



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

### MEETING AGENDA

April 23, 2020

7:00 p.m.

Pursuant to Executive Order N-29-20 issued by the Governor on March 17, 2020, this meeting will be held telephonically. Members of the public interested in attending will be able to observe and address the meeting using the following dial-in information:

Call-in Number: 213-279-1690

Access Code: 783454379

Secretary: Samuel Harvey, Deputy City Attorney

#### **The Commissions may act on any item on this agenda**

1. Call to Order 7:00 p.m.
2. Roll Call.
3. 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 Commissions hear those items.*
4. Approval of minutes for the February 20, 2020 concurrent regular meeting.

#### **Fair Campaign Practices Commission Agenda**

5. Approval for minutes for the March 24, 2020 special meeting.
6. Reports.
  - a. Report from Chair.
  - b. Report from Staff.
7. Negotiated stipulation with Lacey for City Council 2018; discussion and possible action.
8. Amendments to Election Reform Act to authorize staff to approve public financing certification applications; discussion and possible action.
9. Officeholder accounts; discussion and possible action.
10. City Clerk presentation: 2020 Census; discussion.
11. 2020-2021 Work Plan: discussion and possible action.

#### **Open Government Commission Agenda**

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

13. Lobbying registration and reporting processes for companies, firms and organizations; discussion and possible action.
14. D-13 accounts and nonprofit donations; discussion and possible action.
15. 2020-2021 Work Plan: discussion and possible action.
  
16. Adjournment.

### **Communications**

FCPC:

- None

OGC:

- Email from Cordell Hindler

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.

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., 4<sup>th</sup> Fl., Berkeley, CA.



Fair Campaign Practices Commission  
Open Government Commission

## DRAFT MINUTES

Civic Center  
2180 Milvia Street  
Cypress Room (1<sup>st</sup> Floor)

Regular Meeting  
**February 20, 2020**

Members Present: Dean Metzger (Chair), Patrick O'Donnell, Janis Ching, Daniel Saver, Jessica Blome, Mark McLean, Jedidiah Tsang, Brad Smith

Members Absent: None

Also Present: Samuel Harvey, Staff Secretary / Deputy City Attorney

1. **Call to Order**

Chair called the meeting to order at 7:01 p.m.

2. **Roll Call**

Roll call taken.

### **Fair Campaign Practices Commission (FCPC) Agenda**

3. **Public Comment (items not on agenda)**

One member of the public in attendance. One speaker for public comment on matters not on agenda.

4. **Reports**

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

5. **Approval of Minutes for the January 16, 2020 FCPC regular meeting**

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

*Motion to approve minutes (M/S/C: O'Donnell/Saver; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

6. **Approval of Minutes for February 6, 2020 FCPC special meeting**

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

*Motion to approve minutes (M/S/C: Ching/Tsang; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

7. **Officeholder Account and Office Expense Accounts; discussion and possible action.**

- a. Public comment: One speaker.
- b. Commission discussion.

8. **Links to public financing certification process; discussion and possible action.**

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

9. **Public Financing certification process; discussion and possible action.**

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

*Motion to direct staff to draft a proposed amendment to the Berkeley Election Reform Act (BERA) which would allow staff to certify public financing applications without Commission action with subsequent reporting to the Commission (M/S/C: Blome/Saver; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

**Open Government Commission (OGC) Agenda**

10. **Public Comment (items not on agenda)**

One member of the public in attendance. One speaker for public comment on matters not on agenda.

11. **Reports**

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

12. **Approval of Minutes for January 16, 2020 OGC regular meeting.**

- a. Public comment: One speaker.
- b. Commission discussion.

*Motion to approve minutes with edits (M/S/C: Blome/Saver; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

13. **Annual election of FCPC and OGC Chair and Vice-Chair; discussion and possible action**

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

*Motion to elect Brad Smith as FCPC and OGC Chair (M/S/C: Blome/O'Donnell; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

*Motion to elect Jedidiah Tsang as FCPC and OGC Vice-Chair (M/S/C: Metzger/Blome; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

14. **Adjournment**

*Motion to adjourn (M/S/C; Saver/Ching; Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith, O'Donnell; Noes: none; Abstain: none; Absent: none).*

The meeting adjourned at 8:37 p.m.



Fair Campaign Practices Commission

**DRAFT MINUTES**

Special Meeting

**March 24, 2020**

Pursuant to Executive Order N-29-20 issued by the Governor on March 17, 2020, this meeting was held telephonically.

Secretary: Samuel Harvey, Deputy City Attorney

Members Present: Brad Smith (Chair), Jedidiah Tsang (Vice Chair), Jessica Blome, Janis Ching, Mark McLean, Dean Metzger, Patrick O'Donnell, Daniel Saver

Also Present: Samuel Harvey, Staff Secretary / Deputy City Attorney  
Mark Numainville, City Clerk

1. **Call to Order**

Chair Called the meeting to order at 7:00 p.m

2. **Roll Call**

Roll call taken.

3. **Public Comment (items not on agenda)**

No speakers.

4. **Public campaign financing program certification application approval; discussion and possible action.**

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

*Motion to approve application (M/S/C: O'Donnell/Saver; Ayes: Smith, Tsang, Blome, Ching, McLean, Metzger, O'Donnell, Saver; Noes: none; Absent: none.)*

5. Adjournment.

*Motion to adjourn (M/S/C: O'Donnell/ Ching; Ayes: Smith, Tsang, Blome, Ching, McLean, Metzger, O'Donnell, Saver; Noes: none; Absent: none.)*

The meeting adjourned at 7:24 p.m.

FARIMAH FAIZ BROWN, City Attorney SBN 201227  
SAMUEL J. HARVEY, Deputy City Attorney SBN 299112  
2180 Milvia Street, Fourth Floor  
Berkeley, CA 94704  
TEL: (510) 981-6998  
FAX: (510) 981-6960

Attorneys for FAIR CAMPAIGN PRACTICES COMMISSION

**BEFORE THE FAIR CAMPAIGN PRACTICES COMMISSION**

**CITY OF BERKELEY**

In the matter of

Lacey for City Council 2018,

Respondent.

STIPULATION,

DECISION AND ORDER

This Stipulation, Decision and Order (“Stipulation”) is entered into by and between the Complainant, Fair Campaign Practices Commission (“Commission” or “FCPC”), and Respondent, Lacey for City Council 2018 (“Respondent” or “Campaign Committee”), (collectively “Parties”), through its treasurer, Stephen Henry, and its assistant treasurer and the candidate, Mary Kay Lacey.

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

1. Respondent is a candidate-controlled committee created to support the election of Mary Kay Lacey for the office of City Council for the City of Berkeley during the November 2018 election. It filed its initial Form 410 to open a Campaign Committee on March 23, 2018.

2. On May 22, 2018, Ms. Lacey was certified to participate in the Berkeley public campaign financing program known as the Fair Elections Act of 2016. The program requirements are enumerated in article 8 of the Berkeley Elections Reform Act (“BERA”), which is codified at title 2, chapter 12 of the Berkeley Municipal Code (“BMC”).

1           3.       On January 30, 2019, Respondent filed a Form 460 for the period from October  
2 21, 2018 to December 31, 2018. The Form 460 listed a \$4,000 payment to Ms. Lacey's  
3 daughter, Leah Henry, described as "Field manager, photographer, and volunteer coordinator  
4 from June 2018 through Election Day" (hereinafter "Field Manager Payment").

5           4.       On May 16, 2019, the Commission approved an amendment to BERA section  
6 2.12.530 to address potential confusion regarding the permissibility of using Fair Elections funds  
7 to compensate a participating candidate's family member for direct campaign services. It is this  
8 potentially confusing language which is the subject of this enforcement matter.

9           5.       Respondent terminated the committee on July 8, 2019. Contemporaneous with  
10 the Campaign Committee's termination, it filed an amended Form 460 to correct and update  
11 information unrelated to the Field Manager Payment.

12           6.       On July 17, 2019, in response to the July 8, 2019 Form 460 filing, the Berkeley  
13 City Clerk referred the Field Manager Payment to the Commission for investigation.

14           7.       One week later, on July 25, 2019, the Commission Secretary sent a letter to the  
15 Campaign Committee stating that "it appears that the payment to Leah Henry violated the  
16 prohibition on using Fair Elections funds or contributions for compensation to a participating  
17 candidate's family members," and citing to BMC section 2.12.530.B.2 as originally worded prior  
18 to the Commission's May 16, 2019 amendment.

19           8.       For the time period relevant to the referral, the original version of section  
20 2.12.530 provided as follows:

21           A. A participating candidate shall use Fair Elections funds and contributions only for  
22 direct campaign purposes.

23           B. A participating candidate shall not use Fair Elections funds or contributions for:

24           ...

25           (2) Indirect campaign purposes, including but not limited to:  
26  
27  
28



- 1 (a) The candidate’s personal support or compensation to the candidate or the  
2 candidate’s family;  
3 (b) Clothing and other items related to the candidate’s personal appearance;  
4 (c) Capital assets having a value in excess of five hundred dollars (\$500) and  
5 useful life extending beyond the end of the current election period determined  
6 in accordance with generally accepted accounting principles;  
7 (d) A contribution or loan to the campaign committee of another candidate or to a  
8 party committee or other political committee;  
9 (e) An independent expenditure;  
10 (f) Any payment or transfer for which compensating value is not received.  
11

12 9. On August 3, 2019, the Campaign Committee responded to the Commission’s  
13 letter asserting that because payment for the services of its Field Manager meets the statutory  
14 requirement of a “direct campaign purpose” under Section 2.12.530.A, it could not at the same  
15 time be an “indirect campaign purpose” under Section 2.12.530.B.2, or it would constitute a  
16 contradiction in the statute. Additionally, the Campaign Committee stated that each of the  
17 subsections in Section 2.12.530.B.2 referred to services that were not for the direct benefit of a  
18 campaign, and therefore, fairly read, section 2.12.530.B.2.a only prohibited payment for indirect  
19 campaign services provided to the candidate by a family member. Finally, the Campaign  
20 Committee stated that if the intent of BERA was to foreclose payment to a candidate’s family for  
21 both direct and indirect campaign services, it should be amended to so state in a clear manner.  
22

23 10. On September 16, 2019, the Campaign Committee wrote a subsequent letter to the  
24 Commission expressing concern about amendments that had previously been recommended by  
25 Commission staff to clarify the statutory language at issue in the referral. The Campaign  
26 Committee became aware on September 12, 2019, that several months earlier, in May 2019 —  
27 two months before the City Clerk referred this matter to the Commission — Commission staff  
28

1 had recommended that BERA be amended to address “possible confusion by candidates” caused  
2 by the wording of section 2.12.530 as set forth in paragraph 8 above as to what constitutes a  
3 prohibited payment to a family member.

4  
5 11. At its September 19, 2019 meeting, the Commission, relying on the wording set  
6 forth in paragraph 8 above, found probable cause of a violation of BERA by the Campaign  
7 Committee. The Commission also recognized that amendments to clarify that wording had been  
8 subsequently approved and would take effect on October 10, 2019.

9  
10 12. On October 10, 2019, the amended language for BERA section 2.12.530 became  
11 effective. Specifically, the language set forth in paragraph 8 was amended to address the  
12 “possible confusion” identified by FCPC staff. As a result of these amendments, the provision in  
13 BERA that currently addresses prohibited payments to a candidate’s family members no longer  
14 appears in the subsection addressing “indirect campaign purposes.”

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

16  
17 13. At the Commission’s September 19, 2019 meeting, a number of commissioners  
18 acknowledged the potential for reading section 2.12.530 to allow a payment to a family member  
19 for a direct campaign purpose, such as field manager services, and to only prohibit payment to  
20 family members for indirect campaign purposes. Additionally, it was acknowledged during the  
21 meeting that payment to a family member for direct campaign purposes does not violate state  
22 law.

23  
24 14. However, a majority of the Commissioners found that it was the intent of BERA  
25 to prohibit such payments and the Commission determined that section 2.12.530, as set forth in  
26 paragraph 8 above, should be read to prohibit any payment of Fair Elections funds to a  
27 candidate’s family member, regardless of the purpose for which the payment is made.

28  
15. Based on this reading of BERA, the Commission determined that probable cause  
exists to find that Respondent’s expenditure of \$4,000 to compensate Ms. Lacey’s daughter for

1 “field manager, photographer, and volunteer coordinator” services, as identified in its Form 460,  
2 violated section 2.12.530.B.2.a.

