



Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

March 20, 2025

6:30 p.m.

2180 Milvia St., Berkeley, CA 94704

1st Floor, Cypress Room

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

A live broadcast of this meeting will be available at: <https://cityofberkeley-info.zoomgov.com/j/1614055306>. Public comment will be taken in-person and virtually through the posted link.

Secretary: Samuel Harvey

The Commission may act on any item on this agenda

1. Call to Order 6:30 p.m.
2. Roll Call.
3. Land Acknowledgement: The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this uncanceled stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

4. Approval of agenda.
5. Public Comment. *Comments on subjects not on the agenda that are within the Commissions' purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
6. Approval of minutes for February 20, 2025 FCPC-OGC Regular Meeting.

Fair Campaign Practices Commission (FCPC) Agenda

7. Reports
 - a. Report from Chair
 - b. Report from Staff
8. Report from Negotiating Subcommittee: Yes on Measure CC / No on Measure BB; discussion and possible action.
9. Enforcement referral regarding Vanessa Danielle Marrero, Rent Stabilization Board Commissioner; discussion and possible action.
10. Public financing matching funds disbursement process; disbursements to Mark Humbert for Council 2022; discussion and possible action.
11. Referral: Failure to repay unspent public financing matching funds; discussion and possible action.
 - a. Jenny Guarino for City Council 2024
 - b. Re-Elect Laura Babitt 4 Berkeley School Board 2024
12. Mandated cost of living adjustments pursuant to Berkeley Election Reform Act and Fair Elections Act; discussion and possible action.
13. Review and possible revision of Procedures for the Fair Campaign Practices Commission (Available at <https://berkeleyca.gov/sites/default/files/2022-01/FCPC-Procedures.pdf>); discussion and possible action.

Open Government Commission (OGC) Agenda

14. Reports.
 - a. Report from Chair
 - b. Report from Staff
15. Referral of non-filing quarterly lobbying reports: Yuri Sadiki-Torres; discussion and possible action.

16. Lobbyist Registration Form Revisions; discussion and Possible Action.
17. Publicizing commission work and vacancies, information about commissions on the web; discussion and possible action.
18. City Council Rules of Procedure and Order Revisions
(See https://berkeleyca.gov/sites/default/files/documents/Supp%202%20-%20Rules%20of%20Procedure%20and%20Order%209_24_24.pdf); discussion and possible action.
19. Progress in providing remote access to Commission and Board meetings; discussion and possible action.

Information Items

20. Lobbyist Registration Act (BMC Ch. 2.09).
21. Adjournment

Communications

- Email from Meryl Siegal (3/1/2025)

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

February 20, 2025

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

Civic Center
2180 Milvia St.
Berkeley, CA 94704
Cypress Room

Secretary: Samuel Harvey

Members Present: Patrick O'Donnell, Janis Ching, Andrew Lazarus, Kitt Saginor

Also present: Sam Harvey, Secretary

1. **Call to Order**

Chair called the meeting to order at 6:31 p.m.

2. **Roll Call**

Roll call taken

3. **Land Acknowledgement**

4. **Approval of agenda**

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

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

5. **Public Comment**

One speaker.

6. **Approval of minutes for January 16, 2025 FCPC-OGC Regular Meeting**

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

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

Fair Campaign Practices Commission (FCPC) Agenda

7. **Reports**

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

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

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

9. **Enforcement referral regarding Andy Kelley for Rent Board 2020 campaign**

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

Motion to find probable cause regarding failure to file Form 460 for January 1, 2023-June 30, 2023, Form 460 for July 1, 2023-December 31, 2023, and Form 460 for January 1, 2024-June 30, 2024. (M/S/C: Ching/O'Donnell; Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Soichet)

Motion to dismiss the complaint because the violation "has only a slight impact on the administration of BERA and further proceeding would be an inefficient use of resources." (M/S/C: O'Donnell/Ching; Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Soichet)

10. **Enforcement referral regarding Campaign for Police Accountability campaign and possible administrative closure of committee pursuant to FCPC Regulation R2.12.270.1**

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

Motion to administratively terminate Campaign for Police Accountability Campaign Committee in accordance with R2.12.270.1 (M/S/C: Ching/O'Donnell; Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Soichet)

11. **Enforcement referral regarding Vanessa Danielle Marrero, Rent Stabilization Board Commissioner**
 - a. Public comment: none.
 - b. Commission discussion.
12. **Review and possible revision of Procedures for the Fair Campaign Practices Commission**
 - a. Public comment: none.
 - b. Commission discussion.

