



Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

June 17, 2021

7:00 p.m.

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

Please use the following link to join the meeting:

<https://us02web.zoom.us/j/82458769567>

Or Telephone: +1 (669) 900-6833

Meeting ID: 824 5876 9567

Secretary: Samuel Harvey

The Commission may act on any item on this agenda

1. Call to Order 7:00 p.m.
2. Roll Call.
3. Public Comment. *Comments on subjects not on the agenda that are within the Commissions' purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
4. Approval of minutes for May 20, 2021 FCPC-OGC Concurrent Regular Meeting

Fair Campaign Practices Commission (FCPC) Agenda

5. Reports.
 - a. Report from Chair.
 - b. Report from Staff.
6. Staff update regarding City Clerk Department enforcement referrals to the California Fair Political Practices Commission (FPPC); discussion and possible action:
 - a. Carole Marosovic for Berkeley Rent Board 2020
 - b. Stephen Murphy for Berkeley City Council 2020

7. FCPC FY2021-2022 Work Plan; discussion and possible action.

Open Government Commission (OGC) Agenda

8. Reports.
 - a. Report from Chair.
 - b. Report from Staff.
9. Recommendation to City Council re public participation in meetings held via videoconference; discussion and possible action.
10. OGC FY2021-2022 Work Plan; discussion and possible action.
11. Adjournment.

Communications

- None

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

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office at 2180 Milvia St., 4th Fl., Berkeley, CA.



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

May 20, 2021

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

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

Secretary: Samuel Harvey, Deputy City Attorney

Members Present: Brad Smith (Chair), Jedidiah Tsang (Vice Chair), Janis Ching, Dean Metzger, Patrick O'Donnell, Patrick Sheahan, Jessica Blome, James Hynes, Mark Humbert

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 7:02 p.m.

2. **Roll Call**

Roll call taken.

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

One speaker.

4. **Approval of minutes for April 15, 2021 FCPC-OGC Concurrent Regular Meeting**

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

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

Fair Campaign Practices Commission (FCPC) Agenda

5. **FCPC Reports**
 - a. Report from Chair.
 - b. Report from Staff.
6. **Mandated Cost of Living Adjustments for Public Financing Program**
 - a. Public comment: No speakers.
 - b. Commission discussion.
7. **City Clerk Department enforcement referrals to the California Fair Political Practices Commission (FPPC):**
 - a. **Carole Marosovic for Berkeley Rent Board 2020**
 - b. **Stephen Murphy for Berkeley City Council 2020**
 - a. Public comment: Two speakers.
 - b. Commission discussion and action.

Motion to direct staff to investigate and monitor status of California Fair Political Practices Commission (FPPC) enforcement matters, cooperating with FPPC as needed, and report back on the status of FPPC matters (M/S/C: O'Donnell/Hynes; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

Open Government Commission (OGC) Agenda

8. **OGC Reports**
 - a. Report from Chair.
 - b. Report from Staff.
9. **Recommendation to City Council re public participation in meetings held via videoconference**
10. **Limitation of Speaker Time at City meetings**
11. **Substantive changes or additions to an item on the agenda at the meeting it is scheduled to be heard**
 - a. Public comment: One speaker.
 - b. Commission discussion and action.

Items 9, 10 and 11 considered simultaneously

Motion to table speaking time portion of recommendations (M/S/C: Ching/Tsang; Ayes: O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: Metzger; Abstain: none; Absent: none.)

Motion to create an ad hoc subcommittee to design recommendations to City Council for conducting virtual meetings to make clear how public comment can best be handled and how meeting materials can be presented to the public (M/S/C: Ching/Humbert; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

12. **Letter of Support for SB-459 Political Reform Act of 1974: lobbying**

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

Motion to submit recommendation to City Council (M/S/C: Smith/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

Joint FCPC-OGC Agenda

13. **Appointment of Vice-Chair**

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

Motion to elect Jedidiah Tsang as Vice-Chair (M/S/C: Ching/Hynes; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

14. **Report and discussion re Council Agenda & Rules Committee action on officeholder accounts and councilmember budget grants**

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

Motion to delay further discussion regarding officeholder accounts until after action by City Council (M/S/C: Blome/Hynes; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

15. **Adjournment**

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

The meeting adjourned at 8:34 p.m.