### 3 **MITIGATING AND AGGRAVATING FACTORS**

4  
5 1. A number of commissioners acknowledged that the language in section  
6 2.12.530.B.2.a has the potential to create confusion about whether otherwise permissible “direct”  
7 campaign purposes become impermissible “indirect” campaign purposes when the payment is  
8 made to a family member of the candidate. At the Commission’s September 19, 2019 meeting,  
9 Ms. Lacey indicated that her good-faith reading of section 2.12.530.B.2.a led her to conclude that  
10 compensating her daughter for otherwise “direct” purposes was permitted under BERA.

11 2. While the Commission disagreed with Respondent’s interpretation and  
12 determined that section 2.12.530.B.2 prohibits any payment of Fair Elections funds to a  
13 candidate’s family member, the Commission acknowledged that the language could create  
14 confusion. The Commission further acknowledged that Commission Staff had recommended  
15 amending BERA to avoid the confusion at issue in the referral and that it had done so prior to the  
16 referral of this matter to the Commission. As a result, and as set forth in paragraph 12, BERA  
17 has now been amended, effective October 10, 2019, to resolve the possible confusion at issue  
18 here. Specifically, as amended, BERA now lists payments to candidates’ family members as  
19 impermissible uses of Fair Elections funds without classifying such payments with reference to  
20 “indirect campaign purposes.” This amendment did not change the meaning of section 2.12.530  
21 as interpreted by the Commission in this matter, but reflects the Commission’s effort to avoid the  
22 “possible confusion” the original language presented.

23 3. Additionally, this is Ms. Lacey’s first violation and it occurred during her first  
24 campaign for City office. Respondent cooperated fully with City staff, and there was no attempt  
25 to conceal or mislead. There is also no evidence that Respondent knowingly or willfully  
26 committed the violation. Rather, the Commission recognized that (1) the confusing language in  
27 section 2.12.530 in effect at the time (see Paragraph 8 above) could potentially be read to support  
28

1 Ms. Lacey’s interpretation, and (2) Commission staff had identified the possibility for this  
2 confusion in May 2019 when it recommended changing the language before the referral was  
3 made.

4 4. Furthermore, the expenditure was disclosed to the public in Respondent’s Form  
5 460, which was first filed in January 2019. No action was taken with regard to that filing. It was  
6 only after the campaign terminated the Committee seven months later, in July 2019, and filed a  
7 subsequent Form 460 to correct and update information unrelated to the Field Manager payment,  
8 that the City Clerk referred the matter to the Commission.  
9

10 5. Also, the November 2018 election was the first election for which the Fair  
11 Elections Act was implemented by the City.

12 6. In aggravation, the \$4,000 Field Manager Payment represents a significant sum of  
13 more than 10 percent of the public funds received by the Campaign Committee.

14 **STIPULATIONS**

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

17 1. The Commission found that probable cause exists to believe that Respondent  
18 violated BERA section 2.12.530.B.

19 2. Based on the facts, law, and the mitigating and aggravating factors detailed above,  
20 the Parties agree that, rather than proceed with an administrative hearing on this matter under  
21 BMC section 2.12.230, the Parties will stipulate that, under the Commission’s interpretation of  
22 BMC section 2.12.530 (as worded in paragraph 8 above), the Field Manager Payment violated  
23 BERA and Respondent will pay (as stated during the FCPC meeting), a “nominal” sum of one  
24 hundred dollars (\$100) as a stipulated monetary penalty, payable to the City of Berkeley for  
25 deposit into the City’s Fair Elections Fund, no later than thirty (30) days of the Commission’s  
26 approval of this stipulated agreement.  
27  
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1           3.       Based on the facts, law, and the factors in mitigation detailed above, Parties agree  
2 that Respondent has not committed a “substantial violation” as defined in BMC section 2.12.555  
3 and FCPC Reg. R2.12.555.

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

9           5.       The FCPC agrees that if Respondent executes this Stipulation, it will forego any  
10 further enforcement action against Respondent, and if approved by the FCPC, this stipulation  
11 will resolve all factual and legal issues raised in this matter and will be the final disposition of  
12 this matter for purposes of BERA sections 2.12.450, 2.12.455, and 2.12.550. Nothing in this  
13 section shall be read to preclude the Commission’s consideration of any complaint or other  
14 action for any false statements stemming from any of Respondent’s representations in this  
15 Stipulation.

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

20           7.       Respondent acknowledges that the FCPC shall retain jurisdiction over the  
21 Stipulation if it is signed by all parties and is acting under Section VI.C.2.d of the FCPC  
22 procedures, enacted pursuant to the Commission’s authority to enact rules and procedures under  
23 BMC section 2.12.210.  
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1 Dated:

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

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5 Dated:

By: \_\_\_\_\_  
STEPHEN HENRY, Treasurer  
Lacey for City Council 2018

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9 Dated:

By: \_\_\_\_\_  
MARY KAY LACEY, Candidate and Assistant Treasurer  
Lacey for City Council 2018

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Fair Campaign Practices Commission

**DATE:** March 12, 2020

**TO:** FAIR CAMPAIGN PRACTICES COMMISSION

**FROM:** Samuel Harvey, Commission Secretary

**SUBJECT:** Staff Report Regarding Approval of Amendments to the Election Reform Act to Authorize City Staff to Review and Approve Applications for Certification to Participate in Public Campaign Financing

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Under the provisions of the Berkeley Election Reform Act (BERA) known as the Berkeley Fair Elections Act of 2016 (BMC §§ 2.12.490 et seq.), a candidate who wishes to participate in the City's public financing program must file with the Commission an application for certification to participate in the program. (BMC § 2.12.500.A.1.) The Commission is required to certify an applicant's eligibility at the earliest practicable time. (BMC § 2.12.500.B.) The City is required to make the initial payment of Fair Elections funds to the qualified candidate within seven business days of certification by the Commission. (BMC § 2.12.505.E.)

When the Berkeley Fair Elections Act was initially passed, the Commission was also required to verify that an applicant candidate's qualified contributions met all application requirements, authorize the initial distribution of Fair Elections funds to the candidate, and provide any candidate who has been denied payment of funds with a written determination. At its April 18, 2019 meeting, the Commission determined that the Fair Elections process could be more effectively and efficiently run if these three roles were carried out by City staff, rather than the Commission. As a result, the Commission passed an amendment to BERA to authorize City staff to carry out these three roles. That amendment was subsequently passed by the City Council.

At its February 20, 2020 meeting, the Commission discussed the ways in which retaining the requirement that the Commission, rather than staff, must certify a candidate's initial application can cause delays in candidates being certified and receiving funds. The process also sometimes necessitates that, in the interest or expediency or fairness, the Commission hold special meetings to review and approve a candidate's application. This can result in significant time and resources being expended by staff and commissioners to schedule, notice and attend a special meeting

simply to approve a single public financing application. Moreover, ensuring commissioner availability, setting an agenda and providing adequate notice for a special meeting can lengthen the time a candidate must wait to receive Fair Elections funds.

At its February 20, 2020 meeting, the Commission voted to direct staff to draft proposed amendments to BERA which would allow staff to certify public financing applications without Commission action, with subsequent reporting to the Commission.

Under current practice, the Office of the City Clerk reviews and verifies candidates' applications prior to approval by the Commission. Staff has provided amendments to BERA which would allow City staff to also certify applications, and subsequently report those certifications to the Commission.

Staff recommends the Commission adopt the amendments to BERA.

**Attachments**

1. Draft Amendments to BERA, BMC, §§ 2.12.500, 2.12.505





Fair Campaign Practices Commission

PUBLIC HEARING

[Meeting Date (Month Day, yyyy)]

To: Honorable Mayor and Members of the City Council  
From: Brad Smith, Chair, Fair Campaign Practices Commission  
Submitted by: Samuel Harvey, Secretary, Fair Campaign Practices Commission  
Subject: Amendments to the Berkeley Election Reform Act

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Elections Reform Act, BMC Chapter 2.12, regarding the public financing program.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC or Commission) at its regular meeting of April 23, 2020.

**Action:** M/S/C ( / ) to adopt the proposed amendments to BERA related to public financing.

**Vote:**

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

BACKGROUND

Under the provisions of the Berkeley Election Reform Act (BERA) known as the Berkeley Fair Elections Act of 2016 (BMC §§ 2.12.490 et seq.), a candidate who wishes to participate in the City’s public financing program must file with the Commission an application for certification to participate in the program. (BMC § 2.12.500.A.1.) The Commission is required to certify an applicant’s eligibility at the earliest practicable time. (BMC § 2.12.500.B.) The City is required to make the initial payment of Fair Elections funds to the qualified candidate within seven business days of certification by the Commission. (BMC § 2.12.505.E.)

When the Berkeley Fair Elections Act was initially passed, the Commission was also required to verify that an applicant candidate's qualified contributions met all application requirements, authorize the initial distribution of Fair Elections funds to the candidate, and provide any candidate who has been denied payment of funds with a written determination. At its April 18, 2019 meeting, the Commission determined that the Fair Elections process could be more effectively and efficiently run if these three roles were carried out by City staff, rather than the Commission. As a result, the Commission passed an amendment to BERA to authorize City staff to carry out these three roles. That amendment was subsequently passed by the City Council.

At its February 20, 2020 meeting, the Commission discussed the ways in which retaining the requirement that the Commission, rather than staff, must certify a candidate's initial application can cause delays in candidates being certified and receiving funds. The process also sometimes necessitates that, in the interest or expediency or fairness, the Commission hold special meetings to review and approve a candidate's application. This can result in significant time and resources being expended by staff and commissioners to schedule, notice and attend a special meeting simply to approve a single public financing application. Moreover, ensuring commissioner availability, setting an agenda and providing adequate notice for a special meeting can lengthen the time a candidate must wait to receive Fair Elections funds.

Under current practice, the Office of the City Clerk reviews and verifies candidate's applications prior to certification by the Commission. At its April 23, 2020 meeting, the Commission adopted amendments to BERA which would allow City staff to also certify applications without Commission action, and subsequently report those certifications to the Commission.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects related to the recommendation in this report.

#### RATIONALE FOR RECOMMENDATION

The proposed amendments ensure that public financing applications can be reviewed and certified in a more efficient and streamlined manner while retaining Commission oversight of the process.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CITY MANAGER

CONTACT PERSON

Brad Smith, Chair, Fair Campaign Practices Commission, 981-6998

Samuel Harvey, Commission Secretary, Fair Campaign Practices Commission, 981-6998

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT RELATED TO  
PUBLIC FINANCING FOR CAMPAIGNS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 2.12.500 is amended to read as follows:

**2.12.500 Eligibility for Fair Elections campaign funding.**

A. To be eligible to be certified as a participating candidate, a candidate must:

1) During the qualifying period for the election involved, choose to participate in the Fair Elections program by filing with the CommissionCity a written application for certification as a participating candidate in such form as may be prescribed by the Commission, containing the identity of the candidate, the office that the candidate seeks, and the candidate's signature, under penalty of perjury, certifying that:

a) The candidate has complied with the restrictions of this chapter during the election cycle to date;

b) The candidate's campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and

c) The candidate will comply with the requirements of this Act during the remainder of the election cycle and, specifically, if certified an eligible participating candidate, will comply with the requirements applicable to participating candidates.

2) Meet all requirements to be eligible to hold the office of Mayor or Councilmember as set forth in Sections 9 and 10 of Article V of the Charter of the City of Berkeley;

3) Before the close of the qualifying period, collect and submit at least 30 qualified contributions, from at least 30 unique contributors, of at least ten dollars (\$10), for a total dollar amount of at least five-hundred dollars (\$500).

a) Each qualified contribution shall be acknowledged by a receipt to the contributor, with a copy retained by the candidate. The receipt shall include the contributor's signature, printed name, home address, and telephone number, if any, and the name of the candidate on whose behalf the contribution is made. In addition, the receipt shall indicate by the contributor's

- signature that the contributor understands that the purpose of the qualified contribution is to help the candidate qualify for Fair Elections campaign funding and that the contribution is made without coercion or reimbursement.
- b) A contribution for which a candidate has not obtained a signed and fully completed receipt shall not be counted as a qualified contribution.
- 4) Maintain such records of receipts and expenditures as required by the Commission;
- 5) Obtain and furnish to the Commission or City staff any information itthey may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such Commission or City staff;
- 6) Not make expenditures from or use his or her personal funds or funds jointly held with his or her spouse, domestic partner, or unemancipated children in connection with his or her election except as a monetary or non-monetary contribution to his or her controlled committee of \$250 or less. Contributions from a participating candidate to his or her own controlled committee are not eligible for matching funds.
- 7) Not accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars (\$50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars (\$50). The aggregate value of all contributions from any individual must not be greater than fifty dollars (\$50);
- 8) Not solicit or direct contributions in connection with any election during the election cycle in which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars (\$50) made by a natural person non-resident of Berkeley, or non-monetary contributions with fair market value not greater than fifty dollars (\$50) to such candidate's controlled committee.
- 9) Not accept loans from any source.
- 10) The CommissionCity has the authority to approve a candidate's application for public financing, despite a violation by the candidate related to participation and qualification in the public financing program, if the violation is minor in scope and the candidate demonstrates a timely, good-faith effort to remedy the violation. The Commission may adopt regulations setting forth guidelines for what constitutes a minor violation under this provision. (Ord. 7674-NS § 1, 2019; Ord. 7564-NS § 7, 2017; Ord. 7524-NS § 3.6 (part), 2016)

B. At the earliest practicable time after a candidate files with the ~~Commission~~City a written application for certification as a participating candidate, the ~~Commission~~City shall certify that the candidate is or is not eligible. Eligibility can be revoked if the Commission determines that a candidate has committed a substantial violation of the requirements of this Act, in which case all Fair Elections funds shall be repaid. ~~Such a determination shall be made by the Commission.~~

C. At the discretion of the Commission or at the applying candidate's request, the City's denial of eligibility is subject to review by the Commission. The Commission's determination is final except that it is subject to a prompt judicial review pursuant to Section 2.12.235.

