

Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

July 16, 2026

6:30 p.m.

2180 Milvia St., Berkeley, CA 94704

1st Floor, Cypress Room

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

A live broadcast of this meeting will be available at:

<https://cityofberkeley-info.zoomgov.com/j/1614055306>

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

Secretary: Stephen Hylas

The Commission may act on any item on this agenda

1. Call to Order 6:30 p.m.
2. Roll Call.
3. Land Acknowledgement: The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this uncended 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 June 18, 2025 FCPC-OGC Regular Meeting.

Fair Campaign Practices Commission (FCPC) Agenda

7. Reports
 - a. Report from Chair
 - b. Report from Staff
8. Review of City of Berkeley elections website, including accessibility of Netfile public portal; discussion and possible action.
9. Notification of alleged campaign report non-filers from City Clerk Department for committees (1) Committee for Initiative to Amend the Nuclear Free Berkeley Act and (2) Andrew for Berkeley Council 2024; discussion and possible action.

Open Government Commission (OGC) Agenda

10. Reports.
 - a. Report from Chair
 - b. Report from Staff
11. Public access to hybrid meetings, including progress update on North Berkeley Senior Center, policy discussion of topics raised by the public regarding access for persons with temporary or permanent disabilities, handling of written public comment, and the availability of live transcription and recordings; discussion and possible action.
12. Review and revision of Open Government Ordinance related to broadcasting and archiving commission meetings; discussion and possible action.
13. Review and revision of Open Government Ordinance related to Public Records Act request public posting procedures; discussion and possible action.
14. Review and revision of Open Government Ordinance related to ephemeral messaging applications; discussion and possible action.

15. City Council policies for items on consent calendar, including practice of placing consent items on agenda that are not going to pass unanimously; discussion and possible action.
16. Practices for describing public meeting agenda items; discussion and possible action.
17. Announcements
18. Adjournment

Information Items

19. Public Financing Candidate Certifications:
 - a. Manisha (Moni) Gangopadhyay

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

June 18, 2026

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

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

Secretaries:
Samuel Harvey
Stephen Hylas
Lauren Packard

Members Present: Janis Ching, David Shere, Rithwik
Sudharsan, Andrew Lazarus, Kyle Haugh

Also Present: Lauren Packard, Staff Secretary

1. Call to Order

Chair called the meeting to order at 6:32 pm.

2. Roll Call

Roll call taken

3. Land Acknowledgment

4. Approval of Agenda

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

Motion to approve agenda. (M/S/C: Ching/Sudharsan; Ayes: Shere, Ching, Sudharsan, Lazarus, Haugh, Shere; Noes: None; Absent: Lee; Saginor)

FCPC / OGC Minutes
June 18, 2026
Page 2

5. **Public Comment**

No speakers.

6. **Approval of minutes for May 21, 2026 FCPC-OGC Regular Meeting**

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

Motion to approve the minutes for May 21, 2026. (FCPC-OGC Regular Meeting (M/S/C: Ching/Sudharsen; Ayes: Ching, Saginor, Sudharsan, Lazarus, Haugh, Shere; Noes: None; Absent: Lee, Saginor)

Fair Campaign Practices Commission (FCPC) Agenda

7. **Reports**

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

8. **Review of City of Berkeley elections website, including accessibility of Netfile public portal; discussion and possible action.**

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

Open Government Commission (OGC) Agenda

9. **Reports.**

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

10. **Complaint alleging violation of the Ralph M. Brown Act by the City Clerk; discussion and possible action.**

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

Motion to direct staff to review and evaluate the complaint and return at a future meeting with a recommendation for action . (M/S/C: Ching/Sudharsen; Ayes:Ching, Sudharsen, Lazarus, Haugh; Noes: None; Absent: Lee, Saginor; Recused: Shere)

FCPC / OGC Minutes
June 18, 2026
Page 3

11. **Public access to hybrid meetings, including policy discussion of topics raised by the public regarding access for persons with temporary or permanent disabilities, handling of written public comment, and the availability of live transcription and recordings; discussion and possible action.**
 - a. Public comment: none
 - b. Commission discussion
12. **Review and revision of Open Government Ordinance; discussion and possible action.**
 - a. Public comment: none
 - b. Commission discussion
13. **City Council policies for items on consent calendar, including practice of placing consent items on agenda that are not going to pass unanimously;**
 - a. Public comment: none.
 - b. Commission discussion and action

Motion to request staff to request that Commissioner Saginor submit any language she would like to propose for the consent calendar issue in advance of next meeting
(M/S/C: Sudharsen/Ching; Ayes: Ching, Sudharsen, Lazarus, Haugh, Shere; Noes: None; Absent: Lee, Saginor)

14. **Announcements**
 - a. Public comment: none
 - b. Commission discussion

15. **Adjournment**

Motion to adjourn (M/S/C: Sudharsen/Ching; Ayes: Ching, Sudharsan, Lazarus, Haugh; Shere; Noes: None; Absent: Lee, Saginor)

DRAFT

To: Mark Numainville, City Clerk
From: Kyle Haugh, Chair, Fair Campaign Practices Commission
Subject: NetFile Public Access Portal

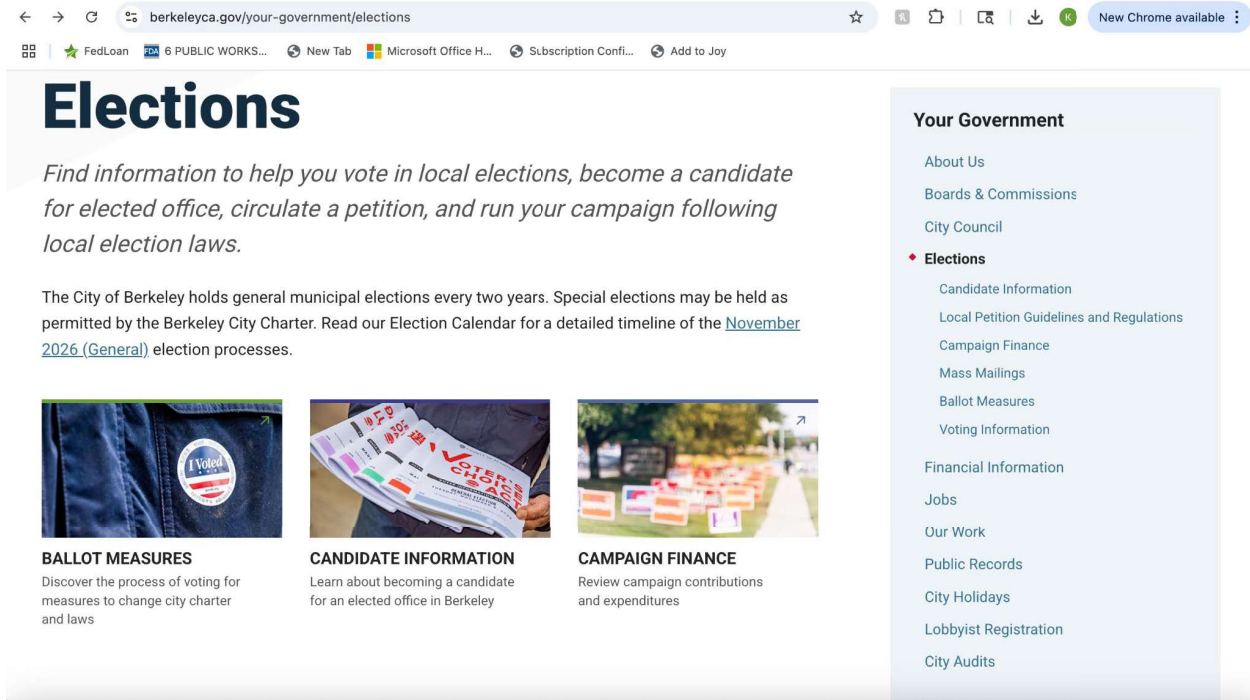
Clerk Numainville:

On behalf of the Fair Campaign Practices Commission (“FCPC”), I’m writing regarding the ease of locating the website link to the NetFile Public Access Portal on the City of Berkeley Elections Page.

