



**Berkeley Homeless
Services Panel of Experts**

MEETING AGENDA

Martin Luther King, Jr. Civic Center
2180 Milvia Street, 1st Floor
Commission Secretary: Brittany Carnegie (981-5415)

**January 7, 2020
7:00 PM**

1. Roll Call.
2. Public Comment on agenda and non-agenda items.
3. Approval of Minutes from November 6, 2019 [Attachment 1].

Updates/Action Items:

4. Agenda Approval.
5. Update from Chair and Staff on December Council action and other City business related to homelessness. [Attachments 2, 2a-2c, 6-9)
6. Discussion and possible action in response to Council action on Measure P allocations. (Attachments 3-4)
7. Discussion, and possible action, of registering an objection (“*No Confidence*”) regarding Council Action on Measure P Recommendations.
8. Update from Agenda and Work Plan Subcommittee, including possible action by the full Commission. (Attachment 5).
9. Adjourn

Attachments:

1. Minutes from regular meeting of November 6, 2019.
2. Update on Council Action on Measure P allocations
 - 2a. Chair, HSPE Presentation to Council
 - 2b. Staff Report: Recommendations Allocation FY19-20 Measure Funds
 - 2c. Supplemental Agenda Material (Recommendations for Allocation of FY19/20 Measure P Funds, Submitted by Mayor Jesse Arreguin)
3. Berkeleyside News Article: Berkeley council split over \$11M Measure P budget, new outdoor homeless camp
4. Measure P Allocations Spreadsheet (public)
5. HSPE Work Plan for years 2019-20.
6. Memo to Commissioners: Berkeley Lobbyist Registration Ordinance
7. Lobbyist Manual 2020 Edition
8. BMC Chapter 2.09 Lobbyist Registration and Regulations
9. 2020 Homeless Services Panel of Experts Meeting Schedule

Public Comment Policy:

Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

A Vibrant and Healthy Berkeley for All

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https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Homeless_Services_Panel_of_Experts.aspx

Correspondence and Notice of Decision Requests:

Deadlines for Receipt:

- A) Supplemental Materials must be received by 5 PM the day before the meeting.
- B) Supplemental Communications must be received no later than noon the day of the meeting.

Procedures for Distribution:

- A) Staff will compile all Supplemental Materials and Supplemental Communications received by the deadlines above into a Supplemental Packet, and will print 15 copies of this packet for the Commission meeting.
- B) For any Supplemental Material or Communication from a Commissioner received after these deadlines, it is the Commissioner's responsibility to ensure that 15 printed copies are available at the meeting. Commissioners will not be reimbursed for any printing or materials expenses.
- C) Staff will neither print nor distribute Supplemental Communications or Materials for subcommittee meetings.

Procedures for Consideration:

- A) The Commission must make a successful motion to accept and receive all Supplemental Materials and Communications into the record. This includes the Supplemental Packet compiled by staff.

- B) Each additional Supplemental Material or Communication received by or before the meeting that is not included in the Supplemental packet (i.e., those items received after the respective deadlines above) must be individually voted upon to be considered by the full Commission.

- C) Supplemental Materials subject to a Commission vote that are not accepted by motion of the Commission, or for which there are not at least 15 paper copies (9 for each Commission seat, one for staff records, and 5 for the public) available by the scheduled start of the meeting, may not be considered by the Commission.

****Supplemental Materials*** are defined as any items authored by one or more Commissioners, pertaining to an agenda item but available after the agenda and packet for the meeting has been distributed, on which the Commission is asked to take vote at the meeting. This includes any letter to Council, proposed Council report, or other correspondence on behalf of the Commission for which a full vote of the Commission is required.

*****Supplemental Communications*** are defined as written emails or letters from members of the public or from one or more Commissioners, the intended audience of which is the full Commission. Supplemental Communications cannot be acted upon by the Commission, and they may or may not pertain to agenda items.

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 Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.

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Berkeley Homeless
Services Panel of Experts

MEETING MINUTES

November 6, 2019

1. Roll Call: 7:02 PM

Present: Carrasco, cheema, Gale, Jordan (absent 7:02-7:17), Metz, Patil (absent 7:02-7:03), Whitson (absent 7:02-7:03)

Absent: Trotz (leave of absence), Sutton (leave of absence).

Staff: Carnegie, Radu

Council: Harrison, McCormick

Public: 11

2. Comments from the Public: 2.

Update/Action Items

3. Approval of Minutes from October 2, 2019.

Action: M/S/C Gale/Patil to approve the minutes of October 2, 2019 as written.

Vote: Ayes: Carrasco, cheema, Gale, Metz, Patil.

Noes: None. **Abstain:** Whitson. **Absent:** Jordan, Trotz, Sutton.

4. Agenda Approval.

Action: M/S/C Patil/Sutton to approve the agenda with the following amendments:

(i) move agenda item #11, Discussion of the Panel's Role in Making Policy Recommendations (No Action), after agenda item #6.

(ii) move agenda item #9, Discussion, and possible action, of Council sanctioned encampment item, after the discussion of the Panel's role.

(iii) move agenda item #8, Approval of 2020 Homeless Services Panel of Experts Meeting Schedule, after the discussion of sanctioned encampments.

Vote: Ayes: Carrasco, cheema, Gale, Metz, Patil, Whitson.

Noes: None. **Abstain:** None. **Absent:** Jordan, Trotz, Sutton.

5. Election of Vice-Chair.

Action: M/S/C cheema/Carrasco to nominate and elect Commissioner cheema for Vice-Chair (Commissioner cheema accepts).

Vote: Ayes: Carrasco, cheema, Gale, Metz, Patil, Whitson.

Noes: None. **Abstain:** None. **Absent:** Jordan, Trotz, Sutton.

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6. Updates from Chair and Staff on budget recommendation time frame and other City business related to homelessness.

Discussion; no action taken.

7. Discussion of the Panel's Role in Making Policy Recommendations

Discussion; no action taken.

8. Discussion, and possible action, of Council sanctioned encampment item

Presentation from Councilmember Harrison. Discussion; no action taken.

9. Approval of 2020 Homeless Services Panel of Experts Meeting Schedule.

Action: M/S/C Jordan/Carrasco to adopt the 2020 Homeless Services Panel of Experts schedule with the following amendment, change "No Meeting" to 1/7/20 for the January meeting.

Vote: Ayes: Carrasco, cheema, Gale, Metz, Patil, Jordan, Whitson.
Noes: None. Abstain: None. Absent: Trotz, Sutton.

10. Update from Agenda and Work Plan Subcommittee, including possible action by the full Commission and Discussion of Monitoring Measure P recommendations.

Discussion; no action taken.

Meeting adjourned at 9:00 PM.

Minutes Approved on: _____

Brittany Carnegie, Commission Secretary: _____

December 30, 2018

TO: Homeless Services Panel of Experts

FROM: Katharine Gale, Chair

SUBJECT: Update on Council Action on Measure P allocations

As I am sure many of you know, the Council action on Measure P allocations did not occur at the November 19 meeting as originally scheduled and was taken up on December 3. I presented our proposal and staff presented a brief report, recommending a few immediate allocations and the rest to be referred to the Council's budget subcommittee (my presentation slides and staffs report are attached, 2a and 2b).

The Mayor brought to the meeting a proposal to allocate funding immediately. His proposal had three parts: a framework document, similar to ours, with funding in each category, and two detail budgets, one for how to spend \$6 million annually over the next 18 months and one for \$8.9 million (please see attached). Many people in the audience spoke in the public comment section, especially for Youth Spirit artworks tiny village and for the funding set-aside for families. Many spoke specifically in support of the Mayors proposal, believing it to be the cover sheet which included housing subsidies. However, the Mayors proposal only included funding for housing subsidies if more than \$6 million is available. A final amount of funding has still not been presented and staff were recommending allocating only the \$2.9 that accumulated in FY2019.

The budget that was passed, as we understand it, was the first alternative at \$6 million annual for an 18 month period, which largely covers shelter and service costs, including the full cost of mental health transportation and funding for coordinated entry costs in the 20/21 year, under the assumption that County funds will be going away (see attachment 2c). The proposal passed 6-3 late in the evening and after a previous vote to end debate.

Since the passage, some Council members have raised concern that it was not clear what they were voting on. The proposal will likely have to go back to Council in January to be voted on again.

Recommendations for Allocation of Measure P Funds

Presenter: Katharine Gale
Chair, Homeless Services Panel of Experts
December 3, 2019

Presentation Outline

1. About the Panel
2. About the Process
3. Recommended Funding Allocations by Category and Priorities
4. Concern re funds allocated for County Mental Health Transport

About the Panel

- Measure P was passed by Berkeley Voters in November 2018
- Authorizes a increase in the real estate transfer tax on a specified portion of sales
- Included requirement for a “Panel of Experts” to “make recommendations on how to and what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services.”

About the Panel

- Nine members – appointed by the City Council
- Member have extensive professional, civic and lived experience
- Meeting since May 2019

Process - Starting Place

- Received many referrals, including many that predated our seating
- Received briefings from staff on current situation and City plan documents
- Received numerous unsolicited requests/proposals and letters
- No specific guidance in ordinance for how to make funding recommendations
- No specified amount of funding to work with

Adopted Mission and Purpose

- Our Mission/Purpose recognizes the current crisis and the need to balance short and long term measures and solutions
- Determined to consider unmet needs, best practices and available data
- Not make recommendations to fund specific agencies

Process to make recommendations

1. Considered all that had been sent to us
2. Listened to homeless community, CBOs and public at our meetings
3. Adopted our Mission and Purpose Statement
4. Subcommittee categorized program types and initial allocations
5. Panel expressed priorities for investment areas and activities within each area
6. Panel allocated final percentages, order of importance and additional considerations

Allocation recommendations

Investment Area and Sub-Category Activities listed in Priority Order	Percent	Additional Considerations/ Recommendations
<p>1. PERMANENT HOUSING</p> <p>Permanent Housing Subsidies and Services</p>	30%	Establish a minimum set-aside of \$500,000 for homeless families in this category. Transition-age youth should be included in funding for Adults.
<p>2. SHELTER & TEMPORARY ACCOMMODATIONS</p> <p>1. Expand Shelter Capacity</p> <p>2. Invest in improving existing shelter capacity</p>	30%	<p>1. Adding new sheltering capacity may include the development of dedicated RV parking, use of tiny houses, or other means to increase shelter capacity. If the City should adopt a policy approving sanctioned encampments then this use would also be included. City should ensure there is a focus on meeting needs of any families living on the street.</p> <p>2. Increase services and housing connections in existing shelters so that they are able to function as Navigation Centers.</p>
<p>3. IMMEDIATE STREET CONDITIONS & HYGIENE</p> <p>1. Toilets and Hygiene Stations, including for encampments</p> <p>2. Lockers and Storage Units</p>	14%	Note: These funds were not recommended for general clean-up and other Public Works functions and should be spent on activities that directly benefit homeless people.

Allocation recommendations, cont.

<p>4. SUPPORTIVE SERVICES</p> <p>1. Health Care services</p> <p>2. Employment and Income Development Activities</p> <p>3. Substance Use Treatment</p>	<p>14%</p>	<p>1. Health care services dedicated to people experiencing homelessness which may include street medicine.</p> <p>2. Activities may include job development and support as well as benefits advocacy and other services to improve incomes.</p> <p>3. Substance use treatment services dedicated for persons who are experiencing homelessness.</p>
<p>5. FLEXIBLE HOUSING SUBSIDIES</p> <p>Flexible housing subsidies may include prevention, diversion and/or rapid resolution support.</p>	<p>10%</p>	<p>Establish a 20% set-aside for homeless families and transition-age youth, using the McKinney-Vento definition of homelessness.</p>
<p>6. INFRASTRUCTURE</p> <p>1. Training ~80%</p> <p>2. Evaluation ~20%</p>	<p>2%</p>	<p>1. Use resources in this category for training for Berkeley community-based organizations working with people who are homeless.</p> <p>2. Use resources in this category to ensure that the experiences of service users are captured and considered in performance evaluation.</p>
<p>TOTAL</p>	<p>100%</p>	

Objection re: funds for MH Transport

- Amount available to allocate is reduced by \$1.2 million in FY19/20 and \$2.4 million in FY20/21 to fund County Mental Health Transport
- This service is not limited to people who are homeless; not budgeted with consideration that most people who will be transported will be people who are housed
- Service does not result in greater housing or shelter

We recommend the Council refer to the City Manager to produce information regarding the percentage of those transported who are homeless and other potential sources to cover this expense.

Urgency to Act

- We thank the residents of the City of Berkeley for supporting additional funding for this crisis
- Thank staff for their work
- People experiencing homelessness **today** are counting on us all to act
- Hope Council will allocate significant funding to the areas of need we have identified
- Thank you!



Office of the City Manager

ACTION CALENDAR

November 19, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Kelly Wallace, Interim Director, Health, Housing and Community Services
Subject: Companion Report: Recommendations for Allocation of FY19/20 Measure P Funds

RECOMMENDATION

The City Manager recommends that Council:

1. Approve the Homeless Services Panel of Experts' recommendation for the allocation of FY20 General Funds (Measure P) in the following investment areas:
 - a. Immediate Street conditions & Hygiene
 - b. Flexible Housing Subsidies; and
 - c. Infrastructure.

For any allocation of "Flexible Housing Subsidies" to families, limit eligibility to those who are imminently at-risk of homelessness, and allow the City Manager to sole-source contracts for the implementation of these subsidies.

2. Refer discussion of the recommendations pertaining to the following areas to the Council Budget & Finance Policy Committee:
 - a. Permanent Housing,
 - b. Shelter & Temporary Accommodations, and
 - c. Supportive Services.

The City Manager recommends that the Policy Committee consider the following pertaining to these funding areas:

- Allow the "permanent subsidies" allocation to fund tenancy sustaining services, and dedicate 10% of total funding to homeless families.
- Allow the "Shelter and temporary accommodations" allocation to fund the creation of new programs (including for new RV parking programs) or maintenance of existing shelter programs funded by HEAP, when that funding is exhausted.
- Authorize the City Manager to award any funding for shelter expansion and tenancy sustaining services to agencies that have already responded to the FY20-23 Community Agency Request for Proposals (RFP).
- Authorize the City Manager to release one or more RFPs for an RV parking program that would require a non-profit operator and for any supportive

services including street medicine, substance abuse treatment or mental health outreach.

FISCAL IMPACTS OF RECOMMENDATION

Approving the above recommendation would commit \$899,566 in General Fund revenues resulting from Measure P. The AAO#2 would appropriate the entirety of this sum, allocated to City departments as follows:

- To the City Manager Community Agencies Budget (011-51-507-506-5002-000-459-636110-):
 - 345,987 to short and medium term housing subsidies;
- To the FY2020 HHCS budget (011-51-504-535-5002-000-444-636120 - 011-51-504-535-5002-000-444-612990):
 - \$69,197 to training and evaluation.
- To the FY2020 budget of the Public Works Department(011-54-623-677-5002-000-444-612990) and/or PRW Department (011-52-541-598-5002-000-461-612990):
 - \$484,382 for immediate street conditions and hygiene.

CURRENT SITUATION AND ITS EFFECTS

The Homeless Services Panel of Experts (HSPE) convened its inaugural meeting on May 6, 2019 and on September 4, 2019 unanimously approved budget recommendations for the initial tranche of general fund revenues generated by the Measure P transfer tax increase. The City Manager commends the HSPE for this achievement and for the process by which it was accomplished. Over the course of two regular meetings and two subcommittee meetings, the Panel worked diligently with staff to ensure that all referrals to the Measure P process from Council, staff, and outside agencies to date were considered. The City Manager believes the final recommendations, in general, are an excellent reflection of City priorities and will help make a meaningful impact on homelessness in Berkeley.

The City Manager offers this companion report to complement, rather than contradict, the HSPE's recommendations. The goal is for Council to consider staff's perspectives on implementation processes and feasibility before making budget allocations.

While the City Manager supports these recommendations, she recommends referring investment areas that will require a significant ongoing investment (Permanent Housing, Shelter & Temporary Accommodations, and Supportive Services) to the Budget & Finance Committee for full vetting. The City Manager's Budget Office recommends monitoring revenues collected pursuant to Measure P to ensure that long-term commitments made now can be supported over time. The City Manager does, however, agree with immediate funding for investment areas that do not implicate future Measure P revenues. The City Manager further recommends that the Budget & Finance Policy

Committee consider the staff input outlined below for all recommended investment areas.