D. If the ~~City or~~ Commission determines that a candidate is not eligible, the candidate is not required to comply with provisions of this Act applicable only to participating candidates.

Section 2. That Berkeley Municipal Code Section 2.12.505 is amended to read as follows:

**2.12.505 Fair Elections fund payments.**

A. A candidate who is certified as an eligible participating candidate shall receive payment of Fair Elections funds equal to six-hundred percent (600 percent) of the amount of qualified contributions received by the candidate during the election cycle with respect to a single election subject to the aggregate limit on the total amount of Fair Elections funds payments to a candidate specified in Section 2.12.505.B.

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

- 1) \$120,000 for a candidate running for the office of Mayor;
- 2) \$40,000 for a candidate running for the office of City Council.

C. A participating candidate's application for Fair Elections funds, including an initial request submitted with an application for certification as a participating candidate, shall be made using a form prescribed by the Commission and shall be accompanied by qualified contribution receipts and any other information the Commission deems necessary. This application shall be accompanied by a signed statement from the candidate indicating that all information on the qualified contribution receipts is complete and accurate to the best of the candidate's knowledge.

1) All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.

2) All campaign filings must be current in order for a Participating Candidate to receive a disbursement of Fair Elections funds and the Participating Candidate and a Participating Candidate's controlled committee must not have any outstanding fines related to campaign filings or violations of municipal, state or federal election law. All applications for Fair Elections funds shall include a certification by the Participating Candidate that the Participating Candidate or his or her controlled committee does not have any outstanding fines or penalties related to campaign filings. Upon submission of outstanding campaign filings and payment of any outstanding fines, withheld Fair Elections funds will be disbursed at the next regularly scheduled distribution for that election cycle.

D. The City shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate. A participating candidate who receives a qualified contribution that is not from the person listed on the qualified contribution receipt shall be liable to pay the Fair Elections Fund the entire amount of the inaccurately identified contribution, in addition to any penalties.

E. The City shall make an initial payment of Fair Elections funds within seven business days of the ~~Commission's~~City's certification of a participating candidate's eligibility, or as soon thereafter as is practicable. City staff shall report a certification or denial to the Commission no later than the Commission's next regular meeting, consistent with the Brown Act.

F. The Commission shall establish a schedule for the submission of Fair Elections funds payment requests, permitting a candidate to submit a Fair Elections funds payment request at least once per month. However, the Commission shall schedule a minimum of three payment request submission dates within the thirty days prior to an election.

G. The City shall provide each participating candidate with a written determination specifying the basis for any non-payment of Fair Elections funds. The Commission shall provide participating candidates with a process by which they may immediately upon receipt of such determination petition the Commission for reconsideration of any such non-payment and such reconsideration shall occur within seven business days of the filing of such petition. In the event that the Commission denies such petition then it shall immediately notify the candidate of his or her right to seek judicial review of the Commission's denial pursuant to Section [2.12.235](#).

H. Unspent funds of any Participating Candidate who does not remain a candidate until the election for which they were distributed, or such funds that remain unspent by a Participating Candidate following the date of the election for which they were distributed

**ITEM 8**  
**ATTACHMENT 1**

shall be deposited into the Fair Elections Fund. A Participating Candidate shall deposit all unspent funds into the Fair Elections Fund, up to the total amount of funds that the Participating Candidate received as Fair Elections Fund distributions in that election cycle, within sixty (60) days after the date of the election. (Ord. 7674-NS § 2, 2019: Ord. 7564-NS § 8, 2017: Ord. 7524-NS § 3.6 (part), 2016)



**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the public financing program for campaigns.

The hearing will be held on, [date of hearing] at [6:00 p.m.] in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of [date of agenda posting].

For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** [Publication Date in Newspaper]

Pursuant to Berkeley Municipal Code section 2.12.051

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on [Enter Date].

\_\_\_\_\_  
Mark Numainville, City Clerk

# What's at Stake with Census 2020

## Alameda County



### Complete Count Committee

#### Casey Farmer, Executive Director

Alameda County Complete Count Committee

[www.acgov.org/Census2020](http://www.acgov.org/Census2020)

Casey.Farmer@acgov.org



## Berkeley

UNIVERSITY OF CALIFORNIA

#### Esther Watkins Gulli, Executive Director

Government and Community Relations

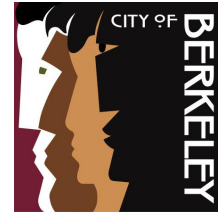
[calcounts.Berkeley.edu](http://calcounts.Berkeley.edu)

egulli@Berkeley.edu

#### Glenn De Guzman, Director Resident Life

Assistant Dean of Students

rlife@Berkeley.edu



#### David White, Deputy City Manager

City of Berkeley

[www.cityofberkeley.info/Census](http://www.cityofberkeley.info/Census)

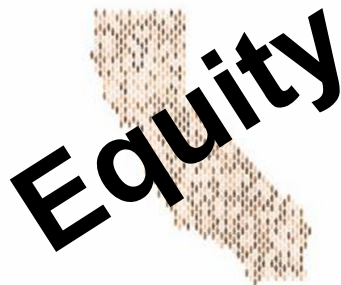
dwhite@cityofberkeley.info

#### Erin Steffen, Asst. to the CM

esteffen@cityofberkeley.info

## Why does the Census Matter?

### Demographics



### Representation




### Funding




Alameda County  
 2020 Census  
 Complete Count  
 Committee

## Federal funding determined by Census data


### Social Services




**SNAP**  
Supplemental Nutrition Assistance Program




**CHIP**



**WIC**  
WOMEN, INFANTS & CHILDREN




**Foster Care**




**LIHEAP**  
Low-Income Home Energy Assistance Program

**Housing**


**Transportation**



**SECTION 8 HOUSING**




*Shelter Funding*




*Federal Highways Funding*


**Education**




Special Education



**School Lunch**




**Head Start**




**TITLE I**

Alameda County  
 2020 Census  
 Complete Count  
 Committee

## Ways to Take the Census




### Online



Computer  
Or mobile device


Available in 12  
Languages + English

### Phone



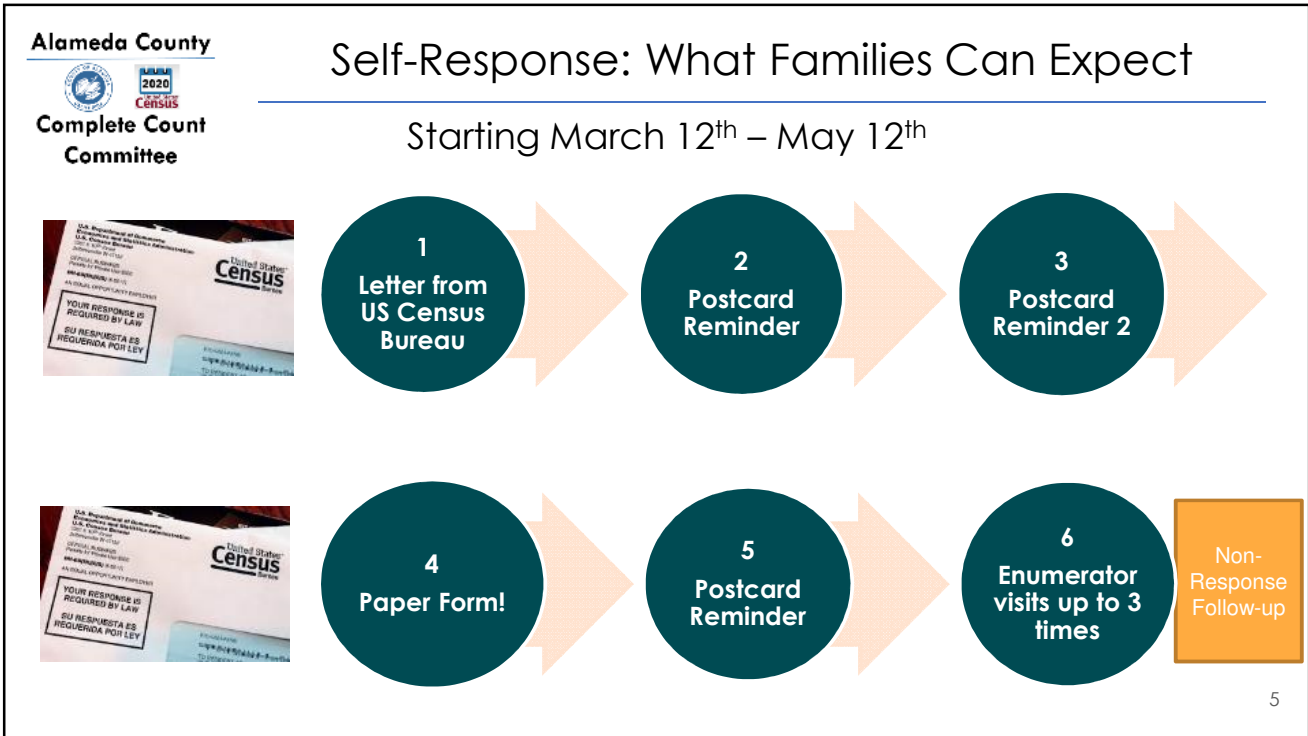
Available in 12  
Languages + English

### Paper Form



Paper form sent if you  
haven't taken the Census  
starting April 8

Printed in Spanish & English




## Census Questionnaire for: 1234 Census Street

**General Rule:**  
 Count people at their usual residence, which is the place where they live and sleep most of the time.

**Note:** People who do not have a usual residence, or who cannot determine a usual residence, are counted where they are on Census Day


Count every adult, child & baby @ each mailing address



Don't forget anyone!

This census must count **All residents** regardless of relationship including:

- Grandpa upstairs
- Friends renting the garage
- Extended family
- Babies born on or before Census Day
- COUNT EVERYONE!



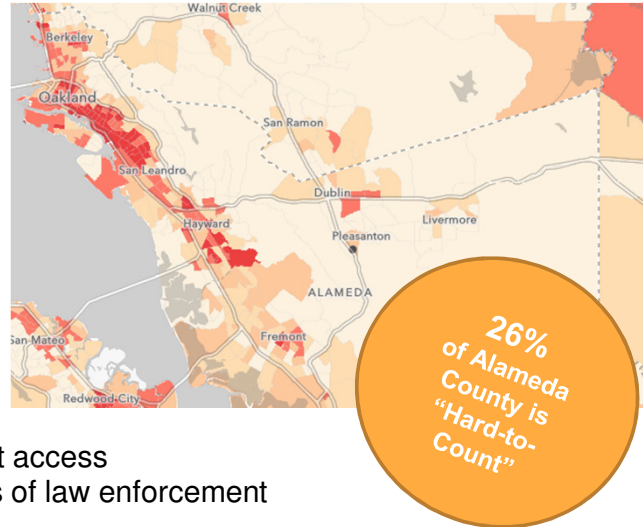
**COUNT ME IN**  
**CENSUS 2020**

OUR COMMON PURPOSE. OUR COMMON BELIEFS.

# Hard-To-Count Populations



- Immigrants
- People of color
- Young children
- Renters / Frequent movers
- People with limited English proficiency
- Low-income households
- Unhoused individuals
- Large or overcrowded households
- Senior citizens
- People without high school degrees
- People with disabilities
- Households without a computer or internet access
- People who have been or could be targets of law enforcement



## What will the Census Ask?

1. How many people live at the address
2. Whether the property is owned or rented
3. Phone number
4. Name
5. Sex
6. Age and date of birth
7. Ethnicity
8. Race
9. How the residents are related



**2020 Census**  
 This is the official questionnaire for the address. It is quick and easy to respond, and your answers are protected by law.  
 For completion instructions and a Spanish, Urdu or Vietnamese version of this form, visit [www.census.gov](https://www.census.gov).