Fair Campaign Practices Commission

Date: June 10, 2021

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Staff update re Clerk Department FPPC/FCPC enforcement referrals

At its May 20, 2021 meeting, the Commission received two referrals, which the City Clerk Department submitted to the Enforcement Division of the California Fair Political Practices Commission (“FPPC”) for the following campaign committees:

- Carole Marasovic for Berkeley Rent Board 2020
- Stephen Murphy for Berkeley City Council 2020

According to the referrals, each committee has failed to file its semi-annual campaign statement for the period ending on December 31, 2020. These campaign statements were due on January 31, 2021. (Cal. Gov. Code § 84200(a); BMC § 2.12.270.A.) As the referrals note, the Clerk Department provided the committees with reminders prior to the filing deadline as well as subsequent notices of non-filing.

At its May 20, 2021 meeting, the Commission voted to direct staff to investigate and monitor the status of the FPPC enforcement matters, cooperating with FPPC as needed, and report back on the status of FPPC matters. The Commission indicated an intent to defer to the FPPC enforcement process in the interest of minimizing impacts on staff time.

Following the Commission’s May 30th meeting, the Commission Secretary conferred with the City Clerk Department staff. The Clerk Department indicated that the decision to refer these matters to the FPPC is based on the fact that failure to file a semi-annual campaign statement is a potential violation of the California Political Reform Act (“PRA”), over which the FPPC has jurisdiction. (See Cal. Gov. Code § 84200(a) (“[C]andidates, and committees . . . shall file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.”).) The Berkeley Election Reform Act (“BERA”) incorporates these deadlines by reference. (BMC § 2.12.270 (“Campaign statements shall be filed in accordance with the filing dates prescribed by state law.”).) Failure to file semi-annual statements therefore also presents a potential violation of BERA, over which the FCPC has jurisdiction. Staff has identified prior instances where the City Clerk Department chose to submit similar matters to the FPPC as well as FCPC.

At the May 20th meeting, the Commission directed staff to investigate and monitor the FPPC matter, while generally deferring to the FPPC process. Subsequently, staff have

June 10, 2021

Page 2 Re: Clerk Department FPPC/FCPC enforcement referrals

identified some concerns with deferring to the FPPC enforcement process. Most importantly, it is not clear when or if the FPPC will take action on these matters. The FPPC enforcement timeline can be very protracted, with action sometimes not taken by the FPPC for more than a year. The semi-annual campaign statements which are the subject of this matter have been outstanding for over four months, depriving the public of important campaign finance information. Staff are concerned that deferral to the FPPC process will not yield a timely resolution to this matter.

Additionally, while at least one of the candidates has asserted they are taking proactive steps to prepare and submit the outstanding reports, Clerk Department staff have already spent hours of staff time over the past few months working with the candidates to obtain the outstanding reports. This has included in-person meetings with at least one of the candidates. During this time, one or more of these candidates have made assertions that they are working to resolve the outstanding reporting issues. However, to date, the outstanding reports have not been filed.

Based on the above concerns, the Commission Secretary recommends the Commission carry out its own enforcement of these items in order to obtain compliance from the committees as quickly as possible, rather than deferring to the FPPC process.

Attachments:

1. May 20, 2021 Report to Commission with attachments.



Fair Campaign Practices Commission

Date: May 13, 2021
To: Fair Campaign Practices Commission
From: Samuel Harvey, Secretary
Subject: Clerk Department FPPC enforcement referrals

The City Clerk Department has submitted referrals to the Enforcement Division of the California Fair Political Practices Commission (“FPPC”) for the following campaign committees:

- Carole Marasovic for Berkeley Rent Board 2020 (Attachment 1)
- Stephen Murphy for Berkeley City Council 2020 (Attachment 2)

According to the referrals, each committee has failed to file its semi-annual campaign statement for the period ending on December 31, 2020. These campaign statements were due on January 31, 2021. (Cal. Gov. Code § 84200(a); BMC § 2.12.270.A.) As the referrals note, the Clerk Department provided the committees with reminders prior to the filing deadline as well as subsequent notices of non-filing.