The HSPE's recommendations make categorical allocations to 6 focus areas. Staff's recommendations differ from the HSPE's in several areas, and we offer reasoning below:

1. **Permanent Housing:** as explained in the 1000 Person Plan,¹ staff have identified permanently subsidized housing as the single greatest need among people experiencing homelessness in Berkeley, and we are pleased that this need is reflected so prominently in the HSPE's proposed budget. We recommend that Council approve the HSPE's recommendation, with the following modifications and considerations:
 - a. First, we wish to clarify that the final amount of money allocated to permanent housing includes and authorizes funds for associated case management, or "tenancy sustaining services", to assist people in accessing and/or maintaining this housing. This is a critical component of Housing First, especially for populations with disabilities and/or substantial housing barriers. For ease and speed of implementation, we recommend allowing the City Manager to offer such funding to any agency that applied for tenancy sustaining case management in response to the FY2020-2023 Community Agency Funding Request for Proposals.
 - b. Second, we appreciate the HSPE's focus on families, but believe their proposed minimum set-aside of \$500,000 for families is disproportionate to the need actually reflected in the City's primary source of homeless data, the 2019 Point-in-Time Count,² which found that only 5% of Berkeley's homeless population lives in a household with minor children but 95% are single adults without minors.³ Moreover, the 2019 Count found that more than one third of Berkeley's population is now chronically homeless—a designation far more likely to afflict single adults and highly amenable to permanent subsidies and supportive case management. Recent evidence suggests that local increases in targeted homeless family assistance actually *increases* family homelessness, as homeless

¹ See: https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response_1000_Person_Plan.aspx

² See: http://everyonehome.org/wp-content/uploads/2019/09/2019HIRDReport_Berkeley_2019-Final.pdf

³ For example, suppose Council allocates \$4.5M of Measure P to homeless efforts, and 30% of this allocation, as recommended by the Panel, to permanent subsidies. In that scenario, a \$500,000 set-aside results in 37% of all permanent subsidy funding going to families. If instead the overall Measure P allocation was \$8M—the upper bound of the expected annual proceeds from Measure P—a \$500,000 family set-aside results in 21% of all subsidies to families. As families represent 5% of the Point-in-Time population, both scenarios disproportionately favor families relative to chronically homeless and/or single adults, who remain the single largest (and growing) population of need in the City.

families relocate to jurisdictions with more generous funding; the same is not true for individual programs, which measurably reduce individual homelessness.⁴ With this in mind, and given the disproportionality of individual homelessness in Berkeley, we recommend no minimum dollar set-aside for families, but rather setting 10% of any permanent housing allocation aside for families. In practice, this would mean that every tenth voucher that becomes available through this funding source would be set aside for a Berkeley family, with a preference for unsheltered families.

2. **Shelter and Temporary Accommodations:** staff agree with the high priority placed on this category and offers the following considerations for Council:
 - a. First, staff continue to believe that the best use of new shelter funding is to invest in existing shelter capacity so all programs in Berkeley are able to function as Navigation Centers. This would allow our shelters to serve and house a greater number of people not otherwise prioritized for intensive services and subsidies through Coordinated Entry, and would position the City strategically to leverage any new State funds intended for navigation centers. For ease and speed of implementation, we recommend allowing the City Manager to offer such funding to any agency that applied for emergency shelter funding in response to the FY2020-2023 Community Agency Funding Request for Proposals.
 - b. Second, staff recommend allowing any funding allocated to sub-category #1 (“Expand shelter capacity”), to be used to “expand or maintain” shelter capacity. Currently, staff are using California HEAP to fund FY20 operations of the STAIR Center and Dorothy Day House Shelter—two shelter projects that are not fully funded beyond June 30, 2020. In the absence of guidance from the State and County on forthcoming Homeless Housing, Assistance, and Prevention Program (HHAPP) funding, and the amount (if any) that will be formulaically allocated to Berkeley, the City may need to use existing General Fund revenues in FY21 to keep these priority projects afloat when current funding sources expire.
 - c. Third, if a new program is most desired by Council, we recommend prioritizing such funding for any RV parking program(s) and associated services established in response to the Council referrals from March 26⁵ and July 23,⁶ 2019. Such a proposed use is consistent with the HSPE’s

⁴ See: <https://siepr.stanford.edu/sites/default/files/publications/16-022.pdf>

⁵ See: https://www.cityofberkeley.info/Clerk/City_Council/2019/03_Mar/Documents/2019-03-26_Supp_3_Reports_Item_21_Supp_Mayor_pdf.aspx

⁶ See: https://www.cityofberkeley.info/Clerk/City_Council/2019/07_Jul/Documents/2019-07-23_Supp_2_Reports_Item_39_Rev_Kesarwani_pdf.aspx

report, and full implementation of this Council priority is currently unfunded.

3. **Supportive Services:** staff agree with this recommended use of funding. To solicit the best possible uses of any funding allocated to this category, staff recommend widely circulating a new Request for Proposals that would include, but not be limited to, the following areas previously recommended by staff⁷ or recommended by the Panel:
 - a. Street medicine or mental health services;
 - b. Substance abuse treatment for persons experiencing homelessness;
 - c. Employment services.

4. **Short/Medium-Term Housing Subsidies:** Staff is supportive of the spirit of this recommendation. However, while the HSPE recommends funding for any family meeting the McKinney-Vento homeless definition (which includes households that are couch surfing or doubled up), staff recommend limiting eligibility to families who meet the criteria in Category 2 of the Federal definition of homelessness⁸--i.e., families who will lose their residence or sleeping situation within 14 days, have no identified alternative, and lack the resources or support networks needed to obtain other housing. Staff's reasoning is simply that these limited funds be prioritized for those families who are most at-risk of entering a shelter or the streets. In the Bay Area's housing crisis, households of all economic means are frequently forced into shared housing situations; staff believe those who can remain stably housed in such an arrangement should not be prioritized for flexible homelessness funding of this sort, which could likely result in a different shared housing accommodation.

For ease and speed of implementation, we recommend:

- a. Allowing the City Manager to sole source any funding set-aside for transition-aged youth to the Coordinated Entry Services provider. The CES provider has experience in administering this type of program and is best placed to quickly provide funding for this population and report on the use of those funds to the City.

⁷ See:

⁸ See: https://www.usich.gov/resources/uploads/asset_library/Federal-Definitions-of-Youth-Homelessness.pdf. The HUD definition of homelessness includes four categories. Households who are at imminent risk of homelessness are included in Category 2; families and households who are doubled-up or couch surfing but not otherwise literally or imminently at-risk of homelessness are included in Category 3. Generally, households who are not literally homeless but otherwise homeless under Category 3 are ineligible for HUD CoC or ESG-funded homeless resources.

- b. Allowing the City Manager to sole-source funding set-aside for families to an agency currently providing housing navigation services through the Family Front Door. Specifically, staff recommend circulating a Request for Information (RFI) asking agencies who are interested, and believe they are capable of executing a sole-sourced contract to serve families that meet the McKinney-Vento definition of homelessness, to respond with their credentials and budget proposal for doing so. This ensures North County families continue to access the system through the Family Front Door, but creates more referral options for Berkeley families through that process.

BACKGROUND

In November of 2018, Berkeley voters passed Measure P, which raises transfer taxes on high-value real estate transactions by an estimated \$6-8M annually. As of June 30, 2019, \$3,459,868 in proceeds had been realized from this tax. With the adoption of the FY20-21 Biennial Budget, a portion of these funds have already been set aside for emergency mental health transport and for a new Community Services Specialist II position in HHCS.

While these are General Fund revenues, the ballot measure also created the Homeless Services Panel of Experts to advise the Council on best uses of this and other sources of funding for homeless services. The Panel of Experts convened for their inaugural meeting on May 6, 2019.

On September 4, 2019, the Homeless Services Panel of Experts took the following action with respect to any proceeds generated to date from Measure P:

Action: M/S/C Sutton/Trotz to adopt Budget A as amended:

- i. Re-prioritize item #2 (Permanent Housing) as item #1 (and vice-versa), and within the Permanent Housing category:
 - a. Replace “permanent supportive housing” with “permanent housing”;
 - b. Strike the language under “Additional considerations”;
 - c. Add “establish a minimum set-aside of \$500,000 for homeless families in this category”; Note that Transition-Age Youth should be included in funding for adults.
- ii. Remove the recommended dollar amounts in each funding category, replacing them with percentage allocations, and change the allocations to each category as follows:
 - a. #1 – Permanent Housing: 30%
 - b. #2--Shelter and Temporary Accommodations: 30%
 - c. #3--Immediate Street Conditions and Hygiene: 14%
 - d. #4--Supportive Services: 14%

- e. #5--Short/Medium Term Housing Subsidies: 10%
- f. #6--Infrastructure: 2%.
- iii. Within Category #2 (Shelter and Temporary Accommodations),
 - a. Add “City should ensure there is a focus on families living on the street”;
 - b. Remove “Support sanctioned encampments” as a specific line-item, and instead add reference to sanctioned encampments as a possible modality in line-item #1 (Expand shelter capacity), with the language “if the City should adopt such a policy”;
 - c. Add language in the report to reflect that City should study the potential for sanctioned encampments as a form of shelter expansion and if it adopts such a policy these funds could be used to support that modality.
- iv. Within Category #3 (Immediate Street Conditions and Hygiene):
 - a. Add “storage units” to the “lockers” item;
 - b. Add “including for encampments” to the “Toilets and Hygiene Stations” item.
- v. Within Category #5 (Short/Medium Term Housing Subsidies), remove the language on additional considerations and replace with:
 - a. Establish a 20% set-aside for families and youth (including transition-aged youth).
 - b. Use the McKinney-Vento definition of “homelessness” as an eligibility criterion, without limiting to BUSD-enrolled households to ensure coverage of families with children under school age.

Vote: Ayes: Carrasco, cheema, Gale, Jordan, Metz, Patil, Prado, Sutton, Trotz.

Noes: None. *Abstain:* None. *Absent:* None.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City Manager commends the recommendations made by the Homeless Services Panel of Experts as thoughtful and inclusive of numerous staff and Council priorities. The clarifications made in this companion report simply advise Council of important staff considerations, namely administrative flexibility and implementation feasibility.

ALTERNATIVE ACTIONS CONSIDERED

Any budget allocation made to Permanent Subsidies could:

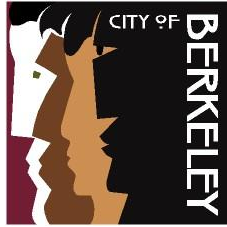
- Also be allowed to support capitalized operating reserves and/or project-based subsidies. This flexibility would allow staff to permanently buy down affordability

on units, rather than tying those subsidies to particular tenants who would be subject to unit availability on the open market.

- Fund the subsidies as “extended” rather than permanent, which allows for housing subsidy longer and more intensively than rapid rehousing would, but does not obligate City General Funds indefinitely for this purpose.

CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS (510) 981-5435.



Office of the Mayor

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: December 3, 2019

Item Number: 27

Item Description: Recommendations for Allocation of FY 19/20 Measure P Funds

Submitted by: Mayor Jesse Arreguín

This provides a spreadsheet of the Mayor's recommendations of the Measure P funding allocations.

Mayor's Submittal

Investment Area	POE %	\$8.9M 2019 - 2020/21 revenues)	Mayor's Suggested Funding Description January - July 2021 (18 months)	Mayor's Funding Total	Mayor's %
Permanent Housing subsidies and services	30%	\$2,670,000	1. Set aside for Families 15% 2. Permanent Housing Subsidies (begins July 2020 dependent on revenue above \$6M annually proportional w/ target of \$2.5M subsidies @ \$8M/yr revenues)	\$2,500,000	28%
Shelter and Temp Accommodations 1. Expand shelter capacity 2. Invest in improving existing shelter capacity	30%	\$2,670,000	1. Stair Center (existing): \$1,785,000 2. Stair Center Expansion: \$383,000 3. Dorothy Day Shelter: \$ 300,000 4. YSA Tiny Home Village: \$117,000 5. Outdoor Shelter: \$615,000	\$3,200,000	36%
Street & Hygiene 1. Toilets and hygiene stations, including for encampments 2. Lockers and storage units	14%	\$1,246,000	1. Portable toilets carry-over from CM budget: \$30,000 2. Ongoing costs for BDIC storage lockers: \$50,000 3. RV safe parking permit program: \$300,000 4. Veterans Building Daytime Drop In Center: \$249,156	\$629,156	7%
Supportive Services 1. Health care services 2. Employment & income development activities 3. Substance use treatment	14%	\$1,246,000	1. Lifelong Street Medicine: \$706,068 2. Downtown Streets Team: \$225,000 3. DBA 1/2 outreach worker: \$60,000	\$991,068	11%
Flexible Housing Funds Prevention, diversion, and/or rapid resolution support	10%	\$890,000	1. Stair Center Flexible Housing Funds*: \$630,000 2. Stair Center Expansion Flexible Housing Funds: \$322,000	\$952,000	11%
Infrastructure 1. Training 80% 2. Evaluation 20%	2%	\$178,000	Per Panel of Experts recommendation	\$200,000	2%
Total Mayor's Allocation***				\$8,472,224	

Funded by HEAP	Amount	Through
Encampment garbage support & removal	\$679,857	FY 2021
Toilets and handwashing (exisiting)	\$270,000	FY 2021
Dorothy Day Emergency Shelter	\$832,000	Partial 2021
STAIR Operations/Staffing/Flex Funds	\$2,414,298	FY 2020
BDIC locker program	\$50,000	FY 2020
Total	\$4,246,155	

TRANSFER TAX MEASURE P - Mayor's Submittal

Scenario A \$6,000,000 Annual Revenue (increased by 3% per year)

	FY 2019 Actuals	FY 2020 Adopted	FY 2021 Adopted	FY 2022 Planned	FY 2023 Planned	FY 2024 Planned
Revenues						
Beginning Fund Balance		\$2,932,313	\$6,454,731	\$3,239,684	\$209,878	-\$2,846,060
Revenues	2,932,313	6,000,000	6,180,000	6,365,400	6,556,362	6,753,053
Total Revenues and Balance of Funds	2,932,313	8,932,313	13,114,226	11,894,751	10,106,935	8,150,247
LESS: Total Expenses	0	2,477,582	9,395,047	9,395,206	9,612,300	9,836,421
Personnel Costs	0	418,087	432,720	447,865	463,541	479,764
Finance: Accountant II		149,258	154,482	159,889	165,485	171,277
HHCS: Community Services Specialist II (Filled) (1)		172,592	178,633	184,885	191,356	198,053
HHCS: 50% Senior Management Analyst (Requested) (2)		96,237	99,605	103,091	106,700	110,434
Non-Personnel Costs/ Program Expenses	0	2,059,495	8,962,327	8,947,341	9,148,759	9,356,657
Fire: 5150 Response & Transport	0	1,200,000	2,400,000	2,400,000	2,400,000	2,400,000
Safe RV Parking Program (On Street)	0	100,000	200,000	200,000	200,000	200,000
Dorothy Day House Shelter (4)	0	0	300,000	566,000	582,980	600,469
Dorothy Day House Drop In (4)	0	0	21,340	182,000	187,460	193,084
Pathways STAIR Center (5)	0	0	2,415,000	2,499,525	2,587,008	2,677,554
Coordinated Entry System	0	0	1,400,414	1,442,426	1,485,699	1,530,270
BDIC Locker Program	0	0	50,000	50,000	50,000	50,000
Lifelong Street Medicine	0	251,829	454,239	467,866	481,902	496,359
YSA Tiny Homes	0	39,000	78,000	80,340	82,750	85,233
DBA 1/2 Outreach worker	0	20,000	40,000	41,200	42,436	43,709
Downtown Streets Team	0	75,000	150,000	154,500	159,135	163,909
Stair Center Expansion	0		705,000	726,150	747,935	770,373
Outdoor Shelter	0	307,000	615,000	0	0	0
Training and Evaluation	0	66,666	133,334	137,334	141,454	145,698
Fiscal Year Surplus (Shortfall)	2,932,313	3,522,418	-3,215,047	-3,029,806	-3,055,938	-3,083,368
Ending Fund Balance	\$2,932,313	\$6,454,731	\$3,239,684	\$209,878	-\$2,846,060	-\$5,929,428

Revenues increase 3% per year beginning FY 2021/22

Expenses increase 3% per year beginning FY 2021/22

Cost due to Alameda County ceasing funding

TRANSFER TAX MEASURE P - Mayor's submittal

Scenario B \$8,000,000 Annual Revenue (increased by 3% per year)

	FY 2019 Actuals	FY 2020 Adopted	FY 2021 Adopted	FY 2022 Planned	FY 2023 Planned	FY 2024 Planned
<u>Revenues</u>						
Beginning Fund Balance		\$2,932,313	\$8,454,731	\$4,799,684	\$1,316,678	-\$2,206,056
Revenues	2,932,313	8,000,000	8,240,000	8,487,200	8,741,816	9,004,070
Total Revenues and Balance of Funds	2,932,313	8,932,313	13,114,226	11,894,751	10,106,935	8,150,247
LESS: Total Expenses	0	2,477,582	11,895,047	11,970,206	12,264,550	12,568,239
Personnel Costs	0	418,087	432,720	447,865	463,541	479,764
Finance: Accountant II		149,258	154,482	159,889	165,485	171,277
HHCS: Community Services Specialist II (Filled) (1)		172,592	178,633	184,885	191,356	198,053
HHCS: 50% Senior Management Analyst (Requested) (2)		96,237	99,605	103,091	106,700	110,434
Non-Personnel Costs/ Program Expenses	0	2,059,495	11,462,327	11,522,341	11,801,009	12,088,475
Fire: 5150 Response & Transport	0	1,200,000	2,400,000	2,400,000	2,400,000	2,400,000
Safe RV Parking Program (On Street)	0	100,000	200,000	200,000	200,000	200,000
Dorothy Day House Shelter (4)	0	0	300,000	566,000	582,980	600,469
Dorothy Day House Drop In (4)	0	0	21,340	182,000	187,460	193,084
Pathways STAIR Center (5)	0	0	2,415,000	2,499,525	2,587,008	2,677,554
Coordinated Entry System	0	0	1,400,414	1,442,426	1,485,699	1,530,270
BDIC Locker Program	0	0	50,000	50,000	50,000	50,000
Lifelong Street Medicine	0	251,829	454,239	467,866	481,902	496,359
YSA Tiny Homes	0	39,000	78,000	80,340	82,750	85,233
DBA 1/2 Outreach worker	0	20,000	40,000	41,200	42,436	43,709
Downtown Streets Team	0	75,000	150,000	154,500	159,135	163,909
Stair Center Expansion	0	307,000	615,000	726,150	747,935	770,373
	0			0	0	0
Permanent Housing Subsidies (begin July 2020)	0	0	2,500,000	2,575,000	2,652,250	2,731,818
Training and Evaluation	0	66,666	133,334	137,334	141,454	145,698
Fiscal Year Surplus (Shortfall)	2,932,313	5,522,418	-3,655,047	-3,483,006	-3,522,734	-3,564,168
Ending Fund Balance	\$2,932,313	\$8,454,731	\$4,799,684	\$1,316,678	-\$2,206,056	-\$5,770,224

Revenues increase 3% per year beginning FY 2021/22

Expenses increase 3% per year beginning FY 2021/22

Dependent on revenue above \$6M annually
Proportional w/ target of \$2.5M subsidies @ \$8M/yr revenues

Cost due to Alameda County ceasing funding

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Berkeleyside

CITY

Berkeley council split over \$11M Measure P budget, new outdoor homeless camp

By Emilie Raguso, Dec. 10, 2019, 2:18 p.m.