**PERSON 1**

**G. Please provide information for each person living in it.**  
 Mark "F" for Female and "M" for Male.  
 If you are a household member who does not live with you, mark "N" for Not in this household. If you are a household member who does not live with you, mark "N".  
 If you are a household member who does not live with you, mark "N".

**What is Person 1's sex?** (Select one)

Male  Female

**What is Person 1's race?** (Select one)

White  Black or African American  American Indian or Alaska Native  Asian  Hispanic or Latino  Other race

**What is Person 1's ethnicity?** (Select one)

Hispanic or Latino  Not Hispanic or Latino

**What is Person 1's date of birth?** (Select one)

Age  Months  Days

**What is Person 1's relationship to you?** (Select one)

Household head  Spouse  Partner  Parent  Child  Grandchild  Sibling  Other

## Census 2020 and the Proposed Citizenship Question



## Data Privacy & Confidentiality

### *Title 13, United States Code*

- It is illegal to disclose any personally identifiable information.
- Personal information **cannot** be used against respondents by any government agency or court.
- Census Bureau employees take a lifelong oath of office.
- Violators would face a federal prison sentence & / or a fine up to \$250,000.



## Cybersecurity



- Prevent suspicious activity
- Monitor suspicious activity
- Sophisticated data encryption
- Protect data collection devices



## Counting People Experiencing Homelessness

### Service Based Enumeration

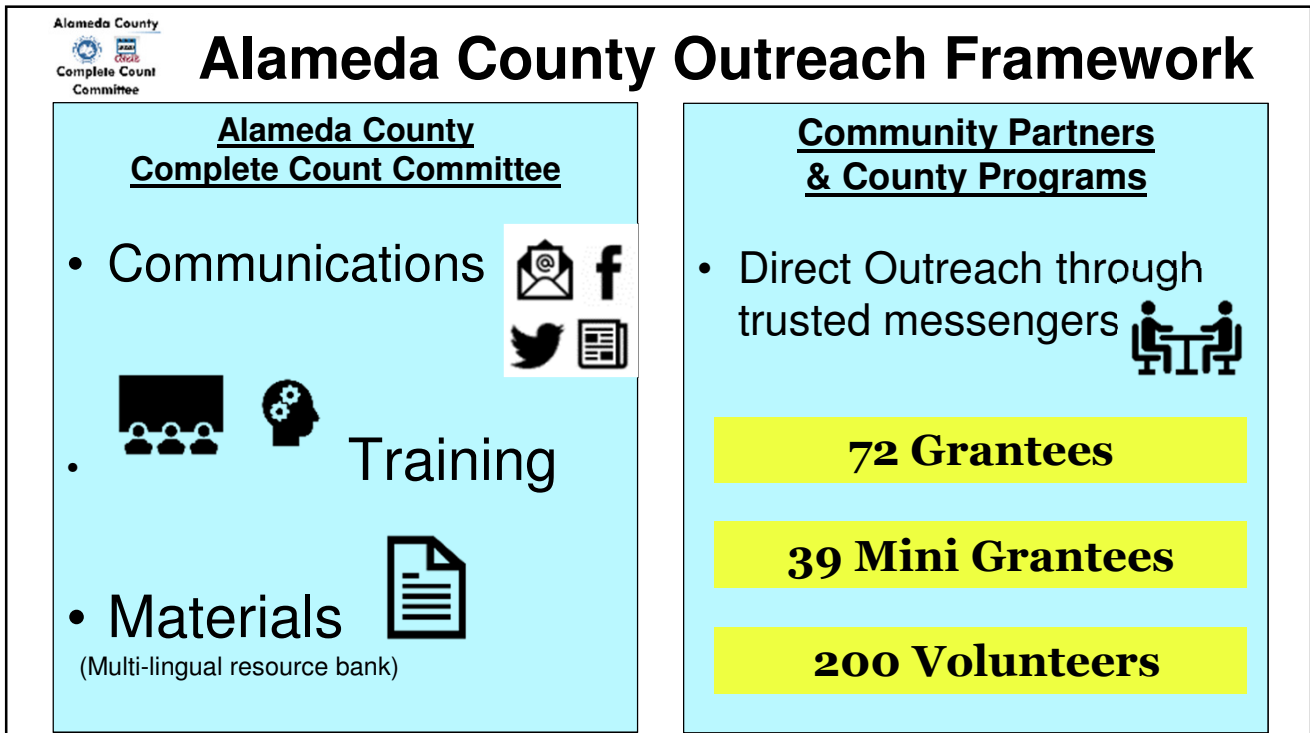
- Soup kitchens
- Mobile food vans

### Group Quarters

- Shelters
- Motels
- SRO's

### Enumeration of Transitory Locations

- RV Camps
- Tent Cities







## Alameda County Community Ambassador Program

Are you a trusted messenger and wish to lead Census outreach in your community?

**We are inviting organizations & individuals to sign up to support outreach – by committing to do one of the following:**

Host an event where people can complete the Census!

Adopt-A-Block

Host a Questionnaire Assistance Center (QAC)

Volunteer to support people at QAC's or to table at events

***All Census Ambassadors are provided training and materials for their outreach!***



Sign-up to volunteer at <http://www.bit.ly/CensusAmbassador>

## Census Jobs: Apply Now for Census Taker Positions

Apply Online

[www.2020census.gov/jobs](http://www.2020census.gov/jobs)

- Be at least 18 years old
- Have a valid Social Security number
- Be eligible to work in the United States
- Have an active e-mail address
- Pass a criminal background check  
*(conducted by the Census Bureau for no charge)*
- Be available to work flexible hours, which can include days, evenings, and/or weekends
- Have access to transportation

**Job Application  
Guides and  
Workshops  
Available!**

**Email Alessia**

[Alessia.Simmonds@acgov.org](mailto:Alessia.Simmonds@acgov.org)



**Pay is \$25  
per hour!**



## Census Outreach to Students

### Outreach

- News releases
- Email and social media
- Integrate messaging into citywide publications
- Commissions
- Flyers and printed materials

### Questionnaire Assist. Centers

Proposed Locations:

- Libraries
- City Hall
- Permit Service Center
- Senior Centers

### Community Events

- Opportunity to reach diverse constituents
- Accomplishments to date:
  - National Night Out
  - Solano Stroll
  - City Open House
  - Winter on the Waterfront
  - Farmer's Markets
- 4/4: Census Picnic

### Partnerships w/ CBO's

- Credible, trusted messengers
- Connect w/ Hard-to-Count Populations



17

## Work Plan Proposals for FCPC

for 2019

- BERA public financing amendments
- Regulations for public financing
- Receive due process training for hearing complaints
- Review procedures for submitting proposals to the City Council
- Find ways to reduce the number of pages in the commission packet  
(Eliminate production of 260 and 497 forms printed for the commissioner's packet  
by referring to website) – other ideas
- Review and Revise procedures for reviewing and hearing complaints



Open Government Commission

**DATE:** March 19, 2020

**TO:** OPEN GOVERNMENT COMMISSION

**FROM:** Samuel Harvey, Commission Secretary

**SUBJECT:** Lobbying Registration and Reporting Processes for Companies, Firms and Organizations

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Under the City's Lobbying Ordinance, each individual who qualifies as a lobbyist is required to register as a lobbyist and file quarterly or annual reports. The forms for registering and reporting are made available through the Office of the City Clerk. As currently written, the forms envision each individual lobbyist personally completing, signing and submitting their registration and reports.

City officials and staff have received inquiries from organizations which employ multiple City lobbyists asking about ways in which the process may be streamlined. Specifically, these organizations are interested in allowing a single employee or officer of the organization to complete and submit all registrations and reports on behalf of the individual lobbyists employed by the entity.

Presently, there is no requirement that the lobbyist themselves actually prepare the registration or reports, only that the registration be signed by the lobbyist.

Staff have reviewed the current registration and reporting forms and believe the process can be streamlined either by amending the existing forms to allow an agent of the organization to prepare, sign and submit on behalf of the lobbyist, or creating separate forms for organizations to use to register and report for all of their lobbyists at once.

The Lobbying Ordinance gives the Commission authority to establish procedures for registering and reporting by businesses, firms and organizations. (BMC § 2.09.150.)

Staff would like the Commission to provide guidance on how best to approach this topic.

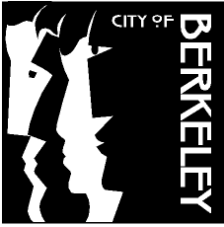
#### **Attachments**

1. BMC § 2.09.150
2. Lobbyist registration and reporting forms

**Berkeley Municipal Code**

**Section 2.09.150 Registration and filing of disclosures by organizations.**

The Open Government Commission is authorized to establish procedures to permit the registration and filing of local governmental lobbyist disclosures by a business, firm, or organization on behalf of the individual local governmental lobbyists employed by those businesses, firms, or organizations. (Ord. 7629-NS § 1 (part), 2018)



**Open Government Commission**  
 2180 Milvia Street  
 Berkeley, CA 94704  
 (510) 981-6900  
[www.cityofberkeley.info](http://www.cityofberkeley.info) | [FCPC@cityofberkeley.info](mailto:FCPC@cityofberkeley.info)

**ITEM 13 - ATTACHMENT 2**

Date Filing Received  
*Official Use Only*

Fee Paid (\$500)

**LOBBYIST REGISTRATION FORM**

(Berkeley Municipal Code Chapter 2.09 – Lobbyist Registration and Regulations)

No person shall act as local governmental lobbyist before registering as a local governmental lobbyist with the Open Government Commission, through the office of the City Clerk. **Lobbyists are further required to file a Quarterly/Annual Disclosure of Lobbying Activities no later than 30 days after the end of the reporting period.** BMC 2.09.060

| PART 1. IDENTIFY THE LOBBYIST     |                                            |       |     |
|-----------------------------------|--------------------------------------------|-------|-----|
| LAST NAME                         | FIRST NAME                                 | M.I.  |     |
| NAME OF LOBBYING FIRM OR EMPLOYER | LOBBYING FIRM OR EMPLOYER BUSINESS ADDRESS |       |     |
|                                   | CITY                                       | STATE | ZIP |
| WORK PHONE                        | WORK EMAIL                                 |       |     |

| PART 2. TYPE OF REGISTRATION (Please Check all that Apply)                                                                                                                                                                                               |                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Initial Lobbyist Registration<br><input type="checkbox"/> Annual or Renewal Lobbyist Registration<br><input type="checkbox"/> Amendment to Lobbyist Registration<br><input type="checkbox"/> Termination of Lobbying Activities | <input type="checkbox"/> 501(c)(3) or 501(c)(4) – <i>Must Attach Determination Letter</i><br><input type="checkbox"/> Lobbying Firm with Four or Fewer Employees<br>■ \$500 fee required, except qualified non-profits. |

| PART 3. LOBBYIST'S CLIENTS                                                                                                                                                                                                                                                            |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| The name, business address, and business telephone number of each client for whom the local governmental lobbyist attempts or receives compensation to influence any proposed or pending governmental action of the City. BMC 2.09.060 B.3. Attach additional information, if needed. |              |
| 1. NAME                                                                                                                                                                                                                                                                               | PHONE NUMBER |
| ADDRESS                                                                                                                                                                                                                                                                               |              |

CLEAR FORM

## ITEM 13 - ATTACHMENT 2

|                |              |
|----------------|--------------|
| <b>2. NAME</b> | PHONE NUMBER |
| ADDRESS        |              |
| <b>3. NAME</b> | PHONE NUMBER |
| ADDRESS        |              |
| <b>4. NAME</b> | PHONE NUMBER |
| ADDRESS        |              |
| <b>5. NAME</b> | PHONE NUMBER |
| ADDRESS        |              |
| <b>6. NAME</b> | PHONE NUMBER |
| ADDRESS        |              |
| <b>7. NAME</b> | PHONE NUMBER |
| ADDRESS        |              |

### **PART 4. FILING UNDER PENALTY OF PERJURY**

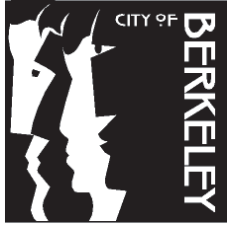
I have reviewed and understand Chapter 2.09 of the Berkeley Municipal Code regarding Lobbyist Registration and Regulations. I have exercised reasonable diligence in the course of reviewing this Registration Form for completeness and accuracy. I declare under penalty of perjury under the laws of the State of California that the contents of this Registration Form, including all attachments, are true, correct, and complete, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

PRINT NAME

DATE

SIGNATURE

# ITEM 13 - ATTACHMENT 2



City Clerk Department  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900  
[www.cityofberkeley.info](http://www.cityofberkeley.info)  
[Elections@cityofberkeley.info](mailto:Elections@cityofberkeley.info)

Date Initial Filing Received  
*Official Use Only*

## QUARTERLY/ANNUAL DISCLOSURE OF LOBBYING ACTIVITIES

For each calendar quarter in which a local governmental lobbyist was required to be registered, they shall file a quarterly report with the City Clerk, unless the local governmental lobbyist is a sole proprietorship or works for a lobbying firm with four or fewer employees, in which case they shall file annually. **The reports shall be due no later than thirty (30) days after the end of the reporting period.** BMC 2.09.140

|                                   |            |
|-----------------------------------|------------|
| FULL NAME                         |            |
| NAME OF LOBBYIST FIRM OR EMPLOYER |            |
| LOBBYIST FIRM/EMPLOYER ADDRESS    |            |
| WORK PHONE                        | WORK EMAIL |

|                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|
| REPORTING PERIOD                                                                                                                         |
| <input type="radio"/> ANNUAL <input type="radio"/> QUARTERLY <input type="radio"/> AMENDMENT <input type="radio"/> NO ACTIVITY TO REPORT |

I am including the following disclosure schedules for each client/employer (check all that apply) \_\_\_\_\_ # of pages.

