

Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

June 19, 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 May 15, 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. Public financing matching funds disbursement process; discussion and possible action.
10. Report and discussion from subcommittee on review and possible revision of Procedures for the Fair Campaign Practices Commission; discussion and possible action.
11. FCPC Work Plan for FY2025-26; discussion and possible action,

Open Government Commission (OGC) Agenda

12. Reports.
 - a. Report from Chair
 - b. Report from Staff
13. Publicizing commission work and vacancies, information about commissions on the web; discussion and possible action.
14. Referral of non-filing quarterly lobbying reports: Yuri Sadiki-Torres; discussion and possible action.
15. Lobbyist Registration Act processes and administration; report from ad hoc subcommittee; discussion and possible action.
16. City Council Rules of Procedure and Order; discussion and possible action.

17. Progress in providing remote access to Commission and Board meetings; discussion and possible action.
18. OGC Work Plan for FY2025-26; discussion and possible action.
19. 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

May 15, 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: Karen Bowen, Janis Ching, Emmanuelle Soichet, Rithwik Sudharsan, Andrew Lazarus, Kitt Saginor

Also present: Sam Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:31 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: Bowen, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Lee; Soichet; Sudharsan)

5. **Public Comment**

No speakers.

6. **Approval of minutes for April 17, 2025 FCPC-OGC Regular Meeting**

- i. Public comment: none.
- ii. Commission discussion and action:

Motion to correct minutes to place Item 7 Reports within the FCPC Agenda and approve corrected minutes (M/S/C: Saginor/Ching; Ayes: Ching, Sudharsan, Lazarus, Saginor; Noes: none; Abstain: Bowen; Absent: Lee; Soichet)

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**

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

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

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

Motion to request that the Secretary request the City Clerk to provide an update on any changes to the public financing matching funds disbursement process undertaken based on our discussion at the April 17th meeting (M/S/C: Ching/Bowen; Ayes: Bowen, Ching, Soichet, Sudharsan, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Lee; Soichet)

Motion to empanel an ad hoc committee to discuss possible changes for increased efficiency and accuracy for the public financing matching funds disbursement process (M/S/C: Sudharsan/Bowen; Ayes: Bowen, Ching, Sudharsan, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Lee; Soichet)

Chair Saginor appointed Commissioners: Bowen and Sudharsan.

10. **Report and discussion from subcommittee on review and possible revision of Procedures for the Fair Campaign Practices Commission**

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

Open Government Commission (OGC) Agenda

11. **Reports**

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

12. **Publicizing commission work and vacancies, information about commissions on the web**

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

13. **Referral of non-filing quarterly lobbying reports: Yuri Sadiki-Torres**

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

14. **Lobbyist Registration Forms and Procedures**

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

Motion to empanel an ad hoc committee to discuss possible modernization of the lobbyist registration process including online payment and digital signatures. (M/S/C: Sudharsan/Bowen; Ayes: Bowen, Ching, Soichet, Sudharsan, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Lee)

Chair Saginor appointed Commissioners: Bowen and Sudharsan.

15. **City Council Rules of Procedure and Order**

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

16. **Progress in providing remote access to Commission and Board meetings**

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

Joint FCPC-OGC Calendar

17. **FCPC and OGC FY2025-26 work plans**

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

FCPC / OGC Agenda
May 15, 2025
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18. **Adjournment**

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

The meeting adjourned at 8:10 p..m.

PROCEDURES
for the
FAIR CAMPAIGN PRACTICES COMMISSION

Discussion draft with redline revisions June 2025

July 1998
(Revised July 2014)

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Fair Campaign Practices Commission Procedures

Note: The terms used in these procedures shall have the same meaning as in the Berkeley Election Reform Act of 1974, as amended (hereafter cited as BERA) to the extent they appear in that ordinance.

I. Meetings

A. Regular Meetings

1. A regular meeting of the Commission shall be held on the third Thursday of each month beginning at ~~6:30~~7:00 p.m. By majority vote, the Commission may change the date on which a given regular meeting will take place and may schedule regular meetings more or less frequently than once each month.
2. The agenda for each regular meeting shall be established by the Chairperson. Any commissioner may propose to the Commission matters for a future agenda. For matters of a time sensitive nature, a commissioner may submit a request to the Chairperson (through the Secretary) to add an item to the next agenda. For good cause, a majority of the Commission may delete matters from the agenda.
3. When the Chairperson, in consultation with the Secretary, determines that there is presently no business requiring Commission action, ~~they~~ *they* ~~he or she~~ may cancel the next regular meeting.

B. Special Meetings

The Chairperson or a majority of commissioners may call a special meeting to occur at any time other than a regular meeting, consistent with the Brown Act. Notice of at least 24 hours must be provided to all commissioners and, to the extent required by law and these procedures, to the public and the press. Only matters contained in the meeting notice may be considered.

C. Executive Session

The Commission may meet in closed session to consider such matters as the law allows. Closed sessions shall generally be scheduled to occur immediately following regular meetings.

D. Meetings in General

1. Unless otherwise specified in these procedures, conduct of all City of

Berkeley Commissioners' *and Board Member's* Manual (current ed.) and, where that document is silent, the current edition of Robert's Rules of Order.

2. Public participation in all Commission meetings is encouraged. Public comment shall be held in compliance with the Brown Act and the Commissioners' *and Board Members* Manual.
 - a. *Public comment-non-agenda items*: At the beginning of each meeting, there will be a public comment period of two minutes per speaker during which members of the public may speak on items within the Commission's jurisdiction but that are not on the agenda. If there *are* more than five speakers on matters not on the agenda, the Chairperson, prior to opening public comment, may limit public comment for all speakers to one minute per speaker.
 - b. *Public comment- agenda items*: The Commission will take public comment on items that are on the agenda prior to or during the Commission's consideration of each item. The time for public comment shall generally be two minutes per speaker. If there *are* more than ten speakers on an issue, the Chairperson, prior to public comment on the agenda item, may limit public comment for all speakers to one minute per speaker.
 - c. When the Commission is considering an investigative report stemming from a Complaint or initiated by the Secretary, the Complainant, if any, and Respondent will each be given up to five minutes to speak to the Commission.
3. The Secretary shall cancel any meeting *when there is* ~~where he or she has~~ good cause to believe that a quorum will not be present, and shall attempt to notify commissioners and all others previously given notice of that meeting of its cancellation. The Secretary shall also post a cancellation notice. In consultation with the Chairperson, the Secretary may also cancel a regular meeting if there are no items of new or old business before the Commission.

II. Organization and Responsibilities

A. Officers

1. The Commission shall elect a Chairperson and a Vice Chairperson annually at its regular meeting in February. If the Commission does not hold a February meeting, the election shall take place at the first regular meeting thereafter. After receiving written notice of resignation from an officer, the Commission shall promptly elect a successor to serve the balance of that

- officer's term.
2. The Chairperson shall perform the following duties in addition to any other duties which are necessary or customary to this office:
 - a. Preside at all Commission meetings;
 - b. Appoint *ad hoc* committees and chairpersons of *ad hoc* committees;
 - c. Approve the agenda prior to distribution;
 - d. Sign authorized correspondence on behalf of the Commission or, unless expressly prohibited, delegate such responsibility to the Secretary;
 - e. Administer oaths and affirmations to persons testifying before the Commission;
 - f. Provide guidance to the Secretary regarding staff execution of the Commission's business, including, but not limited to, investigation of possible violations of BERA, review of campaign statements and audits of candidates and committees;
 - g. Represent the Commission in dealings with the City Manager, the City Attorney, and other City staff regarding administrative and budgetary matters and the execution of enforcement activities authorized by the Commission;
 - h. Represent the Commission before the City Council on matters authorized by the Commission. No prior authorization is required for budgetary matters consistent with prior Commission action:
 - i. Exercise the authority of the Commission with regard to administrative matters on which prompt action must be taken prior to the next scheduled meeting, provided that (1) the Chairperson shall report fully each action taken pursuant to this authorization at the next meeting and (2) this authority shall not include the power to dismiss a complaint, to make any finding of probable cause or violation, to demand records under BERA Section 2.12.250(d) or to seek judicial relief or remedies on behalf of the Commission.
 3. In the event of absence of the Chairperson from a meeting or ~~their~~ ~~his or her~~ inability to conduct other duties of that office, the Vice Chairperson shall assume the duties of the Chairperson for the duration of such absence or inability. If both officers should be absent or unable to conduct other duties of the Chairperson, the commissions shall elect one of their members to act as Chairperson pro tem for the duration of such absence or inability.