The FPPC has authority to enforce the California Political Reform Act (Cal. Gov. Code § 8100 et seq.). The FPPC frequently addresses enforcement matters related to the failure to file campaign reports. Generally, the resolution of these matters will involve a committee filing any outstanding reports and paying a fine.

The Berkeley Election Reform Act (“BERA”), requires campaign committees to comply with state reporting requirements. (BMC § 2.12.270 (“Campaign statements shall be filed in accordance with the filing dates prescribed by state law.”).) The Berkeley Fair Campaign Practices Commission (“FCPC”) is charged with enforcing BERA. The FCPC therefore has the authority to initiate separate enforcement matters regarding the apparent failure by these committees to file required semi-annual reports.

Staff recommends the Commission direct staff to initiate investigations into these referrals and return at a future meeting with findings and a recommendation of whether there is probable cause to believe a violation of BERA has occurred.

Attachments:

1. Clerk Department referral to FPPC: Carole Marasovic for Berkeley Rent Board 2020
2. Clerk Department referral to FPPC: Stephen Murphy for Berkeley City Council 2020

Complaint Type

Electronic Complaint System

Complaint: If you suspect someone has violated the Political Reform Act, file a complaint with the FPPC's Enforcement Division using the Electronic Complaint System. To file, provide the requested information on the complaint below, attach all documents you have containing evidence of the violations using the document uploader, and click submit. You will receive an email confirming receipt of your complaint if you provide a return email address. If you file a sworn complaint, you will receive notifications regarding your complaint.

Referral: Filing officers can submit referrals to the Enforcement Division using the Electronic Complaint System. To refer a matter for prosecution by the Enforcement Division, provide the information requested below, attach the respondent's most recent statement or report and a copy of your conflict of interest code (if applicable), and click submit. You will receive an email confirming receipt of the referral and notification when the FPPC takes action on the referral.

If you have questions or problems submitting your complaint or referral, please email complaint@fppc.ca.gov and we will assist you.

Complaint Type

Complaint Type: Staff/Filing Officer
Referral



For Official Use Only.

The Referral section is only for use by Local and State Filing Officers and Officials.

Do not complete this section if you are trying to file a Complaint.

Non-Filer Enforcement Referral

Referral Type

Non-Filer Referral Type:

Campaign Statement Non-Filer

Campaign Statement Non-Filer Information

Referral Details

| Violation Type | Code Section | Date of Election | Filing Due Date | Reporting Period Start Date | Reporting Period End Date |
|-------------------------------|-------------------------------|------------------|-----------------|-----------------------------|---------------------------|
| Campaign Statements Not Filed | Semiannual Statements (84200) | 11/3/2020 | 2/1/2021 | 10/18/2020 | 12/31/2020 |

To begin your referral, please select the **Add New Campaign Statement** button on the right side and complete the information fields.

Referring Filing Official's Contact Information

First Name: Mark
 Last Name: Numainville
 Email: elections@cityofberkeley.info
 Phone Number: (510) 981-6908
 Jurisdiction: Local
 County, City, or Agency: City
 Filing Officer's Title: City Clerk
 Name of Agency: City of Berkeley

Committee Information

Committee Name: Carole Marasovic for Berkeley Rent Board 2020
 Committee ID: 1432934
 Office Sought: Rent Stabilization Board
 Address: [REDACTED]
 City: Berkeley
 State: CA
 Zip Code: 94702
 Email: daphnesflight@yahoo.com
 Phone Number: [REDACTED]