- Schedule A: Governmental Action Disclosure
- Schedule B: Employment
- Schedule C: Compensated Services
- Schedule D: Contribution Solicitations

### VERIFICATION

I have been authorized by the Lobbying Firm identified above to make this verification. I have exercised reasonable diligence in the course of reviewing this Disclosure Report for completeness and accuracy. I declare under penalty of perjury under the laws of the State of California that the contents of this Disclosure Report, including all attached schedules, are true, correct, and complete, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# ITEM 13 - ATTACHMENT 2

**CITY OF BERKELEY  
 LOBBYIST DISCLOSURE (BMC 2.09.140)  
 SCHEDULE A: GOVERNMENTAL ACTION**

Name of Lobbyist: \_\_\_\_\_

Any discretionary administrative or legislative actions of the City, other than an action which is ministerial in nature that the lobbyist sought to influence. The report shall contain any direct or indirect oral, written, or electronic communication with an appointed or elected City official or City employee. Please provide a brief narrative (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client. If more space is needed, include additional schedules.

|                                    |         |
|------------------------------------|---------|
| Reporting Period<br>(Insert Dates) |         |
| _____                              | _____   |
| from                               | through |
| Page _____ of _____                |         |

| CLIENT/EMPLOYER NAME | CLIENT/EMPLOYER ADDRESS (INCLUDE CITY, STATE AND ZIP) | ITEM OF GOVERNMENTAL ACTION | POSITION ADVOCATED | NAME AND TITLE OF CITY OFFICIAL/CITY EMPLOYEE LOBBIED |
|----------------------|-------------------------------------------------------|-----------------------------|--------------------|-------------------------------------------------------|
| 1.                   |                                                       |                             |                    |                                                       |
| 2.                   |                                                       |                             |                    |                                                       |
| 3.                   |                                                       |                             |                    |                                                       |
| 4.                   |                                                       |                             |                    |                                                       |
| 5.                   |                                                       |                             |                    |                                                       |
| 6.                   |                                                       |                             |                    |                                                       |
| 7.                   |                                                       |                             |                    |                                                       |
| 8.                   |                                                       |                             |                    |                                                       |
| 9.                   |                                                       |                             |                    |                                                       |
| 10.                  |                                                       |                             |                    |                                                       |

Clear Form

# ITEM 13 - ATTACHMENT 2

## CITY OF BERKELEY LOBBYIST DISCLOSURE (BMC 2.09.140) SCHEDULE B: EMPLOYMENT

Name of Lobbyist: \_\_\_\_\_

If any local governmental lobbyist, or a registered client at the behest of a local governmental lobbyist, employs or requests, recommends or causes a client of the local governmental lobbyist to employ, and such client does employ, any City employee, or elected or appointed City official, in any capacity whatsoever, or a member of the immediate family of one of these individuals, the local governmental lobbyist shall disclose the following:

**NAME OF PERSON EMPLOYED OR HIRED:** \_\_\_\_\_

Description of Services Actually Performed:

---

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---

**TOTAL PAYMENTS** made during the reporting period (select one):

- Less than \$250
- Between \$250 and \$1000
- Greater than \$1000 but less than \$10,000
- Greater than \$10,000

**NAME OF PERSON EMPLOYED OR HIRED:** \_\_\_\_\_

Description of Services Actually Performed:

---

---

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---

**TOTAL PAYMENTS** made during the reporting period (select one):

- Less than \$250
- Between \$250 and \$1000
- Greater than \$1000 but less than \$10,000
- Greater than \$10,000

**NAME OF PERSON EMPLOYED OR HIRED:** \_\_\_\_\_

Description of Services Actually Performed:

---

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**TOTAL PAYMENTS** made during the reporting period (select one):

- Less than \$250
- Between \$250 and \$1000
- Greater than \$1000 but less than \$10,000
- Greater than \$10,000

**ITEM 13 - ATTACHMENT 2**

**CITY OF BERKELEY  
LOBBYIST DISCLOSURE (BMC 2.09.140)  
SCHEDULE C: COMPENSATED SERVICES**

Name of Lobbyist: \_\_\_\_\_

If any elected City officeholder or candidate for elected City office employs or hires a local governmental lobbyist to provide compensated services to the officeholder or candidate, the local governmental lobbyist shall disclose the following:

**NAME OF PERSON EMPLOYED OR HIRED:** \_\_\_\_\_  
Description of Services Actually Performed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL PAYMENTS** made during the reporting period (select one):

Less than \$250  
 Between \$250 and \$1000  
 Greater than \$1000 but less than \$10,000  
 Greater than \$10,000

**NAME OF PERSON EMPLOYED OR HIRED:** \_\_\_\_\_  
Description of Services Actually Performed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL PAYMENTS** made during the reporting period (select one):

Less than \$250  
 Between \$250 and \$1000  
 Greater than \$1000 but less than \$10,000  
 Greater than \$10,000

**NAME OF PERSON EMPLOYED OR HIRED:** \_\_\_\_\_  
Description of Services Actually Performed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL PAYMENTS** made during the reporting period (select one):

Less than \$250  
 Between \$250 and \$1000  
 Greater than \$1000 but less than \$10,000  
 Greater than \$10,000

ITEM 13 - ATTACHMENT 2

CITY OF BERKELEY  
LOBBYIST DISCLOSURE (BMC 2.09.140)  
SCHEDULE D: CONTRIBUTION SOLICITATIONS

Name of Lobbyist: \_\_\_\_\_

If a local governmental lobbyist solicits any person to make a contribution to an elected City officeholder, candidate for City office or to any committee or campaign fund controlled by such officeholder or candidate, the local governmental lobbyist shall disclose the names of the persons whom the local governmental lobbyist solicited, and the officeholder or candidate for whose benefit each solicitation was made.

1. Name of Officeholder or Candidate: \_\_\_\_\_

**Names of Persons Solicited:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_

2. Name of Officeholder or Candidate: \_\_\_\_\_

**Names of Persons Solicited:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_

3. Name of Officeholder or Candidate: \_\_\_\_\_

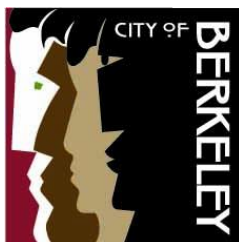
**Names of Persons Solicited:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_

4. Name of Officeholder or Candidate: \_\_\_\_\_

**Names of Persons Solicited:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_



Open Government Commission

**DATE:** March 19, 2020

**TO:** Open Government Commission

**FROM:** Brad Smith, Chair

**SUBJECT:** Donations to Nonprofit Organizations from D-13 Accounts

---

Donations to nonprofit organizations from the Councilmember's discretionary council budget (D-13 accounts) puts that elected official in a favorable light with Berkeley citizens at no cost to the Councilmember, an option not available to a challenger for that office. A look at the Consent Calendar of City Council Meeting Agendas will often contain one or more items from one or more Councilmembers making a donation to a nonprofit organization "from the discretionary council budget" of the Councilmember. This line item ("Services and Materials") from the General Fund was increased from \$50,938 in FY 2017 to \$113,526 in FY 2018 (approximately \$40,000 for the Mayor, the balance evenly divided among the Councilmembers; see Attachment 1 – Council Office Budget Summaries). While not technically a "campaign contribution," those individuals in the organization as well as individuals favorably disposed to the nonprofit organization receiving the funds would certainly see it favorably. A person running against this incumbent would have to draw on their own resources to match a Councilmember's contribution from public funds and without the public notice of the contribution the Councilmember receives.

In addition to favoring incumbents, the use of public moneys for contributions to nonprofit organizations from the discretionary council budgets of individual Council members is arguably improper and certainly bad optics. We have no argument with contributions being made to nonprofit organizations from the City of Berkeley, but they should be made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley, not from individual Council members. Perhaps a nonprofit fund could be set up from which the donations could be made from recommendations made to one of the Council's Policy Commissions. This would free funds for other purposes now being directed to nonprofit organizations from individual Councilmember's D-13 accounts.

Recommendation to prohibit contributions to nonprofit organizations from individual Councilmembers.

Attachments:

1. FY 2019 Council Office Budget Summaries
2. Resolution No. 67,992-N.S.

**FY 2019 Council Office Budget Summaries**  
Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019

**Expenditure Projections Through 6/30/19**

|                                   | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods/ months Remaining | Estimated Remaining Payroll | Year End Expend. (estimate) | Projected Year-End Balance |
|-----------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|---------------------------------------|-----------------------------|-----------------------------|----------------------------|
| <b>Mayor's Office</b>             |                   |                   |                               |                       |                                |                                       |                             |                             |                            |
| <i>Personnel</i>                  |                   |                   |                               |                       |                                |                                       |                             |                             |                            |
| Salaries                          | \$ 413,053        | \$ 423,704        | \$ 348,058                    | \$ 75,646             | \$ 13,580                      | 5                                     | \$ 67,902                   | \$ 415,960                  | \$ 7,744                   |
| Fringe Benefits                   | \$ 167,036        | \$ 171,453        | \$ 135,206                    | \$ 36,247             |                                |                                       |                             |                             |                            |
| Other                             |                   |                   |                               |                       |                                |                                       |                             |                             |                            |
| <b>Sub-Total Personnel</b>        | <b>\$ 580,089</b> | <b>\$ 595,157</b> | <b>\$ 483,264</b>             | <b>\$ 111,893</b>     |                                |                                       |                             |                             |                            |
| <i>Non-Personnel</i>              |                   |                   |                               |                       |                                |                                       |                             |                             |                            |
| Other Budget Adjustments          | \$ 39,934         | \$ 39,934         | \$ 24,145                     | \$ 15,789             |                                |                                       |                             |                             |                            |
| Toshiba PO#116393-BUA 10-213      |                   | \$ (3,550)        |                               | \$ (3,550)            |                                |                                       |                             |                             |                            |
| FY 2018 Unencumbered Carryover    |                   | \$ (5,791)        |                               | \$ (5,791)            |                                |                                       |                             |                             |                            |
|                                   |                   | \$ 171            |                               | \$ 171                |                                |                                       |                             |                             |                            |
| <b>Subtotal Non-Personnel (1)</b> | <b>\$ 39,934</b>  | <b>\$ 30,764</b>  | <b>\$ 24,145</b>              | <b>\$ 6,619</b>       |                                |                                       |                             |                             |                            |
| <b>Totals</b>                     | <b>\$ 620,023</b> | <b>\$ 625,921</b> | <b>\$ 507,409</b>             | <b>\$ 118,512</b>     |                                |                                       |                             |                             | <b>\$ 14,364</b>           |

\*\*Includes the following donations:

| AGENCY                                  | AMOUNT          | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|-----------------------------------------|-----------------|------------|-------------|------------|--------|
| Berkeley Art Center                     | \$ 500          | 7/10/2018  | 68,513-N-S. | 8/16/2018  | 228193 |
| CARECEN                                 | \$ 250          | 7/10/2018  | 68,571-N-S. | 8/16/2018  | 228220 |
| Together We Can Make It Happen          | \$ 250          | 7/10/2018  | 68,572-N-S. | 8/16/2018  | 228434 |
| Berkeley Holiday Fund                   | \$ 500          | 10/2/2018  | 68,620-N-S. | 10/24/2018 | 231429 |
| Interfaith Movement for Human Integrity | \$ 250          | 11/27/2018 | 68,686-N-S. | 3/6/2019   | 304863 |
| Rotary Club of Berkeley                 | \$ 500          | 12/11/2018 | 68,720-N-S. | 1/24/2019  | 302895 |
| Berkeley Public Library Foundation      | \$ 500          | 12/11/2018 | 68,723-N-S. | 1/24/2019  | 302649 |
| Berkeley Youth Alternative              | \$ 100          | 2/19/2019  | 68,763-N-S. | 3/6/2019   | 304773 |
| Friends of Ohlone Park                  | \$ 250          | 2/19/2019  | 68,765-N-S. | 3/6/2019   | 304768 |
| The Suitcase Clinic (ASUC)              | \$ 100          | 3/26/2019  | 68,801-N-S. | 4/25/2019  | 307075 |
| Healthy Black Families                  | \$ 100          | 3/26/2019  | 68,798-N-S. | 4/18/2019  | 306886 |
| Jewish Community Center                 | \$ 250          | 3/26/2019  | 68,800-N-S. | 4/18/2019  | 306899 |
| <b>TOTAL</b>                            | <b>\$ 3,550</b> |            |             |            |        |