B. Commissioners

1. Commissioner Attendance/Termination for Absences

- a. Leaves of Absence. The appointing official, or his or successor, may grant a commissioner a leave of absence for up to three months.
- b. Automatic Termination of Appointment for Excessive Absenteeism. Because the Fair Campaign Practices Commission was created as a result of an initiative ordinance adopted by the voters, members of this commission are exempt from the automatic termination provision of BMC Section 3.02.020. However, through the adoption of these Procedures, the Commission agrees that a commissioner's appointment shall be terminated upon ~~his or her~~ *their* unexcused absence from three consecutive regular meetings of the Commission. Absences during an approved leave of absence are considered excused and thus do not count toward the three consecutive absences.
- c. Notice of Absenteeism. If the commissioner's absence from the next meeting will result in termination, the secretary shall so advise that commissioner.

2. Other Grounds for Termination

The following are additional reasons that a commissioner shall be terminated from the Commission:

- a. The non-filing of required Conflict of Interest Disclosure Statements;
- b. Failure to take the Oath of Office within thirty days of the date of the appointment letter; and
- c. Failure to meet the qualifications for membership pursuant to Section 2.12.195 of the Berkeley Election Reform Act.

3. Reappointment

Section 2.12.175 states "Each member of the commission shall serve for the same term as the councilmember appointing them. Members of the commission may not be reappointed by the same councilmember....A member whose term has expired shall serve until his or her successor is appointed." Based on this provision, a commissioner can continue to serve once appointed for the full term of the appointing Councilmember, and cannot be removed by the Councilmember who appointed him or her. If a new Councilmember is elected, that

Councilmember may immediately replace the commissioner, or allow the existing commissioner to continue to serve until a new commissioner is appointed. Pursuant to Section 2.12.175, a terminated commissioner cannot be reappointed by the same Councilmember. This does not preclude a commissioner's reappointment by a different Councilmember for an open seat on the Commission. This means that upon termination for the reasons set forth above, a commissioner cannot be reappointed by his or her appointing Councilmember.

4. Resignation

A Commissioner wishing to resign shall submit a letter of resignation to the City Clerk, the appointing Councilmember and the Commission Secretary. Once submitted to the City Clerk, a letter of resignation cannot be withdrawn.

C. Commission Staff

1. The Secretary of the Commission means the employee of the City designated by the City Manager to act in this capacity:
2. The duties of the Secretary are as follows:
 - a. Assist the Commission in the discharge of its responsibilities, including providing the Commission with advice and recommendations concerning possible violations, enforcement options, procedures and regulations;
 - b. Attend all Commission meetings and, to the extent feasible, meetings of ad hoc subcommittees;
 - c. Obtain and maintain minutes of meetings and records of proceedings, including hearings, and official actions, and all other records and documents relevant to the duties of the Commission;
 - d. Prepare and distribute Commission correspondence and reports, including materials for meetings;
 - e. Notify commissioners of meetings and prepare the agenda as approved by the Chairperson;
 - f. Report on attendance of each commissioner to the City Clerk;
 - g. Provide technical assistance and informal advice to actual or potential candidates and committees active in Berkeley;
 - h. Review each campaign statement filed or required to be filed pursuant to BERA for adherence to the law and Commission regulations and request

amendments to correct apparent violations or deficiencies; process all complaints alleging violations of BERA according to procedures below at section IV and report to the Commission all significant possible violations as provided by these procedures;

- i. Perform or supervise investigations, including audits of possible violations of BERA as provided by these procedures or specifically requested by the Commission, and provide thorough reports to the Commission of the results;
 - j. To the extent authorized by the City Manager or the City Attorney, represent the Commission in civil or criminal proceedings it has instituted pursuant to BERA, and in dealings with judicial or other governmental officials;
 - k. Preserve strict confidentiality with regard to details and documents concerning any matter under investigation for potential violation of law or regulation until it can be fully reported to the Commission and affected parties, or unless it is required to be disclosed pursuant to the California Public Records Act. (All campaign statements and reports, as well as correspondence concerning amendments to such documents, are public records and are not confidential.)
3. Other Commission Staff. Unless otherwise prohibited, the Secretary may delegate to other City staff any matter or duty for which *they are* ~~he or she is~~ responsible.

III. Request for Advice and Opinions

A. Requests for Advice

1. Any person may informally request advice from the Commission regarding his or her duties and responsibilities under BERA. Such requests shall present all relevant facts as concisely as possible and shall state the question or questions based on the facts.
2. The Secretary shall provide advice orally *or through electronic communication* if the matter is routine or does not require substantial interpretation of the ordinance.
3. If a request for advice is complex or requires interpretation of the ordinance in an area where there is not a regulation or clear Commission policy, the Secretary shall consult with the Chairperson and may seek the advice of the City Attorney prior to giving any advice, which shall be made in writing. The Secretary may also decide that the matter must be handled only

through the formal opinion process.

4. In any proceeding before the Commission, a candidate or committee may present evidence of advice rendered to it only if that entity and its representative(s) were identified to the Secretary at the time the advice was requested. Advice of the Secretary does not constitute an opinion of the Commission issued pursuant to BERA Section 2.12.220 or a declaration of policy by the Commission, but shall be evidence of good faith conduct in any Commission, civil, or criminal proceeding if the request for advice disclosed truthfully all the material facts, and the requestor acted in reliance on such advice.

B. Requests for Opinions

1. Opinion requests shall present all material facts as concisely as possible and shall state the question or questions based on the facts. They shall be *submitted in writing and* signed by the person requesting the opinion and shall indicate which candidate or organization such person is representing. The good faith reliance protection granted under BERA Section 2.12.220 shall extend only to those persons identified in the request, and only if the request for advice disclosed truthfully all the material facts and the requestor acted in reliance on such advice.
2. *At least annually, the Commission shall publish opinions provided in response to requests by adding them to a document connected to the Commission's web site.*

IV. Review of Campaign Reports and Statements

A. Detailed Review and Monitoring

1. The Secretary shall monitor campaign statements for compliance with *BERA* Section 2.12.440 ~~of BERA~~.
2. The Secretary shall monitor campaign statements for compliance with BERA Section 2.12.415 regarding transfers between committees and cumulative contributions.
3. The Secretary shall monitor compliance with the late reporting requirement of *BERA* Sections 2.12.295 and 2.12.297.
4. The Secretary shall review all campaign communications which have been filed with the City Clerk to assure that candidates and committees are complying with the requirements of BERA, including but not limited to 2.12.297, 2.12.325, and 2.12.330.

~~B. Substantial Compliance~~

- ~~1. A campaign statement is not in substantial compliance with BERA if there is:

 - ~~a. Any internal discrepancies in reporting contributions, expenditures, or cash balance which total \$250 or more;~~
 - ~~b. Any discrepancy of \$250 or more between the cash position or total contributions and expenditures reported and those reported in prior~~
 - ~~c. Any omission of the address and date of receipt of any single or aggregate contribution of \$100 or more from a single source;~~
 - ~~d. Any omission of any required original signature by the treasurer or by any candidate, including one who controls a committee; or~~
 - ~~e. Any gap in periods of time covered by successive campaign statements, or statements in which the period covered is not in conformance with the law.~~~~

~~B. C. Reports of Possible Violations~~

- ~~2. The Secretary shall report as soon as feasible all possible violations of BERA to the Commission, along with a written preliminary investigative report if the matter involves complex factual or legal issues.~~

V. Complaints of Alleged ViolationsA. Filing Requirements

1. Any person who believes that a violation of any portion of this ordinance has occurred or is about to occur may file a complaint with the Secretary. Each complaint shall:
 - a. State the full name and address of the complainant;
 - b. Allege who has committed or is about to commit a violation;
 - c. Clearly, concisely and accurately state the facts which constitute the violation;
 - d. Be accompanied by any documentation supporting the facts alleged. Statements which are not based upon personal knowledge should identify the source of information which gives rise to the complainant's belief in

the truth of such statements; and

- e. Be signed by the complainant under penalty of perjury.
2. Complaints which are not signed under penalty of perjury or which do not meet the standards for completeness described above shall be returned to the complainant and shall not be deemed received until such a declaration is made or the complaint is amended to be complete.
3. ~~The Secretary may investigate the facts surrounding such a complaint or any oral complaint which he or she receives if it provides reasonable cause to believe a violation has occurred or will occur. Any evidence of violation discovered in such investigation shall be reported to the Commission at its next meeting.~~
4. ~~The Secretary may conduct an initial review of the complaint to ascertain whether the complaint alleges a violation of BERA or instead falls outside of the Commission's purview. If the Secretary believes the complaint to fall outside of the Commission's purview, the complaint shall be presented as an information item to the Commission, and will only be referred back to the Secretary for investigation if the Commission determines, by a vote of a majority of appointed members, that the complaint falls within the Commission's purview.~~

The Secretary shall conduct an initial review of the complaint to ascertain whether the complaint alleges a violation of BERA or instead falls outside of the Commission's purview. If the Secretary believes the complaint falls outside of the Commission's purview, the complaint shall be presented to the Commission with a recommendation to take no action. The Secretary shall provide notice to the complainant and the respondent that the item will appear on the agenda no later than the date the agenda is posted. The item will only be referred back to the Secretary for investigation if the Commission determines, by a vote of the majority of appointed members, that the complaint falls within the Commission's purview.