Several FCPC commissioners have noted that the Elections tab in the Public Access Portal provides a useful way to see who has filed to run in an upcoming election and what ballot initiatives have been filed. But we worry that members of the public who are looking for information on candidates and ballot initiatives in an election may not know about or know how to find this helpful tool.

Presently, the link may be accessed by going to the Elections page (<https://berkeleyca.gov/your-government/elections>), clicking the Campaign Finance box, and scrolling to the bottom of the Campaign Finance page (<https://berkeleyca.gov/your-government/elections/campaign-finance>). There, the Public Access Portal is linked and described as a way to “view campaign reports online.” But members of the public who are interested in learning who is running and what ballot initiatives have been filed, but who may not be looking specifically for the details of each campaign’s finance reports, may not know to look on this Campaign Finance page.

We wonder if it would be feasible to create a new box on the Elections page labeled, e.g., “Candidate and Ballot Initiative Filings,” with a descriptor such as, “See who has filed as a candidate and what ballot initiatives have been filed in upcoming and past elections.” The proposed box could be placed, for example, below the Ballot Measures box:

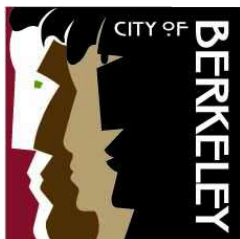
DRAFT

That box could take members of the public to a new landing page for Candidate and Ballot Initiative Filings that explains that this information can be viewed by clicking on the Netfile link (<https://netfile.com/agency/brk/>), navigating to the Public Access Portal link (<https://netfile.com/public/BRK/campaign>) rather than the Filer Access Portal link, and clicking the Elections tab to view the relevant candidates, initiatives, and filings for upcoming and past elections.

If something along these lines would be feasible, we think the change would greatly improve public access to this important tool. We would welcome the opportunity to discuss this proposed website revision with you at an upcoming FCPC meeting.

Sincerely,
s/ *DRAFT*

Kyle Haugh
Chair, Fair Campaign Practices Commission



Fair Campaign Practices Commission

July 9, 2026

To: Fair Campaign Practices Commission

From: Sam Harvey, Commission Secretary

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

Commission staff received the attached referral from the City Clerk Department alleging that the following committees have failed to timely file one or more campaign statements:

1. Committee for Initiative to Amend the Nuclear Free Berkeley Act
2. Andrew for Berkeley Council 2024

The referral asserts that the committees failed to timely file the campaign statement covering the semi-annual reporting period ending December 31, 2025, which was due February 2, 2026. Additionally, the referral asserts that the committee Andrew for Berkeley Council 2024 has not filed any campaign statements since January 2025.

Commission staff have reviewed the alleged failures by these committees to timely file the required reports and confirmed that, as of the date of this report, the City's NetFile system does not reflect the filing of the semi-annual report covering the period ending December 31, 2025 by either committee and also does not show any filings by the committee Andrew for Berkeley Council 2024 since January 2025.

At this point, staff recommend the Commission direct the Secretary to review the alleged failures to file required reports, transmit correspondence to the committees' officers informing them that their committees have been referred to the Commission, and return at a future meeting with a recommendation regarding the Commission's next steps to possibly include initiation of formal enforcement proceedings.

Attachments:

1. City Clerk Department Referral



City Clerk Department

March 23, 2026

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 February 2, 2026 for the semi-annual reporting period ending December 31, 2025.

1. Committee for Initiative to Amend the Nuclear Free Berkeley Act
2. Andrew for Berkeley Council 2024

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 _____
 Treasurer _____
 Candidate _____

Statement Information

Filing Due Date _____
 Reporting Period Start Date _____
 Reporting Period End Date _____

Notifications to Filer

Date	_____	Type	_____
Date	_____	Type	_____
Date	_____	Type	_____
Date	_____	Type	_____
Date	_____	Type	_____

Additional Information

From: [Elections](#)
To: niceucb@gmail.com
Cc: [Elections](#)
Subject: Notification regarding campaign filing requirement (due by February 2)
Date: Monday, January 12, 2026 4:03:00 PM
Attachments: [Committee For Initiative to Amend the Nuclear Free Berkeley Act.pdf](#)
Importance: High

Hello,

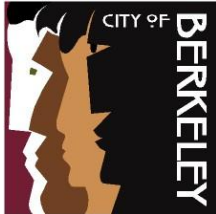
Please see the attached correspondence regarding the *Committee For Initiative to Amend the Nuclear Free Berkeley Act* campaign committee. Hard copy to follow by mail.

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

January 12, 2026

Benjamin Szeghy, Treasurer
Committee For Initiative to Amend the Nuclear Free Berkeley Act
1640 Scenic Avenue
Berkeley, CA 94709

Dear Benjamin:

You are receiving this notice because you are the treasurer of an open ballot measure committee that files campaign statements with the City of Berkeley. Based on your committee's activities over the prior quarter, you may be required to file a quarterly campaign statement as described below.

Committees formed for a measure not yet voted upon

Committees formed for a measure to be voted upon in a future election (e.g., 2026 or 2028) must file quarterly reports until the pre-election period begins for the election in which it will be voted upon, regardless of activity.

Committees must file a quarterly campaign statement (Form 460) covering the period of October 1, 2025 - December 31, 2025. The statement is due by **Monday, February 2, 2026**. 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.

Annual Filing Fee

Pursuant to Government Code section 84101.5, open committees must pay a \$50 fee annually to the Secretary of State by January 15 (unless the committee ceased activity by December 31 of the previous year and files termination paperwork prior to January 31). Failure to pay the fee by the deadline will incur a \$150 penalty.

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's Manual 2 for detailed information on these requirements. Remember that the original, paper 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/campaign-finance>) to ensure full compliance with the law.

- 2 -

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", is placed over a light gray rectangular background.