**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)*

*Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                | Adopted Budget    | Adjusted Budget  | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|--------------------------------|-------------------|------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 1 - Kesarwani</b>  |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| Personnel                      |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| Salaries                       | \$ 68,542         | \$ 41,182        | 21,782 \$                     | 19,400 \$             | \$ 2,661                       | 5                             | \$ 13,305                   | \$ 35,087            | \$ 6,095                   |
| Fringe Benefits                | \$ 33,172         | \$ 19,934        | 8,998 \$                      | 10,932 \$             |                                |                               |                             |                      |                            |
| Other                          |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>     | <b>\$ 101,714</b> | <b>\$ 61,113</b> | <b>\$ 30,781</b>              | <b>\$ 30,332</b>      |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>           |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments    | \$ 9,640          | \$ 5,623         | 1,634 \$                      | 3,990 \$              |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover | \$ -              | \$ (250)         | \$ -                          | (250) \$              |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>           | <b>\$ 9,640</b>   | <b>\$ 5,373</b>  | <b>\$ 1,634</b>               | <b>\$ 3,740</b>       |                                |                               |                             |                      | <b>\$ 3,740</b>            |
| <b>Totals</b>                  | <b>\$ 111,354</b> | <b>\$ 66,486</b> | <b>\$ 32,414</b>              | <b>\$ 34,072</b>      |                                |                               |                             |                      | <b>\$ 9,835</b>            |

\*\*Includes the following donations:

| AGENCY                 | AMOUNT | DATE      | RESOLUTION# | CHECK DATE | CHECK# |
|------------------------|--------|-----------|-------------|------------|--------|
| Friends of Ohlone Park | \$ 250 | 2/19/2019 | 68,765-N-S. | 3/6/2019   | 304768 |

**TOTAL**  
\$ 250



**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                     | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|-------------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 2 - Davila</b>          |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Personnel                           |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Salaries                            | \$ 68,542         | \$ 70,598         | \$ 44,028                     | \$ 26,571             | \$ 2,280                       | 5                             | \$ 11,400                   | \$ 55,428            | \$ 15,171                  |
| Fringe Benefits                     | \$ 33,172         | \$ 34,167         | \$ 28,422                     | \$ 5,745              |                                |                               |                             |                      |                            |
| Other                               |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>          | <b>\$ 101,714</b> | <b>\$ 104,765</b> | <b>\$ 72,449</b>              | <b>\$ 32,316</b>      |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>                |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments         | \$ 9,640          | \$ 9,640          | \$ 11,121                     | \$ (1,481)            |                                |                               |                             |                      |                            |
| FY18 Encumbrance roll-over in error |                   | \$ (3,880)        |                               | \$ (3,880)            |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover      | \$ -              | \$ 231            | \$ -                          | \$ 10,000             |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>                | <b>\$ 9,640</b>   | <b>\$ 15,991</b>  | <b>\$ 11,121</b>              | <b>\$ 4,870</b>       |                                |                               |                             |                      |                            |
| <b>Totals</b>                       | <b>\$ 111,354</b> | <b>\$ 120,756</b> | <b>\$ 83,570</b>              | <b>\$ 37,186</b>      |                                |                               |                             |                      |                            |

\*\*Includes the following donations:

| AGENCY                                                       | AMOUNT | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|--------------------------------------------------------------|--------|------------|-------------|------------|--------|
| Building Opportunities for Self Sufficiency                  | \$ 100 | 7/10/2018  | 68,509-N-S. | 8/16/2018  | 228215 |
| Black Repertory Group                                        | \$ 200 | 7/10/2018  | 68,512-N-S. | 8/16/2018  | 228201 |
| CARECEN                                                      | \$ 250 | 7/10/2018  | 68,571-N-S. | 8/16/2018  | 228220 |
| Together We Can Make It Happen                               | \$ 250 | 7/10/2018  | 68,572-N-S. | 8/16/2018  | 228434 |
| BDPNN                                                        | \$ 250 | 9/25/2018  | 68,614-N-S. | 9/25/2018  | 230384 |
| Berkeley Holiday Fund                                        | \$ 100 | 10/2/2018  | 68,620-N-S. | 10/24/2018 | 231429 |
| Interfaith Movement for Human Integrity                      | \$ 150 | 11/27/2018 | 68,686-N-S. | 3/6/2019   | 304863 |
| Options Recovery Services                                    | \$ 100 | 11/27/2018 | 68,684-N-S. | 3/6/2019   | 304976 |
| Rotary Club of Berkeley                                      | \$ 200 | 12/11/2018 | 68,720-N-S. | 1/24/2019  | 302895 |
| African American Tobacco Control Leadership Council (AATCLC) | \$ 150 | 12/11/2018 | 68,722-N-S. | 4/10/2019  | 306723 |



**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|--------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 3 - Bartlett</b>   |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Personnel                      |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Salaries                       | \$ 68,542         | \$ 70,598         | \$ 50,676                     | \$ 19,922             | \$ 4,199                       | 5                             | \$ 20,993                   | \$ 71,669            | \$ (1,071)                 |
| Fringe Benefits                | \$ 33,172         | \$ 34,167         | \$ 16,140                     | \$ 18,027             |                                |                               |                             |                      |                            |
| Other                          |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>     | <b>\$ 101,714</b> | <b>\$ 104,765</b> | <b>\$ 66,816</b>              | <b>\$ 37,949</b>      |                                |                               |                             |                      |                            |
| Non-Personnel                  |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments    | \$ 9,640          | \$ 9,640          | \$ 3,745                      | \$ 5,895              |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover | \$ -              | \$ (7,250)        | \$ -                          | \$ (7,250)            |                                |                               |                             |                      |                            |
| Non-Personnel                  | \$ 9,640          | \$ 8,422          | \$ 3,745                      | \$ 4,677              |                                |                               |                             |                      |                            |
| <b>Totals</b>                  | <b>\$ 111,354</b> | <b>\$ 113,187</b> | <b>\$ 70,561</b>              | <b>\$ 42,626</b>      |                                |                               |                             |                      | <b>\$ 4,677</b>            |
|                                |                   |                   |                               |                       |                                |                               |                             |                      | <b>\$ 3,607</b>            |

**mrosete:**  
increase in personnel expenditure due to hiring of 6 additional hourly Legislative Assistants - NTE 06/30/2019

\*\*Includes the following donations:

| AGENCY                                                       | AMOUNT | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|--------------------------------------------------------------|--------|------------|-------------|------------|--------|
| Building Opportunities for Self Sufficiency                  | \$ 200 | 7/10/2018  | 68,509-N-S. | 8/16/2018  | 228215 |
| Women's Daytime Drop-In Center                               | \$ 200 | 7/10/2018  | 68,510-N-S. | 8/16/2018  | 228457 |
| Black Repertory Group                                        | \$ 250 | 7/10/2018  | 68,512-N-S. | 8/16/2018  | 228201 |
| Berkeley Art Center                                          | \$ 250 | 7/10/2018  | 68,513-N-S. | 8/16/2018  | 228193 |
| Together We Can Make It Happen                               | \$ 250 | 7/10/2018  | 68,572-N-S. | 8/16/2018  | 228434 |
| BDPNN                                                        | \$ 250 | 9/25/2018  | 68,614-N-S. | 9/25/2018  | 230384 |
| African American Tobacco Control Leadership Council (AATCLC) | \$ 250 | 12/11/2018 | 68,722-N-S. | 4/10/2019  | 306723 |
| Berkeley Public Library Foundation                           | \$ 250 | 12/11/2018 | 68,723-N-S. | 1/24/2019  | 302649 |
| Berkeley Youth Alternative                                   | \$ 250 | 2/19/2019  | 68,763-N-S. | 3/6/2019   | 304773 |
| Friends of Ohlone Park                                       | \$ 100 | 2/19/2019  | 68,765-N-S. | 3/6/2019   | 304768 |
| The Persian Center                                           | \$ 100 | 3/12/2019  | 68,786-N-S. | 3/28/2019  | 306009 |
| Camp Kesem                                                   | \$ 100 | 3/12/2019  | 68,787-N-S. | 3/28/2019  | 306182 |
| The Suitcase Clinic (ASUC)                                   | \$ 200 | 3/26/2019  | 68,801-N-S. | 4/25/2019  | 307075 |



**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|--------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
|                                |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>District 4 - Harrison</b>   |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Personnel                      |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Salaries                       | \$ 68,542         | \$ 70,598         | \$ 65,212                     | \$ 5,386              | \$ 3,039                       | 5                             | \$ 15,195                   | \$ 80,407            | \$ (9,809)                 |
| Fringe Benefits                | \$ 33,172         | \$ 34,167         | \$ 29,887                     | \$ 4,280              |                                |                               | \$ -                        |                      |                            |
| Other                          |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>     | <b>\$ 101,714</b> | <b>\$ 104,765</b> | <b>\$ 95,099</b>              | <b>\$ 9,666</b>       |                                |                               |                             |                      |                            |
| Non-Personnel                  |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments    | \$ 9,640          | \$ 9,640          | \$ 3,209                      | \$ 6,431              |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover |                   | \$ (3,500)        |                               | \$ (3,500)            |                                |                               |                             |                      |                            |
| Non-Personnel                  | \$ 9,640          | \$ 16,140         | \$ -                          | \$ 10,000             |                                |                               |                             |                      |                            |
| <b>Totals</b>                  | <b>\$ 111,354</b> | <b>\$ 120,905</b> | <b>\$ 98,308</b>              | <b>\$ 22,597</b>      |                                |                               |                             |                      | <b>\$ 12,931</b>           |
|                                |                   |                   |                               |                       |                                |                               |                             |                      | <b>\$ 3,122</b>            |

\*\*Includes the following donations:

| AGENCY                                                       | AMOUNT | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|--------------------------------------------------------------|--------|------------|-------------|------------|--------|
| Building Opportunities for Self                              |        |            |             |            |        |
| Sufficiency                                                  | \$ 100 | 7/10/2018  | 68,509-N-S. | 8/16/2018  | 228215 |
| Women's Daytime Drop-In Center                               | \$ 250 | 7/10/2018  | 68,510-N-S. | 8/16/2018  | 228457 |
| Berkeley Art Center                                          | \$ 250 | 7/10/2018  | 68,513-N-S. | 8/16/2018  | 228193 |
| CARECEN                                                      | \$ 250 | 7/10/2018  | 68,571-N-S. | 8/16/2018  | 228220 |
| Together We Can Make It Happen                               | \$ 250 | 7/10/2018  | 68,572-N-S. | 8/16/2018  | 228434 |
| BDPNN                                                        | \$ 250 | 9/25/2018  | 68,614-N-S. | 9/25/2018  | 230384 |
| Berkeley Holiday Fund                                        | \$ 100 | 10/2/2018  | 68,620-N-S. | 10/24/2018 | 231429 |
| Interfaith Movement for Human Integrity                      | \$ 150 | 11/27/2018 | 68,686-N-S. | 3/6/2019   | 304863 |
| Rotary Club of Berkeley                                      | \$ 250 | 12/11/2018 | 68,720-N-S. | 1/24/2019  | 302895 |
| African American Tobacco Control Leadership Council (AATCLC) | \$ 100 | 12/11/2018 | 68,722-N-S. | 4/10/2019  | 306723 |
| Berkeley Public Library Foundation                           | \$ 250 | 12/11/2018 | 68,723-N-S. | 1/24/2019  | 302649 |