B. Processing of Complaints

1. ~~For purposes of the seven day requirement for Commission response, a complaint shall not be deemed received by the Commission until the first regular Commission meeting following the Secretary's receipt of the complaint, provided that it is received in time to provide copies to the Commission and to the subject of the complaint (respondent) prior to the meeting, and to be placed on the agenda consistent with the Brown Act.~~

If the Secretary or the Commission determines that the complaint alleges

a violation of BERA, the Secretary shall provide notice to the respondent(s) and instruct them that they may submit a response, including any evidence demonstrating that a violation has not occurred, within 14 days, unless the Secretary or Commission determine that there is clear and convincing evidence that a violation has or will occur and there is a need for immediate action to protect the public interest.

After 14 days have passed, or sooner, if immediate action is required, the Secretary shall determine whether, based on the complaint, any response, and the evidence presented, there is reasonable cause to believe a violation has occurred or will occur. The Secretary shall present the determination to the Commission at its next meeting following the Secretary's determination.

2. ~~At the first regular Commission meeting following the Secretary's verification that the complaint meets the above-specified filing requirements, the Commission shall decide: (a) whether to direct the Secretary to investigate the complaint, to the extent the Secretary has not already done so; (b) whether to dismiss the complaint; or (c) whether to find probable cause to believe a provision of the BERA has been violated.~~

At its next meeting, the Commission shall decide: (a) whether to direct the Secretary to investigate the complaint, (b) whether to dismiss the complaint; or (c) whether to find probable cause to believe a provision of the BERA has been violated. Within three business days of the meeting, the Commission Secretary shall notify the parties of any action taken by the Commission.

- a. ~~If the Commission dismisses the complaint, the Secretary shall notify the complainant, and the complainant may then take any other action as provided in the BERA.~~

If the Commission dismisses the complaint, the complainant may submit in writing, within 20 days of the dismissal, a request for reconsideration to the Secretary. The Secretary may deny the request, or based on good cause, take specified action consistent with BERA and its regulations. The Secretary will provide the complainant written notice of the decision within 20 days of receipt of the reconsideration submission. However, if the complainant provides new information or allegations in the request for reconsideration, this will be considered a new complaint and not a request for reconsideration.

- b. ~~If the Commission decides to investigate the complaint, to the extent not already done so by the Secretary, the Secretary shall investigate the complaint to the extent feasible as authorized by these procedures and to~~

make inquiry of the parties to establish facts and to make a report to the Commission at its next meeting. Notice of the date the complaint will be considered, along with a copy of the complaint and pertinent portions of Commission procedures shall be transmitted to the subject of the complaint as soon as possible. The complainant shall also receive a notice of the date the matter has been scheduled along with a copy of pertinent portions of Commission procedures.

- c. The Commission shall not make a finding of probable cause except as provided in Parts *VI.A and VI.B*. ~~VI (A) and (B)~~.
3. Consideration of the complaint by the Commission shall proceed according to Parts VI and VII.
4. Upon conclusion of its consideration of the complaint, the Commission shall decide what further actions it intends to take, if any, and shall inform the *parties* ~~complainant~~ of the reasons for its decision.

C. Restrictions on Investigation/Consideration by Individual Commissioners

1. Individual commissioners shall not receive complaints. Individual commissioners may not investigate complaints or discuss pending complaints with persons other than commissioners during a noticed meeting, or the Secretary.
2. Each commissioner has an obligation, as to every item before the Commission, to consider whether *they have* ~~he or she has~~ a financial conflict of interest as defined by law or a political conflict of interest as set forth in Section 2.12.196, and if a conflict exists, to recuse himself or herself from participating in the item.
3. Any commissioner absent from a meeting where substantial information is presented in connection with a complaint shall disqualify *themselves* ~~himself or herself~~ from voting on the merits of the complaint at a subsequent meeting, unless *they have* ~~he or she has~~ reviewed all relevant information.

D. Conduct of Investigations

1. The Secretary is authorized to conduct investigations on behalf of the Commission. Investigations will be commenced either based on information discovered by the Secretary in the commission of his or her duties or based on a Complaint.
2. The Secretary may request records to which the Commission is entitled

pursuant to BERA when *they have* ~~he or she has~~ reason to believe that a violation has occurred.

3. Failure to respond to written inquiries and requests for interviews or records by reasonable deadlines established by the Secretary shall be considered evidence of bad faith and shall be cause for the Commission to demand records or to initiate an audit unless the party or parties involved come forward with an explanation satisfactory to the Commission. A deadline may be extended if sufficient progress is made toward answering inquiries and the candidate or committee agrees to fully answer questions within a time established by mutual agreement between the Secretary and the parties involved.
4. If the Secretary has been unable to obtain voluntary access to such documents which the Secretary reasonably believes to be relevant to the investigation and/or the Commission's proceedings, then, upon majority vote, the Commission may issue a demand for campaign records pursuant to *BERA* Section 2.12.250.E(e) ~~of BERA~~.
5. The Secretary may request, and the Chairperson may appoint from time to time an investigative committee to assist the Secretary in carrying out an investigation, auditing financial records, and preparing a report with specific recommendations to the Commission. In such cases, members of the investigative committee shall be bound by the same rules of confidentiality as the Secretary.
6. The Secretary shall present a written investigative report to the full Commission at the earliest opportunity. An investigative report shall include the following information: a description of alleged violation(s); the identification of the respondent(s); *summary of any response submitted by the respondent(s)*; summary of evidence; discussion of applicable law and precedents from FCPC and, to the extent applicable, FPPC and FEC; statement by respondent(s) or other affected parties; any aggravating or mitigating circumstances; and recommendation for action.

VI. Disposition of Alleged Violations

A. Report by Secretary

1. The Secretary shall submit a memorandum outlining the Secretary's investigation before any probable cause determination or violation hearing.
2. Whenever a person files a complaint with the Commission alleging a violation of BERA, in addition to the above, the Secretary's report shall

include a copy of that complaint, *any response submitted by the respondent(s)*, an analysis of *the complaint's* merits, and an analysis of the harm done by the alleged violation.

B. Proceeding After Presentation of Secretary's Report

1. The Commission may dismiss the matter (by majority vote) and proceed no further if evidence of any violation is insufficient or unreliable or 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.
2. The Commission may determine that probable cause exists to believe that the BERA has been violated. Probable cause exists when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred.
3. *The Commission shall inform the parties of each action taken in regard to the complaint.*

C. Proceeding after a Determination of Probable Cause

1. Upon making a determination of probable cause, the Commission shall consider what course of action to take. When deciding upon appropriate action, the Commission may take into consideration:
 - a. Its policies, procedures, regulations, and past actions in similar situations.
 - b. The amount of experience of the candidate, if any, and treasurer in campaign reporting, the history or absence of other campaign violations, and the degree to which these persons made good faith efforts to correct any relevant reporting deficiencies.
 - c. The presence, if any, of an apparent intent to conceal, deceive or mislead.
 - d. Whether the probable violation appears deliberate, negligent or inadvertent.
 - e. The effect of the probable violation upon the election or upon the administration of BERA
2. The Commission may take any of the following courses of action:
 - a. Dismiss the complaint, where appropriate, and take no further action.