Council voted Dec. 3 to put nearly \$1 million toward a new outdoor homeless encampment. Details are slim but it could be located in northwest Berkeley. Photo: Nancy Rubin

Last week, a Berkeley City Council majority voted to allocate about \$11 million in current and future tax revenue to fund new and existing services to address homelessness, including an RV parking program and an outdoor homeless shelter for up to 50 people.

Or was it actually closer to \$13 million? You'll get a different answer depending who you ask. And it also hinges on exactly how much money the tax measure actually brings in by the end of June.

On the night of the vote and in the days that followed, the three council members who questioned the motion to allocate the money

have raised concerns about accuracy, transparency and what they saw as a flawed and truncated process surrounding the decision.

Mayor Jesse Arreguín told Berkeleyside on Monday that a council supermajority — six of its members — approved his proposal, which he said will allow the city to fulfill the will of the voters and take bold action toward ending homelessness.

“People in the community want to see investments on the ground right now,” Arreguín said Monday. “Given the urgency of the crisis, we were feeling the need to act that evening. And I think that was the right decision.”

But the dissenting council members — Lori Droste, Rashi Kesarwani and Susan Wengraf — said they needed more time and information before making such a big decision late at night during a curtailed discussion. That was particularly true, they said, about a line-item for an outdoor homeless shelter that included no details. There has never been a staff report about the shelter, nor has a location been identified, but council voted to fund it anyway.

“I know nothing about this proposed encampment,” Droste said from the dais.

“That is bad governance to approve that money before it [the proposal] even comes to council.”

Droste and Kesarwani voted against the motion, while Wengraf abstained.

On Dec. 3, the council began its conversation about the Measure P item shortly after 11 p.m. after nearly an hour of public comment on the item. The mayor gave each of his colleagues five minutes to speak in turn. Once those introductory remarks concluded, he abruptly made a successful motion to suspend debate to force a vote immediately as the clock ticked down.

As a result of that vote — supported by the mayor, Sophie Hahn, Kate Harrison, Cheryl Davila, Ben Bartlett and Rigel Robinson — council allocated money, among other things, to continue and expand the city’s Pathways shelter program (\$3.12 million); pay for mental health ambulance transports (\$3.6 million) and the city’s main intake office for homeless services, the Coordinated Entry System (about \$1.4 million); continue to develop an RV permit parking program (\$200,000), and set up a new outdoor homeless shelter (\$922,000) — with details to be determined. The funding is through June 2021.

Councilwoman Kate Harrison’s office put forward the shelter idea in 2018 by revising a Peace & Justice Commission proposal. Since then, it has been approved by the Health, Life Enrichment, Equity & Community policy committee, and could return to the full City Council in January, the mayor said Monday. But, for now, little is known about what it might look like.

The funds are coming from Measure P, which increased the transfer tax revenue the city gets when properties change hands. More than 70% of Berkeley voters approved the measure

in November 2018. As a result, the city expects to bring from \$6 million to \$8 million into the general fund each fiscal year for navigation centers, mental health support, rehousing and other services for the homeless.

After the November 2018 election, the council set up a “panel of experts” to take public input and make recommendations about how to spend that money and ensure that it goes toward homeless services. The panel met several times throughout the year and ultimately suggested six buckets, each tied to a percentage, as a framework for how to prioritize.

Permanent housing subsidies should get 30% of the money, as should shelter and temporary accommodations, the panel said. Street conditions and hygiene should get 14%, as should supportive services such as health care and outreach. Flexible housing subsidies should get 10%, with the final 2% going to infrastructure, described as training for and the evaluation of organizations in the city that get municipal funding.

When it made its allocations, the panel assumed there would be about \$4 million available from Measure P annually, its chairwoman Katharine Gale told officials last week.

City staff agreed in theory with many of the panel’s ideas, but advised elected officials to allocate only \$900,000 in new Measure P revenue Tuesday, rather than millions of dollars. Staff said officials should send the bulk of the panel’s suggestions to the council’s budget committee for more analysis and discussion.

The city manager said, according to the prepared staff report, that items that would “require a significant ongoing investment” — such as permanent housing subsidies and

shelter accommodations — should get “full vetting” from the budget committee to “ensure that long-term commitments made now can be supported over time.”

Staff also said any money available for shelters should be reinvested in the city’s existing shelters, as opposed to launching any new programs, “to keep these priority projects afloat when current funding sources expire.”

If, however, officials were set on launching a new program, staff continued, the best option would be to invest in the RV parking program council already approved earlier this year.

Berkeley has been searching — so far unsuccessfully — for a place for as many as 30 RVs to park for a restricted period of time.

Mayor’s compromise

Arreguín told Berkeleyside he spoke with staff and the panel of experts to come up with what he described as a compromise proposal as to how to spend the money. The budget he ultimately put forward, which was approved last week, includes at least \$11,066,561 in spending from January 2020 through June 2021, an 18-month period, if Measure P brings in \$6 million a year. The vote did not include any funding for permanent housing subsidies this year.

However: If more than \$6 million comes in, the mayor said, the city should issue subsidies with the additional money — beginning in July 2020 — with 15% of them set aside for families. If transfer tax earnings don’t reach that threshold in any given fiscal year, there will be no subsidies.

Staff advised caution with this approach, however, noting in the Dec. 3 staff report that “Recent evidence suggests that local increases in targeted homeless family assistance actually increases family homelessness, as homeless

families relocate to jurisdictions with more generous funding; the same is not true for individual programs, which measurably reduce individual homelessness.”

In the first six months of 2019, Measure P brought in nearly \$3 million, and the second half of the year is expected to be stronger still, the mayor has said previously. Council is set to return to the budget in the spring to review its actual figures and consider new allocations.

Fact-checking the mayor’s proposal

In his remarks during the council discussion last week, Arreguín said he had taken pains to follow the percentage allocations put forward by the panel of experts “as closely as possible,” and submitted a chart as part of his proposal that purported to show the parallels.

Unfortunately, that document — which council ultimately approved — was rife with problems.

According to a Berkeleyside analysis, the percentage allocation chart was missing more than \$5 million listed in his actual \$11 million budget proposal and misstated multiple figures. It included more than \$200,000 in non-Measure P money and understated the cost of the outdoor shelter by more than \$300,000. It left out more than \$800,000 in staffing costs and put the RV parking program in the “street conditions and hygiene” category rather than the one for shelter and temporary accommodations.

As a result of these and other issues, the mayor’s assertions, in both his council proposal and in a follow-up press release his office distributed, that his recommendations closely mirrored the panel’s guidance were wrong several times over. Berkeleyside crunched the numbers over several scenarios, imagining no permanent housing subsidies in one and, in another, \$2.5 million in subsidies,

which is in line with the mayor’s target according to his proposal. The figures don’t add up to the ones he published in either case.

	Panel %	Mayor's % assertion	Actual: Mayor's % (no subsidies)
Permanent housing	30%	28%	n/a
Shelter and temp accommodations	30%	36%	33%
Street conditions and hygiene	14%	7%	1%
Supportive services	14%	11%	48%
Flexible housing funds	10%	11%	9%
Infrastructure	2%	2%	9%

He said Monday that his percentage breakdown was only “for illustrative purposes” and was “not the actual allocation plan.”

“I could have clarified that” at the meeting, he told Berkeleyside. “There is a definite difference between the amounts that we had funded and what the panel of experts recommended.”

Arreguín said he left out the items from his chart that Alameda County has previously covered — ambulance transports and the intake services — because the panel did not think Measure P should pay for them and also because he plans to seek other funding sources for them in the future. He did not otherwise explain why his figures and the actual numbers were so different.

The county shortfall

As it stands, a large portion of the recent Measure P allocation — about \$5 million — is set to fund two large programs that Alameda County historically covered. There’s the homeless intake program, which was originally called “The Hub” and later became known as “coordinated entry.” And there’s the non-emergency ambulance transport program for those in a mental health crisis, which are also known as “5150s” in reference to the state law governing involuntary confinement for a psychiatric evaluation.

In 2017, the county reported that it would eventually stop sending ambulances to Berkeley for non-emergency mental health pickups due to a contract change. That service ended in June. To prepare for the shift, Berkeley had asked for bids from other contractors that might provide the service, according to a staff report from May. Only one came in, from Falck Northern California Corp, for up to about \$11 million over three years.

In 2018, according to the staff report, the county picked up nearly 1,100 people in Berkeley to take them for psychiatric evaluations. Falck charges about \$2,000 per pickup, Berkeley Fire Chief Dave Brannigan told officials last week.

Earlier this year, officials set aside Measure P money for the program for the time being. And the ordinance language voters approved said Measure P could be used for “mental health support.”

But some have asked whether Measure P is the right source to fund that program. Measure P panel of experts Chair Gale told officials last week that the panel had objected to the ambulance allocation because it “does not result in greater housing or shelter.” In

addition, Gale said, “the service is not limited to people who are homeless.”

Brannigan said, according to the best available estimates from Falck, 45% of the people who are transported either identify as homeless or do not have an address that Falck has been able to determine. He said his department is trying to determine whether there’s a more efficient way to handle those calls.

Officials on the dais last week appeared largely in agreement that they hope to find a better solution for that expense in the future.

“We have generally all recognized that the county is failing us and that we really need to insist on their assistance — and that of the state,” said Councilwoman Harrison.

Temporary shelter offerings to expand

The mayor said at last week’s council meeting that his proposal will mean new temporary shelter opportunities for 11 Berkeley youth in Youth Spirit Artworks’ tiny house program in Oakland; 25 more people at the expanded Pathways shelter; 25 people in the RV parking program and up to 50 people at the new outdoor shelter.

The plan for Pathways is to add a trailer and staff to its existing program, which is run by Bay Area Community Services (BACS). The agency told Berkeleyside it would have to hire new staff for the expansion, which could take some time.

“Once BACS received the ‘go ahead’ from the City, we would start recruiting and it would likely take 1-2 months to staff up,” BACS CEO Jamie Almanza said. “We are supportive of the city of Berkeley’s action to continue to address effective ends to homelessness for Berkeley residents.”

As for the RV parking program, which council approved earlier this year, the mayor said city staff has been working to implement it. The idea is to grant permits to a certain number of RVs to park in the city and potentially offer waste pump-out services, he said. The city has not been able to find a suitable parking location to date, however.

The city has also been trying to find an appropriate spot for an outdoor encampment but has come up empty so far. Arreguín told Berkeleyside the city has asked Caltrans whether it might have property in Berkeley or the broader East Bay that might work. The agency has made similar commitments in Oakland and San Jose, he said Monday.

“They have parcels of land that they could dedicate to this type of program,” said Arreguín. “We have broached that question with them.”

Arreguín also said that, although the shelter proposal has not come before council, last week’s vote seems to indicate that “a majority of council does want to move ahead” with it in concept.

Councilwoman Hahn, who made the motion to support the mayor’s item last week, told Berkeleyside on Monday that she was comfortable allocating funds to the proposed shelter because they “are flexible and allow staff to develop a model and seek an operator of the program/facility.” She had stricken another item — which will now be considered later — for a street medicine program the council had not heard about, she added, because it was essentially a contract for a specific program and operator when there had been no public process or discussion about it.

Which of these programs will actually get off the ground anytime soon remains an open question. In addition to the challenges of

location and other details, Berkeley recently said goodbye to Peter Radu, who had served since 2017 as the city's homeless services coordinator, overseeing all of its programs and analyses including its "1,000 person plan." Radu has been hired by the city of Oakland.

Council members are saying heartfelt goodbyes tonight to the city's homelessness czar, Peter Radu, hired from SF in 2017: He's going to work for Oakland after helping shepherd through Berkeley's 1,000 person plan (and more). BKGD:

<https://t.co/3WfdXQT8Sz> #berkmtg

— Berkeleyside (@berkeleyside)

November 20, 2019

With a key leader missing from its homeless services team, staff will likely be limited, at least for now, in what it can accomplish. His absence may be one reason staff suggested, in its Dec. 3 report, holding off on new programs, allowing for more robust analysis of the other proposals, and focusing on expanding and maintaining the city's current programs in the near-term.

Permanent housing subsidies

Panel Chair Gale and others said during the meeting that permanent housing subsidies will be key if Berkeley hopes to move the needle on homelessness. That's why it is ranked No. 1 on the panel's list of priorities even though it has the same percentage on the list as the temporary shelter category.

"We deliberately placed housing first," Gale said. "We really wanted to emphasize that housing is the most important thing that ends homelessness."

The panel's "starting place was a little rocky" in its discussions this year, she told council,

because "we had no specific guidance in the ordinance for either how to make these funding recommendations and no specified amount of funding to work with." That's why the group came up with the percentage approach.

About 2,000 people in Berkeley experience homelessness every year, according to the most recent estimates available from the city. An estimated 95% of those are single adults without children, according to the city. Others have said families with children are undercounted in that tally, however.

Berkeley has made inroads on the issue as a result of its recent investments, advocates say, with homelessness in the city growing at a much lower rate than trends seen county-wide. Staff said there has still been a significant increase, however, with the homeless population in the city growing by 14% from 2017 to 2019.

Last week, homeless families and their supporters pleaded with the council to ensure that some portion of the city's housing subsidies are set aside for them. Arreguín said, under his proposal, those subsidies will be available July 1, 2020, if Measure P revenues are above \$6 million. And 15% of the subsidies should be for families, he said.

Staff had warned against using temporary funding to pay for a longterm commitment, but Councilwoman Harrison pushed back against that perspective.

"The idea that we shouldn't do things today because we may not have the money tomorrow to continue doing those same things does not make sense to me," she said.

Harrison said there had also been "a misunderstanding" among people about the subsidies and how long they would last.

“It’s subsidies for permanent housing,” she said. “But the subsidies don’t have to be permanent. They can be today, again, something that benefits people. And maybe we don’t have as much next year. We don’t know. We have all these unknowns.”

Staff clarified later in the meeting, however, that permanent housing subsidies “are for the duration of that person’s being in the housing.” There is attrition every year when people move, said Kelly Wallace, interim director of Berkeley’s Health, Housing and Community Service Department, adding, “there isn’t a program that the subsidy actually ends. As long as they are in that housing they are entitled to that subsidy.”

Committing millions to those subsidies each year and making them dependent on revenues that might not always be available could, therefore, put the city in a precarious financial position, staff has said.

Arreguín told Berkeleyside on Monday that he is confident the city can figure it out, particularly if he can find a way to reduce the burden on Measure P revenue caused by ambulance transports and homeless intake services. The city is also likely to get money from the state and other sources, and that money is not currently part of his budget projections. By the time July 1, 2021, comes, he said, officials may be able to change its approach to the subsidies to ensure they are available.

“That’s going to have to come off the top,” he said.

A fractured vote

Measure P itself received widespread voter support and everyone on the City Council has been excited to see what those new revenues might help the city accomplish to address

issues surrounding homelessness. But some officials said they weren’t ready to vote on the proposal put forward Dec. 3.

Councilwoman Wengraf said, from the dais, that she was concerned about “funding new programs when we don’t have dedicated funding for the programs that we already have” — including Pathways. She said she wanted to hear from her colleagues about why they felt comfortable moving forward. But the discussion ended, as a result of the mayor’s motion to suspend debate, before anyone could directly respond.