Open Government Commission (OGC) Agenda

13. **Reports**
 - a. Report from Chair
 - b. Report from Staff
14. **Publicizing commission work and vacancies, information about commissions on the web**
 - a. Public comment: none.
 - b. Commission discussion and action

Motion to approve draft letter for submission to Council (M/S/C: O'Donnell/Ching; Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Soichet)

Chair Saginor appointed Commissioner Ching to serve with Kitt Saginor on the OGC ad hoc subcommittee created on September 19, 2024 to develop recommendations for publicizing the value of Commission work and opportunities for members of the public to serve on commissions.

15. **Commissioners Manual - Recommendations for revision**
 - a. Public comment: none.
 - b. Commission discussion and action

Motion to authorize Chair to speak on this topic to the Agenda & Rules Policy Committee and the City Council (M/S/C: Ching/O'Donnell; Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Soichet)

16. **City Council Rules of Procedure and Order Revisions**
 - a. Public comment: none.

- b. Commission discussion.

17. **Regulations for the Open Government Commission**

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

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

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

Joint FCPC-OGC Calendar

19. **Training presentation: Procedural due process**

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

20. **Election of Chair and Vice-Chair**

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

Motion to elect Commissioner Saginor to the office of Chair (M/S/C: Ching/O'Donnell;
Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Soichet)

Motion to elect Commissioner Ching to the office of Vice Chair. (M/S/C:
Saginor/O'Donnell; Ayes: O'Donnell, Ching, Lazarus, Saginor; Noes: none; Abstain:
none; Absent: Soichet)

21. **Adjournment**

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

The meeting adjourned at 8:53 p.m.



Fair Campaign Practices Commission

Date: March 13, 2025

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Enforcement referral regarding Campaign Rent Stabilization Board Commissioner Vanessa Danielle Marrero – Form 470

At its October 17, 2024 meeting, the Commission received the attached referral from the City Clerk regarding failure by Rent Stabilization Board Commissioner Vanessa Danielle Marrero (“Officeholder”) to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. (Attachment 1.) Officeholders are required to file a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

At the Commission’s direction, the Commission Secretary sent the attached message to the Officeholder on October 25, 2024, informing the Officeholder of the referral and reminding the Officeholder of the obligation to file a Form 470 for the year 2024. (Attachment 2.)

At its November 21, 2024 meeting, the Commission directed the Commission Secretary to again attempt to contact the Officeholder. The Commission secretary sent two emails to the Officeholder (on December 30, 2024 and January 8, 2025). (Attachment 3.) The Secretary also attempted to contact the Officeholder via telephone but found that the number the City had on file for the Officeholder was no longer in service. The Secretary subsequently attempted to contact the Officeholder via email on February 12, 2025. (Attachment 3.)

At its February 20, 2025 meeting the Commission again reviewed this matter. The Commission took no formal action based on the Secretary’s expressed preference to make further attempts to contact the Officeholder. On February 21, 2025, Commission staff received a communication from the Officeholder who indicated that they had been told by Rent Board staff that the Commission had been attempting to contact the Officeholder. (Attachment 4.) It appears that the Officeholder’s current preferred email address is one which the City did not have on record. The Officeholder indicated that the failure to timely file the outstanding statement was partly due to personal health challenges. The Officeholder filed the outstanding statement (Form 470) on February 24, 2025. (Attachment 5.)

As noted above, the Berkeley Election Reform Act (“BERA”) requires City officeholders to file a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.) The

March 18, 2025

Page 2 Re: Marrero – Form 470

Officeholder's Form 470 for 2024 was due July 31, 2024. (BMC § 2.12.270.C.1; Cal. Gov. Code § 84206; 2 CCR § 18406.) The Officeholder's Form 470 was filed on February 24, 2025 – 208 days late.