Treasurer Information

Treasurer First Name: Heather
 Treasurer Last Name: Ovenden
 Address: [REDACTED]
 City: Berkeley
 State: CA
 Zip Code: 94702
 Email: heathero75gwhs@gmail.com
 Phone Number: [REDACTED]

Candidate or Principal Officer Information

Candidate or Principal Officer First Name: Carole

Address: [REDACTED]

State: CA

Email: daphnesflight@yahoo.com

Candidate or Principal Officer Last Name: Marasovic

City: Berkeley

Zip Code: 94702

Phone Number: [REDACTED]

Notification Information

| Notification Type – Please Select Two at a Minimum | Date Attempted or Completed |
|--|-----------------------------|
| Mail | 3/8/2021 |
| Email | 3/8/2021 |
| Mail | 2/5/2021 |
| Email | 2/5/2021 |
| Email | 1/27/2021 |
| Mail | 1/6/2021 |

Please attach any Notification-related documents in the "Upload" section of this form.

Upload

Files

| Document Name | Update Date/Time |
|--|--------------------|
| Carole_Marasovic_for_Berkeley_Rent_Board_2020_fppc501_201_2020_08_07.pdf | 3/30/2021 11:30 AM |
| Carole_Marasovic_for_Berkeley_Rent_Board_2020_fppc410_201_2020_09_01.pdf | 3/30/2021 11:30 AM |
| Carole_Marasovic_for_Berkeley_Rent_Board_2020_fppc460_201_2020_10_23.pdf | 3/30/2021 11:30 AM |
| 2021-03-08 SWN Carole Marasovic for Berkeley Rent Board 2020.pdf | 3/30/2021 11:29 AM |
| 2021-02-05 NONF Carole Marasovic for Berkeley Rent Board 2020.pdf | 3/30/2021 11:28 AM |
| 2021-03-08 SWN.pdf | 3/30/2021 11:28 AM |
| 2021-02-05 NONF (Email).pdf | 3/30/2021 11:28 AM |
| 2021-01-27 Semi-Annual Reminder.pdf | 3/30/2021 11:28 AM |
| Carole Marasovic for Berkeley Rent Board 2020.pdf | 3/30/2021 11:27 AM |

Please click the **upload document** button after selecting your additional evidence (such as copies of campaign statements, notes, etc).

Additional Comments

Additional Comments:

Candidate Carole Marasovic informed the Berkeley City Clerk Department that her treasurer quit a few days before the November 3, 2020 election. However, Heather Ovenden is still listed on the committee's Form 410 as treasurer. Ms. Marasovic is listed as the Assistant Treasurer.

Submit

Submit Referral

Complaint Type

Electronic Complaint System

Complaint: If you suspect someone has violated the Political Reform Act, file a complaint with the FPPC's Enforcement Division using the Electronic Complaint System. To file, provide the requested information on the complaint below, attach all documents you have containing evidence of the violations using the document uploader, and click submit. You will receive an email confirming receipt of your complaint if you provide a return email address. If you file a sworn complaint, you will receive notifications regarding your complaint.

Referral: Filing officers can submit referrals to the Enforcement Division using the Electronic Complaint System. To refer a matter for prosecution by the Enforcement Division, provide the information requested below, attach the respondent's most recent statement or report and a copy of your conflict of interest code (if applicable), and click submit. You will receive an email confirming receipt of the referral and notification when the FPPC takes action on the referral.

If you have questions or problems submitting your complaint or referral, please email complaint@fppc.ca.gov and we will assist you.

Complaint Type

Complaint Type: Staff/Filing Officer
Referral



For Official Use Only.

The Referral section is only for use by Local and State Filing Officers and Officials.

Do not complete this section if you are trying to file a Complaint.