“My biggest issue is that it is poor form to cut off discussion when there are so many important questions,” she told Berkeleyside this week. She also said she found it problematic that “we voted on an encampment that we have never discussed.”

Councilwoman Kesarwani said she also found that troubling, particularly given the possible shelter location and complete lack of detail.

“While this is a concept worthy of exploration,” she told Berkeleyside, “I think constituents of my district may be surprised to learn that this outdoor shelter is proposed to be located in District 1 but has not been vetted at a Council meeting.”

Kesarwani said the process was disappointing, “with a majority of the council voting to suspend debate so that I and others were unable to fully ask questions about an allocation of more than \$11 million for homeless services.”

The biggest questions about the vote, however, have come from Councilwoman Droste, who said it was “highly unusual” for the council to allocate money to anything “before ever approving it as a program or policy choice.”

Droste also said she thought there had been misrepresentations about how the Measure P money will be spent. Those include the faulty figures in the mayor's spreadsheet and press release, including his claim that there will — no caveats — be \$2.5 million in permanent housing subsidies — when that number remains to be seen.

In the press release, he also reported just \$8.9 million in spending, when the actual projected total with his projected subsidies is closer to \$13.6 million.

Droste: We were “procedurally silenced by a supermajority”

Droste said she was uneasy about the vote because the council made decisions about so much money based on proposals that “were riddled with errors and false assertions.” She also pointed out that the mayor's percentages do not actually line up with those from the panel of experts, despite his representations.

The motion to suspend debate was also problematic, she said: “Wengraf, Kesarwani and I were procedurally silenced by a supermajority of the Council when we wanted to voice questions about the demonstrably inaccurate claims and allocations.”

Droste, who chairs the council's budget policy committee, has now asked for a meeting of that body Dec. 19 to discuss the allocations and clarify exactly what was approved last week. As of publication time, the city had not determined whether that meeting would happen.

The mayor told Berkeleyside on Monday that the vote had to take place Dec. 3 both because the voters had been waiting too long, since the November 2018 election, and because some of the programs need to get off the ground now.

“We're entering the Christmas season,” he told his colleagues last week. “We have to act tonight to approve allocations so that we can serve the most vulnerable among us and go home to our families this holiday season and know that we did something to try to move towards our goal of ending homelessness in the city of Berkeley.”

Program allocations for this fiscal year include \$307,000 for an outdoor shelter (which is likely to take many months to set up once a location is chosen and a public process unfolds), \$100,000 for the RV parking program (location TBD), \$75,000 to add staff to a homeless street team downtown and some smaller allocations.

Those who did not support the vote say discussion could have continued to early 2020. Droste noted that “the fiscal year '20-'21 allocations are not going out the door in the next six months.” That includes the permanent housing subsidies that could be issued if revenues are high enough.

The mayor said he felt it had been important to act quickly so that programs that begin in July would have certainty and continuity around their funding. He said he had drawn that conclusion, in part, from staff.

The perspective seemed at odds, however, with Tuesday's staff recommendation to allocate just \$900,000 in new Measure P money and postpone the rest for further analysis.

“It's difficult for us to make long-term recommendations without it going to the budget committee first,” Wallace told council last week.

Ultimately, Droste told Berkeleyside on Tuesday, it wasn't that she minded being on the losing side of the vote. It was the errors and misrepresentations, she said, as well as

the abridged discussion, that continue to irk her.

“I urged my colleagues to only fund time- or program-critical homeless issues and wait a few months until the spring so council could receive financial projections and get a holistic picture of all of the city’s homeless funding and services,” she said. “Ultimately the Measure P percentage allocations are meaningless anyway unless we know how non-Measure P existing homeless services fall into various investment areas.”

“This crisis will continue for some time”

Council members who voted in favor of the motion, however, said during last week’s meeting that they can’t come soon enough.

“It’s important that we establish these things now in a strong structure because the need will grow,” said Councilman Bartlett. The city, he added, must “dig the groove for the water to flow into — because it’s coming.”

“It behooves us,” he said, “to set up a mechanism to deal with the most vulnerable. And seniors and young people and families are right there in that mix.”

Harrison said Berkeley has taken huge strides in recent years, moving from a system of services where people “wandered the streets all day” from 7 a.m. to 10 p.m. while the shelters were closed to one with much richer offerings — both operating now and planned for the future.

Read more about homelessness in past Berkeley side coverage

“We have transitional housing. We have Pathways. We have Dorothy Day. We have all these new exciting

programs,” she said. “I just want us to not forget where we’ve come from. And I think we also have a new recognition that this is not a temporary crisis. This crisis will continue for some time.”

Harrison continued: “I think there was a lot of wishful thinking at some point that maybe, if we didn’t fund anything, people would just go away. It’s not gonna happen, folks. They’re not going away. It’s called poverty. It’s called displacement.”

Correction: The first quotation in the story about the proposed homeless camp was initially attributed to the wrong council member. It has been fixed.

Attachment 4

	FY 2020	FY 2021		Scenario A (I)	Expenses	%	% Mayor OG	% POE	
Personnel	418,087	432,720		Permanent Housing	Set aside for Families 15%	0	n/a		* Begins July 2020 dependent on revenue above \$6M annually proportional w/ target of \$2.5M subsidies @ \$8M/yr revenues
					Permanent Housing Subsidies	0	n/a	28%	
Pathways	0	2,415,000		Shelter and Temp	Stair Center (existing)	1,785,000			
Pathways expansion	0	705,000		3,707,000	Stair Center Expansion	383,000	61%	36%	30%
DD shelter	0	300,000			Dorothy Day Shelter	300,000			
YSA Tiny Homes	39,000	78,000			YSA Tiny Home Village	117,000			
Outdoor shelter	307,000	615,000			Outdoor Shelter	922,000			
RV parking	100,000	100,000			RV safe parking*	200,000			
				Street & Hygiene	BDIC storage lockers	50,000			
BDIC locker	0	50,000		71,340	Veteran's drop-in	21,340	1%	7%	14%
DD drop-in	0	21,340		Supportive Services	Downtown Streets Team	225,000			
Downtown Streets Team	75,000	150,000		285,000	DBA worker	60,000	5%	11%	14%
DBA outreach	20,000	40,000		Flexible Housing Funds	Stair center (now)	630,000			
CES	0	1,400,414		952,000	Stair center (expansion)	322,000	16%	11%	10%
5150 transport	1,200,000	2,400,000		Infrastructure	Per POE rec	200,000			
Training & eval	66,666	133,334		1,050,807	Personnel	850,807	17%	2%	2%
						6,066,147			
	2,225,753	8,840,808	11,066,561						
				Scenario A: CES+5150 (II)			%	% Mayor OG	% POE
2,932,313	6,000,000	6,180,000	15,112,313	Permanent Housing	Set aside for Families 15%	0	n/a		
FY 2019	FY 2020	FY 2021	REVENUE est		Permanent Housing Subsidies	0	n/a	28%	30%
				Shelter and Temp	Stair Center (existing)	1,785,000			
				3,707,000	Stair Center Expansion	383,000	33%	36%	30%
					Dorothy Day Shelter	300,000			
					YSA Tiny Home Village	117,000			
					Outdoor Shelter	922,000			
					RV safe parking*	200,000			
				Street & Hygiene	BDIC storage lockers	50,000			
				71,340	Veteran's drop-in	21,340	1%	7%	14%
				Supportive Services	Downtown Streets Team	225,000			
				5,285,414	DBA worker	60,000	48%	11%	14%
					CES	1,400,414			
					5150 transport	3,600,000			
				Flexible Housing Funds	Stair center (now)	630,000			
				952,000	Stair center (expansion)	322,000	9%	11%	10%
				Infrastructure	Per POE rec	200,000			
				1,050,807	Personnel	850,807	9%	2%	2%
	CES + 5150s		5,000,414			11,066,561	100%		45% CES + 5150s
				Scenario A: County + PHS (III)			%	% Mayor OG	% POE
				Permanent Housing	Set aside for Families 15%	375,000			
				2,500,000	Permanent Housing Subsidies	2,125,000	18%	28%	30%
				Shelter and Temp	Stair Center (existing)	1,785,000			
				3,707,000	Stair Center Expansion	383,000	27%	36%	30%
					Dorothy Day Shelter	300,000			
					YSA Tiny Home Village	117,000			
					Outdoor Shelter	922,000			
					RV safe parking*	200,000			

			Street & Hygiene	BDIC storage lockers	50,000				
			71,340	Veteran's drop-in	21,340	1%	7%	14%	
			Supportive Services	Downtown Streets Team	225,000				
			5,285,414	DBA worker	60,000	39%	11%	14%	
				CES	1,400,414				
				5150 transport	3,600,000				
			Flexible Housing Funds	Stair center (now)	630,000				
			952,000	Stair center (expansion)	322,000	7%	11%	10%	
			Infrastructure	Per POE rec	200,000				
			1,050,807	Personnel	850,807	8%	2%	2%	
CES + 5150s		5,000,414			13,566,561	100%			37% CES + 5150s
			Scenario A: PHS only (IV)				%	% Mayor OG	% POE
			Permanent Housing	Set aside for Families 15%	375,000				
			2,500,000	Permanent Housing Subsidies	2,125,000	29%	28%	30%	
			Shelter and Temp	Stair Center (existing)	1,785,000				
			3,707,000	Stair Center Expansion	383,000	43%	36%	30%	
				Dorothy Day Shelter	300,000				
				YSA Tiny Home Village	117,000				
				Outdoor Shelter	922,000				
				RV safe parking*	200,000				
			Street & Hygiene	BDIC storage lockers	50,000				
			71,340	Veteran's drop-in	21,340	1%	7%	14%	
			Supportive Services	Downtown Streets Team	225,000				
			285,000	DBA worker	60,000	3%			
				CES (1,400,414)	0				
				5150 transport (3,600,000)	0		11%	14%	
			Flexible Housing Funds	Stair center (now)	630,000				
			952,000	Stair center (expansion)	322,000	11%	11%	10%	
			Infrastructure	Per POE rec	200,000				
			1,050,807	Personnel	850,807	12%	2%	2%	
CES + 5150s		0			8,566,147	100%			0% CES + 5150s

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WORK PLAN for years 2019-20
Panel of Experts (measure P)

Vision

Measure P Panel of Experts will consider currently unmet needs, gaps and opportunities, best practices and currently available data on outcomes. We will make recommendations for increased local investment, including program types, target populations and geographic areas as appropriate. We will seek to consider the best use of these investments in the context of other available Federal, State and local funding. In general we will not make recommendations on the specific agencies to receive funding, nor run our own proposal process, recognizing this as a role for staff and the Council.

Reporting Recommendations

1. Subcommittee produce an annual report to be published in August meeting the requirements of the legislation: “recommendations on how to allocate the City’s general funds to fund homeless services program in Berkeley; information if available, concerning the impact of funded programs on the residents of the City; and any additional information that the Panel deems appropriate.”
2. Produce memos as needed (approximately quarterly) for city council with best practices, recommendations, updates and input and feedback on city funding proposals and decisions. Content from quarterly memos, including October 29, 2019 memo to City Council will be a significant portion of the annual report.

Recommendations for Agenda Items

- 1) Standing item: Public Comment
- 2) Standing item: Verbal update from City staff on budget items related to homelessness (5-15 minutes)
- 3) Other items as requested (not to exceed 30 minutes). This will include time to review and discuss any funding decisions made by City Council.
- 4) Agenda items based on workplan goals below (60 -90 minutes)

Goal	Tasks/Agenda	Meeting Date	Recommendations/Action items
Goal 1: Create a work plan as a road map for accomplishing the work in a systematic and focused way	<ul style="list-style-type: none"> • Subcommittee presents a draft to full panel • Committee provides input • Establish subcommittee to prepare for January meeting. 	November 6, 2019 Final Plan January	<ul style="list-style-type: none"> • Subcommittee integrates feedback and submits final plan • Establish subcommittee or point person to develop framework for January 7 discussion guiding principle criteria.
Goal 2: Develop Guiding Principles/values/criteria for funding decisions	<ul style="list-style-type: none"> • Understand action taken by Council in December • Review and vote on updated workplan. 	January 7, 2020	<ul style="list-style-type: none"> • Finalize workplan

	<ul style="list-style-type: none"> Panel members share expertise and best practice knowledge Determine guiding principles for spending new funding (examples: funding leverages other resources, builds system, serves the most vulnerable, does not supplant existing funding) Presentation on Measure O 		<ul style="list-style-type: none"> Write-up guiding principles/values/criteria for committee approval Establish subcommittee to focus on consumer input (March meeting)
Goal 3: Fully understand Current Landscape of Homeless services currently provided, their outcomes, financing, effectiveness, budgets.	<ul style="list-style-type: none"> Request staff provide information needed for panel priority areas- focus on housing and shelter. Presentation on current status, gaps, and coordinated entry process Discuss opportunities to fill key areas of need and leverage existing resources 	February 5, 2020	<ul style="list-style-type: none"> Vote on guiding principles.
Goal 4: Establish recommendations for on-going method to collect consumer input to inform committee, staff and council	<ul style="list-style-type: none"> Subcommittee present best practices on using consumer input to direct program planning and funding decisions Staff present current practices on collecting consumer input Discussion on how to bring consumer input into planning process. Review and finalize resources to learn about at May 6 meeting. 	March 4, 2020	<ul style="list-style-type: none"> Appoint subcommittee or individual to draft memo with: guiding principles, best practices including best practices for using consumer input, any recommendations for current opportunities, and any input on funding proposals that have been made. Appoint committee member or staff to reach out to get representatives to come to May 6 meeting. Develop clear questions and purpose.
Goal 5: Understand the budget cycle and key timelines.	<ul style="list-style-type: none"> Staff presentation and Q&A session Review draft memo 	April 1, 2020	<ul style="list-style-type: none"> Finalize draft memo and submit to City Council
Goal 6:	Representatives to present on current programs that touch homelessness and opportunities for partnership (sample list below):	May, 6, 2020	<ul style="list-style-type: none"> Establish subcommittee to draft annual report.

<p>Understand potential financial resources that can be leveraged to maximize funding</p>	<ul style="list-style-type: none"> • Measure O • Berkeley Health Department • No Place Like Home • School District • Alameda County • State and Federal grant opportunities 		
<p>Goal 7: Produce Annual Report</p>	<ul style="list-style-type: none"> • Review draft report. Annual report will build from content learned and developed over the fiscal year (including the first set of funding recommendations made). 	<p>July 1, 2020</p>	<ul style="list-style-type: none"> • Submit to Council after committee approval. • Establish workgroup to develop workplan for 2020-21 Fiscal Year.

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City Clerk Department

November 18, 2019

To: Members of Berkeley Boards and Commissions

From:  Mark Numainville, City Clerk

Subject: Berkeley Lobbyist Registration Ordinance

On October 2, 2018 the City Council adopted Chapter 2.09 of Berkeley Municipal Code creating a new lobbyist registration system. The effective date of this ordinance is January 1, 2020. As an appointed City official, contacts you have with members of community, agencies, organizations, businesses, etc. may be covered by the ordinance.

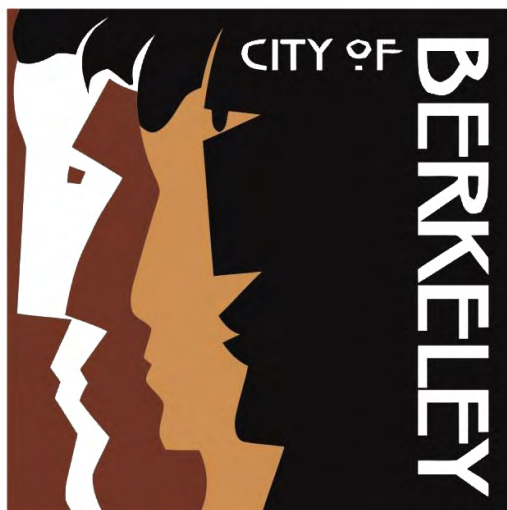
To be clear, your service as a commissioner does not itself create any obligation or requirement for you under the ordinance. Rather, as an appointed City official, you may on the receiving end of covered lobbying activities.

The requirement to register applies broadly. The definition of a “Local Government Lobbyist” includes any individual who is paid specifically to communicate with any elected or appointed City official or employee for the purpose of influencing any proposed or pending governmental action of the City; or any person whose duties as a salaried employee, officer or director of any corporation, organization or association include communication with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City. See Section 2.09.050.M for the complete definition. There are also may exceptions and caveats to the requirements of the ordinance.

Once registered, a Local Government Lobbyist must file quarterly disclosures with the City (or annual disclosures if the lobbyist is a sole proprietorship or works for a lobbying firm with four or fewer employees). Your name and the subject of the lobbying activity may appear in these disclosures if you were lobbied on a proposed or pending governmental action. The lobbying disclosure forms are public documents and will be posted on the City’s website.

The attached ordinance and Lobbyist Registration Manual provides additional background on the registration, disclosure, and activity requirements and regulations.

If you have questions about the requirements, please contact the City Clerk Department at clerk@cityofberkeley.info.