- b. Request the Secretary conduct further investigation, including an audit of campaign records;
 - c. Require the timely filing of campaign statements and/or amendments to campaign statements if the probable violation involves an error and/or an omission on a campaign statement that has been filed, or if it involves the failure to file a campaign statement as required;
 - d. Invite the respondents to participate in settlement negotiations. The Commission may request that the Secretary participate in negotiations on behalf of the Commission. Alternatively, the Chairperson may appoint a negotiating committee, which shall be guided by the Commission regarding the desired outcome of the settlement. Any settlement reached by the Secretary or negotiating committee and respondent(s) shall be presented to the commission for approval. Negotiations between the designated negotiator or negotiating committee and the respondent shall be confidential. Only the negotiated draft settlement agreement, or the fact of an impasse, shall be shared with the Commission.
 - e. Schedule and conduct a hearing pursuant to *BERA* Section 2.12.230 of ~~BERA~~. The hearing shall be conducted in accordance with Part VII below after the Secretary has completed his or her report. However, the hearing must be conducted within a reasonable time after a determination of probable cause.
 - f. Ask the City Attorney or the District Attorney to seek legal remedies.
 - g. Seek any other remedy within its authority.
3. After making a probable cause determination, the Commission shall promptly inform the parties of the determination and of the course(s) of action it intends to pursue.

VII. Hearings

A. Parties

1. The parties to any hearing are (a) the Secretary or *their* ~~his or her~~ designee, and (b) the candidate(s), committee(s) and other persons who are the alleged violators of BERA (respondents).
2. Each candidate or committee who is a party shall be represented by its treasurer or assistant treasurer or the committee's attorney of record.

B. Scheduling and Notices

1. All hearings shall be scheduled by the Chairperson in consultation with the Secretary. The Chairperson may, if requested by a party, reschedule such a hearing upon a showing of good cause.
2. The Secretary shall provide notice of the hearing to all parties *electronically and also* either by deposit in the U.S. Mail or delivery to that party's representative or to the address of that party's representative on file with the Commission.
3. Before the Commission undertakes a hearing it shall provide each party with reasonable notice. Reasonable notice shall be considered fourteen (14) calendar days, unless a finding of probable cause is made within the four (4) weeks prior to an election, in which case seventy-two (72) hours notice will be sufficient.

C. Rules Regarding Written and Oral Submissions

1. Memoranda of argument and authorities may be submitted before the hearing by any party. The submitting party shall furnish copies to the Commission and to all other parties. Memoranda may be up to 15 pages. For good cause, the Chairperson may extend these limits.
2. Evidence, oral and documentary, may be presented to the Commission. The formal rules of evidence do not apply. All testimony offered shall be under oath. The Chair shall administer the oath or affirmation.

Any party or commissioner, including the Chairperson, may challenge the admissibility of evidence offered to the Commission at the time it is offered. The Chairperson shall rule on its admissibility, subject to being overruled by a majority of the Commission.

D. Conduct of Hearing

1. All hearings shall be audio recorded by the Secretary.
2. Order of presentation:
 - a. Secretary;
 - b. Each respondent; and
 - c. Questions by commissioners.

3. The hearing may be continued upon a majority vote of the Commission.

E. Commission Deliberations

1. Following the hearing, the Commission shall deliberate and decide whether a violation has occurred.
2. A commissioner who has not been present at the hearing in regard to the alleged violation(s) shall not take any part in any deliberations in such proceedings.

F. Remedies

Upon making a finding of violation or willful violation, the Commission shall determine what remedy should be pursued. The Commission shall consider the factors set forth in *FCPC Regulation R2.12.555 Part VI, Section C.1.* above and may pursue the following remedies:

1. A stipulated agreement between itself and the party or parties found to have violated BERA. A stipulated agreement may include any of the following provisions:
 - a. The history of Commission activity regarding the matter and a statement of violation.
 - b. An admission of violation by the party or parties.
 - c. A monetary penalty to be paid to the City's General Fund.
 - d. A promise by the violating party or parties to comply with BERA.
 - e. Any other terms or conditions within the scope of the Commission's power (for example, nonmonetary settlement terms, such as attending a treasurer training, agreement to file or amend statements).
2. A monetary penalty.
 - a. The Commission may seek a monetary penalty pursuant to *BERA* Section 2.12.231 or *BERA* Section 2.12.435 of *BERA*.
 - b. If the candidate or committee found to have violated BERA may have similarly violated the California Political Reform Act of 1974 as amended, the Commission may recommend that the City seek monetary penalties as prescribed in the Political Reform Act, on behalf of the State.

3. Seek authorization from the City Council to file an action at law or equity to enforce and compel compliance with the provisions of the BERA.
4. Referral of willful violations to the District Attorney for criminal prosecution under *BERA* Section 2.12.460 ~~of BERA~~.
5. A written press release setting forth the Commission's finding of violation.

G. Reconsideration

Within 60 days of any final Commission action (dismissing or suspending a matter, approving a stipulated agreement, initiating legal proceedings or otherwise concluding all deliberations and decisions) a party may request the Commission to reconsider its action by reopening the evidentiary phase of the proceedings. The only ground for reconsideration is an offer of admissible evidence capable of affecting the outcome of Commission action, provided that the requesting party also shows good cause why such evidence could not have been presented earlier.

VIII. Communications with City Council

A. Periodic Reports

Periodic reports to Council, other than those accompanying proposed ordinance amendments, shall be submitted in accordance with the City Council agenda process in the Commissioners' and Board Members' Manual. Proposed Ordinance amendments must be submitted to Council in compliance with Berkeley Municipal Code Section 2.12.051.

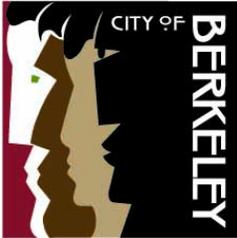
B. Spokesperson for Commission

The Chairperson shall speak on behalf of the Commission or shall direct the preparation of written memoranda, correspondence and reports for the Commission. The Chairperson may delegate this responsibility to other Commissioner(s), to the Secretary, or to *an ad hoc committee* ~~a subcommittee~~ of the Commission as circumstances dictate.

IX. Communications With The Press

- A. Notice of meeting and agendas shall be sent to media. Minutes shall be sent out to media or other persons upon request.
- B. Copies of written press releases authorized by the Commission on various matters shall be sent to the City Manager's office pursuant to the Commissioners' and

Board Members' Manual.



Fair Campaign Practices Commission

To: Fair Campaign Practices Commission

From: Sam Harvey, Secretary

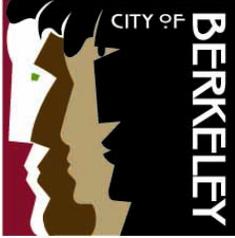
Subject: Fair Campaign Practices Commission FY2025-2026 Work Plan

City boards and commissions are required to update their work plans at the start of each fiscal year (July 1 – June 30). Work plans are then submitted to the City Council as information items.

Commission work plans should contain the commission’s mission statement, goals, resources, activities, outputs, and desired outcomes. The work plan should also specify how and when the commission plans to accomplish its objectives (by specifying outcomes) during the fiscal year. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal.

The work plan is not binding on a commission, but rather serves as a guiding document for the commission’s work and as a means of communicating to the City Council about the commission’s plans and goals.

Attached is a template for the Commission’s FY2025-26 work plan based on items included in the Commission’s previous work plans and recent items discussed by the Commission. Staff recommend that the Commission review the attached work plan, revise as desired, and approve for submission to the City Council.