**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                     | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|-------------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 5 - Hahn</b>            |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Personnel</b>                    |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Salaries                            | \$ 104,818        | \$ 106,874        | \$ 89,162                     | \$ 17,712             | \$ 4,302                       | 5                             | \$ 21,509                   | \$ 110,670           | \$ (3,796)                 |
| Fringe Benefits                     | \$ 33,172         | \$ 34,167         | \$ 40,010                     | \$ (5,843)            |                                |                               |                             |                      |                            |
| Other                               |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>          | <b>\$ 137,990</b> | <b>\$ 141,041</b> | <b>\$ 129,171</b>             | <b>\$ 11,870</b>      |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>                |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments         | \$ 9,640          | \$ 9,640          | \$ 8,484                      | \$ 1,156              |                                |                               |                             |                      |                            |
| FY18 Encumbrance roll-over in error |                   | \$ (3,585)        |                               | \$ (3,585)            |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover      | \$ -              | \$ 371            |                               | \$ 371                |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>                | <b>\$ 9,640</b>   | <b>\$ 12,788</b>  | <b>\$ 8,484</b>               | <b>\$ 6,362</b>       |                                |                               |                             |                      |                            |
| <b>Totals</b>                       | <b>\$ 147,630</b> | <b>\$ 153,829</b> | <b>\$ 137,656</b>             | <b>\$ 16,174</b>      |                                |                               |                             |                      | <b>\$ 4,304</b>            |

**Imrosete:**  
increase in personnel expenditure due to staffing changes

\*\*Includes the following donations:

| AGENCY                                                       | AMOUNT | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|--------------------------------------------------------------|--------|------------|-------------|------------|--------|
| Building Opportunities for Self Sufficiency                  | \$ 200 | 7/10/2018  | 68,509-N-S. | 8/16/2018  | 228215 |
| Women's Daytime Drop-In Center                               | \$ 200 | 7/10/2018  | 68,510-N-S. | 8/16/2018  | 228457 |
| ReScape California                                           | \$ 85  | 7/10/2018  | 68,511-N-S. | 8/16/2018  | 228388 |
| Black Repertory Group                                        | \$ 200 | 7/10/2018  | 68,512-N-S. | 8/16/2018  | 228201 |
| Berkeley Art Center                                          | \$ 300 | 7/10/2018  | 68,513-N-S. | 8/16/2018  | 228193 |
| Together We Can Make It Happen                               | \$ 250 | 7/10/2018  | 68,572-N-S. | 8/16/2018  | 228434 |
| BDPNN                                                        | \$ 100 | 9/25/2018  | 68,614-N-S. | 9/25/2018  | 230384 |
| Berkeley Holiday Fund                                        | \$ 200 | 10/2/2018  | 68,620-N-S. | 10/24/2018 | 231429 |
| Options Recovery Services                                    | \$ 200 | 11/27/2018 | 68,684-N-S. | 3/6/2019   | 304976 |
| Rotary Club of Berkeley                                      | \$ 200 | 12/11/2018 | 68,720-N-S. | 1/24/2019  | 302895 |
| African American Tobacco Control Leadership Council (AATCLC) | \$ 200 | 12/11/2018 | 68,722-N-S. | 4/10/2019  | 306723 |





**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|--------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 6 - Wengraf</b>    |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <i>Personnel</i>               |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Salaries                       | \$ 68,542         | \$ 70,598         | \$ 55,115                     | \$ 15,483             | \$ 2,611                       | 5                             | \$ 13,054                   | \$ 68,169            | \$ 2,429                   |
| Fringe Benefits                | \$ 33,172         | \$ 34,167         | \$ 22,465                     | \$ 11,702             |                                |                               | \$ -                        |                      |                            |
| Other                          |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>     | <b>\$ 101,714</b> | <b>\$ 104,765</b> | <b>\$ 77,581</b>              | <b>\$ 27,184</b>      |                                |                               |                             |                      |                            |
| <i>Non-Personnel</i>           |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments    | \$ 9,640          | \$ 9,640          | \$ 2,473                      | \$ 7,167              |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover | \$ -              | \$ (4,330)        | \$ -                          | \$ (4,330)            |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>           | <b>\$ 9,640</b>   | <b>\$ 15,310</b>  | <b>\$ 2,473</b>               | <b>\$ 12,837</b>      |                                |                               |                             |                      |                            |
| <b>Totals</b>                  | <b>\$ 111,354</b> | <b>\$ 120,075</b> | <b>\$ 80,053</b>              | <b>\$ 40,022</b>      |                                |                               |                             |                      | <b>\$ 15,266</b>           |

\*\*Includes the following donations:

| AGENCY                                                       | AMOUNT | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|--------------------------------------------------------------|--------|------------|-------------|------------|--------|
| Building Opportunities for Self Sufficiency                  | \$ 100 | 7/10/2018  | 68,509-N-S. | 8/16/2018  | 228215 |
| Women's Daytime Drop-In Center                               | \$ 250 | 7/10/2018  | 68,510-N-S. | 8/16/2018  | 228457 |
| ReScape California                                           | \$ 80  | 7/10/2018  | 68,511-N-S. | 8/16/2018  | 228388 |
| Berkeley Art Center                                          | \$ 200 | 7/10/2018  | 68,513-N-S. | 8/16/2018  | 228193 |
| Together We Can Make It Happen                               | \$ 200 | 7/10/2018  | 68,572-N-S. | 8/16/2018  | 228434 |
| BDPNN                                                        | \$ 250 | 9/25/2018  | 68,614-N-S. | 9/25/2018  | 230384 |
| Berkeley Holiday Fund                                        | \$ 250 | 10/2/2018  | 68,620-N-S. | 10/24/2018 | 231429 |
| Interfaith Movement for Human Integrity                      | \$ 150 | 11/27/2018 | 68,686-N-S. | 3/6/2019   | 304863 |
| Options Recovery Services                                    | \$ 250 | 11/27/2018 | 68,684-N-S. | 3/6/2019   | 304976 |
| Rotary Club of Berkeley                                      | \$ 500 | 12/11/2018 | 68,720-N-S. | 1/24/2019  | 302895 |
| African American Tobacco Control Leadership Council (AATCLC) | \$ 100 | 12/11/2018 | 68,722-N-S. | 4/10/2019  | 306723 |
| Berkeley Public Library Foundation                           | \$ 500 | 12/11/2018 | 68,723-N-S. | 1/24/2019  | 302649 |



**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                | Adopted Budget    | Adjusted Budget  | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|--------------------------------|-------------------|------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 7 - Robinson</b>   |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| <b>Personnel</b>               |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| Salaries                       | \$ 68,542         | \$ 41,182        | \$ 16,036                     | \$ 25,146             | \$ 1,920                       | 5                             | \$ 9,600                    | \$ 25,636            | \$ 15,546                  |
| Fringe Benefits                | \$ 33,172         | \$ 19,931        | \$ 9,048                      | \$ 10,883             |                                |                               | \$ -                        |                      |                            |
| Other                          |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>     | <b>\$ 101,714</b> | <b>\$ 61,113</b> | <b>\$ 25,084</b>              | <b>\$ 36,029</b>      |                                |                               |                             |                      |                            |
| <b>Non-Personnel</b>           |                   |                  |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments    | \$ 9,640          | \$ 5,623         | \$ 4,046                      | \$ 1,578              |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover |                   | \$ (2,200)       |                               | \$ (2,200)            |                                |                               |                             |                      |                            |
| <b>Non-Personnel (1)</b>       | <b>\$ 9,640</b>   | <b>\$ 3,423</b>  | <b>\$ 4,046</b>               | <b>\$ (622)</b>       |                                |                               |                             |                      | <b>\$ (622)</b>            |
| <b>Totals</b>                  | <b>\$ 111,354</b> | <b>\$ 64,536</b> | <b>\$ 29,130</b>              | <b>\$ 35,406</b>      |                                |                               |                             |                      | <b>\$ 14,924</b>           |

\*\*includes the following donations:

| AGENCY                             | AMOUNT | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|------------------------------------|--------|------------|-------------|------------|--------|
| Rotary Club of Berkeley            | \$ 150 | 12/11/2018 | 68,720-N.S. | 1/24/2019  | 302895 |
| African American Tobacco Control   | \$ 150 | 12/11/2018 | 68,722-N.S. | 4/10/2019  | 306723 |
| Leadership Council (AATCLC)        | \$ 150 | 12/11/2018 | 68,723-N.S. | 1/24/2019  | 302649 |
| Berkeley Public Library Foundation | \$ 150 | 2/19/2019  | 68,763-N.S. | 3/6/2019   | 304773 |
| Berkeley Youth Alternative         | \$ 150 | 2/19/2019  | 68,765-N.S. | 3/6/2019   | 304768 |
| Friends of Ohlone Park             | \$ 100 | 3/12/2019  | 68,786-N.S. | 3/28/2019  | 306009 |
| The Persian Center                 | \$ 150 | 3/12/2019  | 68,787-N.S. | 3/28/2019  | 306182 |
| Camp Kesem                         | \$ 250 | 3/26/2019  | 68,801-N.S. | 4/25/2019  | 307075 |
| The Suitcase Clinic (ASUC)         | \$ 100 | 3/26/2019  | 68,798-N.S. | 4/18/2019  | 306886 |
| Healthy Black Families             | \$ 100 | 3/26/2019  | 68,799-N.S. | 4/18/2019  | 306918 |
| Lifelong Medical Care              | \$ 100 | 3/26/2019  | 68,800-N.S. | 4/18/2019  | 306899 |
| Jewish Community Center            | \$ 100 | 4/2/2019   | 68,807-N.S. | 4/18/2019  | 307050 |
| Women's Daytime Drop-In Center     | \$ 100 | 4/2/2019   | 68,807-N.S. | 4/18/2019  | 307050 |



**FY 2019**

**Council Office Budget Summaries**

*Includes Postings through pay period ending 04/20/2019 (paydate 04/26/2019)  
Includes non-personnel expenditures thru 6/30/2019*

**Expenditure Projections  
Through 6/30/19**

|                                | Adopted Budget    | Adjusted Budget   | Year-to-Date Expenditures (2) | YTD Available Balance | Personnel Costs Per Pay Period | FY 2019 Pay Periods Remaining | Estimated Remaining Payroll | Year End Expend. (3) | Projected Year-End Balance |
|--------------------------------|-------------------|-------------------|-------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------|----------------------|----------------------------|
| <b>District 8 - Droste</b>     |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <i>Personnel</i>               |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| Salaries                       | \$ 68,542         | \$ 70,598         | \$ 57,799                     | \$ 12,799             | \$ 2,664                       | 5                             | \$ 13,322                   | \$ 71,121            | \$ (523)                   |
| Fringe Benefits                | \$ 33,172         | \$ 34,167         | \$                            | \$ (593)              |                                |                               |                             |                      |                            |
| Other                          |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| <b>Sub-Total Personnel</b>     | <b>\$ 101,714</b> | <b>\$ 104,765</b> | <b>\$ 92,559</b>              | <b>\$ 12,206</b>      |                                |                               |                             |                      |                            |
| <i>Non-Personnel</i>           |                   |                   |                               |                       |                                |                               |                             |                      |                            |
| ** Other Budget Adjustments    | \$ 9,640          | \$ 9,640          | \$ 888                        | \$ 8,752              |                                |                               |                             |                      |                            |
| FY 2018 Unencumbered Carryover | \$ -              | \$ (1,585)        | \$ -                          | \$ (1,585)            |                                |                               |                             |                      |                            |
| <i>Non-Personnel</i>           | \$ 9,640          | \$ 18,055         | \$ 888                        | \$ 17,167             |                                |                               |                             |                      | \$ 17,167                  |
| <b>Totals</b>                  | <b>\$ 111,354</b> | <b>\$ 122,820</b> | <b>\$ 93,448</b>              | <b>\$ 29,372</b>      |                                |                               |                             |                      | <b>\$ 16,643</b>           |

\*\*Includes the following donations:

| AGENCY                                                | AMOUNT          | DATE       | RESOLUTION# | CHECK DATE | CHECK# |
|-------------------------------------------------------|-----------------|------------|-------------|------------|--------|
| ReScape California                                    | \$ 85           | 7/10/2018  | 68,511-N.S. | 8/16/2018  | 228388 |
| Berkeley Art Center                                   | \$ 100          | 7/10/2018  | 68,513-N.S. | 8/16/2018  | 228193 |
| Interfaith Movement for Human Integrity               | \$ 150          | 11/27/2018 | 68,686-N.S. | 3/6/2019   | 304863 |
| Rotary Club of Berkeley                               | \$ 500          | 12/11/2018 | 68,720-N.S. | 1/24/2019  | 302895 |
| Berkeley Public Library Foundation                    | \$ 500          | 12/11/2018 | 68,723-N.S. | 1/24/2019  | 302649 |
| Community Partners (A to Z Families for safe Streets) | \$ 250          | 4/23/2019  | 68,828-N.S. |            |        |
| <b>TOTAL</b>                                          | <b>\$ 1,585</b> |            |             |            |        |

RESOLUTION NO. 67,992–N.S.