LOBBYIST MANUAL 2020 EDITION

BACKGROUND INFORMATION
RULES AND PROCEDURES

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ADOPTED BY ORDINANCE NO. 7,629-N.S. (OCTOBER 2, 2018)



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## CHAPTER I. INTRODUCTION

### CHAPTER I. INDEX

- A. The History and Purpose of Berkeley's Lobbyist Registration Act
- B. The Open Government Commission
- C. Who must Register?
- D. What are Lobbying Activities?
- E. What kind of Communication falls within these Lobbying Activities?
- F. Who Are The Officers of the City of Berkeley?
- G. What Kind of Communications are Exempt?

#### **A. The History and Purpose of Berkeley's Lobbyist Registration Act**

On October 2, 2018, the Berkeley City Council adopted the Lobbyist Registration Act (Berkeley Municipal Code Chapter 2.09) by Ordinance No. 7,629-N.S. The ordinance goes into effect on January 1, 2020.

The findings of the Ordinance state that democracy in our representative form of government requires that the public have an opportunity to know as much as possible what lobbying efforts are taking place that may affect decisions being made by our elected officials, City staff, boards, and commissions.

As such, the stated purpose of the Lobbyist Registration Act (the Act) is to codify certain existing practices, as well as to adopt new practices, to ensure that the public has an adequate opportunity to be informed of the City's activities and to communicate its concerns to its elected and appointed officials.

This guide, prepared by the City, provides background information on the rules and procedures for lobbying activities in the City of Berkeley. Words and phrases used in this Manual and the Act have the same meanings and be interpreted in the same manner as words and phrases used in the Berkeley Election Reform Act and the state Political Reform Act of 1974 (California Government Code sections 81000 to 91014) and the regulations issued pursuant to both, unless otherwise expressly provided or unless the context otherwise requires. (BMC 2.09.040)

#### **B. The Open Government Commission**

The Open Government Commission (OGC) consists of the nine members of the Berkeley Fair Campaign Practices Commission who serve as *ex officio* members of the OGC. The Commission hears complaints of several open government laws, considers ways to informally resolve those complaints, and makes recommendations to the City Council regarding such complaints. Enforcement of the Lobbyist Registration Act is delegated by the Act to the OGC.

The OGC is staffed by the Berkeley City Attorney's Office. Please contact OGC staff at (510) 981-6998 or at [FCPC@cityofberkeley.info](mailto:FCPC@cityofberkeley.info) for questions regarding the requirements, definitions, and enforcement provisions of the Act.

### C. Who must Register?

The Act requires every “local governmental lobbyist” to register. A person qualifies as a local governmental lobbyist in the City of Berkeley if the individual:

1. Receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month (other than reimbursement for reasonable travel expenses) to communicate directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City; **or**
2. Is a salaried employee, officer, or director of a corporation, organization or association, and whose duties include communication directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City.

#### *Examples:*

- A business hires a consultant for \$1,000 per month to communicate the business’s position on a proposed affordable housing development to a City Council staff member. The consultant qualifies as a lobbyist and must register.
- A salaried Executive Director of a non-profit organization that receives funding from the City speaks at a City Council meeting in their official capacity to advocate for funding. They qualify as a lobbyist and must register.

In case of any ambiguity, the definition of “local governmental lobbyist” shall be interpreted broadly.

- ❖ While the Act requires only individuals to register (and not companies or organizations), each employer and client of a lobbyist must be identified on both the Lobbyist Registration Form and the Lobbyist Quarterly/Annual Disclosure Reports.

### D. What are Lobbying Activities?

Lobbying activities that fall within the scope of the Act include any direct or indirect communication with any appointed or elected City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City.

In other words, the communications are for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official government actions.

- ❖ Governmental action is discretionary administrative or legislative actions of the City, other than an action which is ministerial in nature.

**E. What kind of Communication falls within these Lobbying Activities?**

For purposes of the Act, a communication for the purpose of influencing a governmental action includes any contact with a City elected or appointed public official or employee, either directly or indirectly, orally, in writing, or electronically. Examples include, but are not limited to, an in-person meeting, telephone call, video conference, email, letter, text message, or indirectly through intermediaries.

**F. Who are the Officers of the City of Berkeley?**

The Act covers lobbying of any elected or appointed official, or employee, whether compensated or not, of the City of Berkeley or any of its agencies.

- An employee shall have the same meaning as set out in Title 20 of the Code of Federal Regulations § 404.1007(b).
- Examples include permanent staff, temporary employees, City Councilmembers, Rent Board members, School Board members, City Council aides, and appointed commissioners.
- Boards and Commissions shall mean any body created by the City Council or City Charter.

**G. What kind of Communications are Exempt?**

The Act exempts certain types of individuals and communications. Those exemptions include:

1. A public official acting in their official capacity.
2. The publication or broadcasting of news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge governmental action.
3. A person specifically invited by the City Council or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony or information in aid of the body or person extending the invitation.
4. A person who, without extra compensation and not as part of, or in the ordinary course of, their regular employment, presents the position of their organization when that organization has one or more of its officers, directors, employees or representatives already registered under the provisions of this Act.

*Examples:*

- A person who talks to a City public works employee on behalf of a neighborhood association to get a stop sign placed at a busy intersection does not qualify as a lobbyist unless the person is being paid \$1,000 per month or more to lobby on behalf of the association or is a salaried employee, officer, or director, of the neighborhood association.
- An employee of a community agency speaking at a City Council meeting, to advocate on behalf of their agency when the Executive Director of the agency is already registered as a local governmental lobbyist does not have to register.

5. The designated representatives of a recognized employee organization whose activities are limited to communicating with elected or appointed City officials or their representatives regarding (1) wages, hours and other terms and conditions of employment pursuant to the procedures set forth in Government Code Sections 3500—3510, or (2) the administration, implementation or interpretation of an existing employment agreement.
6. Persons whose only activity is to (1) submit a bid on a competitively bid contract, (2) respond to a request for proposal or qualifications, or (3) apply for grant funding or (4) negotiate the terms of a written contract or grant if selected pursuant to such bid or request for proposal or qualifications. This exception shall not apply to persons who attempt to influence the award or terms of a contract or grant with any elected or appointed official, unless their attempts are limited to speaking during public comment at a publicly noticed meeting.
7. Any individuals serving in their professional capacity (e.g. attorneys, architects, or engineers), who are employed by a local government lobbyist, and whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public to represent or testify on behalf of a proposed development; (2) Preparing or submitting documents or writings in connection with the proposed development for use at a public meeting, public hearing, or other official proceeding open to the public; and (3) Contacting city employees or agents working under the direction of the City Manager directly relating to (1) and (2) above, or contacting elected or appointed City officials directly relating to (1) and (2) above.
8. Persons employed by, or a member of, a labor union.

*Examples:*

An architect attends and presents to the Zoning Adjustments Board, advocating for approval of their current development project:

- The developer or property owner is already registered as a local governmental lobbyist.
  - Since a representative from the project is already registered, the architect is exempt from registering.
- The developer or property owner is not registered as a local governmental lobbyist.
  - Then the architect must register.
- A property owner representing themselves before ZAB would not have to register.

## CHAPTER II. GETTING STARTED: REGISTRATION

### CHAPTER II. INDEX

- A. Filing Officer
- B. Initial Registration
- C. Failure to Register
- D. Training
- E. Termination of Lobbying Activities
- F. Availability of City Records
- G. Individual Lobbyist Records

#### **A. Filing Officer**

Berkeley's filing officer under both city and state law is the City Clerk. The City Clerk will provide forms and technology to complete and file the required reports. All lobbyist forms required by the Lobbyist Registration Act are filed with the City Clerk Department, located on the first floor of 2180 Milvia Street.

#### **B. Initial Registration (BMC 2.09.060)**

Beginning on January 1, 2020, a local governmental lobbyist must register prior to any lobbying activity taking place. At the time of initial registration, each local governmental lobbyist shall pay a fee of \$500. Upon registration, lobbyists will be given information regarding how to access the online portal provided by NetFile for future disclosure filing obligations.

- ❖ After initial registration, all individual local governmental lobbyists must also pay an annual re-registration fee of \$500 on or before every subsequent February 1.
- ❖ The City Clerk will waive all registration fees for any employee of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. Section 501(c)(3) or 501(c)(4), so long as the employee is acting in that capacity as a local government lobbyist.

All information required shall be filed with the City Clerk on forms provided by the City Clerk, and accompanied by a handwritten signature and a declaration that the contents thereof are true and correct under penalty of perjury.

On the registration form, the local governmental lobbyist must provide:

1. Their name, business address, e-mail address, and business telephone number.
2. 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.

3. The name, business address, and business telephone number of the local governmental lobbyist's employer, firm or business affiliation.

Failure to pay the registration fee shall constitute a termination of a local governmental lobbyist's registration with the Open Government Commission.

### **C. Failure to Register (BMC 2.09.100)**

If the OGC determines that a person is subject to registration and failed to register within **seven** days of that determination, the person shall be barred from acting as a local governmental lobbyist except when appearing before the City Council or other board or commissions at a noticed public meeting. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later. The OGC may establish additional processes for the termination of a local governmental lobbyist's registration.

### **D. Training (BMC 2.09.080)**

Each local governmental lobbyist must complete a lobbyist training session offered by the OGC, through the Office of the City Clerk, **within 30 days** of the local governmental lobbyist's initial registration. The training is available via an online training.

Once completed, the local governmental lobbyist must file a signed Affirmation of Training Completion stating, under penalty of perjury, that the local governmental lobbyist has completed the training session. An original signature is required and must be submitted to the City Clerk Department.

Failure to file an Affirmation of Training **Completion** can result in a civil penalty.

### **E. Termination of Lobbying Activities (BMC 2.09.070)**

A local governmental lobbyist who has ended all activities that require registration, must notify the City Clerk and will be relieved of any further filing responsibilities until such time that they resume activity requiring registration. The lobbyist must file an amended registration form, indicating the termination, accompanied by a quarterly disclosure filing that indicates lobbying activities that are up-to-date with the date of termination.

### **F. Availability of City Records (BMC 2.09.110)**

All registration and disclosure information is open for public inspection at the City Clerk Department and online through NetFile. The information will be retained by the City for a period of five (5) years and will be accessible through the City's webpage.

### **G. Individual Lobbyist Records (2.09.130)**

A local governmental lobbyist shall retain, for a period of five years, all books, papers and documents necessary to substantiate the registration required to be made under the Act. Records must be sufficient to document the accuracy of disclosure reports. Upon request, lobbyists must make all records available to the OGC, City Attorney, and City Clerk.

## CHAPTER III. WHEN AND WHAT MUST A LOBBYIST FILE ON DISCLOSURE REPORTS?

### CHAPTER III. INDEX

- A. Quarterly Disclosure Report
- B. Annual Disclosure Report
- C. General Disclosure Requirements
- D. How to File?

#### A. Quarterly Disclosure Report (BMC 2.09.140)

For each calendar quarter in which a local governmental lobbyist was required to be registered, they shall file a quarterly disclosure report with the City Clerk. The reports shall be due no later than thirty (30) days after the end of the reporting period.

- ❖ An amendment is required within five (5) business days of changed circumstances that require correction or updating of such information.

#### B. Annual Disclosure Report (BMC 2.09.140)

If a local governmental lobbyist is a sole proprietorship or works for a lobbying firm with four or fewer employees, they shall file annually. The annual disclosure reports are due by January 31, covering the period January 1 through December 31. The annual disclosure report must include the same required information defined below.

#### C. General Disclosure Requirements

To comply with either the annual or quarterly disclosure filing requirements, a local government lobbyist must complete and submit a disclosure of lobbying activities report, detailing the lobbying activity that took place to the City Clerk Department. The disclosure of lobbying activities reports contain the schedules listed below. Lobbyists shall use only the schedules that pertain to their type of lobbying activities. The cover page of the disclosure report includes the option to indicate that no reportable lobbying activity has taken place.

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| <u>Deadline</u>      | <u>Reporting Period</u> |                                                                                                                                                                            |
|----------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 30             | January 1 - March 30    | <div style="border: 1px solid black; border-radius: 10px; padding: 10px; width: fit-content;">** Only applies to sole proprietor or firms with 4 or fewer employees.</div> |
| July 31              | April 1 - June 30       |                                                                                                                                                                            |
| October 31           | July 1 - September 30   |                                                                                                                                                                            |
| January 31           | October 1 - December 31 |                                                                                                                                                                            |
| Annual: January 31** | January 1 - December 31 |                                                                                                                                                                            |

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1. **Schedule A: Governmental Action Disclosure.** Lists information regarding all discretionary administrative or legislative actions of the City, other than an action which is ministerial in nature, that the lobbyist sought to influence, including:

- a. The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.
- b. For each item of governmental action sought to be influenced, the name and title of each City employee, or elected or appointed City official with whom the local governmental lobbyist specifically met or communicated.
- c. A brief narrative description (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client.

2. **Schedule B: Employment.** Lists information regarding the employment of any City employee, elected/appointed City official, or a member of the immediate family of one of these individuals by the local governmental lobbyist, or a registered client of a the lobbyist, including:

- a. The name of the person employed or hired.
- b. A description of the services actually performed.
- c. The total payments made to the City employee or elected or appointed City official during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

3. **Schedule C: Compensated Services.** Lists information regarding any compensated services the local governmental lobbyist has been hired to perform for any elected City officeholder or candidate for elected City office, including:

- a. The name of the person who employed or hired the local governmental lobbyist.
- b. A description of the services actually performed.
- c. The total payments made during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

**“Client”** means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed.

**“Payment”** means a payment, distribution transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

**4. Schedule D: Contribution Solicitations.** Lists information regarding any solicitations by the local governmental lobbyist for contributions to an elected City officeholder, candidate for City office, or committee or campaign fund controlled by such officeholder or candidate, including:

- a. The names of the persons whom the local governmental lobbyist solicited.
- b. The officeholder or candidate for whose benefit each solicitation was made.

If a local governmental lobbyist sources a donation from more than fifty individual members or employees of a corporation, union or other association that is a registered client of the local governmental lobbyist, or if the local governmental lobbyist makes a solicitation to all members or employees of a corporation, union or association that is a registered client of the local governmental lobbyist, the local governmental lobbyist may choose to disclose the name of the registered client instead of the names of the persons whom the lobbyist actually solicited.

#### **D. How to File?**

You may file disclosure reports either in person at the City Clerk Department or by accessing the City's online filing portal, NetFile. Quarterly and annual disclosure reports may be obtained through the individual lobbyist's filing portal. NetFile can be accessed through the City's webpage or visiting the filer access portal at <http://www.netfile.com/agency/berk/>.

Registered lobbyists must complete the report, print and sign it, and upload it into the system. **A hand-written signature is required on all documents.** Completed disclosure reports may also be sent by U.S. mail or delivered in person to the City Clerk Department. Disclosure reports may not be submitted via email.

Complete user instructions for NetFile are available through the City Clerk Department. Lobbyists may contact the City Clerk Department at (510) 981-6908 or [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info) to get started with NetFile. The City Clerk Department also offers one-on-one training for lobbyists on using NetFile.

## CHAPTER IV. PROHIBITED ACTIVITIES

### CHAPTER IV. INDEX

- A. Personal Obligation of City Officials Prohibited
- B. Deception & False Appearances Prohibited
- C. Deception Prohibited
- D. Restrictions on Payments And Expenses Benefiting Local Public Officials
- E. Restriction on Campaign Consultants Lobbying Current And Former Clients

#### **A. Personal Obligation of City Officials Prohibited (BMC2.09.180)**

A local governmental lobbyist, or the lobbyist's clients must abstain from carrying out any act with the express purpose and intent of placing any elected or appointed City official or City employee under personal obligation to the local governmental lobbyist, client, contractor or person.

**"City official"** means the Mayor, members of the City Council and Rent Stabilization Board, City Commissioners, the City Auditor, and School Board members.

#### **B. Deception & False Appearances Prohibited (BMC 2.09.190 & 2.09.200)**

No local governmental lobbyist or client may deceive or attempt to deceive a City employee, or elected or appointed City official as to any material fact pertinent to any pending or proposed governmental action. Neither may a local governmental lobbyist or client attempt in any way to create a fictitious appearance of public favor (or disfavor) of any governmental action or to cause any communication to be sent to a City employee in the name of any fictitious person or in the name of any real person without the real person's consent.

#### **C. Deception Prohibited (BMC 2.09.210)**

No local governmental lobbyist or client may represent, either directly or indirectly, orally or in writing that such person can control or obtain the vote or action of any City employee, or elected or appointed City official.

#### **D. Restrictions on Payments and Expenses Benefiting Local Public Officials (BMC 2.09.220)**

No local government lobbyist or client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$240 during any calendar year. The prohibited payments and expenses include gifts, honoraria and any other form of compensation.

**"Payment"** means a payment, distribution transfer, loan advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible

The following are exempt from the restrictions in 2.09.220:

1. gifts of food or refreshment worth \$25 or less per occasion, if the local governmental lobbyist is a 501 (c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501 (c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event;
2. payments or expenses that, within thirty (30) days after receipt, are returned unused or are reimbursed;
3. gifts of food or beverage worth \$25 or less per occasion, if said gift is provided in the home of an individual local governmental lobbyist or individual local governmental lobbyist's registered client when the individual or member of the individual's family is present;
4. a pass or ticket to a fundraising event for a campaign committee or candidate, or for an organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code;
5. informational material;
6. campaign contributions not to exceed the limit imposed by the Berkeley Election Reform Act or state law, as applicable; and
7. Salaries, consulting fees or other payments for services rendered or bargained for.