Fair Campaign Practices Commission

INFORMATION CALENDAR
XXXXXX XX, 2025

To: Honorable Mayor and Members of the City Council

From: Fair Campaign Practices Commission

Submitted by: Sam Harvey, Secretary, Fair Campaign Practices Commission

Subject: Fair Campaign Practices Commission FY2025-2026 Work Plan

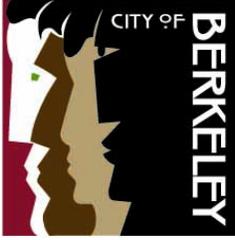
INTRODUCTION

The Fair campaign Practices Commission (FCPC) has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes:

- Ongoing compliance review of campaign statements
- Ongoing review of alleged violations of the Berkeley Election Reform Act (BERA) (BMC Ch. 2.12)
- Receiving trainings on various topics including due process, complaint hearings processes, the Brown Act, conflicts of interest, BERA and campaign reporting obligations, and legislative vs. quasi-judicial roles of the Commission
- Identifying issues, monitoring trends and collecting data related to campaign fundraising and contribution limits
- Analyzing and assessing the performance of the public financing system and considering improvements to the matching funds disbursement process
- Developing recommendations for removing barriers to access for candidates and improving public sharing of information by streamlining, clarifying and simplifying the City's campaign rules, regulations and procedures
- Reviewing and revising FCPC enforcement procedures
- Considering possible amendments to BERA and FCPC Regulations to provide clarity and improve oversight of City campaigns

CURRENT SITUATION AND ITS EFFECTS

At the regular meeting on June 19, 2025, the Fair Campaign Practices Commission approved the FY2025-2026 Work Plan, which will be used to guide the Commission's work throughout the fiscal year.



Fair Campaign Practices Commission

Action:

Vote:

BACKGROUND

See attached Work Plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental or climate impacts or opportunities were identified as a result of this recommendation.

POSSIBLE FUTURE ACTION

Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

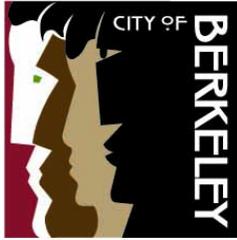
Unknown, but none expected.

CONTACT PERSON

Samuel Harvey, Commission Secretary (510) 981-6998

Kitt Saginor, Chair (510) 981-6998

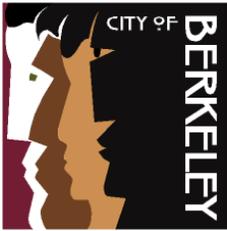
Attachment: 1: Fair Campaign Practices Commission Work Plan



Fair Campaign Practices Commission

**Work Plan for FY2025-2026 (July 1, 2025- June 30, 2026)
Approved June 19, 2025**

- Ongoing compliance review of campaign statements.
- Ongoing review of alleged violations of the Berkeley Election Reform Act (“BERA”)
- Receive trainings on the following topics, with the goal of completing trainings by the end of Q1 2026:
 - Due process and complaint hearings processes
 - Brown Act
 - Conflicts of interest
 - BERA and other campaign reporting obligations
 - Legislative vs. quasi-judicial roles of the Commission
- Identify issues, monitor trends and collect data related to campaign fundraising and contribution limits
- Analyze and assess the performance of the City’s campaign public financing system and consider improvements to the matching funds disbursement process
- Develop recommendations for removing barriers to access for candidates and improving how candidates and the public share information by streamlining, clarifying and simplifying the City’s campaign rules, regulations and procedures
- Review and revise FCPC enforcement procedures
- Consider possible amendments to BERA and FCPC Regulations to provide clarity and improve oversight of City campaigns



City Clerk Department

Date: November 18, 2024
 To: Sam Harvey, Secretary, Open Government Commission
 From: Mark Numainville, City Clerk
 Subject: Referral of Non-Filing by Quarterly Lobbyist Filer

The Lobbyist Registration Act requires certain local government lobbyists to file quarterly disclosures of lobbying activity with the City Clerk Department. The following lobbyist has not filed for the January 1 – March 31, 2024, April 1 – June 30, 2024 and July 1 – September 30, 2024 reporting periods:

Lobbyist Filer	Employer
Yuri Sadiki-Torres	Northern California Land Trust (NCLT)

Notice of the filing requirement for the reporting period was sent to quarterly lobbyist filers by the City Clerk Department on April 16, 2024, July 22, 2024 and October 18, 2024. Past due notices were sent on June 4, 2024, August 21, 2024 and November 13, 2024.

Lobbyists are required to file a final disclosure form and registration form indicating that all lobbying activities have terminated. Berkeley Municipal Code § 2.09.120 states that in the case of an in-house local government lobbyist, the lobbyist employer or agent thereof, may complete and file the required forms.

My office recommends referral of these matters to the Open Government Commission for consideration of: 1) Whether or not the failure to file quarterly disclosure report and terminating registration report is a violation of the Lobbyist Registration Act; and 2) Appropriate enforcement action as determined by the Commission.

Open Government Commission

April 17, 2025 Regular Meeting

Commissioner Sudharsan

Lobbyist Registration Act Processes and Administration - Discussion of a potential recommendation to the City Clerk or Council on changing some or all Lobbyist registration forms to Netfile.

Reasons:

- (1) accessibility for those lobbyists who are not easily able to physically reach the city hall
- (2) long-term reduction of manual work for the city clerk in transcribing each form
- (3) greatly increased transparency for the public, due to being able to search through forms -- rather than having to download them all, run a computer program to read the text, and then search through them

In the spirit of transparency, the searchability and ease of access of lobbyist registrations is essential. This includes the ability to search lobbyist registrations by name, company, etc, and especially the Quarterly/Annual disclosure form outlining specific lobbyist efforts. This includes access to all forms outlined in Chapter 2.09 BMC, Lobbyist Registration and Regulations.

When using Netfile for all data, the public can easily download an entire spreadsheet containing all information. Currently, the downloadable "spreadsheet" contains very little information, and individual PDF's must be downloaded per Lobbyist. As a note, I got this as a tip from an associate director at the Berkeley Human Rights Center, which is partially a journalism institution.

While we could certainly consider another digital platform, that might take a lot longer. The above opinions may be a recommendation to the City Clerk or Council.

Related question: what other forms are not digitized at the moment: potentially creating additional work for the clerk, lack of accessibility for submitters to easily submit documents, and lack of public data access?

Date: June 11, 2025

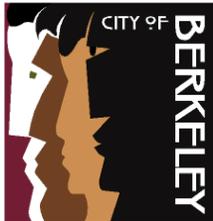
To: Open Government Commission

From: Kitt Saginor, Chair

Subject: DRAFT for agenda item City Council Rules of Procedure and Order

I am providing this DRAFT for a possible letter to Council for your input, discussion and decision concerning what actions we might take. If we send a letter and receive no response, we may wish to consider making a recommendation - a more formal and longer process. Below the letter, I have included a starting point for a recommendation, in case we want to discuss that as a future possibility.

DRAFT – DRAFT



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 dismayed 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 cannot 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 [July 11, 2023, Item 29] 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 and suspicions of underhanded motives. 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 which have received a negative recommendation from a policy committee on Consent. 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. [example [April 29](#), Item 19] 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.

We recommend 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)

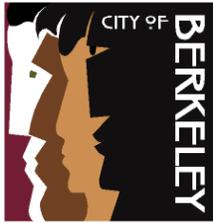
Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. ~~The Agenda & Rules Committee may agendaize 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.**

DRAFT – DRAFT



Open Government Commission

PUBLIC HEARING
XXXX XX, XXXX

To: Honorable Mayor and Members of the City Council

From: Kitt Saginor, Chair, Open Government Commission

Submitted by: Samuel Harvey, Secretary, Open Government Commission

Subject: Amendments to the Rules for Procedure and Order

RECOMMENDATION

City Council to review and implement the following amendments to the Rules of Procedure and Order:

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 agendaize 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]

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FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

XXXX

BACKGROUND

XXXX

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

Kitt Saginor, Chair, Open Government Commission, (415) 860-4173

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

**Open Government Commission concerns re
City Council Rules of Procedure and Order
May 15, 2025, updated June 10, 2025**

Kitt Saginor, Chair, Open Government Commission

Summary. Last year the City Council’s Agenda and Rules Policy Committee worked towards improving the City Council’s legislative process and meeting procedures. City Council adopted some changes last October, but many proposed revisions were rejected or left unresolved, including some that are of concern to the Commission. Chief among these is a practice in which items listed on the Consent Calendar may fail without being moved to the Action Calendar for discussion prior to a vote. This practice is very confusing to the public. At the beginning of this year, the Agenda and Rules Policy Committee indicated that it would continue to work on issues concerning legislative systems redesign and procedures. More recently, that Committee indicated a desire for further work to be done by an ad hoc committee. Since ad hoc committees are not subject to the Brown Act, it is not clear how or whether the Open Government Commission can be aware or supportive of this work.