Mark Numainville
City Clerk

cc: Rohan Reddy, Assistant Treasurer
Daniel Szeghy, Officer
Fair Campaign Practices Commission

From: [Elections](#)
To: niceucb@gmail.com
Cc: [Elections](#)
Subject: Reminder: Notification regarding campaign filing requirement (due by February 2)
Date: Monday, January 26, 2026 11:32:00 AM
Attachments: [Committee For Initiative to Amend the Nuclear Free Berkeley Act.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: Monday, January 12, 2026 4:03 PM
To: niceucb@gmail.com
Cc: Elections <elections@berkeleyca.gov>
Subject: Notification regarding campaign filing requirement (due by February 2)
Importance: High

Hello,

Please see the attached correspondence regarding the *Committee For Initiative to Amend the Nuclear Free Berkeley Act* 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: niceucb@gmail.com
Cc: [Elections](#); [FCPC \(Fair Campaign Practices Commission\)](#)
Subject: Notice of Non-Filing of Campaign Statement
Date: Monday, February 9, 2026 3:37:00 PM
Attachments: [2026-02-09 Committee For Initiative to Amend the Nuclear Free Berkeley Act.pdf](#)

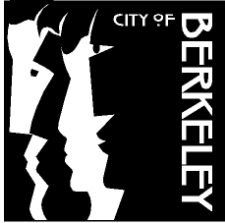
Hello,

Please see the attached Notice of Non-Filing for the *Committee For Initiative to Amend the Nuclear Free Berkeley Act* 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

February 9, 2026

VIA Email and U.S. Mail

Benjamin Szeghy, Treasurer
Committee For Initiative to Amend the Nuclear Free Berkeley Act
1640 Scenic Avenue
Berkeley, CA 94709

NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Benjamin:

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 October 1 – December 31, 2025 with the City Clerk no later than February 2, 2026. **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

cc: Fair Campaign Practices Commission
Rohan Reddy, Assistant Treasurer
Daniel Szeghy, Officer

From: [Elections](#)
To: niceucb@gmail.com
Cc: [Elections](#)
Subject: 2nd Notice of Non-Filing of Campaign Statement
Date: Friday, March 6, 2026 2:56:00 PM
Attachments: [2026-03-06 Committee For Initiative to Amend the Nuclear Free Berkeley Act.pdf](#)
[Fining Policy \(2022\) with Waiver Request.pdf](#)
Importance: High

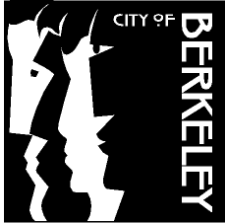
Hello Benjamin,

Please see the attached second Notice of Non-Filing regarding the *Committee For Initiative to Amend the Nuclear Free Berkeley Act* 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

March 6, 2026

VIA Email and U.S. Mail

Benjamin Szeghy, Treasurer
Committee For Initiative to Amend the Nuclear Free Berkeley Act
1640 Scenic Avenue
Berkeley, CA 94709

2nd NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Benjamin:

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 October 1 – December 31, 2025 with the City Clerk no later than February 2, 2026. A Notice of Non-Filing was sent on February 9, 2026. **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 **March 20, 2026**, 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
Rohan Reddy, Assistant Treasurer
Daniel Szeghy, Officer



City Clerk's Office

Non-Filer Referral to the Fair Campaign Practices Commission

Non-filer Information

Committee Andrew for Berkeley Council 2024Treasurer Todd AndrewCandidate Todd Andrew

Statement Information

Filing Due Date February 2, 2026Reporting Period Start Date July 1, 2025Reporting Period End Date December 31, 2025

Notifications to Filer

Date 1/12/2026 Type 1st Notification (letter & email)Date 1/26/2026 Type Reminder (email)Date 2/3/2026 Type 2nd Reminder (voice message)Date 2/9/2026 Type 1st Notice of Non-Filing (letter & email)Date 3/6/2026 Type 2nd Notice of Non-Filing (letter & email)

Additional Information

The Committee was previously referred to the FCPC on September 29, 2025, for non-filing of a campaign statement for the semi-annual reporting period ending in June 30, 2025.

From: [Elections](#)
To: andrew4berkeley@gmail.com
Cc: [Elections](#)
Subject: Notification regarding campaign filing requirement (due by February 2)
Date: Monday, January 12, 2026 3:54:00 PM
Attachments: [Andrew for Berkeley Council 2024.pdf](#)
Importance: High

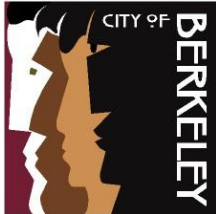
Hello,

Please see the attached correspondence regarding the *Andrew for Berkeley Council 2024* 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

January 12, 2026

Todd Andrew, Treasurer
 Andrew for Berkeley Council 2024
 1547 Hopkins Street, Apt.6
 Berkeley, CA 94707

Dear Todd:

This letter is a notice that open campaign committees must file a semi-annual campaign statement (Form 460) covering the period of July 1 - December 31, 2025. The statement is due no later than **Monday, February 2, 2026**. 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.

Annual Filing Fee

Pursuant to Government Code § 84101.5, open committees must pay an annual \$50 fee to the Secretary of State by January 15 (unless the committee was created and paid an initial \$50 fee in October, November, or December of the prior calendar year). Failure to pay the fee by the deadline will incur a \$150 penalty from the Secretary of State.

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 an inability to discharge a debt. To terminate the committee, file a terminating Form 410 and Form 460. Refer to the applicable [Campaign Disclosure Manual](#) provided by the State for detailed information on these requirements. Please note that the original Form 410 is filed with the Secretary of State, and a copy is filed with the City of Berkeley.

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/campaign-finance>) 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
 Todd Andrew, Assistant Treasurer
 Todd Andrew, Candidate

From: [Elections](#)
To: andrew4berkeley@gmail.com
Cc: [Elections](#)
Subject: Reminder: Notification regarding campaign filing requirement (due by February 2)
Date: Monday, January 26, 2026 11:26:00 AM
Attachments: [Andrew for Berkeley Council 2024.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: Monday, January 12, 2026 3:55 PM
To: andrew4berkeley@gmail.com
Cc: Elections <elections@berkeleyca.gov>
Subject: Notification regarding campaign filing requirement (due by February 2)
Importance: High

Hello,

Please see the attached correspondence regarding the *Andrew for Berkeley Council 2024* 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: andrew4berkeley@gmail.com
Cc: [Elections; FCPC \(Fair Campaign Practices Commission\)](#)
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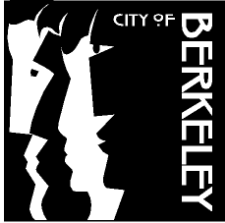
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Sincerely,

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

February 9, 2026

VIA Email and U.S. Mail

Todd Andrew, Treasurer
Andrew for Berkeley Council 2024
1547 Hopkins Street, Apt.6
Berkeley, CA 94707

NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Todd:

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 July 1 – December 31, 2025 with the City Clerk no later than February 2, 2026. **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

cc: Fair Campaign Practices Commission

From: [Elections](#)
To: andrew4berkeley@gmail.com
Cc: [Elections](#)
Subject: 2nd Notice of Non-Filing of Campaign Statement
Date: Friday, March 6, 2026 2:56:00 PM
Attachments: [2026-03-06 Andrew for Berkeley Council 2024.pdf](#)
[Fining Policy \(2022\) with Waiver Request.pdf](#)
Importance: High

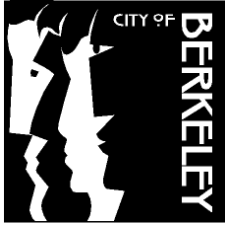
Hello Todd,

Please see the attached second Notice of Non-Filing regarding the *Andrew for Berkeley Council 2024* 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

March 6, 2026

VIA Email and U.S. Mail

Todd Andrew, Treasurer
Andrew for Berkeley Council 2024
1547 Hopkins Street, Apt.6
Berkeley, CA 94707

2nd NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Todd:

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 July 1 – December 31, 2025, with the City Clerk no later than February 2, 2026. A Notice of Non-Filing was sent on February 9, 2026. **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 **March 20, 2026**, 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

OPEN GOVERNMENT COMMISSION**CALENDAR**

July 16, 2026

To: Open Government Commission

Submitted by: David Shere, District 1

Date: July 16, 2026

Subject: Recommendation to Evaluate Low- and No-Cost Options for Broadcasting, Transcribing, and On-Demand Viewing of Hybrid Commission Meetings

RECOMMENDATION

The Open Government Commission recommends to the City Clerk that:

- The city evaluate low- or no-cost options for broadcasting, transcribing, and viewing on-demand all hybrid commission meetings, including video and transcripts.
- The city consider longer-term solutions for broadcasting and archiving hybrid meetings and transcripts that align with Berkeley's values regarding privacy and open government.