No other exception to, or exclusion from, the definition of gift or honoraria contained in the Political Reform Act of 1974 as amended, and the regulations issued pursuant thereto, shall apply to this section.

For purposes of the gift limits imposed by section 2.09.220, gifts shall be aggregated as set forth in state law.

The following types of payments are prohibited under 2.09.220:

1. A lobbyist or a lobbyist's registered client cannot use an intermediary for payments, including any gift of travel that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.
2. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal benefit or for the personal benefit of a member of the immediate family of one of these individuals.

3. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the payment or expense on behalf of a lobbyist.

**E Restriction on Campaign Consultants Lobbying current and former Clients (BMC 2.09.230)**

A campaign consultant cannot lobby any elected or appointed City official of the City who is a current or former client of the campaign consultant. This prohibition shall not apply to:

1. An employee of a campaign consultant whose sole duties are clerical; or
2. An employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the city with whom the employee seeks to communicate in order to influence local legislative or administrative action.

Whenever the following words or phrases are used in Section 2.09.230, they are defined as follows:

1. "Current client" means a person for whom the campaign consultant has been contracted to provide campaign consulting services. If such person is a committee as defined by Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose.
2. "Employee" means an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.
3. "Former client" means a person for whom the campaign consultant has terminated all campaign consulting services within the past twenty-four (24) months.

## CHAPTER V. ENFORCEMENT

### CHAPTER V. INDEX

- A. Complaints, Investigations & Civil Actions
- B. Hearings & Violations
- C. Penalties
- D. Criminal Violation
- E. Joint and Several Liability

#### **A. Complaints, Investigations & Civil Actions (BMC 2.09.250 & 2.09.280)**

Any person who believes a violation of the Act has occurred may file a complaint with the OGC, which may (1) refer to the secretary to investigate, to the extent the secretary has not done so; (2) dismiss the complaint; or (3) find probable cause that a violation of this chapter has occurred.

The Commission may also initiate an investigation of a possible violation based on information presented to it, including by staff.

If the Commission has reason to believe that a violation has occurred or is about to occur, it may also institute action at law or equity to enforce and compel compliance with the provisions in BMC Chapter 2.09.280. Any resident of the City who believes that a violation has occurred, may institute such action at law or equity for injunctive relief and to compel compliance with the provisions in BMC Chapter 2.09.

#### **B. Hearings & Violations (BMC 2.09.260 & 2.09.270)**

In reviewing a complaint or an investigation that the Commission has initiated, if the Commission determines that there is probable cause for believing that a violation has occurred and makes a good faith effort to give reasonable written notice to the person or persons involved, it may hold a hearing to determine if the violation has occurred, and may determine an appropriate remedy if a violation is found. The Commission shall conduct such hearings and proceedings with respect to determinations of probable cause pursuant to adopted procedures.

➤ If the Commission finds a violation, the Commission may:

1. Find mitigating circumstances and take no further action.
2. Issue a public statement or reprimand.
3. Impose a civil penalty.
4. Take other advisory or informal action as specified in the Open Government Ordinance.

**C. Penalties (BMC 2.09.280 - BMC 2.09.290)**

The Commission may impose penalties of up to one thousand dollars (\$1,000) for each violation or, if the violation was a prohibited payment, expense or gift under Section 2.09.220, of up to three times the value of each prohibited payment, expense or gift.

Unpaid penalties will be referred to the appropriate City agency or department for collection.

For local government lobbyists found to have repeatedly (over more than one quarter), knowingly, or willfully violated the Act, the Commission may impose penalties of up to twenty-five thousand dollars (\$25,000) for any violation, using factors adopted by the Commission.

**D. Criminal Violation (BMC 2.09.300)**

Any person who knowingly or willfully violates the provisions of this Act is guilty of a misdemeanor. The prosecution of any misdemeanor violation shall commence within four years after the date on which the alleged violation occurred.

No person convicted of a misdemeanor violation of this Act may act as a local governmental lobbyist, render consultation or advice to any registered client, or otherwise attempt to influence a governmental action for compensation for one year after such conviction.

**E. Joint and Several Liability (BMC 2.09.310)**

Should two or more persons be responsible for any violation, they may be jointly and severally liable. The client or employer of a local governmental lobbyist shall be jointly and severally liable for all violations of the Act committed by the local governmental lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

If a business, firm or organization registers or files local governmental lobbyist disclosures on behalf of its employees pursuant to Section 2.09.150, the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

## APPENDIX A: RESOURCE DIRECTORY

1. OPEN GOVERNMENT COMMISSION

2180 Milvia Street, Fourth Floor

Berkeley, CA 94704

(510) 981-6998

[fcpc@cityofberkeley.info](mailto:fcpc@cityofberkeley.info) <http://www.cityofberkeley.info/opengovernmentcommission/>

2. CITY CLERK

2180 Milvia Street, First Floor

Berkeley, CA 94704

(510) 981-6900

[elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)

<http://www.cityofberkeley.info/clerk>

3. BERKELEY MUNICIPAL CODE

Lobbyist Registration and Regulations

Chapter 2.09

<https://www.codepublishing.com/CA/Berkeley/>



**APPENDIX B: FULL TEXT OF ORDINANCE**

**ORDINANCE NO. 7,629-N.S.**

**ADDING CHAPTER 2.09 TO THE BERKELEY MUNICIPAL CODE TO REQUIRE THE REGISTRATION AND REGULATION OF LOCAL GOVERNMENT LOBBYISTS AND AMENDING CHAPTER 2.07, REVOLVING DOOR RESTRICTIONS**

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

Section 1. That a new Chapter 2.09 is hereby added to the Berkeley Municipal Code to read as follows:

**Chapter 2.09  
LOBBYIST REGISTRATION AND REGULATIONS**

Sections:

**Article 1. General Provisions**

- 2.09.010 Title for citations.
- 2.09.020 Findings.
- 2.09.030 Purpose.

**Article 2. Definitions and Interpretation of This Act**

- 2.09.040 Words and phrases.
- 2.09.050 Definitions.

**Article 3. Registration of Lobbyists**

- 2.09.060 Registration with the Open Government Commission.
- 2.09.070 Cessation of employment.
- 2.09.080 Lobbyist training.
- 2.09.090 Exceptions.
- 2.09.100 Failure to register.
- 2.09.110 Availability of information.
- 2.09.120 Filing under penalty of perjury.
- 2.09.130 Records.

**Article 4. Disclosure of Lobbying Activities and Audits**

- 2.09.140 Quarterly disclosure.
- 2.09.150 Registration and filing of disclosures by organizations.
- 2.09.160 Audits

**Article 5. Prohibitions**

- 2.09.170 No unregistered employment or activity.
- 2.09.180 Personal obligation of City officials prohibited.

- 2.09.190 Deception prohibited.
- 2.09.200 False appearances prohibited.
- 2.09.210 Prohibited representations.
- 2.09.220 Restrictions on payments and expenses benefiting local public officials.
- 2.09.230 Restriction on campaign consultants lobbying current and former clients.

**Article 6. Enforcement**

- 2.09.240 Rules and regulations.
- 2.09.250 Complaint, investigative procedures, and probable cause.
- 2.09.260 Notice and hearing on violations.
- 2.09.270 Violations – commission action.
- 2.09.280 Civil actions.
- 2.09.290 Civil penalties
- 2.09.300 Criminal violation.
- 2.09.310 Joint and several liabilities.
- 2.09.320 Effective date.
- 2.09.330 Severability.

**Article 1. General Provisions**

**2.09.010 Title.**

This chapter shall be known as the Berkeley Lobbyist Registration Act, hereafter "the Act."

**2.09.020 Findings.**

A. Democracy in our representative form of government requires that the public have an opportunity to know as much as possible what lobbying efforts are taking place that may affect decisions being made by our elected officials, City staff, boards, and commissions.

B. To the extent possible, it is the government's responsibility to balance the responsibility to ensure the health, safety, and general welfare of the public at large in a fiscally and environmental sustainable manner.

**2.09.030 Purpose.**

Therefore, the purpose of this ordinance is to codify certain existing practices, as well as to adopt new practices, to ensure that the public has an adequate opportunity to be informed of the City's activities and to communicate its concerns to its elected and appointed officials.

**Article 2. Definitions and Interpretation of This Act**

**2.09.040 Words and phrases.**

Words and phrases used in this Act shall have the same meanings and be interpreted in the same manner as words and phrases used in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12) and the Political Reform Act of 1974, California

Government Code 81000 — 91014, hereafter the Political Reform Act, as amended and the regulations issued pursuant thereto, unless otherwise expressly provided or unless the context otherwise requires.

**2.09.050 Definitions.**

For the purposes of this Act, the following definitions shall be applicable:

A. "Campaign consultant" means any person or entity that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for campaign consulting services. The term "campaign consultant" includes any person or entity that subcontracts with a campaign consultant to provide campaign consulting services, and that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for providing campaign consulting services. The term "campaign consultant" does not include attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act and the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).

B. "Campaign consulting services" means participating in campaign management or developing or participating in the development of campaign strategy.

C. "Client" means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed. An individual member of an organization shall not be deemed to be a "client" solely by reason of the fact that such member is individually represented by an employee or agent of the organization as a regular part of such employee's or agent's duties with the organization as long as such member does not pay an amount of money or other consideration in addition to the usual membership fees for such representation.

D. "Committee" shall be defined as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).

E. "Contractor" means any party to an agreement in which the value of the consideration exceeds one thousand dollars (\$1,000), and, (1) The City is a party, or (2) the agreement or its effectiveness is in any way dependent or conditioned upon approval by the City Council or any board or commission, officer or employee of the City.

F. "Contribution" shall have the same meaning as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).

G. "Controlled committee" shall have the same meaning as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), but shall not include any state committees.

H. "Employee" shall have the same meaning as set out in Title 20 of the Code of Federal Regulations § 404.1007(b).

I. "Gift" shall be defined as set forth in the Political Reform Act, and the regulations adopted thereunder.

J. "Gift of travel" shall mean payment, advance, or reimbursement for travel, including transportation, lodging, and food and refreshment connected with the travel.

K. "Governmental action" means any discretionary administrative or legislative action of the City other than an action which is ministerial in nature.

L. "Influence" or "influencing" means contacting a City elected or appointed official or employee, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions.

M. "Local governmental lobbyist" means any individual who: (1) receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, to communicate directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City; or (2) whose duties as a salaried employee, officer or director of any corporation, organization or association include communication directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City. No person is a local governmental lobbyist by reason of activities described in Section 2.09.090. In case of any ambiguity, the definition of "local governmental lobbyist" shall be interpreted broadly.

N. "Payment" means a payment, distribution transfer, loan advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

O. "Person doing business with the City" means any person whose financial interests are materially affected by governmental action as defined by Section 2.09.050(K). It includes persons currently doing business with the City, planning to do business with the City, or having done business with the City within two years. For purposes of this Act a person's financial interests shall not be found to be materially affected by the issuance of any license or permit which does not require the exercise of discretion by City elected or appointed officials or employees.

P. "Public event" shall mean an event or gathering that any member of the public may attend, has been publicly announced and publicized in advance, and for which there is no admission cost or fee.

Q. "Public official" means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts, or any public corporation, agency or commission.

R. "Registered client" means any client of a local governmental lobbyist listed as part of the requirements of sections 2.09.060 and 2.09.140.

S. "State committee" shall mean a committee that makes contributions or expenditures to support or oppose candidates or measures voted on in state elections, or in more than one county.

### **Article 3. - Registration of Lobbyists**

#### **2.09.060 Registration with the Open Government Commission.**

A. 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.

B. At the time of registering, the local governmental lobbyist shall file with the City Clerk, in writing:

1. His or her name, business address, e-mail address, and business telephone number.
2. 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.
3. The name, business address, and business telephone number of the local governmental lobbyist's employer, firm or business affiliation.

C. The local governmental lobbyist shall reregister annually during the month of January and at that time shall resubmit the required information.

D. Local governmental lobbyists shall amend any information submitted to the Open Government Commission through registration and quarterly disclosures within five business days of the changed circumstances that require correction or updating of such information.

E. At the time of initial registration, and during each annual registration, each local governmental lobbyist shall pay a fee of \$500.

F. Failure to pay the annual fee shall constitute a termination of a local governmental lobbyist's registration with the Open Government Commission. The Open Government

Commission is also authorized to establish additional processes for the termination of a local governmental lobbyist's registration.

G. The City Clerk shall waive all registration fees for any employee of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. Section 501(c)(3) or 501(c)(4), so long as they are acting in that capacity.

H. The City Clerk shall deposit all fees collected pursuant to this Section in the General Fund of the City of Berkeley.

**2.09.070 Cessation of employment.**

A local governmental lobbyist who has terminated all activities requiring registration shall notify the City Clerk of that fact and thereupon shall be relieved of any further obligations under this Act until such time as he or she commences activity requiring registration.

**2.09.080 Lobbyist training.**

A. Each local governmental lobbyist must complete a lobbyist training session offered by the Open Government Commission, through the Office of the Clerk, within 30 days of the local governmental lobbyist's initial registration. Thereafter, local governmental lobbyists shall engage in additional training sessions as required by the Open Government Commission, at its discretion.

B. The Open Government Commission shall make local governmental lobbyist training sessions available on its website.

C. On or before the deadline for completing any required local governmental lobbyist training session, a local governmental lobbyist must file a signed declaration with the Open Government Commission stating, under penalty of perjury, that the local governmental lobbyist has completed the required training session.

**2.09.090 Exceptions.**

The provisions of this Act shall not apply:

A. To a public official acting in his or her official capacity.

B. To the publication or broadcasting of news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge governmental action.

C. To a person specifically invited by the City Council any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony or information in aid of the body or person extending the invitation.

D. To a person who, without extra compensation and not as part of, or in the ordinary course of, his or her regular employment, presents the position of his or her organization

when that organization has one or more of its officers, directors, employees or representatives already registered under the provisions of this Act.

E. To designated representatives of a recognized employee organization whose activities are limited to communicating with elected or appointed City officials or their representatives regarding (1) wages, hours and other terms and conditions of employment pursuant to the procedures set forth in Government Code Sections 3500—3510, or (2) the administration, implementation or interpretation of an existing employment agreement.

F. To persons whose only activity is to (1) submit a bid on a competitively bid contract, (2) respond to a request for proposal or qualifications, or (3) apply for grant funding or (4) negotiate the terms of a written contract or grant if selected pursuant to such bid or request for proposal or qualifications. This exception shall not apply to persons who attempt to influence the award or terms of a contract or grant with any elected or appointed official, unless their attempts are limited to speaking during public comment at a publicly noticed meeting.

G. To any individuals serving in their professional capacity (e.g. attorneys, architects, or engineers), who are employed by a local government lobbyist, and whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public to represent or testify on behalf of a proposed development; (2) Preparing or submitting documents or writings in connection with the proposed development for use at a public meeting, public hearing, or other official proceeding open to the public; and (3) Contacting city employees or agents working under the direction of the city manager directly relating to (1) and (2) above, or contacting elected or appointed City officials directly relating to (1) and (2) above.

H. Persons employed by, or a member of, a labor union.

**2.09.100 Failure to Register.**

If the Open Government Commission determines that a person is subject to registration and he or she fails to register within seven days of that determination, he or she shall be barred from acting as a local governmental lobbyist except when appearing before the City Council or other board or commission at a noticed public meeting. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later.

**2.09.110 Availability of information.**

All registration information shall be retained by the City Clerk for a period of five years from the date of filing, shall constitute part of the public records of the City, and shall be open to public inspection.

**2.09.120 Filing under penalty of perjury.**

All information required by this Act shall be filed with the City Clerk on forms prescribed by the Open Government Commission, and accompanied by a declaration by the local

governmental lobbyist that the contents thereof are true and correct under penalty of perjury.

**2.09.130 Records.**

A local governmental lobbyist shall retain, for a period of five years, all books, papers and documents necessary to substantiate the registration required to be made under this Chapter.

**Article 4. Disclosure of Lobbying Activities and Audits**

**2.09.140 Quarterly disclosure.**

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she 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. The report shall contain the following information:

A. The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.

B. For each item of governmental action sought to be influenced, the name and title of each City employee, or elected or appointed City official with whom the local governmental lobbyist specifically met or communicated.

C. A brief narrative description (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client.

D. 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 (1) the name of the person employed or hired, (2) a description of the services actually performed, and (3) the total payments made to the City employee or elected or appointed City official during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

E. 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 (1) the name of the person who employed or hired the local governmental lobbyist, (2) a description of the services actually performed, and (3) the total payments made during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.



F. 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. A solicitation does not include a request for a contribution made:

1. in a mass mailing sent to members of the public;
2. in response to a specific request for a recommendation;
3. to a gathering which members of the public may attend; or
4. in a newspaper, on radio or television, or in any other mass media.