Under the Commission's procedures, probable cause exists that BERA has been violated "when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred." (FCPC Procedures § VI.B.2.)

The Commission's procedures also provide that, following receipt of the Secretary's probable cause report, the Commission may "proceed no further if evidence of any violation is insufficient or unreliable or if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources." (FCPC Procedures § VI.B.1.)

While staff believe that the Officeholder's failure to timely file the Form 470, as evidenced by the absence of any record of the form being timely filed with the City, provides a reasonable basis on which to believe that a violation of BERA has occurred, staff recommend dismissing this matter and taking no further action.

This recommendation is based on a number of factors. First, the harm to the administration of BERA or the outcome of any election is miniscule. In this case, Form 470 – a one-page statement - is filed to indicate that an officeholder will *not* engage in sufficient campaign activity to trigger registration as a "committee" under BERA. Also, in this case, the late-filed Form 470 covers a year in which the Officeholder was not on the ballot. Second, the Officeholder has indicated that extenuating personal circumstances contributed to her untimely filing of the Form 470. For these reasons, the Secretary recommends the Commission dismiss this matter and take no further action.

Notably, the City Clerk has authority under state law to issue fines for late-filed Campaign Statements. Specifically, the Clerk may levy a fine of \$10 per day up to the greater of \$100 per report or the "cumulative amount" stated in the late-filed report (Cal. Gov. Code § 91013.) The "cumulative amount" means the amount of contributions received or expenditures made in the calendar year. (Cal. Gov. Code § 82018.) As noted above, the late-filed Form 470 does not report any campaign activity. The City Clerk therefore will have authority to levy a fine of \$100 for the late filing. It is the Secretary's understanding that the City Clerk levies late filing penalties for all late filings.

Attachments:

1. Excerpt from City Clerk's referral as published in October 17, 2024 meeting agenda packet
2. Notice from Secretary to Officeholder (Oct. 25, 2024)
3. Emails from Commission Secretary (Dec. 30, 2024, Jan. 8, 2025 & February 12, 2025)
4. Email communications between Officeholder and Commission staff (Feb. 2025)
5. Officeholder and Candidate Campaign Statement – Short Form (Form 470), Vanessa Danielle Marrero (Filed Feb. 24, 2025)



City Clerk Department

September 25, 2024

To: Fair Campaign Practices Commission

From: Mark Numainville, City Clerk

Subject: Referral of Non-Filers to the Fair Campaign Practices Commission

This memo serves as an official referral to the Fair Campaign Practices Commission for the non-filing of campaign disclosure statements required under the Berkeley Election Reform Act.

Treasurers for the following committees were properly noticed of their requirement to file campaign statements no later than July 31, 2024 for the semi-annual reporting period ending June 30, 2024.

1. Andy Kelley for Rent Board 2020

Ending cash balance of previous report: \$302.83 (Statement period 7/1/2022 – 12/31/2022). The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

2. Campaign for Police Accountability

Ending cash balance of previous report: \$0.00 (7/1/2022 – 12/31/2022).

The notices were sent on July 19 and July 24.

In addition, this committee was referred to the FCPC on September 19, 2023 for non-filing the semi-annual statement due on July 31, 2023 and on March 20, 2024 for non-filing the semi-annual statement due on December 31, 2023.

The Elected official below was properly noticed of their requirement to file an officeholder campaign statement, Form 470, covering the calendar year 2024.

3. Vanessa Danielle Marrero, Rent Stabilization Board Commissioner

The notices were sent on July 19 and July 24.

These filers have failed to file the required statements and are being referred to the Fair Campaign Practices Commission for enforcement. Detailed information regarding each filer case, including relevant correspondence, is attached to this memorandum.

Please confirm receipt of this referral and provide notice of any next steps in the enforcement process to my office and to the committees being referred. My staff is available if you have any questions regarding this matter.