FISCAL IMPACTS OF RECOMMENDATION

Evaluating low- and no-cost options will take staff time likely from the Clerk's office and the IT department. If streaming meetings to a platform like YouTube is feasible, staff time will also need to be expended developing training materials and managing training, troubleshooting, and otherwise helping commission staff operate the streaming platform.

A longer-term, privacy protecting solution may require contracting with an entity like Berkeley Community Media or otherwise expending resources to develop a system for hosting, long-term archiving, and any other features the city may want from a longer-term system.

CURRENT SITUATION AND ITS EFFECTS**Council and Staff Action**

BMC 2.06, The Open Government Ordinance, requires that:

A. All regular and special meetings of the City Council, Redevelopment Agency, Rent Stabilization Board, and Zoning Adjustments Board, when held in the venue regularly used, shall be recorded, televised and video-streamed live as well as archived for replay. The live broadcasts shall be captioned.

B. It is the intent of the City to broadcast the meetings of the Planning Commission, Landmarks Preservation Commission, and Housing Advisory Commission, in the same manner as specified in paragraph A, as City resources become available.

C. The broadcast requirements shall not apply if necessary equipment malfunctions or if a public meeting is changed to a location that does not have the technological capacity to accommodate the broadcasting needs. (Ord. 7166-NS § 1 (part), 2011) [BMC 2.06.100](#)

At the May 7, 2024 regular meeting of the City Council, the council initiated a budget referral for "equipment for hybrid commission meetings."¹ That referral highlighted the benefits of hybrid meetings, specifying that they allow "the public to remain, or become, civically engaged."

In a June 27, 2025 memorandum² to commission secretaries, the City Clerk described an initial rollout of hybrid meetings to the subset of bodies which serve a quasi-judicial function, after which "the hybrid meeting program will be expanded to all city commissions."

The Open Government Commission is directly interested in the city's efforts to expand hybrid meetings access across all commissions, and has been closely tracking the city's progress.

Vendors that support Berkeley's hybrid meeting policy

Today the City of Berkeley relies on two platforms and at least three vendors for supporting hybrid access to public meetings.

Meetings for a small handful of legislative bodies are streamed by Granicus, which offers a wide range of services that support government administration. Granicus streams rely on a technology called HLS, or HTTP Live Streaming. HLS is an open industry standard. The streams can be viewed via a video player provided by Granicus, or streamed directly into other systems using widely and freely available tools.

Further, Granicus offers long-term archiving, and the city maintains these archives which today include over 20 years of video. (Note that this archive page is not easy to find, and reviewing archives of meetings from different bodies is deeply unintuitive.)

Another hybrid meeting platform the city uses is Zoom. Zoom is a widely used enterprise teleconferencing platform that allows the city to support hybrid meetings using webinar features that allow viewers to not only watch a meeting but participate and give comment remotely as well. (The city also supports remote participation via phone.) The platform offers a number of features that are specific to governments.

Hybrid meetings conducted over Zoom are generally not archived long-term, and under the city's record retention policies most recordings can be deleted and are deleted within 90 days. The only way for the public to review a hybrid meeting conducted over zoom after it is complete is to reach out directly to the commission secretary within the 90-day records retention window. Sometimes a commission secretary will provide a link to a video recording of the meeting on the body's agenda page. This is entirely at the discretion of the secretary.

The final vendor that the city relies on for hybrid access to meetings is Berkeley Community Media, a local nonprofit which operates a public television station and broadcasts meetings of the City Council and the Rent Stabilization Board. It does not appear to perform an archiving function.

RATIONALE FOR RECOMMENDATION

Note that while this report refers throughout to *commission meetings*, it should be understood that the recommendation applies equally to all city legislative bodies, such as the council policy committees and joint bodies such as the 2x2 and 3x3 committees.

Streaming, archiving, and providing transcripts is vital for equal access to government

Under current city policy, access to a large majority of hybrid meetings is limited to those who can attend at the time the meeting takes place. Someone with caregiving or professional obligations, someone who is ill or in a different time zone, or who is otherwise unable to watch live simply has no way to see the meeting. This cuts off access to many consequential meetings. Council policy committees are a prime example: legislation is shaped there in detail, and public participants can have the most direct impact, but these meetings typically happen during the work and school day, when many residents are unavailable.

Furthermore, staff regularly develop detailed presentations on the programs under their purview and present them at commission meetings. They answer questions from commissioners and often from the public as well. The city invests meaningful staff time to develop and give these presentations which provide incredibly valuable insight into the workings of government. Under current practices, most of this vital and valuable information is lost to anyone who didn't attend the meeting. This is not only a waste of precious staff time, it's a missed opportunity to keep residents informed.

Lastly, all hybrid meetings are captioned, either by a human captioner or by an automated system. A resident who wanted to review a transcript has to either reach out to the Clerk's office or the commission secretary and hope that they have a copy, or if they are watching a Zoom meeting live, they can download the automated transcript after the meeting. These mechanisms are only available to people who know that they exist.

Making these transcripts more easily accessible would have a substantial impact on transparency and the ability of residents to understand the decisions that leaders are making and hold those leaders accountable.

There may be a "free" way to begin streaming and viewing on-demand both video and transcripts from all hybrid meetings

Zoom integrates directly with YouTube. If the Clerk's office and IT investigate the process for streaming meetings from Zoom to YouTube, they may find that it can be enabled through configuration of tools the city is already using. If so, training or light automation could allow the city to offer on-demand viewing with transcripts for all hybrid meetings, without spending additional funds on a new technology vendor. This would be a significant advancement for open government, smartly leveraging the work the city has already done to support hybrid meetings.

Zoom publishes step-by-step instructions for this integration and workflow in its support article, [Livestreaming meetings or webinars on YouTube](#).

Finding long-term solutions that align with Berkeley's values

While YouTube may allow the city to begin making videos and transcripts available on-demand quickly and at a low cost, it is not an ideal solution for the City of Berkeley. YouTube's business model relies on surveillance and tracking of users in order to serve them ads. Its parent company Alphabet profits from lines of business that many Berkeleyans might object to. The short-run benefits may outweigh those costs, but in the longer-run the city should support an archiving solution that does not require participation in surveillance capitalism in order to participate in local government.

Relying on Zoom exclusively for livestreaming of public meetings shares these and other drawbacks. Residents are either required or strongly encouraged to download an app that the city does not control in order to participate.

