee** with the members designated by the City Council in accordance with the Fair Representation Ordinance, BMC Sections 2.04.030–2.04.070 and 2.04.080–2.04.130.

V.B. Fifth paragraph, p. 56:

Teleconferencing as an Accommodation

First, teleconferencing is permitted when provided as a reasonable accommodation under the American with Disabilities Act (ADA) as determined by the ADA Program Coordinator. Teleconferencing accommodations are considered on a case-by-case basis. Pursuant to the Brown Act, the address from which the commissioner is teleconferencing must be included on the relevant meeting agenda and the meeting agenda must be posted at the teleconferencing location, unless those requirements are waived as a result of the reasonable accommodation process as provided in Appendix H.

In addition to referring readers to Appendix H, the manual should **right here** provide the information from Appendix H, p. 94 specifying the circumstances under which publicizing the location will be waived:

based on whether individuals who require remote attendance as an accommodation cannot invite others into their home or other location for disability-related reasons, or may otherwise be subject to privacy intrusions or unwarranted harassment if these requirements are not waived. Any doubts will be resolved in favor of accessibility and the individual with a disability.

As it is now, the manual gives the impression that publicizing location will more than likely be required of those with a disability, but will not be required for just cause and emergency circumstances. Why is it that the people with a disability are given the more complicated task of looking for the appendix, when this crucial piece of information is provided right in the manual for folks with a non-disability reason?

V.B. Fifth paragraph, p. 57:

Teleconferencing for Just Cause or Due to Emergency Circumstances

Second, if resources are available at the meeting location, commissioners may attend meetings of the full commission via teleconference for "just cause" or "emergency circumstances" for up to a total of two (2) meetings per calendar year, regardless of whether the reason for the remote appearance constitutes a "just cause" or is an emergency circumstance. Commissioners may only appear for "just cause" or "emergency circumstances" if the commission secretary ensures, by stating on the record or recording in the meeting minutes, that all of the following requirements are met:

This whole section, including the paragraphs that follow, is very confusing. I think it would be much easier to follow if "just cause" and "emergency circumstances" were introduced separately. But if that is not changed, at least please, please fix this sentence:

Second, if resources are available at the meeting location, commissioners may attend meetings of the full commission via teleconference for "just cause" or "emergency circumstances" for up to a total of two (2) meetings per calendar year, **regardless** of whether the reason for the remote appearance constitutes a "just cause" or is an emergency circumstance.

This seemed to mean that any commissioner could attend two meetings remotely by calling it "just cause" or "emergency circumstances" even if their real reason was neither a "just cause" nor an emergency circumstance, as if it said - **regardless** of whether the reason for the remote appearance constitutes a "just cause" or is an emergency circumstance *or falls into neither category*.

I knew that couldn't be correct, but it took me many readings to figure out that the **regardless** part is supposed to apply to the limit of two per year from the beginning of the sentence. As is clearly stated far below

ITEM 15

in the ninth paragraph, you can't have 2 for just cause and 2 more for emergency circumstance. **Please reword this paragraph to avoid confusion.**

Also, punctuation inconsistency - the first mention of "just cause" in the sentence is in quotes, the second mention is not.

V.B. Eighth paragraph, p. 57-58:

Commissioners participating via teleconference for "just cause" or "emergency circumstances" need not make a formal request for accommodations through the ADA accommodations process, regardless of whether the reason for the need to teleconference relates to a disability. Such commissioners also need not include the address from which they are teleconferencing on the agenda, post the agenda at the teleconferencing location, or open the teleconferencing location to the public.

Does this mean that someone who has a disability could just choose to call it "just cause" or "emergency circumstance" instead, maybe in order to avoid opening their home to the public? Honestly, I really can't follow this so I think other commissioners or board members using this manual for guidance will be equally confused. One small suggestion I have for wording that's easier for lay persons to follow is to use the phrase "does not need to" in place of "need not."

I hope my criticism of these paragraphs is not offensive - I appreciate the work being done to make this complicated information available.

VI.B. First paragraph, p. 67:

Coordinating, organizing, and assembling the large volume of information and reports that comprise the agenda packet is a complex task. The City Manager establishes an agenda schedule setting forth the various deadlines for submittal of agenda items based on meeting dates of the **Council Agenda Committee** and the City Council.