City Clerk's Office

Non-Filer Referral to the Fair Campaign Practices Commission

Non-filer Information

Officeholder Vanessa Danielle Marrero (dmarrero@gmail.com)

Statement Information

Filing Due Date 7/31/2024
 Statement Covers Calendar Year 2024

Notifications to Filer

Date	<u>7/19/2024</u>	Type	<u>1st Notification (Letter and Email)</u>
Date	<u>7/24/2024</u>	Type	<u>Reminder (Email)</u>
Date	<u>8/7/2024</u>	Type	<u>1st Notice of Non-Filing (Letter and Email)</u>
Date	<u>9/11/2024</u>	Type	<u>2nd Notice of Non-Filing (Letter and Email)</u>
Date	_____	Type	_____

Additional Information



City Clerk Department

July 18, 2024

Vanessa Danielle Marrero



Dear Vanessa:

As an elected official without an open campaign committee, you are required to complete and file the enclosed [Form 470](#) (Officeholder Campaign Statement – Short Form). This statement covers calendar year 2024 and is due to my office by **Wednesday, July 31, 2024.**

Failure to file by the deadline may result in enforcement actions or fines under the Political Reform Act and the Berkeley Election Reform Act (BERA). Additionally, if you plan to raise or spend \$1,000 or more during calendar year 2024, you are required to create a campaign committee and file the Form 460 (Recipient Committee Campaign Statement).

Please contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have any questions regarding this matter.

Sincerely,

Mark Numainville
City Clerk

cc: Fair Campaign Practices Commission

Burgara, Denise

From: Elections
Sent: Wednesday, July 24, 2024 1:04 PM
To: 'vdmarrero@gmail.com'
Cc: Elections
Subject: Notification regarding officeholder filing requirement (due by July 31, 2024)
Attachments: 2024-07-18 Marrero.pdf

Importance: High

Categories: Denise responding

Hello,

This is a reminder of the upcoming filing deadline outlined in the attached correspondence.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Email: elections@berkeleyca.gov
Website: <https://berkeleyca.gov/your-government/elections>

From: Elections <elections@berkeleyca.gov>
Sent: Friday, July 19, 2024 10:06 AM
To: 'vdmarrero@gmail.com' <vdmarrero@gmail.com>
Cc: Elections <elections@berkeleyca.gov>; FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: Notification regarding officeholder filing requirement (due by July 31, 2024)
Importance: High

Good morning,

Please see the attached correspondence pertaining to your upcoming officeholder filing requirement. Hard copy to follow by mail.

If you have any questions regarding this matter, please contact our office at elections@berkeleyca.gov or (510) 980-6908.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Burgara, Denise

From: Elections
Sent: Wednesday, August 7, 2024 1:38 PM
To: dmarrero@gmail.com
Cc: Elections
Subject: Notice of Non-Filing Form 470 (Due July 31)
Attachments: 2024-08-07 Marrero_NONF_470.pdf

Importance: High

Categories: Denise responding

Hello Vanessa,

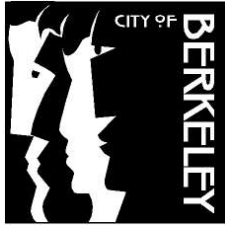
Please see the attached Notice of Non-Filing Form 470 campaign statement. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Email: elections@berkeleyca.gov

Website: <https://berkeleyca.gov/your-government/elections>

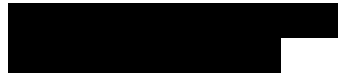


City Clerk Department

August 7, 2024

VIA Email and U.S. Mail

Vanessa Danielle Marrero



NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Vanessa:

As an officeholder without an active campaign committee, you were required to complete and file **Form 470**, Campaign Statement, Short Form, covering the 2024 calendar year, with the City Clerk no later than July 31, 2024. A review of your file indicates that you have not yet filed a statement as requested in my letter of July 19, 2024.

The Political Reform Act prohibits filing officers from extending a filing deadline. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing. Enclosed please find a Form 470 and a Request for Waiver of Liability form.

Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Enc.

cc: Fair Campaign Practices Commission

Officeholder and Candidate Campaign Statement — Short Form - AND - Form 470 Supplement

CALIFORNIA
FORM
470

Who Uses Form 470:

Form 470 is for use by officeholders and candidates who:

- do not have a controlled committee;
- do not anticipate receiving contributions totaling \$2,000 or more during the calendar year; and
- do not anticipate spending \$2,000 or more during the calendar year.