A browser-based option exists, but Zoom's own interface steers users toward installing the app first, and potential vulnerabilities in that software place residents' devices at risk. Such flaws continue to be disclosed.³ In March 2025, for example, a flaw in Zoom's Windows, macOS, Linux, Android, and iOS apps could have let an already-authenticated attacker escalate their access and take over a user's device.⁴ Requiring residents to accept that exposure as a condition of participating in local government is a real cost, whether the threat comes from malicious actors or from Zoom itself.

Granicus appears to limit its tracking to Google Analytics, which loads on every stream page and can report play, pause, and seek events. This kind of tracking is standard practice. But the City of Berkeley may be able to achieve a higher standard by partnering with local nonprofits or other vendors or contractors that minimize the amount of personal and behavioral information they track themselves or share with third parties. This partner can host broadcasts, archives, and transcripts using a system that does not collect any information on Berkeley residents other than what is necessary to operate the system.

1. City of Berkeley, Budget Referral — Equipment for Hybrid Commission Meetings (May 7, 2024).

<https://berkeleyca.gov/sites/default/files/documents/2024-05-07%20Item%2054%20Budget%20Referral%20%20Equipment%20for%20Hybrid.pdf> ↗

2. City Clerk memorandum, FCPC-OGC packet (Dec. 18, 2025). https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/PACKET%20-%20FCPC-OGC%20-%20Dec%2018%202025_0.pdf ↗

3. National Institute of Standards and Technology, National Vulnerability Database, Zoom vulnerability records. https://nvd.nist.gov/vuln/search/results?form_type=Basic&results_type=overview&query=zoom&search_type=all ↗

4. National Institute of Standards and Technology, National Vulnerability Database, CVE-2025-27439 (published March 11, 2025). <https://nvd.nist.gov/vuln/detail/CVE-2025-27439> ↗

Review and possible recommendations for revisions to the Open Government Ordinance

(black text: existing language, red text: new language, blue text: notes)

Deadline for the broadcast and archival of all commission meetings

2.06.100 Broadcast of meetings.

A. All regular and special meetings of the City Council, Redevelopment Agency, Rent Stabilization Board, and Zoning Adjustments Board, when held in the venue regularly used, shall be recorded, televised and video-streamed live as well as archived for replay. The live broadcasts **and archived recordings** shall be captioned. **The archived recordings shall be posted on the relevant website no later than one week after each meeting is completed.**

~~B. It is the intent of the City to broadcast the meetings of the Planning Commission, Landmarks Preservation Commission, and Housing Advisory Commission, in the same manner as specified in paragraph A, as City resources become available.~~

B. No later than July 1, 2027, all meetings of the Planning Commission, Landmarks Preservation Commission, and Housing Advisory Commission shall be regularly broadcast and archived in the same manner as specified in paragraph A. No later than July 1, 2028, this requirement shall apply to all boards and commissions.

(Notes: July 1 is the fiscal year start date for the city, and a new budget is proposed every 2 years. A new budget will be adopted in July 2026, and then in July 2028, but mid-cycle revisions can happen. We could contact the city manager to try and change the proposed budget before it goes through in June 2026. Alternatively, we can consider a 2029 deadline for all commissions).

C. The City shall procure and maintain the necessary equipment and venues to support the regular broadcast and archival requirements of paragraphs A and B.

DG. The broadcast requirements shall not apply if necessary equipment malfunctions or if a public meeting is changed to a location that does not have the technological capacity to accommodate the broadcasting needs. This paragraph shall not be construed to excuse the City's obligations under paragraph C.

Requirement for California Public Records Act requests to be made accessible by all

2.06.180 Posting of documents.

All documents submitted to the City Council, including but not limited to, the Agenda and Agenda Packet, communications, and any documents submitted at a meeting of that body, shall be available through the City's website no later than the close of business the following business day after the meeting for which the documents were submitted.

Any electronic communications made to a requester regarding any Public Records Act requests, including status updates, metadata, or documents produced, shall be made freely available to the public via an online portal within a ten-day period after such communications were originally produced.

(Notes: I believe the City of Berkeley already does this via the NextRequest portal, but this inscribes the requirement into law. We could also consider a different timeframe: seven days, fourteen days, or "reasonable timeframe.")

*Prohibition on Ephemeral Messaging Features for Public Business***Section 1. Section 2.06.020 is amended to add the following definitions:**

I. “Public Business” means any matter relating to the conduct of the City's affairs.

J. “Ephemeral Messaging Features” means any setting, function, or feature of an electronic communications application or service that causes a message, or any portion of a message, to be automatically deleted, hidden, or rendered inaccessible after a defined period or upon a defined event, before the applicable records retention period has elapsed.

K. “Personal Account or Device” means any electronic account, device, application, or service that is not issued, owned, or controlled by the City.

Section 2. A new Section 2.06.185 is added to Article IV, to read:

2.06.185 Electronic communications concerning Public Business.

A. No member of any Legislative Body, and no elected or appointed official, officer, employee, or contractor of the City shall use for Public Business any app, software, or other technology that prevents the maintaining or preserving any electronic communication (e.g. Ephemeral Messaging Features), whether on a City-issued account or device or on a Personal Account or Device.

B. Any electronic communication concerning Public Business sent or received on a Personal Account or Device is subject to the City's applicable records retention schedule and to disclosure under the Public Records Act on the same terms as a communication conducted on a City-issued account or device.

C. Each person subject to subsection A shall make reasonable efforts to ensure that all electronic communications concerning Public Business sent or received on a Personal Account or Device are retained and stored in a manner that keeps them accessible for the duration of the applicable retention period, regardless of whether such communications would be subject to an exemption from disclosure under the Public Records Act. Upon receipt of a valid request under the Public Records Act seeking such communications, each such person shall search their Personal Accounts and Devices for responsive communications and shall produce all responsive communications, except those subject to a valid exemption under the Public Records Act.

(Notes: Should volunteers or commissioners be covered? Contractors?

Should Signal be allowed if ephemeral messaging feature is turned off?

We may consider a stronger version, which would require the use of city devices for all communications when such a device is available, and require forwarding communications from personal devices to a city IT system otherwise, similar to 44 U.S.C. §2911 -- see below).

Alternative Option: Prohibition on Ephemeral Messaging Features for Public Business and Forwarding Requirement for Usage of Personal Devices or Accounts for Public Business

Section 1. Section 2.06.020 is amended to add the following definitions:

I. “Public Business” means any matter relating to the conduct of the City's affairs.

J. “Ephemeral Messaging Features” means any setting, function, or feature of an electronic communications application or service that causes a message, or any portion of a message, to be automatically deleted, hidden, or rendered inaccessible after a defined period or upon a defined event, before the applicable records retention period has elapsed.

K. “Personal Account or Device” means any electronic account, device, application, or service that is not issued, owned, or controlled by the City.

Section 2. A new Section 2.06.185 is added to Article IV, to read:

2.06.185 Electronic communications concerning Public Business.

A. No member of any Legislative Body, and no elected or appointed official, officer, employee, or contractor of the City shall use for Public Business:

1. any app, software, or other technology that prevents the maintaining or preserving any written electronic communication (e.g. Ephemeral Messaging Features), whether on a City-issued account or device or on a Personal Account or Device.

2. a nonofficial electronic messaging system unless the official or employee sends a copy of all sent and received communications concerning public business to an official electronic messaging system within 20 days of the original sending or receiving of the communication.