Background. City Council has some long standing dissatisfactions with its systems for the advancement and consideration of its legislation and resolutions. Work towards improvement was put on hold during the COVID emergency shutdown and several new practices were adopted, including allowing public comment via zoom. When meetings were once again held in person, remote public participation continued as an option. With this change and with a backlog of items that had been deferred or impeded by the shutdown, Council meetings were running late and long, and some members of the public were discouraged or prevented from participating.

In March 2023, City Council referred concerns about public comment to the Commission. We made [Recommendations](#) concerning City Council meeting procedures on September 21, 2023. Our recommendations, with a Qualified Positive [Recommendation](#) from the Agenda and Rules Policy Committee, reached City Council on May 7th, 2024. Among the items unanimously approved by Council in May was our suggestion that *City Council Rules of Procedure and Order* be amended to add:

“If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.”

(A significant request from our Commission that was rejected would have required that the City Manager and staff provide supporting materials for their agenda items when the draft agenda is considered by the Agenda and Rules Policy Committee two weeks before a regular Council meeting.) The City Manager was directed to incorporate the changes approved by City Council on May 7th into a draft of the *City Council Rules of Procedure and Order* to bring back for formal Council approval.

During summer of 2024, the Agenda and Rules Policy Committee finalized their proposal for many additional revisions to the *City Council Rules of Procedure and Order*, including specific requirements for major items, how items are handled when the councilmember who authored them leaves office, and changes in their legislative process. A fully revised draft was considered by City Council in September, but failed to pass. After considerable discussion over several meetings, City Council approved [a new version of revisions to](#) the Rules of Procedure and Order with minimal, “technical” revisions on October 30. Now operational the [Berkeley City Council Rules of Procedure and Order](#) includes some of the recommendations from our Commission, but not the amendment that would have avoided items being failed directly from the Consent Calendar. Quite the opposite, it includes a change authored by the Agenda and Rules Committee that allows the Committee to place

an item with a negative recommendation on the Consent Calendar for the **purpose of being rejected** by the consent of the Council.

The Agenda and Rules Policy Committee undertook the task of further work towards the legislative redesign, including improving alignment with the budget, but the November elections brought a new set of members to that committee. The current membership. Mayor Ishii and Councilmembers Taplin and Humbert decided to start their considerations with an analysis of the [supplemental materials submitted at the September 24, 2024 meeting by Councilmember Kesarwani](#) related to the legislative process.

For more details on the background see *Item 14. Report on Revisions to City Council Rules of Procedure and Order, including Recommendations from the Open Government Commission* pp.57-59 in the [Open Government Commission Agenda packet](#), October 17, 20204

Current Status. At the April 21, 2025 meeting of the Agenda and Rules Policy Committee, the City Clerk summarized recent history Berkeley’s work towards legislative redesign. In sum, our legislative process is largely unchanged since 2019. The Committee discussed aspects that need improvement, including the handling of items that are simultaneously policy items and budget items, alignment for referrals with available resources to avoid approving items that can’t be accomplished, and developing a mechanism for including requests for specific areas of analysis when an item is referred to a policy committee. The Committee discussed the possibility of an ad hoc committee to continue this work. An ad hoc committee could be a more informal discussion environment, without Brown Act requirements. In public comment your Commission Chair stated that the Open Government Commission wishes to support such work and pointed out that ad hoc committees may include a non-voting public member. Two other members of the public attending the meeting suggested that the Chair of the Open Government Commission would be suitable for such an assignment. It is not clear when or whether an ad hoc committee may be created, but it appears that the Agenda and Rules Policy Committee will not continue work on these issues. The [minutes](#) for this meeting state:

7. City Council Legislative Systems Redesign, Including Strengthening the Committee System to Provide More In-Depth Review and Vetting of Major Items

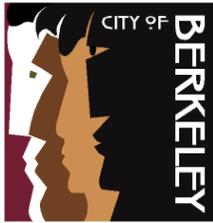
Action: 3 speakers. The City Manager and the City Clerk provided a summary of the previous legislative systems proposals and potential future avenues for addressing the subject. Discussion by the Committee. No further action required on this agenda item.

Update. The June 9th agenda of the Agenda and Rules Policy Committee included:

Unscheduled Items

7. Discussion of possible formation of a subcommittee on legislative process changes/improvements.

Unscheduled Items may be added to some future agenda. There is no time limit. At the June 9th meeting, there was no discussion on this.



Open Government Commission

PUBLIC HEARING
XXXX XX, XXXX

To: Honorable Mayor and Members of the City Council
From: Jim Hynes, Chair, Open Government Commission
Submitted by: Samuel Harvey, Secretary, Open Government Commission
Subject: Proposed Changes to Public Comment

RECOMMENDATION

City Council to review and implement suggested changes to the way public comment is given at City Council Meetings.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At the March 14 City Council meeting, the council passed a resolution to allow two periods of public comment on Action Items and voted to “Refer the suggestions regarding improvements to the meeting process to the Agenda & Rules Committee and the Open Government Commission for consideration.” The OGC reviewed the recording of this meeting, comments sent in prior to the meeting, and comments submitted by email or in person at Commission meetings and adopted the following recommendations.

Action:

Vote:

BACKGROUND

The City Council asked the Open Government Commission (OGC) to explore improvements to the way city council meetings offer opportunities for public comment. The OGC agrees with the resolution passed by City Council on March 14, 2023 that added an opportunity for public comment at the start of the Action Calendar and also maintained the opportunity to comment at the time each Action Item is discussed as this allows the public to hear comments, questions, and proposed changes from City

Councilmembers before making public comment. In addition to this change, the OGC proposes the following:

A. For immediate implementation:

Suggested Change	Intended Result
1. Continue to allow the public to participate remotely via videoconference.	Removes barriers to participation, especially for those with disabilities.
2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure zoom to permit saving of the transcription by the public.	People joining remotely can better understand what is being said.
3. Limit councilmember initial comments on action items to 5 minutes/person and enforce this rule.	Bring practice more into alignment with City Council Rules of Procedure, Sec. V, Procedural Matters, Sub. G, Debate Limited, limits debate on any item to 20 minutes.
4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.	Bring practice into alignment with City Council Rules of Procedure, Sec. IV, Conduct of Meeting, Sub. B, Consent Calendar, "It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized."
5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add "If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action."	An item that is not going to pass does not fit the plain English definition of "consent." Such items properly belong in the Action calendar where members of the public may advocate for them and where Councilmembers may discuss their views.
6. Acknowledge and verbally summarize comments received via email.	Demonstrates that the council is receptive to written correspondence and encourages more written comments that can be read ahead of time. This would require an amendment to City Council Rules of Procedure Section IV, Sub D, Written communications. (In the future, Council could consider implementing an on-line form that would automatically summarize how many comments are for and against a given item.)

ITEM NO.16 - ATTACHMENT 2

7. Use Berkeley Considers more frequently, especially for controversial issues.	Provides transparency in gauging public opinion.
8. Endeavor to inform attendees of approximate time for high interest items, e.g. "Item 32 will not be heard before 9:30."	Members of the public can determine when to join, stay, or leave in person or via zoom.
9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.	Members of the public can determine whether to stay or leave in person or via zoom.
10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.	Allow time for the public and the Committee to vet for completeness, give feedback, and schedule accordingly. Diminishes the need for multiple or late supplementals.
11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three councilmembers. by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.	Reflect and formalize current practice. Allows councilmembers to respond to public requests for further consideration of an item.

B. For further consideration and/or research:

Suggested Change	Intended Result
1. Schedule more meetings with fewer items on the agenda at each meeting	Members of the public would wait less long to speak on an item.
2. Schedule separate meetings for items that are controversial or attract especially high public interest.	Avoid running overtime or having to continue long items.
3. Have separate meetings for city department reports and/or informational items that will take longer than 20 minutes.	Agenda items at these meetings would be at a prescribed time.
4. Limit to 20 minutes any city department reports included within a regular meeting.	Department reports will not prolong meetings.
5. Have Special Meetings on a different day from Regular Meetings. OR	Regular Meetings can start on time and end earlier.

ITEM NO.16 - ATTACHMENT 2

Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.	
6. Strongly urge that supplemental materials be submitted earlier.	Allows councilmembers and the public to review materials before the meeting.
7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.	Allows each speaker at minimum to express a well reasoned statement.
8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.	Improve access for members of the public to meetings they were unable to attend. Improves access for persons with hearing disabilities and allows keyword searching of meeting content.
9. Provide virtual access to Board and Commission meetings which are now held in person.	Improve public access to these meetings.