Officeholders and candidates who have a controlled committee or who have raised or spent \$2,000, file the Recipient Committee Statement — Form 460.

Exceptions:

The following individuals seeking or holding office are not required to file campaign disclosure statements (Form 470 or Form 460):

- candidates for county central committee offices that do not raise or spend \$2,000 or more in a calendar year;
- officeholders whose salaries are less than \$200 per month and judicial candidates who have not made or received contributions or made expenditures during non-election years; and
- judges who do not receive contributions and who make personal expenditures of less than \$1,000 or more in non-election years.

Period Covered:

The period covered is always the calendar year (January 1 through December 31).

\$2,000 Threshold:

To determine if \$2,000 has been raised or spent, or will be raised or spent, the candidate's personal funds for the filing fee or statement of qualifications are excluded.

A campaign bank account must be established if the candidate receives contributions from other persons.

When to File:

Ensure campaign deadlines are met. Go to www.fppc.ca.gov for campaign disclosure filing schedules.

If the Form 470 is filed in connection with an election, or on or before the filing deadline for the first campaign statement required for the calendar year, no additional campaign statements need to be filed for that calendar year as long as total contributions received remain less than \$2,000 and total expenditures made remain less than \$2,000. In most cases, July 31 is the filing deadline for the first campaign statement required to be filed by officeholders and candidates not being voted upon.

The Form 470 is filed in connection with an election if it is filed with the declaration of candidacy, or as a first preelection statement in connection with an election, covering the year of the election. If, after filing Form 470, receipts or expenditures reach \$2,000 or more, see the attached Form 470 Supplement for important reporting requirements.

Where to File:

State Elections:

State officeholders, state candidates, candidates and members of CalPERS and CalSTRS, judges and judicial candidates must file the original and one copy with:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814
Phone (916) 653-6224
Fax (916) 653-5045
www.sos.ca.gov

Additional Copies:

A copy of the Form 470 must also be filed with the candidate's county of domicile's filing officer. CalPERS and CalSTRS board candidates must file a copy of the Form 470 with the relevant CalPERS or CalSTRS office and not the candidate's county of domicile.

Local Elections:

- Elected officers and candidates for local multi-county agencies file an original and one copy with the elections official for the county with the largest number of registered voters in the district and one copy with the candidate's county of domicile.
- Elected county officeholders and candidates for county offices file an original and one copy with the elections official for that county.
- Elected city officeholders and candidates for city offices file an original and one copy with the city clerk.

Note: A local agency may impose additional requirements.

Amendments: If you are filing an amendment to a previously filed statement, give a brief explanation of the amendment. Be sure to enter the calendar year covered by the statement you are amending and the date of election, if applicable.

This form was prepared by the Fair Political Practices Commission (FPPC). For detailed information on campaign reporting requirements and the Information Practices Act of 1977, see the FPPC Campaign Disclosure Manual.

ITEM NO. 9-ATTACHMENT 1

Officeholder and Candidate
Campaign Statement –
Short Form

Date Stamp		CALIFORNIA FORM 470 For Official Use Only
Date of election if applicable: (Month, Day, Year)	☐ Amendment (Explain Below)	

1. Statement Covers Calendar Year 20 ____.

2. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE		3. Office Sought or Held	
OFFICE SOUGHT OR HELD			
STREET ADDRESS		JURISDICTION (LOCATION)	DISTRICT NUMBER (IF APPLICABLE)
CITY	STATE	ZIP CODE	
AREA CODE/DAYTIME PHONE NUMBER			
OPTIONAL: FAX / E-MAIL ADDRESS			

4. Committee Information

List all committees of which you have knowledge that are primarily formed to receive contributions or to make expenditures on behalf of your candidacy.