A local governmental lobbyist does not "solicit" solely because his or her name is printed with other names on stationary or a letterhead used to request contributions. If a local governmental lobbyist sources a donation from more than fifty individual members or employees of a corporation, union or other association that is a registered client of the local governmental lobbyist, or if the local governmental lobbyist makes a solicitation to all members or employees of a corporation, union or association that is a registered client of the local governmental lobbyist, the local governmental lobbyist may choose to disclose the name of the registered client instead of the names of the persons whom the lobbyist actually solicited.

#### **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.

#### **2.09.160 Audits**

At least once every year, the Open Government Commission shall initiate audits of at least 5% of registered local governmental lobbyists, at minimum one local governmental lobbyist, selected at random. At the request of the Open Government Commission, the City Clerk may assist in conducting these audits. This requirement shall not restrict the authority of the Open Government Commission or the City Clerk to undertake any other audits or investigations of a local governmental lobbyist authorized by law or regulation. Within ten business days of a request by the Open Government Commission or City Clerk, a local governmental lobbyist or anyone required to register as a local governmental lobbyist shall provide the requested documents required to be retained under this Chapter.

### **Article 5. Prohibitions**

#### **2.09.170 No unregistered employment or activity.**

A. A local governmental lobbyist shall not engage in any activity on behalf of a client as a local governmental lobbyist unless such local governmental lobbyist is registered and has listed such client with the City Clerk.

B. No person shall accept compensation for acting as a local governmental lobbyist except upon condition that he or she forthwith register as required by this Act.

**2.09.180 Personal obligation of City officials prohibited.**

Local governmental lobbyists, or clients shall abstain from carrying out any act with the express purpose and intent of placing any elected or appointed City official or City employee under personal obligation to such local governmental lobbyist, client, contractor or person.

**2.09.190 Deception prohibited.**

No local governmental lobbyist or client shall deceive or attempt to deceive a City employee, or elected or appointed City official as to any material fact pertinent to any pending or proposed governmental action.

**2.09.200 False appearances prohibited.**

No local governmental lobbyist or client shall attempt in any way to create a fictitious appearance of public favor or disfavor of any governmental action or to cause any communication to be sent to a city employee in the name of any fictitious person or in the name of any real person without the real person's consent.

**2.09.210 Prohibited representations.**

No local governmental lobbyist or client shall represent, either directly or indirectly, orally or in writing that such person can control or obtain the vote or action of any City employee, or elected or appointed City official.

**2.09.220 Restrictions on payments and expenses benefiting local public officials.**

A. No local government lobbyist or a registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$240 during any calendar year. This \$240 limit may be adjusted every four years by the OGC to account for inflation. The payments and expenses specified in subsections 2.09.220(A)-(D) include gifts, honoraria and any other form of compensation but do not include:

1. gifts of food or refreshment worth \$25 or less per occasion, if the local governmental lobbyist is a 501 (c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501 (c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event;
2. payments or expenses that, within thirty (30) days after receipt, are returned unused or are reimbursed;

3. gifts of food or beverage worth \$25 or less per occasion, if said gift is provided in the home of an individual local governmental lobbyist or individual local governmental lobbyist's registered client when the individual or member of the individual's family is present;
4. a pass or ticket to a fundraising event for a campaign committee or candidate, or for an organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code;
5. informational material;
6. campaign contributions not to exceed the limit imposed by the Berkeley Election Reform Act or state law, as applicable; and
7. salaries, consulting fees or other payments for services rendered or bargained for. No other exception to, or exclusion from, the definition of gift or honoraria contained in the Political Reform Act of 1974 as amended, and the regulations issued pursuant thereto, shall apply to this section.

For purposes of the gift limits imposed by subsections (A)-(C), gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may hereafter be amended.

B. No lobbyist or a lobbyist's registered client shall make any payment to a third-party for the purpose of making any payment or incurring any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.

C. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal benefit or for the personal benefit of a member of the immediate family of one of these individuals.

D. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the payment or expense on behalf of a lobbyist.

**2.09.230 Restriction on campaign consultants lobbying current and former clients.**

A. No campaign consultant, individual who has an ownership interest in the campaign consulting business, or employee of the campaign consultant shall lobby any elected or appointed City official of the city who is a current or former client of the campaign consultant.

B. This prohibition shall not apply to:

1. an employee of a campaign consultant whose sole duties are clerical; or

2. an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the city with whom the employee seeks to communicate in order to influence local legislative or administrative action.

C. The exceptions in Subsection (B) shall not apply to any person who communicates with an officer of the city in his or her capacity as an employee of the campaign consultant who is prohibited by Subsection (A) from making the communication.

D. Whenever the following words or phrases are used in this Section, they shall be defined as follows:

1. "Current client" shall mean a person for whom the campaign consultant has been contracted to provide campaign consulting services. If such person is a committee as defined by Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose.

2. "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.

3. "Former client" shall mean a person for whom the campaign consultant has terminated all campaign consulting services within the past twenty-four (24) months.

## **Article 6. Enforcement**

### **2.09.240 Rules and regulations.**

The Open Government Commission may adopt, amend, and rescind rules, procedures, and regulations to carry out the purposes of this Chapter, and to govern the Commission's procedures to enforce this Chapter.

### **2.09.250 Complaint, investigative procedures, and probable cause.**

A. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the Open Government Commission. The Open Government Commission may initiate an investigation of a possible violation of this chapter based on information brought before the commission, including information presented by staff.

B. After receiving a complaint or information regarding a possible violation of this chapter, the Open Government Commission shall decide whether to (1) refer to the secretary to investigate, to the extent the secretary has not done so; (2) dismiss the complaint; or (3) find probable cause that a violation of this chapter has occurred.

### **2.09.260 Notice and hearing on violations.**

After the Open Government Commission determines there is probable cause for believing that a provision of this Chapter has been violated and makes a good faith effort to give reasonable written notice to the person or persons involved in the allegation using the contact information with which they registered, it may hold a hearing to determine if a violation has occurred, and may determine an appropriate remedy if a violation is found. The hearing pursuant to this section shall be conducted in an impartial manner, consistent with the requirements of due process. A record shall be maintained of the proceedings,

and a report summarizing the facts, issues, and any remedial actions shall be issued by the commission following the conclusion of the hearing.

The commission shall conduct such hearings and proceedings with respect to determinations of probable cause pursuant to adopted procedures. All interested persons may participate in the hearing.

**2.09.270 Violations – commission action.**

If the Open Government Commission finds a violation of this Act, the Open Government Commission may: (1) Find mitigating circumstances and take no further action; (2) issue a public statement or reprimand, (3) impose a civil penalty in accordance with this Act, or (4) take other action as specified in 2.06.190(A)(1).

**2.09.280 Civil actions.**

If the commission has reason to believe that a violation of this chapter has occurred or is about to occur, it may also institute action at law or equity to enforce and compel compliance with the provision of this chapter. Any resident of the City who believes that a violation of this chapter has occurred, may institute such action at law or equity for injunctive relief and to compel compliance with the provisions of this chapter.

**2.09.290 Civil penalties.**

A. Except as otherwise specified in this Act, the Open Government Commission may impose penalties of up to one thousand dollars (\$1,000) for each violation or, if the violation was a prohibited payment, expense or gift under section 2.09.220, of up to three times the value of each prohibited payment, expense or gift.

B. If any civil penalty imposed by the Open Government Commission is not timely paid, the Open Government Commission shall refer the debt to the appropriate City agency or department for collection.

C. For local government lobbyists found to have repeatedly over more than one quarter, knowingly, or willfully violated the Act, the Open Government Commission may impose penalties of up to twenty-five thousand dollars (\$25,000) for any violation, using factors adopted by the Open Government Commission through its rules, regulations, or procedures.

**2.09.300 Criminal violation.**

A. Any person who knowingly or willfully violates the provisions of this Act is guilty of a misdemeanor.

B. The prosecution of any misdemeanor violation of this Act shall commence within four years after the date on which the alleged violation occurred.

C. No person convicted of a misdemeanor violation of this Act may act as a local governmental lobbyist, render consultation or advice to any registered client, or otherwise attempt to influence a governmental action for compensation for one year after such conviction.

**2.09.310 Joint and several liability.**

A. Should two or more persons be responsible for any violation under this Chapter, they may be jointly and severally liable.

B. The client or employer of a local governmental lobbyist shall be jointly and severally liable for all violations of this Chapter committed by the local governmental lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

C. If a business, firm or organization registers or files local governmental lobbyist disclosures on behalf of its employees pursuant to Section 2.09.150 the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

**2.09.320 Effective date.**

The effective date of this Act shall be January 1, 2020. The Act may be effective at an earlier date if administratively feasible.

**2.09.330 Severability.**

The provisions of this Chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this Chapter, or the validity of its application to other persons or circumstances.

Section 2. That Berkeley Municipal Code section 2.06.190 is amended as follows:

**2.06.190 Open Government Commission--Duties.**

A) There is hereby created the Open Government Commission, which shall have authority for oversight of this Chapter and Chapter 2.09, the Lobbyist Registration Act, as set forth in this Section. The Open Government Commission shall consist of the members of the Berkeley Fair Campaign Practices Commission established by Berkeley Municipal Code section 2.12.170 who shall be ex officio members of the Open Government Commission.

1) The Open Government Commission shall:

a) hear complaints by any person concerning alleged non-compliance with this Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act, by the City or any of its legislative bodies, elected or appointed officials, officers or employees;

b) consider ways to informally resolve those complaints and make recommendations to the Council regarding such complaints;

c) seek advice from the City Attorney concerning those complaints;

d) advise the City Council of its opinion, conclusion or recommendation as to any complaint; and

e) take any action authorized by the Lobbyist Registration Act under Chapter 2.09.

To be considered by the Open Government Commission, complaints shall be submitted in writing using a form provided by the City, and must be submitted to the Secretary of the Commission no less than 14 days prior to the Commission meeting at which it will be considered.

2) In addition, the Commission may advise the City Council concerning the report prepared pursuant to subdivision (C), propose additional legislation or procedures that it deems advisable to ensure the City's compliance with this Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act, and advise the City Council as to any other action or policy that it deems advisable to enhance open and effective government in Berkeley.

B) The power and authority of the Open Government Commission with respect to oversight of this Chapter shall be limited to the functions set forth in this Section, and the Commission shall not have any of the additional authority or powers set forth in Chapter 2.12 with respect to oversight or enforcement of this Chapter.

C) Each year, the City Manager shall prepare and submit to the Open Government Commission a report that contains at least the following information:

- 1) The number of Public Records Act requests received by the City;
- 2) The average length of time taken to respond to those requests;
- 3) The approximate number of pages produced in response to those requests;
- 4) The number and resolution of all written complaints received by the City concerning its compliance with the Public Records Act with respect to such requests;
- 5) The number and resolution of all complaints received by the City concerning its compliance with the Brown Act; and
- 6) Any other information the City Manager deems appropriate that relates to the City's compliance with this Ordinance, the Brown Act, the Public Records Act, the Lobbyist Registration Act, or open and effective government in Berkeley.

D) Notwithstanding anything to the contrary in Section 2.04.075 or Chapter 3.02, the appointment and tenure of members of the Commission shall be governed by Chapter 2.12.

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**Chapter 2.09  
LOBBYIST REGISTRATION AND REGULATIONS**

Sections:

Article 1. General Provisions

- [2.09.010](#) Title.
- [2.09.020](#) Findings.
- [2.09.030](#) Purpose.

Article 2. Definitions and Interpretation of This Act

- [2.09.040](#) Words and phrases.
- [2.09.050](#) Definitions.

Article 3. Registration of Lobbyists

- [2.09.060](#) Registration with the Open Government Commission.
- [2.09.070](#) Cessation of employment.
- [2.09.080](#) Lobbyist training.
- [2.09.090](#) Exceptions.
- [2.09.100](#) Failure to Register.
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Article 4. Disclosure of Lobbying Activities and Audits

- [2.09.140](#) Quarterly disclosure.
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Article 5. Prohibitions

- [2.09.170](#) No unregistered employment or activity.
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## Article 6. Enforcement

- [2.09.240](#) Rules and regulations.
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- [2.09.300](#) Criminal violation.
- [2.09.310](#) Joint and several liability.
- [2.09.320](#) Effective date.
- [2.09.330](#) Severability.

### **2.09.010 Title.**

This chapter shall be known as the Berkeley Lobbyist Registration Act, hereafter "the Act." (Ord. 7629-NS § 1 (part), 2018)

### **2.09.020 Findings.**

A. Democracy in our representative form of government requires that the public have an opportunity to know as much as possible what lobbying efforts are taking place that may affect decisions being made by our elected officials, City staff, boards, and commissions.

B. To the extent possible, it is the government's responsibility to balance the responsibility to ensure the health, safety, and general welfare of the public at large in a fiscally and environmentally sustainable manner. (Ord. 7629-NS § 1 (part), 2018)

### **2.09.030 Purpose.**

Therefore, the purpose of this ordinance is to codify certain existing practices, as well as to adopt new practices, to ensure that the public has an adequate opportunity to be informed of the City's activities and to communicate its concerns to its elected and appointed officials. (Ord. 7629-NS § 1 (part), 2018)

### **2.09.040 Words and phrases.**

Words and phrases used in this Act shall have the same meanings and be interpreted in the same manner as words and phrases used in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12) and the Political Reform Act of 1974, California Government Code 81000 — 91014, hereafter the Political Reform Act, as amended and the regulations issued pursuant thereto, unless otherwise expressly provided or unless the context otherwise requires. (Ord. 7629-NS § 1 (part), 2018)

### **2.09.050 Definitions.**

For the purposes of this Act, the following definitions shall be applicable:

- A. "Campaign consultant" means any person or entity that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for campaign consulting services. The term "campaign consultant" includes any person or entity that subcontracts with a campaign consultant to provide campaign consulting services, and that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for providing campaign consulting services. The term "campaign consultant" does not include attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act and the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).
- B. "Campaign consulting services" means participating in campaign management or developing or participating in the development of campaign strategy.
- C. "Client" means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed. An individual member of an organization shall not be deemed to be a "client" solely by reason of the fact that such member is individually represented by an employee or agent of the organization as a regular part of such employee's or agent's duties with the organization as long as such member does not pay an amount of money or other consideration in addition to the usual membership fees for such representation.
- D. "Committee" shall be defined as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).
- E. "Contractor" means any party to an agreement in which the value of the consideration exceeds one thousand dollars (\$1,000), and, (1) The City is a party, or (2) the agreement or its effectiveness is in any way dependent or conditioned upon approval by the City Council or any board or commission, officer or employee of the City.
- F. "Contribution" shall have the same meaning as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).
- G. "Controlled committee" shall have the same meaning as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), but shall not include any state committees.
- H. "Employee" shall have the same meaning as set out in Title 20 of the Code of Federal Regulations § 404.1007(b).
- I. "Gift" shall be defined as set forth in the Political Reform Act, and the regulations adopted thereunder.
- J. "Gift of travel" shall mean payment, advance, or reimbursement for travel, including transportation, lodging, and food and refreshment connected with the travel.
- K. "Governmental action" means any discretionary administrative or legislative action of the City other than an

action which is ministerial in nature.

L. "Influence" or "influencing" means contacting a City elected or appointed official or employee, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions.

M. "Local governmental lobbyist" means any individual who: (1) receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, to communicate directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City; or (2) whose duties as a salaried employee, officer or director of any corporation, organization or association include communication directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City. No person is a local governmental lobbyist by reason of activities described in Section [2.09.090](#). In case of any ambiguity, the definition of "local governmental lobbyist" shall be interpreted broadly.

N. "Payment" means a payment, distribution transfer, loan advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

O. "Person doing business with the City" means any person whose financial interests are materially affected by governmental action as defined by Section [2.09.050\(K\)](#). It includes persons currently doing business with the City, planning to do business with the City, or having done business with the City within two years. For purposes of this Act a person's financial interests shall not be found to be materially affected by the issuance of any license or permit which does not require the exercise of discretion by City elected or appointed officials or employees.

P. "Public event" shall mean an event or gathering that any member of the public may attend, has been publicly announced and publicized in advance, and for which there is no admission cost or fee.

Q. "Public official" means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts, or any public corporation, agency or commission.

R. "Registered client" means any client of a local governmental lobbyist listed as part of the requirements of sections [2.09.060](#) and [2.09.140](#).