Non-Filer Enforcement Referral

Referral Type

Non-Filer Referral Type:

Campaign Statement Non-Filer

Campaign Statement Non-Filer Information

Referral Details

| Violation Type | Code Section | Date of Election | Filing Due Date | Reporting Period Start Date | Reporting Period End Date |
|-------------------------------|-------------------------------|------------------|-----------------|-----------------------------|---------------------------|
| Campaign Statements Not Filed | Semiannual Statements (84200) | | 2/1/2021 | 7/1/2020 | 12/31/2020 |

To begin your referral, please select the **Add New Campaign Statement** button on the right side and complete the information fields.

Referring Filing Official's Contact Information

First Name: Mark
Last Name: Numainville
Email: elections@cityofberkeley.info
Phone Number: (510) 981-6908
Jurisdiction: Local
County, City, or Agency: City
Filing Officer's Title: City Clerk
Name of Agency: City of Berkeley

Committee Information

Committee Name: Stephen Murphy for Berkeley City Council 2020
Committee ID: 1379609
Office Sought:
Address: [REDACTED] Berkeley
City: Berkeley
State: CA
Zip Code: 94709
Email: lindajperry@hotmail.com
Phone Number: [REDACTED]

Treasurer Information

Treasurer First Name: Linda
Treasurer Last Name: Perry
Address: [REDACTED]
City: San Leandro
State: CA
Zip Code: 94578
Email:
Phone Number: lindajperry@hotmail.com

Candidate or Principal Officer Information

Candidate or Principal Officer First Name: Stephen

Candidate or Principal Officer Last Name: Murphy

Address: [REDACTED]

City: Berkeley

State: CA

Zip Code: 94709

Email: stephenmurphy2016@gmail.com

Phone Number: [REDACTED]

Notification Information

| Notification Type – Please Select Two at a Minimum | Date Attempted or Completed |
|--|-----------------------------|
| Email | 3/8/2021 |
| Mail | 3/8/2021 |
| Telephone call | 2/2/2021 |
| Email | 2/5/2021 |
| Mail | 2/5/2021 |
| Email | 1/7/2021 |
| Mail | 1/7/2021 |

Please attach any Notification-related documents in the "Upload" section of this form.

Upload

Files

| Document Name | Update Date/Time |
|---|------------------|
| 2021-03-08 SWN Stephen Murphy for Berkeley City Council 2020.pdf | 4/1/2021 2:16 PM |
| 2021-03-08 SWN (Email).pdf | 4/1/2021 2:15 PM |
| 2021-02-05 NONF Stephen Murphy for Berkeley City Council 2020.pdf | 4/1/2021 2:15 PM |
| 2021-02-05 NONF (Email).pdf | 4/1/2021 2:15 PM |
| 2021-01-07 Notification (Mail).pdf | 4/1/2021 2:14 PM |
| 2021-01-07 Notification (Email).pdf | 4/1/2021 2:14 PM |

Please click the **upload document** button after selecting your additional evidence (such as copies of campaign statements, notes, etc).

Additional Comments

Additional Comments:

Although this campaign committee is named "Stephen Murphy for Berkeley City Council 2020", Stephen Murphy did not file a Form 501 nor did he qualify (or attempt to qualify) as a candidate in the November 3, 2020 general municipal election.

[Submit](#)

[Submit Referral](#)



Fair Campaign Practices Commission

INFORMATION CALENDAR
XXXX XX, 2021

To: Honorable Mayor and Members of the City Council

From: Fair Campaign Practices Commission

Submitted by: Brad Smith, Chairperson, Fair Campaign Practices Commission

Subject: Fair Campaign Practices Commission FY2021-2022 Work Plan

INTRODUCTION

The Fair campaign Practices Commission (FCPC) has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes ongoing compliance review of campaign statements; ongoing review of alleged violations of BERA; receiving due process training for hearing complaints; finding ways to reduce the number of pages printed in commission packets; review of BERA's enforcement procedures; establish guidelines for approval of applications for public financing; developing guidelines to avoid preventing a candidate from receiving public funds for minor violations of BERA; review lobbying registration and reporting practices for individuals and organizations; and to work collaboratively with the City Council to develop policy related to Officeholder Accounts.