COMMITTEE NAME AND I.D. NUMBER	COMMITTEE ADDRESS	NAME OF TREASURER

5. Verification

I declare under penalty of perjury that to the best of my knowledge I anticipate that I will receive less than \$2,000 during the calendar year and that I have used all reasonable diligence in preparing this statement. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____

By _____

DATE

SIGNATURE OF OFFICEHOLDER OR CANDIDATE

Officeholder and Candidate Campaign Statement Form 470 Supplement

SEE INSTRUCTIONS ON REVERSE

☐ Amendment (Explain Below) 	Date Stamp	CALIFORNIA FORM 470 SUPPLEMENT For Official Use Only
	This form is written notification that the officeholder/candidate listed below has received contributions totaling \$2,000 or more or has made expenditures of \$2,000 or more during the calendar year.	

1. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE

STREET ADDRESS

CITY

STATE

ZIP CODE

AREA CODE/DAYTIME PHONE NUMBER

OPTIONAL: FAX / E-MAIL ADDRESS

2. Office Sought

OFFICE SOUGHT

DISTRICT NUMBER
(IF APPLICABLE)

DATE OF ELECTION (MONTH, DAY, YEAR)

3. Date Contributions Totalling \$2,000 or More Were Received or Date Expenditures of \$2,000 or More Were Made

(MONTH, DAY, YEAR)

ITEM NO. 9-ATTACHMENT 1

Instructions for Completing Form 470 Supplement

Form 470 Supplement:

If an officeholder or candidate files the Form 470 for an election year and later receives contributions (including monetary and non-monetary contributions, loans, and the candidate's personal funds) totaling \$2,000 or more or makes expenditures totaling \$2,000 or more during the same calendar year, the officeholder or candidate must send a written notice within 48 hours. Use the attached Form 470 Supplement or follow the instructions below for preparing the notice.

When to File:

The notice must be sent within 48 hours of receiving contributions totaling \$2,000 or more or making expenditures of \$2,000 or more.

Method of Delivery:

The notice must be sent by guaranteed overnight delivery service, personal delivery, fax, or email. Regular mail may not be used.

Where to File:

- Secretary of State's Office;
- local filing officer with whom the officeholder/candidate is required to file the originals of his/her campaign statements; and
- each candidate seeking the same office.

Contact your filing officer for candidate addresses.

Officeholder/Candidate Information:

Enter the officeholder/candidate's full name, residential or business address and daytime telephone number.

Office Sought:

- Enter the title of the office sought;
- the district number, if any; and
- the date of the election.

Date Contributions/Expenditures Were Made or Received:

Enter the date monetary or non-monetary contributions totaling \$2,000 or more (including the candidate's personal funds) were received or the date expenditures of \$2,000 or more were made.

Amendments: If you are filing an amendment to a previously filed statement, give a brief explanation of the amendment.

Note: Once an officeholder or candidate reaches the \$2,000 threshold in receipts or expenditures, in addition to filing the Form 470 Supplement, other forms are required. See FPPC Campaign Disclosure Manual 1 for state candidates or Manual 2 for local candidates.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6909
(510) 981-6901 fax
www.cityofberkeley.info/clerk

I declare under penalty of perjury that the foregoing information on this request for waiver is true and correct. I hereby request that the liability for failing to file a statement required by the Political Reform Act on time be waived.

(Type or Print Name)

AFTER REVIEWING "GOOD CAUSE" WAIVER RESTRICTIONS, IDENTIFY AND EXPLAIN REASON FOR LATE FILING AND SUPPLY SUPPORTING DOCUMENTATION (CONTINUED):

(Continue of reverse side, if needed)

CITY CLERK DEPARTMENT USE ONLY			
FILING DETAIL			
Period Covered _____			
Form Type _____	Date Due _____	Date Filed _____	Fine (Liability) _____
WAIVER ACTION			
Waived _____	Action Justification/Comment (circle one) F1 F2 F3 F4 S1 S2		
Reduced (Amt.) _____			
Waiver Denied _____			

Burgara, Denise

From: Elections
Sent: Wednesday, September 11, 2024 9:36 AM
To: dmarrero@gmail.com
Cc: Elections
Subject: Second Notice of Non-Filing (Form 470 due by July 31, 2024)
Attachments: 2024-09-10 Marrero_2NONF_470.pdf; 470 ADA.pdf

Importance: High

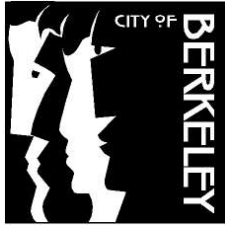
Categories: Denise responding

Hello Vanessa,

Please see the attached second Notice of Non-Filing Form 470 campaign statement. Hard copy to follow by mail.