ALTERNATIVE ACTIONS CONSIDERED

C. Suggestions proposed, but NOT recommended by the OGC

Suggested Change	Reason to reject
1. Limit the number of speakers at public comment	Public comment is an integral part of our democracy.
2. Make all staff presentations “pre-reads” so that Council could open with questions and then public comment	Not possible to require councilmembers and public to “pre-read.”
3. Move the Consent Calendar to the end of the meeting	Moving an item from Consent to Action would require either a second Action section or deferring the item to a subsequent meeting.
4. Canvass public members on which item(s) they’ve come to address and reorder agenda to place those items first.	Impractical, especially with many joining on zoom.
5. Agendize items to “time certain” (a time, not just a date).	Length of items - including length of public - comment, cannot be predicted accurately
6. Evaluate the provision of an additional opportunity for public comment at the beginning of the Action calendar after that practice has been in use for some time and “sunset” it	Reconsideration as needed is recommended, but not a formal evaluation. Action to discontinue changes can be taken if needed.

<p>unless a decision is made to continue it.</p>	
<p>7. Remove ceremonial matters from the agenda.</p>	<p>Ceremonial matters are a positive part of City Council Meetings and a way to acknowledge the positive things residents are doing for our community.</p>
<p>8. Allow members of the public to move items from the consent calendar to the action calendar</p>	<p>The public has an opportunity during public comment to persuade three councilmembers to move an item from the consent calendar to the action calendar. If councilmembers are not persuaded to do this, the item will fail. Especially with hybrid meetings, we have concerns that changing the current procedure could be abused. See Table A.11.</p>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The two main problems these recommendations aim to address are 1) that meetings run long, often ending late at night; and 2) long wait times make it difficult for members of the public to comment on issues being discussed, especially when substantive changes are proposed at the last minute.

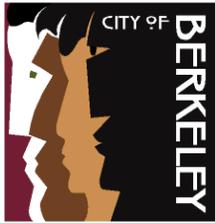
The OGC plans to continue monitoring the situation to evaluate whether these changes produce the desired outcome of shorter meetings and shorter wait times for the public to speak.

CITY MANAGER

CONTACT PERSON

Jim Hynes, Chair, Fair Campaign Practices Commission, (510) 981-6998
 Samuel Harvey, Commission Secretary, Fair Campaign Practices Commission (510) 981-6998

Attachments:



Agenda and Rules Committee

ACTION CALENDAR
May 7, 2024

To: Members of the City Council
From: Agenda and Rules Committee
Subject: Council Referral - Proposed Changes to Public Comment

RECOMMENDATION

Refer to the City Manager to review and implement recommendations by the Open Government Commission to improve public access, transparency, meeting procedures and public comment at City Council and commission meetings.

Direct the City Manager to return back to Council with amendments to the City Council Rules of Procedure and Order to implement these recommendations.

POLICY COMMITTEE RECOMMENDATION

On March 4, 2024, the Agenda and Rules Committee adopted the following action:

M/S/C (Arreguin/Hahn) that the Agenda and Rules Committee makes a Qualified Positive Recommendation on the Open Government Commission’s proposal “Proposed Changes to Public Comment” with the following amendments/comments:

A. For immediate implementation:

1. Continue to allow the public to participate remotely via videoconference.

Comment: Approve as recommended by OGC

2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.

Comment: Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other board and commission meetings, and post recordings to the city webpage. In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.

3. Limit councilmember initial comments on consent and action items to 5 minutes/person and enforce this rule.

Comment: Approve as recommended by OGC but also apply to consent calendar items

4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.

Comment: Approve as recommended by OGC

5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add "If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action."

Comment: Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.

6. Acknowledge and verbally summarize comments received via email.

Comment: Reject

7. Use Berkeley Considers more frequently, especially for controversial issues.

Comment: Approve as recommended by OGC

8. Endeavor to inform attendees of approximate time for high interest items, e.g. "Item 32 will not be heard before 9:30."

Comment: Approve as recommended by OGC

9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.

Comment: Approve as recommended by OGC

10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.

Comment: Reject

11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three or more councilmembers. ~~by the Council~~. Action items may be reordered at the discretion of the Chair ~~with the consent of the Council~~.

Comment: Approve as recommended by OGC

B. For further consideration and/or research:

1. Schedule more meetings with fewer items on the agenda at each meeting

Comment: Endeavor to schedule multiple meetings with fewer items as recommended by OGC.

2. Schedule separate meetings for items that are controversial or attract especially high public interest.

Comment: Endeavor to schedule separate meetings for items that are controversial or attract especially high public interest

3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes .

Comment: Endeavor to meet this standard as needed

4. Limit to 20 minutes any City department reports included within a regular meeting.

Comment: Take no action

5. Have Special Meetings on a different day from Regular Meetings.

OR

Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.

Comment: For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.

6. Strongly urge that supplemental materials be submitted earlier.

Comment: Refer to Agenda and Rules Committee for further discussion

7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.

Comment: Reject

8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.

Comment: Take no action

9. Provide virtual access to Board and Commission meetings which are now held in person.

Comment: Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.

Additional Hahn recommendation:

To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar.

Limit Council comment on Consent Calendar to Consent items.

Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.

Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At the March 14, 2023 City Council meeting, the Council passed a resolution to allow two periods of public comment on Action Items and voted to “Refer the suggestions regarding improvements to the meeting process to the Agenda & Rules Committee and the Open Government Commission for consideration.” The OGC reviewed the recording of this meeting, comments sent in prior to the meeting, and comments submitted by email or in person at Commission meetings and adopted the following recommendations at its September 21, 2023 meeting.

Action: M/S/C (Blome/O'Donnell) Motion to approve report to City Council with non-substantive edits

Vote: Ayes: O'Donnell, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.

The Agenda and Rules Committee referred the OGC item for further committee review. At its February 26, 2024 meeting, the Committee received a presentation from representatives of the OGC and engaged in a robust discussion with them on their recommendations. The Mayor prepared a motion reflecting committee comments and the Committee passed a Qualified Positive Recommendation on March 4, 2024 to recommend most of the OGC proposals with some modifications.

BACKGROUND

The City Council asked the Open Government Commission (OGC) to explore improvements to the way City Council meetings offer opportunities for public comment. The OGC agrees with the resolution passed by City Council on March 14, 2023 that added an opportunity for public comment at the start of the Action Calendar and also maintained the opportunity to comment at the time each Action Item is discussed as this allows the public to hear comments, questions, and proposed changes from City

Councilmembers before making public comment. In addition to this change, the OGC and Agenda and Rules Committee proposes the following:

A. For immediate implementation:

OGC Suggested Change	Agenda Committee Recommendation	Intended Result
1. Continue to allow the public to participate remotely via videoconference.	<i>Approve as recommended by OGC</i>	Removes barriers to participation, especially for those with disabilities.
2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.	<i>Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other board and commission meetings, and post recordings to the city webpage. In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.</i>	People joining remotely can better understand what is being said.
3. Limit councilmember initial comments on action items to 5 minutes/person and enforce this rule.	<i>Approve as recommended by OGC but also apply to consent calendar items</i>	Bring practice more into alignment with City Council Rules of Procedure, Sec. V, Procedural Matters, Sub. G, Debate Limited, limits debate on any item to 20 minutes.
4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.	<i>Approve as recommended by OGC</i>	Bring practice into alignment with City Council Rules of Procedure, Sec. IV, Conduct of Meeting, Sub. B, Consent Calendar, "It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for

		discussion of consent calendar items can be minimized.”
5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add “If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.”	<i>Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.</i>	An item that is not going to pass does not fit the plain English definition of “consent.” Such items properly belong in the Action calendar where members of the public may advocate for them and where Councilmembers may discuss their views.
6. Acknowledge and verbally summarize comments received via email.	<i>Reject</i>	
7. Use Berkeley Considers more frequently, especially for controversial issues.	<i>Approve as recommended by OGC</i>	Provides transparency in gauging public opinion.
8. Endeavor to inform attendees of approximate time for high interest items, e.g. “Item 32 will not be heard before 9:30.”	<i>Approve as recommended by OGC</i>	Members of the public can determine when to join, stay, or leave in person or via zoom.
9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.	<i>Approve as recommended by OGC</i>	Members of the public can determine whether to stay or leave in person or via zoom.
10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.	<i>Reject</i>	