Shouldn't this be updated to say **Council Agenda & Rules Policy Committee**?

VI.C. 1) Third paragraph, p. 68:

Alternately, commissions may relay their position on an issue to the Council in the form of a letter. These communications to Council must be approved by the full commission. The letter is then signed by the chair, and the secretary submits it to the City Clerk as a communication. These are less formal documents that do not carry the weight of an officially adopted recommendation. This type of communication is typically used when, for example, an item on the Council agenda is of interest to the commission and under their purview, but the timeline doesn't allow the commission an adequate opportunity to prepare a formal report.

Please add into this paragraph a **time limit** for how long after the chair signs the letter until it is transmitted to the Council, and **where that letter can be seen by the public**. The intention is for this to be much faster than a formal report, but once the chair signs the letter and transmits it to the secretary, the completion of the process is currently **completely invisible** to the members of the commission as well as to the public. There is no deadline on how long the secretary may take to send it, no requirement for the chair to be notified that it has been sent, no information on where the letter may be publicly visible - is it publicly visible anywhere??? I do not know. Please improve on this.

VI.C. 5) First paragraph and following, p. 70:

Once the commission report has been placed on a draft City Council agenda, the Agenda Committee has the following options with regards to scheduling the commission item:

1. For a commission item that does not require a companion report from the City Manager, the **Agenda Committee** may 1) move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar; 2) re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling; 3) refer the item to a policy committee; or 4) allow the item to proceed as submitted.
2. For any commission report that requires a City Manager companion report, the **Agenda Committee** will schedule the item on a Council agenda for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the **Agenda Committee**. A commission report submitted with a complete companion report may be scheduled pursuant to the paragraph above.

ITEM 15

Replace with **Council Agenda & Rules Policy Committee?**

Quorum Chart, p. 107

***Quorum rules apply to **subcommittees**. If a commissioner on a **subcommittee** of four is on an excused LOA, the actual appointees becomes three, and the quorum becomes two. No **subcommittee** may operate with less than two actual appointees. Remember, a temporary appointee does not assume the **subcommittee** memberships of the commissioner for which they are serving.*

References to "subcommittees." Should these be updated to ad hoc committees?

Thank you Stephen for your work on improving the manual. Along with these requests, please convey my appreciation to the City Clerk's office.

Kitt Saginor

ksaginor@gmail.com

415-860-4173

Due Process



City of Berkeley

Fair Campaign Practices Commission / Open Government Commission

February 2025

1

What is Procedural Due Process?

- The procedural protections to which a party is entitled in a governmental action which may deprive the party of life, liberty or property
- “Procedural due process imposes constraints on governmental decisions which deprive individuals of “liberty” or “property” interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” (*Mathews C. Eldridge*, 424 U.S. 319, 332 (1976).)
- “A person may not be deprived of life, liberty, or property without due process of law.” (California Constitution, art. 1, sec. 7(a).)
- Due process includes a “liberty interest in freedom from arbitrary adjudicative procedures.” (*People v. Ramirez* (1979) 25 Cal.3d 263-64.)

2

When Does Due Process Apply?

- There are three broad categories of governmental action:
 - **Ministerial** – Non-discretionary actions for which government officials cannot exercise discretion or individual judgment
 - Example: Approving public financing application for candidate who meets all requirements
 - **Legislative** – Creating public policy and rules to be applied to future situations
 - Example: Adopting amendments to BERA
 - **Quasi-judicial** – Application of established rules and standards to specific facts and parties
 - Example: FCPC enforcement proceedings for a potential violation of BERA
- Quasi-judicial proceedings are subject to due process

3

What Process is Due?

- “Due process . . . is not a technical conception with a fixed content unrelated to time, place and circumstances. [D]ue process is flexible and calls for such procedural protections as the particular situation demands.” (*Matthews v. Eldridge*, 424 U.S. 319, 334 (1976).)
- To evaluate whether a process is adequate, courts weigh the following factors:
 - The private interest at stake
 - The risk of an erroneous decision and value of additional or different procedural safeguards
 - The government’s interest, including the government function involved and the fiscal and administrative burden of additional procedures
 - “Dignitary interest” in informing parties of the nature, grounds and consequences of their action and in enabling them to present their side of the story before a responsible government official. (Unique to California)

(*Matthews* at 334; *Ramirez* at 268-69.)