CURRENT SITUATION AND ITS EFFECTS

At the regular meeting on XXXX XX, 2021, the Fair Campaign Practices Commission unanimously approved the FY2021-2022 Work Plan, which will be used to guide the Commission's work throughout the year.

M/S/C () to accept work plan as submitted and to prepare and submit an Information Report to City Council.

Ayes:
Noes:
Absent:

BACKGROUND

See attached Work Plan.

ENVIRONMENTAL SUSTAINABILITY

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



Fair Campaign Practices Commission

POSSIBLE FUTURE ACTION

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

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown, but none expected.

CONTACT PERSON

Samuel Harvey, Commission Secretary (510) 981-6998

Brad Smith, Chairperson, (510) 926-2047

Attachment: 1: Fair Campaign Practices Commission Work Plan



Fair Campaign Practices Commission

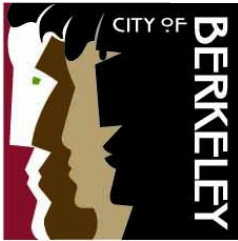
Attachment 1

Work Plan
Approved XXXX XX, 2021

- Ongoing compliance review of campaign statements.
- Ongoing review of alleged violations of BERA.
- Receive due process training for hearing complaints.
- Find ways to reduce the number of pages in commission packets.
- Review BERA enforcement procedures.
- Establish guidelines for approval of applications for public financing
- Develop guidelines to avoid preventing a candidate from receiving public funds for minor violations of the Berkeley Fair Elections Act.
- Review lobbying registration and reporting processes for individuals and organizations.
- Work collaboratively with the City Council to develop policy related to Officeholder Accounts.

ITEM 9

Item 9 report to be circulated as addendum



Open Government Commission

INFORMATION CALENDAR
XXXX XX, 2021

To: Honorable Mayor and Members of the City Council

From: Open Government Commission

Submitted by: Brad Smith, Chairperson, Open Government Commission

Subject: Open Government Commission FY2021-2022 Work Plan

INTRODUCTION

The Open Government Commission (OGC) has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes the ongoing review of complaints concerning alleged non-compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act; proposing legislation or procedures to further ensure the City of Berkeley's compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act; advising the City Council of any action or policy that would enhance open and effective government in the City of Berkeley; reviewing, approving, and forwarding to City Council the report submitted to the Open Government Commission by the City Manager regarding compliance with the Open Government Ordinance, the Public Records Act, the Brown Act, the Lobbyist Registration Act, and any other information the City Manager deems appropriate for open and effective government in the City of Berkeley; and working collaboratively with the City Council to develop policy related to Council District (D-13) accounts.

CURRENT SITUATION AND ITS EFFECTS

At the regular meeting on XXX XX, 2021, the Open Government Commission unanimously approved the FY2021-2022 Work Plan, which will be used to guide the Commission's work throughout the year.

M/S/C () to accept work plan as submitted and to prepare and submit an Information Report to City Council.

Ayes:
Noes:
Absent:

BACKGROUND

See attached Work Plan.



Open Government Commission

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

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

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown, but none expected.

CONTACT PERSON

Samuel Harvey, Commission Secretary (510) 981-6998
Brad Smith, Chairperson (510) 926-2047

Attachment: 1: Open Government Commission FY2020-2021 Work Plan



Open Government Commission

Attachment 1

**Open Government Commission FY2021-2022 Work Plan
Approved XXXXX XX, 2021**

- Ongoing review of complaints concerning alleged non-compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act.
- Propose legislation or procedures to further ensure the City of Berkeley's compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act.
- Advise the City Council of any action or policy that would enhance open and effective government in the City of Berkeley.
- Review, approve, and forward to the City Council the report submitted to the Open Government Commission by the City Manager regarding compliance with the Open Government Ordinance, the Public Records Act, the Brown Act, the Lobbyist Registration Act, and any other information the City Manager deems appropriate for open and effective government in the City of Berkeley.
- Work collaboratively with the City Council to develop policy related to Council District (D-13) accounts.