CITY COUNCIL EXPENDITURE AND REIMBURSEMENT POLICIES

WHEREAS, each fiscal year, the City Council appropriates funds in the Mayor and Councilmember's departmental budgets to cover the costs of Mayor and Council staff and non-personnel expenditures which are reasonable and necessary for the performance of the duties of Mayor and Councilmember; and

WHEREAS, the Council needs to ensure that the expenditures are incurred and paid in conformity with the requirements of the City Charter; and

WHEREAS, AB 1234, adopted in 2005 and codified as Government Code Sections 53232, et. seq., requires that all cities adopt an expense reimbursement policy for Mayor and Council expenses; and

WHEREAS, on July 25, 2006, the City Council adopted Resolution No. 63,412–N.S. to establish the expenditure and reimbursement policy required by state law; and

WHEREAS, on September 10, 2103, the City Council rescinded Resolution No. 63,412–N.S. and replaced it with Resolution No. 66,295–N.S., which revised the expenditure and reimbursement policy required by state law.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Councilmember Office Budget Relinquishment and Grant Policy enumerated in Exhibit A is incorporated by reference into the policy for City Expenditures and Expense Reimbursement for Mayor and Council.

BE IT FURTHER RESOLVED that Resolution No. 66,295–N.S. and any amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that the policy concerning City Expenditures and Expense Reimbursement for Mayor and Council departments is hereby adopted to read as follows:

**CITY EXPENDITURES AND EXPENSE REIMBURSEMENT FOR MAYOR AND COUNCIL DEPARTMENTS**

**I. City Expenditures for Mayor and Council**

The Mayor and Council members shall purchase all office supplies, office equipment, furniture, computers, or any other product, good, or service for the actual and necessary expense of their office in the manner normally applicable to all other purchases of goods and services by the City. Such expenses may include membership in organizations of elected officials and the purchase of newspapers and periodicals that provide information needed for the performance of official duties.

## II. Reimbursement of Actual and Necessary Expense of Office

The Mayor and Council members and their staff may be reimbursed for the actual and necessary expenses for the categories of activities set forth below under "Authorized Activities."

### A. Authorized Activities.

Travel, meals and lodging incurred in connection with the following types of activities set forth below constitute authorized expenses, as long as the other requirements of this Resolution are fulfilled:

1. Communicating with representatives of local, regional, state and national government on City policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels, provided that a brief report of such seminar shall be made by the Mayor and Council at a subsequent Council meeting;
3. Participating in local, regional, state and national organizations of cities whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events; or events sponsored by organizations or entities whose activities affect the City's interests where the primary purpose of the event is to discuss subjects which relate to City business;
6. Implementing City approved policies;
7. Meals where the primary purpose of the meal is to conduct City-related business (other than simply meeting constituents) as long as the amount of such meal does not exceed the daily maximum as set forth in this Resolution and meets applicable federal and state standards as to when meal reimbursement may be allowed; and
8. Expenditures for these purposes approved in advance by a Mayor or Council member and undertaken by that person's staff.

Expenditures for all other activities require prior approval by the City Council and must meet an articulated municipal purpose that must be recited in the report proposing the expenditure and the resolution authorizing the expenditure. Most frequently, prior approval by the City Council is given in items to authorize relinquishment of Council office budget fund to general fund and grant of such funds for charitable events, which would be unauthorized expenses if not pre-approved by Council. The policy for relinquishments and grants from Councilmember office budgets is enumerated in Exhibit A.

### B. Unauthorized Expenses

The following personal expenditures incurred by City officials shall not be reimbursed:

1. The personal portion of any trip, such as where the official is on his/her own vacation activities;
2. Political contributions or attendance at political or charitable events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;

4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other recreational and cultural events;
5. Alcoholic beverages;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

**C. Particular Types of Authorized Expenditures Defined**

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

1. **Registration.** Registration fee charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. **Transportation.** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental-vehicles may be reimbursed under this provision if more than one City official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.
3. **Airfare.** Airfares that are equal to or less than those available through the California Department of General Services (DGS) Statewide Travel Program offered through the League of California Cities, [www.dgs.ca.gov/travel](http://www.dgs.ca.gov/travel)<sup>1</sup>, are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. If DGS rates are not available, reimbursement for airfare must not exceed 110% of either the state DGS rates or the Federal rates published by the U.S. General Services Administration (GSA) rates, [www.gsa.gov](http://www.gsa.gov)<sup>2</sup>, whichever is greater. Any exceptions to these rates must be approved at a public Council meeting before the expense is incurred.

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<sup>1</sup> California Department of General Services Statewide Travel Program (DGS): [www.dgs.ca.gov/travel](http://www.dgs.ca.gov/travel)

<sup>2</sup> U.S. General Services Administration (GSA): [www.gsa.gov](http://www.gsa.gov)



4. **Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
5. **Car Rental.** Rental rates that are equal or less than those published by the California Department of General Services (DGS) Statewide Travel Program available through the League of California Cities shall be considered the most economical and reasonable for purposes of reimbursement under this policy. If DGS rates are not available, reimbursement for car rental must not exceed 110% of either the state DGS rates or the Federal GSA rates, whichever is greater. Any exceptions to these rates must be approved at a public Council meeting before the expense is incurred.
6. **Taxis/Ride Shares/Shuttles.** Taxis, ride shares, or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
7. **Lodging.** Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Council member at the time of booking. If lodging at the group rate is not available, or if travel is not in connection with a conference, rates that are equal to or less than those available through the California Department of General Services (DGS) Statewide Travel Program offered through the League of California Cities, are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. If DGS rates are not available, reimbursement for lodging must not exceed 120% of the state DGS rates or 100% of the Federal rates published by the GSA, whichever is greater. Any exceptions to these rates must be approved at a public Council meeting before the expense is incurred. **Meals.** Meal expenses and associated gratuities will be reimbursed at the rate set forth in Administrative Regulation 3.9. "Meals which are served at regular meetings of associations to which the city belongs (i.e. Alameda County Mayors' Conference, league of California Cities, or ABAG) shall be exempt from this policy.
8. **Telephone/Fax/Cellular.** Council members will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For calls made on an official's personal cell phone, the official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus

- long-distances charges for those calls.
9. **Airport Parking.** Short-term airport parking may not be used for travel exceeding 24-hours.
  10. **Other Travel Related Expenses.** Reasonable baggage fees given the duration of the travel will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.
  11. **Miscellaneous Office Products.** Notwithstanding the requirement in Section I, occasionally an elected officer or officer's staff may need to make an immediate small out of pocket purchase of office supplies that are normally ordered by the City for which payment is paid directly to the vendor. In accordance with the applicable City Manager Administrative Regulation concerning petty cash refunds, the City may reimburse such purchases.

**D. Cash Advance Policy for Airfare and Hotel Only (per A.R. 3.9)**

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Auditor, and copied to the City Manager, ten (10) working days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. Whether the expenditure is for an authorized activity;
3. The benefit to the residents of the City;
4. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
5. The dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

**E. Expense Report Content and Submission Deadline**

1. A statement of expense must be completed, signed and submitted to the City Auditor for review and forwarded to the Finance Department for payment. The statement of expense must document that the expense in question met the requirements of this Resolution. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
2. Officials must submit their statement of expense reports to the Auditor's Office within 60 days of an expense being incurred, accompanied by receipts documenting each expense. Itemized restaurant receipts, including number of individuals served, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.
3. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

**F. Audits of Expense Reports**

All expenses are subject to verification by the City Auditor of compliance with this policy.

**G. Reports**

At the following City Council meeting, each official shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

**H. Compliance with Laws**

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

**I. Violation of This Policy**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:


1. loss of reimbursement privileges;
2. a demand for restitution to the City;
3. the City's reporting the expenses as income to the elected official to state and federal tax authorities;
4. civil penalties of up to \$1,000 per day and three times the value of the resources used; and
5. prosecution for misuse of public resources.

The foregoing Resolution was adopted by the Berkeley City Council on May 30, 2017 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

Exhibit A

## **Councilmember Office Budget Relinquishment and Grant Policy**

### Introduction – Limitations on the Expenditure of Public Funds

The basic purpose of the City as an entity is to exist and function *as a municipality*. This is also reflected in the Charter, which limits the Council's powers only to those "municipal affairs adequate to a complete system of local government". (Section 38.)

Exercises of this power may not be used solely to further the interests of particular individuals, although they may incidentally benefit private interests:

The exercise of the police power is available only for the purpose of promoting the general welfare, the interests of the public as distinguished from those of individuals or persons. It cannot be used to promote private gain or advantage, except so far as the same may also promote the public interest and welfare, and it is the latter, and not the former, effect which forms the basis of the power and warrants its exercise.  
(*Binford v. Boyd* (1918) 178 Cal. 458, 461.)

The Council's basic powers circumscribe its ability to spend public funds. In other words, the Council cannot spend public funds for purposes that are beyond its authority in the first place. Thus the City may only use its funds for municipal purposes. In any given case the crucial inquiry is whether an expenditure serves such a purpose:

The determination of what constitutes a public purpose is primarily a matter for the legislature, and its discretion will not be disturbed by the courts so long as that determination has a reasonable basis.  
(*County of Alameda v. Carlson* (1971) 5 Cal.3d 730, 745-746.)

If the courts find that there is a valid public purpose, they next examine whether the government's actions are reasonably related to effectuating this purpose. (*Tip Top Foods, Inc. v. Lyng* (1972) 28 Cal.App.3d 533, 541.) Public appropriations granted to private interests will not be considered unlawful diversions of public funds when the transaction serves the public interest, merely granting an incidental benefit to the private individual. (*Cane v. City and County of San Francisco* (1978) 78 Cal.App.3d 654, 660.)

### Criteria for Grants of City Funds from Councilmember Office Budgets

Relinquishments and grants for purposes and recipients that fall within the categories listed in Table 1 may be "pre-approved" each fiscal year by Council resolution.

Table 1.

| <b>Recipient</b>                                                                                                                                | <b>Purpose</b>                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The City (e.g., the Berkeley Public Library, the Berkeley Animal Shelter)                                                                       | Any purpose already being undertaken, because it already serves a public purpose. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                                                              |
| BUSD and other public agencies operating in Berkeley                                                                                            | Any purpose already being undertaken, because it already serves a public purpose, assuming the activity is in Berkeley. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                        |
| Entities with which the City is co-sponsoring a public event in Berkeley (e.g., Earth Day, Solano Stroll).                                      | City co-sponsorship suggests but is not conclusive of public purpose; public purpose would need to be stated, and all such events should be open to the public at no cost. Alternatively, a list of ongoing events that have been determined to serve a public purpose could be developed. |
| Entities in Berkeley to which the City already contributes funds for municipal purposes (e.g., affordable housing or social service nonprofits) | To advance the same public purposes for which the entities are funded. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                                                                         |

Proposed relinquishments and grants that do not meet the criteria for pre-approval, but that meet an appropriate municipal purpose, may be approved by resolution with a majority vote of the City Council.

**Work Plan Proposals for OGC**

for 2019

- Review the Democracy Project proposals
- Review the City Council budget referral regarding good government Ombusman
- Review OGC legislation to create a more effective way to improve city government
- Study creation of an Ethics Commission (Combine FCPC and OGC commissions into one)
- Review the procedures for commission communications with the City Manager

# **COMMUNICATIONS**

**From:** Cordell Hindler <cordellhindler@ymail.com>  
**Sent:** Thursday, February 27, 2020 2:41 PM  
**To:** FCPC (Fair Campaign Practices Commission)  
**Subject:** Meeting Procedures

hello Sam, i have the Meeting Procedures on how the City of Richmond's Council

**PUBLIC COMMENT ON AGENDA ITEMS:** Anyone who desires to address the City Council on items appearing on the agenda must complete and file a pink speaker's card with the City Clerk prior to the City Council's consideration of the item. Once the City Clerk has announced the item, no person shall be permitted to speak on the item other than those persons who have submitted their names to the City Clerk. Your name will be called when the item is announced for discussion. Each speaker will be allowed up to TWO (2) MINUTES to address the City Council on NONPUBLIC HEARING items listed on the agenda. Speakers are allowed up to THREE (3) minutes on PUBLIC HEARING items.

**OPEN FORUM FOR PUBLIC COMMENT:** Individuals who would like to address the City Council on matters not listed on the agenda or on items remaining on the consent calendar may do so under Open Forum. All speakers must complete and file a pink speaker's card with the City Clerk prior to the commencement of Open Forum. The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

**SPEAKERS ARE REQUESTED TO OCCUPY THE RESERVED SEATS IN THE FRONT ROW BEHIND THE SPEAKER'S PODIUM AS THEIR NAME IS ANNOUNCED BY THE CITY CLERK.**

Sincerely  
Cordell