S. "State committee" shall mean a committee that makes contributions or expenditures to support or oppose candidates or measures voted on in state elections, or in more than one county. (Ord. 7629-NS § 1 (part), 2018)

#### **2.09.060 Registration with the Open Government Commission.**

A. 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.

- B. At the time of registering, the local governmental lobbyist shall file with the City Clerk, in writing:
1. His or her name, business address, e-mail address, and business telephone number.
  2. 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.
  3. The name, business address, and business telephone number of the local governmental lobbyist's employer, firm or business affiliation.
- C. The local governmental lobbyist shall reregister annually during the month of January and at that time shall resubmit the required information.
- D. Local governmental lobbyists shall amend any information submitted to the Open Government Commission through registration and quarterly disclosures within five business days of the changed circumstances that require correction or updating of such information.
- E. At the time of initial registration, and during each annual registration, each local governmental lobbyist shall pay a fee of \$500.
- F. Failure to pay the annual fee shall constitute a termination of a local governmental lobbyist's registration with the Open Government Commission. The Open Government Commission is also authorized to establish additional processes for the termination of a local governmental lobbyist's registration.
- G. The City Clerk shall waive all registration fees for any employee of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. Section 501(c)(3) or 501(c)(4), so long as they are acting in that capacity.
- H. The City Clerk shall deposit all fees collected pursuant to this Section in the General Fund of the City of Berkeley. (Ord. 7629-NS § 1 (part), 2018)

**2.09.070 Cessation of employment.**

A local governmental lobbyist who has terminated all activities requiring registration shall notify the City Clerk of that fact and thereupon shall be relieved of any further obligations under this Act until such time as he or she commences activity requiring registration. (Ord. 7629-NS § 1 (part), 2018)

**2.09.080 Lobbyist training.**

A. Each local governmental lobbyist must complete a lobbyist training session offered by the Open Government Commission, through the Office of the Clerk, within 30 days of the local governmental lobbyist's initial registration. Thereafter, local governmental lobbyists shall engage in additional training sessions as

required by the Open Government Commission, at its discretion.

B. The Open Government Commission shall make local governmental lobbyist training sessions available on its website.

C. On or before the deadline for completing any required local governmental lobbyist training session, a local governmental lobbyist must file a signed declaration with the Open Government Commission stating, under penalty of perjury, that the local governmental lobbyist has completed the required training session. (Ord. 7629-NS § 1 (part), 2018)

### **2.09.090 Exceptions.**

The provisions of this Act shall not apply:

A. To a public official acting in his or her official capacity.

B. To the publication or broadcasting of news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge governmental action.

C. To a person specifically invited by the City Council or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony or information in aid of the body or person extending the invitation.

D. To a person who, without extra compensation and not as part of, or in the ordinary course of, his or her regular employment, presents the position of his or her organization when that organization has one or more of its officers, directors, employees or representatives already registered under the provisions of this Act.

E. To designated representatives of a recognized employee organization whose activities are limited to communicating with elected or appointed City officials or their representatives regarding (1) wages, hours and other terms and conditions of employment pursuant to the procedures set forth in Government Code Sections 3500—3510, or (2) the administration, implementation or interpretation of an existing employment agreement.

F. To persons whose only activity is to (1) submit a bid on a competitively bid contract, (2) respond to a request for proposal or qualifications, or (3) apply for grant funding or (4) negotiate the terms of a written contract or grant if selected pursuant to such bid or request for proposal or qualifications. This exception shall not apply to persons who attempt to influence the award or terms of a contract or grant with any elected or appointed official, unless their attempts are limited to speaking during public comment at a publicly noticed meeting.

G. To any individuals serving in their professional capacity (e.g. attorneys, architects, or engineers), who are employed by a local government lobbyist, and whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public to

represent or testify on behalf of a proposed development; (2) Preparing or submitting documents or writings in connection with the proposed development for use at a public meeting, public hearing, or other official proceeding open to the public; and (3) Contacting city employees or agents working under the direction of the city manager directly relating to (1) and (2) above, or contacting elected or appointed City officials directly relating to (1) and (2) above.

H. Persons employed by, or a member of, a labor union. (Ord. 7629-NS § 1 (part), 2018)

#### **2.09.100 Failure to Register.**

If the Open Government Commission determines that a person is subject to registration and he or she fails to register within seven days of that determination, he or she shall be barred from acting as a local governmental lobbyist except when appearing before the City Council or other board or commission at a noticed public meeting. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later. (Ord. 7629-NS § 1 (part), 2018)

#### **2.09.110 Availability of information.**

All registration information shall be retained by the City Clerk for a period of five years from the date of filing, shall constitute part of the public records of the City, and shall be open to public inspection. (Ord. 7629-NS § 1 (part), 2018)

#### **2.09.120 Filing under penalty of perjury.**

All information required by this Act shall be filed with the City Clerk on forms prescribed by the Open Government Commission, and accompanied by a declaration by the local governmental lobbyist that the contents thereof are true and correct under penalty of perjury. (Ord. 7629-NS § 1 (part), 2018)

#### **2.09.130 Records.**

A local governmental lobbyist shall retain, for a period of five years, all books, papers and documents necessary to substantiate the registration required to be made under this Chapter. (Ord. 7629-NS § 1 (part), 2018)

#### **2.09.140 Quarterly disclosure.**

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she 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. The report shall contain the following information:

A. The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.

B. For each item of governmental action sought to be influenced, the name and title of each City employee, or elected or appointed City official with whom the local governmental lobbyist specifically met or communicated.

C. A brief narrative description (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client.

D. 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 (1) the name of the person employed or hired, (2) a description of the services actually performed, and (3) the total payments made to the City employee or elected or appointed City official during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

E. 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 (1) the name of the person who employed or hired the local governmental lobbyist, (2) a description of the services actually performed, and (3) the total payments made during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

F. 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. A solicitation does not include a request for a contribution made:

1. in a mass mailing sent to members of the public;
2. in response to a specific request for a recommendation;
3. to a gathering which members of the public may attend; or
4. in a newspaper, on radio or television, or in any other mass media.

A local governmental lobbyist does not "solicit" solely because his or her name is printed with other names on stationery or a letterhead used to request contributions. If a local governmental lobbyist sources a donation from more than fifty individual members or employees of a corporation, union or other association that is a registered client of the local governmental lobbyist, or if the local governmental lobbyist makes a solicitation to all members or employees of a corporation, union or association that is a registered client of the local governmental lobbyist, the local governmental lobbyist may choose to disclose the name of the registered client instead of the names of the persons whom the lobbyist actually solicited. (Ord. 7629-NS § 1 (part), 2018)



**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)

**2.09.160 Audits.**

At least once every year, the Open Government Commission shall initiate audits of at least 5% of registered local governmental lobbyists, at minimum one local governmental lobbyist, selected at random. At the request of the Open Government Commission, the City Clerk may assist in conducting these audits. This requirement shall not restrict the authority of the Open Government Commission or the City Clerk to undertake any other audits or investigations of a local governmental lobbyist authorized by law or regulation. Within ten business days of a request by the Open Government Commission or City Clerk, a local governmental lobbyist or anyone required to register as a local governmental lobbyist shall provide the requested documents required to be retained under this Chapter. (Ord. 7629-NS § 1 (part), 2018)

**2.09.170 No unregistered employment or activity.**

- A. A local governmental lobbyist shall not engage in any activity on behalf of a client as a local governmental lobbyist unless such local governmental lobbyist is registered and has listed such client with the City Clerk.
- B. No person shall accept compensation for acting as a local governmental lobbyist except upon condition that he or she forthwith register as required by this Act. (Ord. 7629-NS § 1 (part), 2018)

**2.09.180 Personal obligation of City officials prohibited.**

Local governmental lobbyists, or clients shall abstain from carrying out any act with the express purpose and intent of placing any elected or appointed City official or City employee under personal obligation to such local governmental lobbyist, client, contractor or person. (Ord. 7629-NS § 1 (part), 2018)

**2.09.190 Deception prohibited.**

No local governmental lobbyist or client shall deceive or attempt to deceive a City employee, or elected or appointed City official as to any material fact pertinent to any pending or proposed governmental action. (Ord. 7629-NS § 1 (part), 2018)

**2.09.200 False appearances prohibited.**

No local governmental lobbyist or client shall attempt in any way to create a fictitious appearance of public favor or disfavor of any governmental action or to cause any communication to be sent to a city employee in the name of any fictitious person or in the name of any real person without the real person's consent. (Ord. 7629-NS § 1 (part), 2018)

**2.09.210 Prohibited representations.**

No local governmental lobbyist or client shall represent, either directly or indirectly, orally or in writing that such

person can control or obtain the vote or action of any City employee, or elected or appointed City official. (Ord. 7629-NS § 1 (part), 2018)

**2.09.220 Restrictions on payments and expenses benefiting local public officials.**

A. No local government lobbyist or a registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$240 during any calendar year. This \$240 limit may be adjusted every four years by the OGC to account for inflation. The payments and expenses specified in subsections 2.09.220(A)-(D) include gifts, honoraria and any other form of compensation but do not include:

1. gifts of food or refreshment worth \$25 or less per occasion, if the local governmental lobbyist is a 501 (c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501 (c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event;
2. payments or expenses that, within thirty (30) days after receipt, are returned unused or are reimbursed;
3. gifts of food or beverage worth \$25 or less per occasion, if said gift is provided in the home of an individual local governmental lobbyist or individual local governmental lobbyist's registered client when the individual or member of the individual's family is present;
4. a pass or ticket to a fundraising event for a campaign committee or candidate, or for an organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code;
5. informational material;
6. campaign contributions not to exceed the limit imposed by the Berkeley Election Reform Act or state law, as applicable; and
7. salaries, consulting fees or other payments for services rendered or bargained for. No other exception to, or exclusion from, the definition of gift or honoraria contained in the Political Reform Act of 1974 as amended, and the regulations issued pursuant thereto, shall apply to this section.

For purposes of the gift limits imposed by subsections (A)-(C), gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may hereafter be amended.

B. No lobbyist or a lobbyist's registered client shall make any payment to a third-party for the purpose of making any payment or incurring any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.

C. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal benefit or for the personal benefit of a member of the immediate family of one of these individuals.

D. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the payment or expense on behalf of a lobbyist. (Ord. 7629-NS § 1 (part), 2018)

**2.09.230 Restriction on campaign consultants lobbying current and former clients.**

A. No campaign consultant, individual who has an ownership interest in the campaign consulting business, or employee of the campaign consultant shall lobby any elected or appointed City official of the city who is a current or former client of the campaign consultant.

B. This prohibition shall not apply to:

1. an employee of a campaign consultant whose sole duties are clerical; or
2. an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the city with whom the employee seeks to communicate in order to influence local legislative or administrative action.

C. The exceptions in Subsection (B) shall not apply to any person who communicates with an officer of the city in his or her capacity as an employee of the campaign consultant who is prohibited by Subsection (A) from making the communication.

D. Whenever the following words or phrases are used in this Section, they shall be defined as follows:

1. "Current client" shall mean a person for whom the campaign consultant has been contracted to provide campaign consulting services. If such person is a committee as defined by Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose.
2. "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.
3. "Former client" shall mean a person for whom the campaign consultant has terminated all campaign consulting services within the past twenty-four (24) months. (Ord. 7629-NS § 1 (part), 2018)

**2.09.240 Rules and regulations.**

The Open Government Commission may adopt, amend, and rescind rules, procedures, and regulations to carry

out the purposes of this Chapter, and to govern the Commission's procedures to enforce this Chapter. (Ord. 7629-NS § 1 (part), 2018)

**2.09.250 Complaint, investigative procedures, and probable cause.**

A. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the Open Government Commission. The Open Government Commission may initiate an investigation of a possible violation of this chapter based on information brought before the commission, including information presented by staff.

B. After receiving a complaint or information regarding a possible violation of this chapter, the Open Government Commission shall decide whether to (1) refer to the secretary to investigate, to the extent the secretary has not done so; (2) dismiss the complaint; or (3) find probable cause that a violation of this chapter has occurred. (Ord. 7629-NS § 1 (part), 2018)

**2.09.260 Notice and hearing on violations.**

After the Open Government Commission determines there is probable cause for believing that a provision of this Chapter has been violated and makes a good faith effort to give reasonable written notice to the person or persons involved in the allegation using the contact information with which they registered, it may hold a hearing to determine if a violation has occurred, and may determine an appropriate remedy if a violation is found. The hearing pursuant to this section shall be conducted in an impartial manner, consistent with the requirements of due process. A record shall be maintained of the proceedings, and a report summarizing the facts, issues, and any remedial actions shall be issued by the commission following the conclusion of the hearing.

The commission shall conduct such hearings and proceedings with respect to determinations of probable cause pursuant to adopted procedures. All interested persons may participate in the hearing. (Ord. 7629-NS § 1 (part), 2018)

**2.09.270 Violations – commission action.**

If the Open Government Commission finds a violation of this Act, the Open Government Commission may: (1) Find mitigating circumstances and take no further action; (2) issue a public statement or reprimand, (3) impose a civil penalty in accordance with this Act, or (4) take other action as specified in 2.06.190(A)(1). (Ord. 7629-NS § 1 (part), 2018)

**2.09.280 Civil actions.**

If the commission has reason to believe that a violation of this chapter has occurred or is about to occur, it may also institute action at law or equity to enforce and compel compliance with the provision of this chapter. Any resident of the City who believes that a violation of this chapter has occurred, may institute such action at law or equity for injunctive relief and to compel compliance with the provisions of this chapter. (Ord. 7629-NS § 1 (part), 2018)

**2.09.290 Civil penalties.**

- A. Except as otherwise specified in this Act, the Open Government Commission may impose penalties of up to one thousand dollars (\$1,000) for each violation or, if the violation was a prohibited payment, expense or gift under section [2.09.220](#), of up to three times the value of each prohibited payment, expense or gift.
- B. If any civil penalty imposed by the Open Government Commission is not timely paid, the Open Government Commission shall refer the debt to the appropriate City agency or department for collection.
- C. For local government lobbyists found to have repeatedly over more than one quarter, knowingly, or willfully violated the Act, the Open Government Commission may impose penalties of up to twenty-five thousand dollars (\$25,000) for any violation, using factors adopted by the Open Government Commission through its rules, regulations, or procedures. (Ord. 7629-NS § 1 (part), 2018)

**2.09.300 Criminal violation.**

- A. Any person who knowingly or willfully violates the provisions of this Act is guilty of a misdemeanor.
- B. The prosecution of any misdemeanor violation of this Act shall commence within four years after the date on which the alleged violation occurred.
- C. No person convicted of a misdemeanor violation of this Act may act as a local governmental lobbyist, render consultation or advice to any registered client, or otherwise attempt to influence a governmental action for compensation for one year after such conviction. (Ord. 7629-NS § 1 (part), 2018)

**2.09.310 Joint and several liability.**

- A. Should two or more persons be responsible for any violation under this Chapter, they may be jointly and severally liable.
- B. The client or employer of a local governmental lobbyist shall be jointly and severally liable for all violations of this Chapter committed by the local governmental lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.
- C. If a business, firm or organization registers or files local governmental lobbyist disclosures on behalf of its employees pursuant to Section [2.09.150](#) the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities. (Ord. 7629-NS § 1 (part), 2018)

**2.09.320 Effective date.**

The effective date of this Act shall be January 1, 2020. The Act may be effective at an earlier date if administratively feasible. (Ord. 7629-NS § 1 (part), 2018)

**2.09.330 Severability.**

The provisions of this Chapter are declared to be separate and severable. The invalidity of any clause,

sentence, paragraph, subdivision, section or portion of this Chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this Chapter, or the validity of its application to other persons or circumstances. (Ord. 7629-NS § 1 (part), 2018)

**[INTENTIONALLY LEFT BLANK]**

## 2020 Commission Meeting Dates

Please complete this form and email it to the  
[Commission Inbox](#) by: **Friday, January 3, 2020**

Name of Commission: Homeless Services Panel of Experts

Commission Secretary: Brittany Carnegie

### Please Note the Commission Meeting Dates for 2020 Below

If no meeting is scheduled for a month, please note as “No Meeting.”

*Example:*

| Month         | Meeting Day and Date | Time    |
|---------------|----------------------|---------|
| February 2020 | Thursday 2/6/20      | 7:00 pm |

| Month     | Meeting Day and Date | Time |
|-----------|----------------------|------|
| July 2020 | No Meeting           |      |

## 2020 Meeting Dates

| Month         | Meeting Day and Date | Time    |
|---------------|----------------------|---------|
| January 2020  | Tuesday, 1/7/20      | 7:00 PM |
|               |                      |         |
| February 2020 | Wednesday, 2/5/20    | 7:00 PM |
|               |                      |         |
| March 2020    | Wednesday, 3/4/20    | 7:00 PM |
|               |                      |         |
| April 2020    | Wednesday, 4/1/20    | 7:00 PM |
|               |                      |         |
| May 2020      | Wednesday, 5/6/20    | 7:00 PM |
|               |                      |         |
| June 2020     | Wednesday, 6/3/20    | 7:00 PM |
|               |                      |         |
|               |                      |         |

| Month          | Meeting Day and Date | Time    |
|----------------|----------------------|---------|
| July 2020      | Wednesday, 7/1/20    | 7:00 PM |
|                |                      |         |
| August 2020    | No Meeting           |         |
|                |                      |         |
| September 2020 | Wednesday, 9/2/20    | 7:00 PM |
|                |                      |         |
| October 2020   | Wednesday, 10/7/20   | 7:00 PM |
|                |                      |         |
| November 2020  | Wednesday, 11/4/20   | 7:00 PM |
|                |                      |         |
| December 2020  | No Meeting           |         |
|                |                      |         |
|                |                      |         |

[commission@cityofberkeley.info](mailto:commission@cityofberkeley.info)  
City Clerk Department