Background

The Information in "[How Telegram Offers Way Around Public Records Laws](#)" revealed that members of the San Francisco Board of Supervisors were using Telegram to conduct city business. Telegram's "Secret Chat" feature, which includes a self-destruct timer for messages, was cited as a primary reason for the app's popularity among officials: one official said they were encouraged to use Telegram by colleagues in City Hall who described it as a way to skirt the city's public records laws. Supervisors were observed appearing "active" on the app throughout the day, often hourly, on their private phones.

California law treats public business communications on personal accounts as public records (*City of San Jose v. Superior Court*, 2017), but does not prohibit officials from using applications whose default behavior is to destroy those records before any member of the public can request them. Once a message is auto-deleted, no enforcement mechanism can recover it. Berkeley residents have shown interest in this category of communication. As of May 7, 2026, a search of the City of Berkeley's NextRequest portal returns more than 50 California Public Records Act requests referencing WhatsApp or other platforms that support self-deleting messages.

After (*City of San Jose v. Superior Court*, 2017), State Senator Dave Cortese authored CA SB 908: "An elected or appointed official or employee of a public agency shall not create or send a public record using a nonofficial electronic messaging system unless the official or employee sends a copy of the public record to an official electronic messaging system within 20 days of the original creation or sending of the public record." SB 908 died in 2024. **Note that this requirement is stronger than the one I proposed, which simply requires preservation of records, even if they are stored outside of city IT systems.**

This bill was likely inspired from the existing federal requirement under the "Presidential and Federal Records Act Amendments of 2014:"

44 U.S.C. §2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts

(a) An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee

(1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or

(2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

The Associated Press in "[Encrypted messaging apps promise privacy. Government transparency is often the price](#)" writes the following:

- Signal is one of many end-to-end encrypted messaging apps that include message auto-delete functions. While such apps promise increased security and privacy, they often skirt open records laws meant to increase transparency around and public awareness of government decision-making. Without special archiving software, the messages frequently aren't returned under public information requests.
- An Associated Press review in all 50 states found accounts on encrypted platforms registered to cellphone numbers for over 1,100 government workers and elected officials. The AP found accounts for state, local and federal officials in nearly every state, including many legislators and their staff, but also staff for governors, state attorneys general, education departments and school board members. The AP's list is likely incomplete because users can make accounts unsearchable.
- Improper use of the apps has been reported over the past decade in places like Missouri, Oregon, Oklahoma, Maryland and elsewhere, almost always because of leaked messages.
- The best remedy is stronger public record laws, said David Cuillier, director of the Brechner Freedom of Information Project at the University of Florida. Most state laws already make clear that the content of communication — not the method — is what makes something a public record, but many of those laws lack teeth, he said.

According to the [Colorado Freedom of Information Coalition](#), here is the current legal landscape:

- Michigan House Bill 4778 directs state departments to "[not use any app, software, or other technology that prevents it from maintaining or preserving a public record](#)"
- In *Sansone v. Governor of Missouri*, the Missouri Court of Appeals for the Western District held that the governor's use of disappearing messaging apps was not a violation of the sunshine laws because no messages were retained so there was no public record to be produced.
- Texas Senate Bill 944, enacted in 2019, requires government officials to preserve text messages sent from or received on their personal devices that concern public or official business. However, the law does not directly address the use of disappearing or encrypted messaging apps.
- Kansas Executive Order 18–06 requires governor's office employees to conduct official business on their official state email accounts; accordingly, any use of a disappearing or encrypted messaging app for official business would be in violation of the executive order.

The following government entities have been reported to have experienced incidents of personal devices and/or ephemeral messaging preventing the preservation of public records:

Title	Description	Result
Trump administration in SignalGate	Senior national security officials coordinated airstrikes on Signal and accidentally added The Atlantic's editor to the chat.	American Oversight sued ; Judge Boasberg issued a temporary restraining order to preserve messages (most already auto-deleted); Pentagon issued a memo barring Signal for non-public unclassified info.
Department of Government Efficiency (DOGE)	Department of Government Efficiency members used Signal for agency matters, allegedly to evade FOIA.	A 2025 memo was issued, asking DOGE employees to preserve Signal messages and disable auto-delete.
San Francisco Board of Supervisors	Supervisors and aides used Telegram (including Secret Chats with self-destruct timers, on purpose) for city business.	Supervisor decided not to use Telegram for public business until resolved by City Attorney.
San Jose Mayor	Mayor directed a constituent to contact him on a personal email account to skirt public records laws. "I'm going to delete this email from my government account..."	Judge ruled in August 2023 that they violated state transparency law; this directly prompted SB 908 (2024).
San Diego Councilmembers Offices	Official asked colleagues to use Signal for work purposes. When asked for records via CPRA, records were gone.	Found no action in response.
Missouri Governor	"nearly every member of the former governor's taxpayer-funded staff had a Confide [self-destructive texting app] account and that the app was being used to communicate both within the governor's office and with outside allies and lobbyists."	AG found no legal violation, but Governor's office banned self-destructive texting apps for public business.
Police in Portland, Maine	Police use Signal for sensitive communications, sometimes with self-deleting chat feature.	Found no action in response.

Oklahoma Treasurer's Office	Signal chats used to coordinate policy with outside lobbyists. Official disabled ephemeral messages, but lobbyist may have enabled it, and thus some records auto-deleted.	AG "strongly discourages public officials from using third-party messaging applications when communicating about public business."
Maryland Governor	Governor and senior advisors used Wickr chat rooms with 24-hour auto-delete for state business.	"Transparency in Public Records Act of 2022 (SB 307)" introduced to prevent this. Bill failed.
Michigan State Police	Top police officials used Signal. One quote lightly suggested that some Signal chat were missing.	Passed House Bill 4778 "all state departments and all state agencies must not use any app, software, or other technology that prevents it from maintaining or preserving a public record..."
Seattle Mayor	"Former Mayor Jenny Durkan's phone was changed to "delete messages after 30 days" for roughly three weeks, which effectively destroyed past texts. Former Chief Carmen Best deleted her text messages, saying she thought the city backed them up, as they do with email. Fire Chief Harold Scoggins conducted a hard reset on his phone, destroying his text messages, because he couldn't remember the passcode on his phone."	"King County Prosecutor declined criminal charges, citing inability to prove intent."
Florida Governor	Public business seems to have been conducted on personal devices; some records production refused.	"Appeals court overturned a ruling that governor's administration took too long in providing public records about a controversial 2022 decision to fly migrants from Texas to Massachusetts."



Open Government Commission

PUBLIC HEARING
XXXX XX, XXXX

To: Honorable Mayor and Members of the City Council

From: Kyle Edwards Haugh, Chair, Open Government Commission

Submitted by: Samuel Harvey, Stephen Hylas & Lauren Packard, Secretary, Open Government Commission

Subject: Use of the Consent Calendar

RECOMMENDATION

1. Use the Consent Calendar only for noncontroversial items for which unanimous approval without discussion is anticipated
2. Amend the *Rules of Procedure and Order* to support this practice.