<p>11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three councilmembers. by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.</p>	<p><i>Approve as recommended by OGC</i></p>	<p>Reflect and formalize current practice. Allows councilmembers to respond to public requests for further consideration of an item.</p>
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B. For further consideration and/or research:

Suggested Change	Agenda Committee Recommendation	Intended Result
<p>1. Schedule more meetings with fewer items on the agenda at each meeting</p>	<p><i>Endeavor to schedule multiple meetings with fewer items as recommended by OGC.</i></p>	<p>Members of the public would wait less long to speak on an item.</p>
<p>2. Schedule separate meetings for items that are controversial or attract especially high public interest.</p>	<p><i>Endeavor to schedule separate meetings for items that are controversial or attract especially high public interest</i></p>	<p>Avoid running overtime or having to continue long items.</p>
<p>3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes.</p>	<p><i>Endeavor to meet this standard as needed</i></p>	<p>Agenda items at these meetings would be at a prescribed time.</p>
<p>4. Limit to 20 minutes any City department reports included within a regular meeting.</p>	<p><i>Take no action</i></p>	
<p>5. Have Special Meetings on a different day from Regular Meetings. OR</p>	<p><i>For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.</i></p>	<p>Regular Meetings can start on time and end earlier.</p>
<p>Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.</p>		
<p>6. Strongly urge that supplemental materials be submitted earlier.</p>	<p><i>Refer to Agenda and Rules Committee for further discussion</i></p>	<p>Allows councilmembers and the public to review materials before the meeting.</p>

7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.	<i>Reject</i>	
8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.	<i>Take no action</i>	Improve access for members of the public to meetings they were unable to attend. Improves access for persons with hearing disabilities and allows keyword searching of meeting content.
9. Provide virtual access to Board and Commission meetings which are now held in person.	<i>Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.</i>	Improve public access to these meetings.
Additional Hahn Recommendation:	<p><i>To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar. Limit Council comment on Consent Calendar to Consent items.</i></p> <p><i>Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.</i></p>	

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

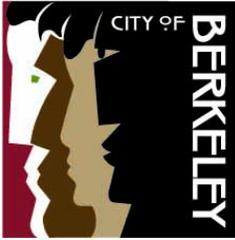
The two main problems these recommendations aim to address are 1) that meetings run long, often ending late at night; and 2) long wait times make it difficult for members of the public to comment on issues being discussed, especially when substantive changes are proposed at the last minute.

The OGC plans to continue monitoring the situation to evaluate whether these changes produce the desired outcome of shorter meetings and shorter wait times for the public to speak.

The Agenda and Rules Committee is also currently engaged work around redesigning the City Council’s legislative process. This will include further review of Council meeting rules and procedures which may result in additional recommendations for Council action.

CONTACT PERSON

Jesse Arreguin, Mayor (510) 981-7100



Open Government Commission

To: Open Government Commission

From: Sam Harvey, Secretary

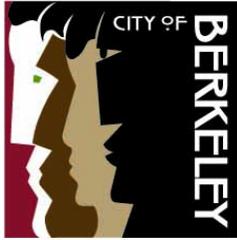
Subject: Open Government Commission FY2025-2026 Work Plan

City boards and commissions are required to update their work plans at the start of each fiscal year (July 1 – June 30). Work plans are then submitted to the City Council as information items.

Commission work plans should contain the commission's mission statement, goals, resources, activities, outputs, and desired outcomes. The work plan should also specify how and when the commission plans to accomplish its objectives (by specifying outcomes) during the fiscal year. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal.

The work plan is not binding on a commission, but rather serves as a guiding document for the commission's work and as a means of communicating to the City Council about the commission's plans and goals.

Attached is a template for the Commission's FY2025-26 work plan based on items included in the Commission's previous work plans and recent items discussed by the Commission. Staff recommend that the Commission review the attached work plan, revise as desired, and approve for submission to the City Council.



Open Government Commission

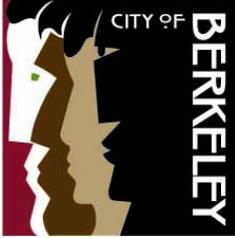
INFORMATION CALENDAR
XXXXXX XX, 2025

To: Honorable Mayor and Members of the City Council
From: Fair Campaign Practices Commission
Submitted by: Sam Harvey, Secretary, Fair Campaign Practices Commission
Subject: Fair Campaign Practices Commission FY2025-2026 Work Plan

INTRODUCTION

The Open Government Commission (OGC) has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes the following items:

- Ongoing review of complaints concerning alleged non-compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act.
- Propose legislation or procedures to further ensure the City's compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act.
- Administer and make more effective the Lobbyist Registration Act, including reviewing how City systems may be upgraded to permit electronic submission of forms and fees for lobbyist registration and reporting.
- Advise the City Council of any action or policy that would enhance open and effective government in the City of Berkeley.
- Review and make recommendations regarding public access and participation in public meetings of the City Council and other City bodies
- Review and provide advice on any proposed changes the City Council's rules of procedure.
- Review, approve, and forward to the City Council the annual report submitted to the Open Government Commission by the City Manager regarding compliance with the Open Government Ordinance, the Public Records Act, the Brown Act,



Open Government Commission

the Lobbyist Registration Act, and any other information the City Manager deems appropriate for open and effective government in the City of Berkeley.

- Receive trainings on the following topics:
 - Brown Act
 - Conflicts of Interest
 - Public Records Act
 - Open Governance Ordinance
 - Berkeley Lobbyist Registration Act
- Explore ways to improve public access and usability of the City's website
- Monitor and make recommendations related to City progress in providing remote access to City commission and board meetings
- Explore ways for the City to better publicize the work of City boards and commissions and address vacancies on City boards and commissions

CURRENT SITUATION AND ITS EFFECTS

At the regular meeting on June 19, 2025, the Open Government Commission approved the FY2025-2026 Work Plan, which will be used to guide the Commission's work throughout the year.

Action:

Vote:

BACKGROUND

See attached Work Plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

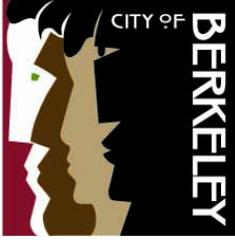
No environmental or climate impacts or opportunities were identified as a result of this recommendation.

POSSIBLE FUTURE ACTION

Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown, but none expected.



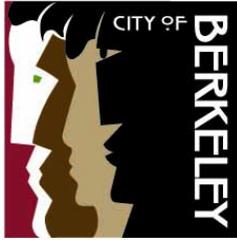
Open Government Commission

CONTACT PERSON

Samuel Harvey, Commission Secretary (510) 981-6998

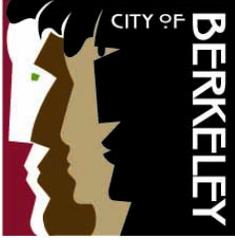
Kitt Saginor, Chair (510) 981-6998

Attachment: 1: Open Government Commission Work Plan



**Work Plan for FY2025-2026 (July 1, 2025- June 30, 2026)
Approved June 19, 2025**

- Ongoing review of complaints concerning alleged non-compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act.
- Propose legislation or procedures to further ensure the City's compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act.
- Administer and make more effective the Lobbyist Registration Act, including reviewing how City systems may be upgraded to permit electronic submission of forms and fees for lobbyist registration and reporting.
- Advise the City Council of any action or policy that would enhance open and effective government in the City of Berkeley.
- Review and make recommendations regarding public access and participation in public meetings of the City Council and other City bodies
- Review and provide advice on any proposed changes the City Council's rules of procedure.
- Review, approve, and forward to the City Council the annual report submitted to the Open Government Commission by the City Manager regarding compliance with the Open Government Ordinance, the Public Records Act, the Brown Act, the Lobbyist Registration Act, and any other information the City Manager deems appropriate for open and effective government in the City of Berkeley.
- Receive trainings on the following topics with the goal of completing all trainings by Q1 2026:
 - Brown Act
 - Conflicts of Interest
 - Public Records Act
 - Open Governance Ordinance
 - Berkeley Lobbyist Registration Act



Open Government Commission

- Explore ways to improve public access and usability of the City's website
- Monitor and make recommendations related to City progress in providing remote access to City commission and board meetings
- Explore ways for the City to better publicize the work of City boards and commissions and address vacancies on City boards and commissions