

Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

May 15, 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 April 17, 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.

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; discussion and possible action.
13. Referral of non-filing quarterly lobbying reports: Yuri Sadiki-Torres; discussion and possible action.
14. Lobbyist Registration Act processes and administration; discussion and possible action.
15. City Council Rules of Procedure and Order; discussion and possible action.
16. Progress in providing remote access to Commission and Board meetings; discussion and possible action.

Joint FCPC-OGC Calendar

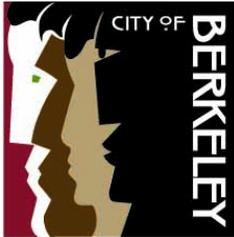
17. FCPC and OGC FY2025-26 work plans; discussion and possible action.

18. 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

April 17, 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: Patrick O'Donnell, Janis Ching, Emmanuelle Soichet, Rithwik Sudharsan, Andrew Lazarus, Kitt Saginor

Also present: Sam Harvey, Staff Secretary
Mark Numainville, City Clerk

1. **Call to Order**

Chair called the meeting to order at 6:34 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: Ching/Soichet; Ayes: O'Donnell, Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Sudharsan)

5. **Public Comment**

No speakers.

6. **Approval of minutes for March 20, 2025 FCPC-OGC Regular Meeting**

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

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

7. **Reports**

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

Fair Campaign Practices Commission (FCPC) Agenda

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

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

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

- a. Public comment: one speaker.
- b. Information provided by City Clerk Numainville; commission discussion.

10. **Disbursements to Mark Humbert for Council 2022**

- a. Public comment: one speaker.
- b. Commission discussion and action:

Motion to take no further action in regards to the Mark Humbert for Council 2022 Campaign for receipt of duplicate matching funds. (M/S/C: Ching/Soichet; Ayes: O'Donnell, Ching, Soichet, Saginor; Noes: none; Abstain: Sudharsan, Lazarus; Absent: none)

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

- a. Public comment: no speakers.
- b. Commission discussion.

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**

- a. Public comment: no speakers.
- b. Item deferred to next meeting.

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

- a. Public comment: no speakers.
- b. Commission discussion and action:

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

15. **Lobbyist Registration Forms and Procedures; discussion and Possible Action**

- a. Public comment: one speaker.
- b. Information provided by City Clerk Numainville; commission discussion.

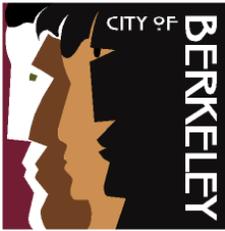
16. **Progress in providing remote access to Commission and Board meetings**

- a. Public comment: one speaker.
- b. Information provided by City Clerk Numainville; commission discussion.

17. **Adjournment**

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

The meeting adjourned at 8:51 p.m.



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?

**Open Government Commission concerns re
City Council Rules of Procedure and Order
May 15, 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.

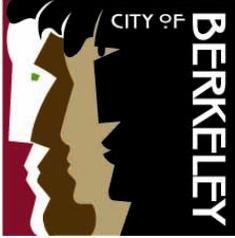
The Agenda and Rules Policy Committee undertook the task of further work towards the legislative redesign, including improving alignment with the budget, but the November elections brought a new set of members to that committee. The current membership. Mayor Ishii and Councilmembers Taplin and Humbert 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.



Fair Campaign Practices Commission
Open Government Commission

To: Fair Campaign Practices Commission
Open Government Commission

From: Sam Harvey, Secretary,

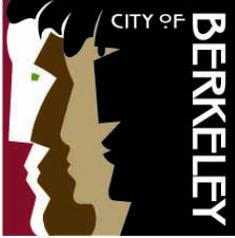
Subject: Fair Campaign Practices Commission and Open Government
Commission FY2025-2026 Work Plans

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.

Attached are templates for the Commissions' FY2025-26 work plans based on items included in the Commissions' previous work plans and recent items discussed by Commissions. Staff recommend that the Commissions review the attached work plan and update the document to reflect the Commissions' goals and scope of work for fiscal year 2025-2026. Based on the Commissions' discussion, staff will provide a draft work plan for approval at the June meeting.

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.



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); 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; review and revising FCPC enforcement procedures; and considering possible amendments to BERA and FCPC Regulations to provide clarity and improve oversight of City campaigns.

CURRENT SITUATION AND ITS EFFECTS

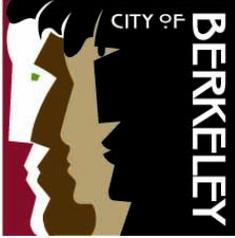
At the regular meeting on June 19, 2025, the Fair Campaign Practices Commission approved the FY2025-2026 Work Plan, which will be used to guide the Commission's work throughout the year.

Action:

Vote:

BACKGROUND

See attached Work Plan.



Fair Campaign Practices Commission

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.

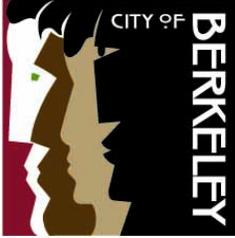
FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown, but none expected.

CONTACT PERSON

Samuel Harvey, Commission Secretary, City Attorney's Office (510) 981-6998
Kitt Saginor, Chair, (510) 981-6998

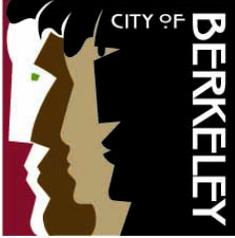
Attachment: 1: Fair Campaign Practices Commission Work Plan



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 various topics including:
 - 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



Open Government Commission

INFORMATION CALENDAR
XXXXXX XX, 2025

To: Honorable Mayor and Members of the City Council

From: Fair Campaign Practices Commission

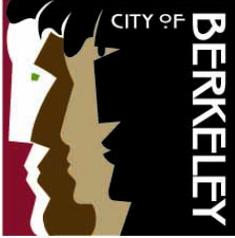
Submitted by: Sam Harvey, Secretary, Fair Campaign Practices Commission

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 various topics including:
 - 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

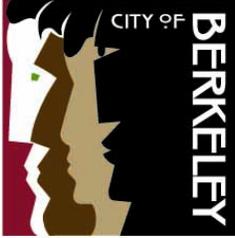
No environmental or climate impacts or opportunities were identified as a result of this recommendation.

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.



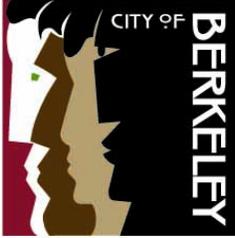
Open Government Commission

CONTACT PERSON

Samuel Harvey, Commission Secretary, City Attorney's Office (510) 981-6998

Kitt Saginor, Chair, (510) 981-6998

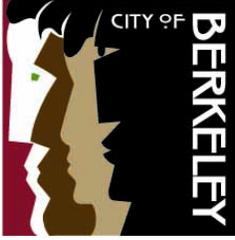
Attachment: 1: Open Government Commission Work Plan



Open Government Commission

**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.
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- Receive trainings on various topics including:
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 - 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



Open Government Commission

- Explore ways for the City to better publicize the work of City boards and commissions and address vacancies on City boards and commissions