III.G.4. Agenda. Regulations Governing City Council Policy Committees. Functions of the Policy Committees. (p. 23)

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. ~~The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.~~ **Only items that receive a Positive Recommendation may be placed on the Consent Calendar.** [restoration of language removed in October, 2024]

II.D. Meetings. Council Meeting Conduct of Meetings. (p.6)

Three or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. ~~Absent at least three members concurring, the item will stay on the Consent or Information Calendar.~~

With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay, or abstain votes on individual items prior to the vote on the

Consent Calendar. **If a majority of those voting specify a nay or abstain vote, with the consequence that an item will fail, that item will be moved to the Action Calendar prior to the vote on the Consent Calendar.**

BACKGROUND

Until [Date] the Berkeley's *Rules of Procedure and Order* included a provision that allowed members of the public to move items from the Consent Calendar to the Action Calendar.

Until October 29, 2024 the Mayor or a single member of the Council could move an item from Consent or Information to Action.

Until recently, it was the practice of the Agenda and Rules Committee to place items with a negative or mixed recommendation from a Council Committee on the Action Calendar. [Confirmation needed]

CURRENT SITUATION AND ITS EFFECTS

City Council now the Consent Calendar for items that are not going to be approved by the Council. This is confusing to the public who expect that items placed on Consent will be approved by City Council – or if they will not be approved, will be moved to the Action Calendar for debate before a vote is taken.

There are currently two ways in which this confusing practice happens.

A majority of the councilmembers may register an abstention or no vote for an Consent Item without removing it from the Consent Calendar. This practice caused particular public consternation when the [Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean](#) failed in this manner. In this instance, and in others, the lack of any reasons being given for the item's failure led to speculation, suspicions and lack of trust. Two years ago, City Council voted unanimously in favor of a change to the *Rules of Procedure and Order* that would have automatically moved items to the Action Calendar if three or more members registered their lack of consent, but that change was not incorporated into the Rules.

The second way in which the public can be misled by the Consent Calendar is the practice of placing items on the Consent calendar with an intent to reject the item based on a negative recommendation from a policy committee. This practice commenced with a revision to the *Rules of Procedure and Order* adopted in October, 2024. This is so confusing that public comment on Consent Items at Council meetings has included members of the public thanking the Council for the approval of items that, in fact, were not being approved at all. We question whether the agenda is consistent with the intent of the Brown Act when an action taken under the Consent Calendar is contrary to the title of an item listed.

The Open Government Commission recommends that the Council immediately return to the practice of placing items with a negative Committee recommendation on the Action

Calendar and institute a practice of moving an item from Consent to Action if a majority of the councilmembers record lack of support.

FISCAL IMPACTS OF RECOMMENDATION

None.

ALTERNATIVE ACTIONS CONSIDERED

xxxx

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

Limiting the use of the Consent Calendar to items that are being approved by Council will provide clear information to the public and engender public trust.

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CONTACT PERSON

Kyle Edwards Haugh, Chair, Open Government Commission, (415) 860-4173

Samuel Harvey, Commission Secretary, Open Government Commission (510) 981-6998

ATTACHMENTS

Pre 2024 Rules of Procedure and Order

Excerpts from Rules used in other jurisdictions:



Open Government Commission

Date: June 19, 2025

To: Honorable Mayor and Members of the City Council

From: Kitt Saginor, Chair

Subject: Use of Consent Calendar

The Open Government Commission is concerned that City Council has been using the Consent Calendar for items that are not going to be approved by the Council. This is confusing to the public who expect that items placed on Consent will be approved by City Council – or if they will not be approved, will be moved to the Action Calendar for possible debate before a vote is taken.

There are currently two ways in which this confusing practice happens.

A majority of the councilmembers may register an abstention or no vote for an Consent Item without removing it from the Consent Calendar. This practice caused particular public consternation when the [Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean](#) failed in this manner. In this instance, and in others, the lack of any reasons being given for the item's failure led to speculation, suspicions and lack of trust. A year ago, City Council voted unanimously in favor of a change to the *Rules of Procedure and Order* that would have automatically moved items to the Action Calendar if three or more members registered their lack of consent, but that change was not incorporated into the Rules.

The second way in which the public can be misled by the Consent Calendar is the practice of placing items on the Consent calendar with an intent to reject the item based on a negative recommendation from a policy committee. This is a new practice created by the revisions to the *Rules of Procedure and Order* adopted last October. This is so confusing that public comment on Consent Items at Council meetings has included members of the public thanking the Council for the approval of items that, in fact, were not being approved at all. We question whether the agenda is consistent with the intent of the Brown Act when an action taken under the Consent Calendar is contrary to the title of an item listed.

The Open Government Commission recommends that the Council immediately return to the practice of placing items with a negative Committee recommendation on the Action Calendar, and institute a practice of moving an item from Consent to Action if a majority of the councilmembers record lack of support.

We also recommend that the *Rules of Procedure and Order*, when next revised, formalize these changes:

III.G.4. Agenda. Regulations Governing City Council Policy Committees. Functions of the Policy Committees. (p. 23)

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. ~~The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.~~ **Only items that receive a Positive Recommendation can be placed on the Consent Calendar.**
[restoration of language removed in October, 2024]

II.D. Meetings. Council Meeting Conduct of Meetings. (p.6)

Three or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. ~~Absent at least three members concurring, the item will stay on the Consent or Information Calendar.~~

With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay, or abstain votes on individual items prior to the vote on the Consent Calendar. **If a majority of those voting specify a nay or abstain vote, with the consequence that an item will fail, that item will be moved to the Action Calendar prior to the vote on the Consent Calendar.**

Nondescriptive Agenda Title

- Kitt Saginor, July 6th, 2026

The June 30th City Council Regular Meeting Agenda listed the following item on Consent;

19.-Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 30, 2026

From: City Manager

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

Financial Implications: - General Fund - \$2,408,500

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

This language does not state whether the potential cost might be for just one proposal or for multiple proposals, and which department(s) or division(s) might issue them. It certainly does not state what the purpose of these proposals might be. Likewise, when this agenda was published online, the attachment contained no information about the purpose or originating department or division.

Members of the public, myself included, read the agenda without guessing that this item concerned the potential acquisition of surveillance cameras and systems - a topic of considerable interest and concern to hundreds of Berkeley residents. This should have been clear in the Agenda.

From *The Berkeley City Council Rules of Procedure and Order*, p. 9

III. Agenda B. Definitions

2. Agenda items shall contain all relevant documentation, including the information listed below:

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

When the Council began its consideration of the Consent calendar, Councilmember Blackaby said:

"I want to comment on Item 19 **which is the RFP for public safety tech tools.**"
[emphasis added]

A descriptive title of this item would have said that.



DATE: June 30, 2026

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: Mark Numainville, City Clerk

SUBJECT: **Certification of Public Financing Program Participant**

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$650.

As of June 30, 2026, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Gangopadhyay for City Council 2026
Qualified Contributions:	\$1,684.99
Eligible Matching Funds:	\$10,109.94
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$10,109.94.