4

What Process is Due?

- The most fundamental requirements of due process are (1) adequate **notice**, and (2) the right to be **heard** before a **fair and impartial hearing** body. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612.)
- **Notice**
 - Essential to give party a chance to defend themselves before a penalty is imposed or rights are disturbed
 - Notice must be of a type reasonably calculated to give the person knowledge of the proceedings
 - FCPC/OGC Secretary informs parties of upcoming action, meeting agendas are posted

5

What Process is Due?

- **Right to be heard**
 - A person has a right to defend themselves and present their side of the story
 - Bring evidence and respond to evidence against them
 - Type of hearing procedures required is based on the nature of the case
 - “Fair hearing” – Commissioners should be attentive and diligent.
 - Example: Commissioner who was absent for a prior related meeting states that they have reviewed the record.
- **Fair Tribunal**
 - “A fair tribunal is one in which the judge or other decision maker is free of bias for or against a party.” (*Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal.4th 731, 737.)

6

Fair Tribunal

- Impartial decision makers must avoid:
 - Conflicts of interest
 - Does a decision maker have a financial interest in the proceeding?
 - Example: Will a planning commissioner's residence be affected by a proposed development?
 - Personal embroilment
 - Decision maker has a personal connection to one of the parties
 - Bias
 - In the absence of financial or personal interest, bias can be shown via "specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias." (*Morongo* at 740.)

7

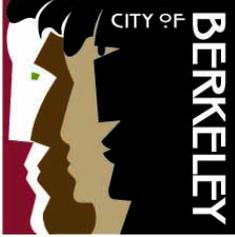
Fair Tribunal

- Examples of bias or unacceptable risk of bias
 - Planning commissioner authored anonymous op-ed opposing a development (*Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 486.)
 - Councilmember prepared and circulated talking points against gas station project, communicated with opponents and coordinated strategy (*Petrovich v. City of Sacramento* (2020) 48 Cal.App.5th 963.)
- Avoiding prejudice and the appearance of prejudice
 - Avoiding actions or statements which suggest a commissioner has already taken a position on a matter, suggesting they cannot make an impartial decision on the evidence. (See *Nasha*.)
 - Commissioners should be unbiased in demeanor when hearing evidence. Focus on asking questions rather than stating opinions while evidence is presented. Basing conclusions on evidence. Considerate of tone and demeanor.

8

FCPC Proceedings

- Due process applies to quasi-judicial actions by the Commission
- To ensure fairness and avoid appearance of prejudice, it is important to recognize the distinct task at each step of the process
 - Receiving complaint:
 - Should staff open an investigation? Does the complaint allege a violation?
 - Probable Cause determination
 - Is there a reasonable basis to believe that a violation of BERA may have occurred?
 - Hearing
 - Has a violation of BERA occurred?
- Commission actions can be challenged in court for violating due process. (BMC sec. 2.12.235.)



Fair Campaign Practices Commission
Open Government Commission

DATE: February 20, 2025

TO: Fair Campaign Practices Commission & Open Government Commission

FROM: Sam Harvey, Commission Secretary

SUBJECT: Election of Commission Officers

City commissions must annually elect a Chair and Vice Chair.

The Chair and Vice Chair are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chair for more than two consecutive years. There is no term limit for Vice Chair.

The FCPC's Rules of Procedure outline the following responsibilities for the Chair:

1. Preside at all Commission meetings
2. Appoint committees and chairpersons of committees
3. Approve the agenda prior to distribution
4. Sign correspondence on behalf of the Commission
5. Administer oaths and affirmations to persons testifying before the Commission
6. Provide guidance to the Secretary regarding staff execution of Commission business, including, but not limited to, investigations, reviewing campaign statements and audits of candidates and committees
7. Represent the Commission in dealings with the City Manager, the City Attorney, and other City staff
8. Represent the Commission before the City Council
9. Exercise the authority of the Commission with regard to administrative matters

The role of the Vice-Chair is to assume the above roles in the absence of the Chair.