Basic glossary of terms:

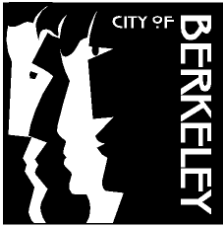
Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$650.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

- 2 -

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
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Attachments

1. Manisha (Moni) Gangopadhyay: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

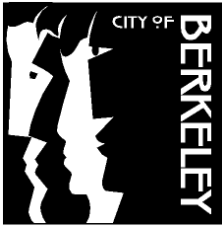
E-Filed
 04/21/2026
 10:31:28
 Filing ID:
 216663640

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) 1
ELECTION CYCLE 11/03/2026		
CANDIDATE INFORMATION		
LAST Gangopadhyay	FIRST Manisha (Moni)	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Gangopadhyay for City Council 2026		FPPC I.D. No. Pending
CANDIDATE CERTIFICATION		
Under penalty of perjury, I hereby certify: I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.		
Manisha (Moni) Gangopadhyay CANDIDATE SIGNATURE		04/21/2026 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
06/25/2026
12:26:07

Filing ID:
216914233

**FAIR ELECTIONS ACT FORM
INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS
BY CANDIDATES FOR MAYOR, CITY COUNCIL, CITY AUDITOR,
SCHOOL BOARD DIRECTOR, OR RENT STABILIZATION BOARD COMMISSIONER**

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 1	
ELECTION CYCLE 11/03/2026			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Gangopadhyay for City Council 2026		FPPC I.D. No. Pending	
STREET ADDRESS [REDACTED]		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94710	
TELEPHONE (510) 735-6477	EMAIL ADDRESS Moni.District1@gmail.com		
CANDIDATE DECLARATION			
I hereby declare that the following information is true and correct: - All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. - I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. - I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties. - All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283. - I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.			
Manisha (Moni) Gangopadhyay		06/24/2026	
CANDIDATE SIGNATURE		DATE SIGNED	

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least \$10.00 and no more than \$60.00 each, for a total dollar amount of at least \$580.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

	Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1.	Hill	Aidan		94704 Berkeley	Lifelong Medical Care	Case Manager	Electronic	06/19/2026	06/20/2026	1	20.00
2.	Wickner	Fran		94702 Comell	Therapist	Self	Electronic	06/19/2026	06/20/2026	1	25.00
3.	Schueler	Margo		94710 Berkeley	Retired	Retired	Check	05/30/2026	06/02/2026	1	60.00
4.	Jordan	Sheila		94703 Berkeley	Retired Educator	ACOE	Check	05/30/2026	06/02/2026	1	60.00
5.	Mahmood	Khalid		94709 Berkeley	Field Organizer	UAW 4811	Electronic	05/28/2026	06/01/2026	1	60.00
6.	Jackson	Jon		94702 Berkeley	Retired	Retired	Electronic	05/20/2026	05/22/2026	1	10.00
7.	Jackson	Jon		94702 Berkeley	Retired	Retired	Cash	05/20/2026	05/22/2026	1	10.00
8.	Pollock	William		94702 Berkeley	Retired	Retired	Electronic	05/16/2026	05/20/2026	1	60.00
9.	Torchiana	William		94705 Berkeley	Attorney	Sullivan & Cromwell	Electronic	05/06/2026	05/08/2026	1	60.00
10.	Gamlieli	Zach		97706 Berkeley	Fundraiser	UC Berkeley	Cash	05/03/2026	05/03/2026	1	49.99
11.	Law	Moni		94703 Berkeley	Housing Counselor	City of Berkeley	Electronic	04/26/2026	04/29/2026	1	60.00
12.	Galen	Brady		94705 Berkeley	Engineer	Amyris	Electronic	04/24/2026	04/28/2026	1	10.00
13.	Lewis	Lorenzo		94710 Berkeley	Not Employed	Not Employed	Electronic	04/22/2026	04/24/2026	1	10.00
14.	Hamilton	Christopher		94706 Berkeley	Retired	Retired	Electronic	04/21/2026	04/23/2026	1	60.00
15.	DeDiemar	Donna		94706 Berkeley	Not Employed	Not Employed	Electronic	04/21/2026	04/23/2026	1	60.00
										Subtotals	614.99
										50	

	Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Kroll	Christopher		94702 Berkeley	Not Employed	Not Employed	Electronic	04/20/2026	04/23/2026	1	60.00
17.	Press	William		94709 Berkeley	Executive	Tout, Inc	Cash	04/20/2026	04/20/2026	1	10.00
18.	Lippman	Jeremy		94704 Berkeley	Not Employed	Not Employed	Electronic	04/15/2026	04/17/2026	1	60.00
19.	Simon	Donald		94705 Berkeley	Attorney	Stratagem LLP	Electronic	04/15/2026	04/17/2026	1	60.00
20.	Lewis	Lorenzo		94710 Berkeley	Not Employed	Not Employed	Electronic	04/15/2026	04/17/2026	1	10.00
21.	Funes Davidson	Evelyn		94702 Berkeley	Not employed	Not employed	Electronic	04/13/2026	04/15/2026	1	50.00
22.	Cheema	Boona		94706 Berkeley	Not Employed	Not Employed	Electronic	04/13/2026	04/15/2026	1	60.00
23.	Diehm	Erin		94703 Berkeley	Not Employed	Not Employed	Electronic	04/13/2026	04/16/2026	1	60.00
24.	Smith	Margot		94709 Berkeley	Not Employed	Not Employed	Electronic	04/12/2026	04/15/2026	1	50.00
25.	Marszalek	Bernard		94703 Berkeley	Not Employed	Not Employed	Electronic	04/11/2026	04/15/2026	1	25.00
26.	Auerbach	Elana		94709 Berkeley	Self Employed, Berkeley	Author Priestess	Check	04/07/2026	04/09/2026	1	60.00
27.	Arbaugh	Avery		94704 Berkeley	Field Organizer	ACCE Action	Electronic	03/29/2026	04/01/2026	1	60.00
28.	Baruah	Indrani		94703 Berkeley	Architect / Project Manager	Sephora	Electronic	03/29/2026	04/01/2026	1	50.00
29.	Miron	Anastasia		94708 Berkeley	Professor	UC BERKELEY	Electronic	03/28/2026	04/01/2026	1	25.00
30.	Schuman	Jeanne		94702 Berkeley	Unemployed	Unemployed	Electronic	03/25/2026	03/27/2026	1	60.00
31.	OBrien	Timothy		94703 Berkeley	Private Investigator	Self Employed	Electronic	03/24/2026	03/26/2026	1	60.00
32.	Parsons	Lauren		94710 Berkeley	Unemployed	Unemployed	Electronic	03/24/2026	03/26/2026	1	60.00
33.	Siegal	Meryl		94702 Berkeley	Unemployed	Unemployed	Electronic	03/19/2026	03/23/2026	1	60.00
34.	Cole	Jennifer		94710 Berkeley	Artist	Self Employed	Electronic	03/14/2026	03/18/2026	1	20.00
35.	Goldstein	Neil		94702 Berkeley	Unemployed	Unemployed	Electronic	03/11/2026	03/13/2026	1	50.00
36.	Harrison	Kathryn		94709 Berkeley	Business Owner	Self	Electronic	03/03/2026	03/05/2026	1	60.00
										Subtotals	1,010.00

ITEM NO. 19

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
Alpert	Soli		94709 Berkeley	Chair of Red Board	City of Berkeley	Electronic	02/27/2026	03/03/2026	1	60.00	
										Subtotals	60.00
										Grand Totals	1,684.99

1,684.99

X6

10,109.94

Ineligibility Codes (if any)**DUP - Duplicate Contribution****ECL - Exceeds Cash Limit****EMD - Exceeds Max Donation****INSUF - Insufficient Documentation****MAX - Reached Maximum Amount Permitted****NRES - Non-Berkeley Resident****SIG - Electronic/No Signature**