Sincerely,

Denise Burgara, MPA
Assistant City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704
elections@berkeleyca.gov

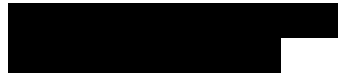


City Clerk Department

September 10, 2024

VIA Email and U.S. Mail

Vanessa Danielle Marrero



2ND NOTICE OF NON-FILING OF CAMPAIGN STATEMENT

Dear Vanessa:

As an officeholder without an active campaign committee, you were required to complete and file **Form 470**, Campaign Statement, Short Form, covering the 2024 calendar year, with the City Clerk no later than July 31, 2024. A Notice of Non-Filing was sent on August 7, 2024. **A review of your file indicates that you have not yet filed a statement.**

The Political Reform Act prohibits filing officers from extending a filing deadline. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing. Enclosed please find a Form 470 and a Request for Waiver of Liability form.

If the statement is not filed by **September 24, 2024**, the matter will be referred to the Berkeley Fair Campaign Practices Commission for enforcement action. Please do not hesitate to contact my staff at (510) 981-6908 or elections@berkeleyca.gov if you have questions or need assistance.

Sincerely,

Mark Numainville
City Clerk

Enc.

cc: Fair Campaign Practices Commission

From: [FCPC \(Fair Campaign Practices Commission\)](#)
To: dmarrero@gmail.com
Cc: [Kitt Saginor](#); [Numainville, Mark L.](#)
Subject: FCPC Referral: Failure to File Campaign Statement
Date: Friday, October 25, 2024 11:36:00 AM
Attachments: [2024-09-25 Filing Officer Referral to FCPC.docx.pdf](#)

Restricted

Hello Ms. Marrero,

Please be informed that the City's Fair Campaign Practices Commission (FCPC) received the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

Your Form 470 for 2024 was due on July 31, 2024. Prior to the July 31, 2024 deadline, the City Clerk provided you with two notifications reminding you of your filing obligation. Following the deadline, the City Clerk has sent you two notices that the filing is late.

The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws. **Please file your Form 470 for 2024 as soon as possible.**

This matter will appear again on the agenda for the FCPC's November 21, 2024 regular meeting. City staff are free to answer any questions you may have about this filing.

Sincerely,

Sam Harvey

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

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Harvey, Samuel

From: FCPC (Fair Campaign Practices Commission)
Sent: Wednesday, February 12, 2025 8:51 PM
To: Marrero, Vanessa; dmarrero@gmail.com; Marrero, Vanessa; Marrero, Vanessa
Cc: FCPC (Fair Campaign Practices Commission); Harvey, Samuel
Subject: ENFORCEMENT REFERRAL - Failure to File Campaign Statement (Form 470)
Attachments: 2024-09-25 Filing Officer Referral to FCPC.docx.pdf

Importance: High

Hello Ms. Marrero,

I am following up on my January 8th message to you. We have also attempted to reach you via telephone but found that the number we have on file for you ((916) 527-4109) is no longer in service.

Please note that, at its November 21, 2024 meeting, the City's Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

This matter will come before the FCPC again at its February 20, 2025 meeting. The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey
Deputy City Attorney
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
o: (510) 981-6988
c: (510) 704-3229
sharvey@berkeleyca.gov

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error, please reply immediately to the sender and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

From: Harvey, Samuel <SHarvey@berkeleyca.gov>
Sent: Wednesday, January 8, 2025 3:26 PM
To: Marrero, Vanessa <VMarrero@berkeleyca.gov>; dmarrero@gmail.com; Marrero, Vanessa <VMarrero@berkeleyca.gov>
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: FW: FCPC Referral: Failure to File Campaign Statement
Importance: High

Hello Ms. Marrero,

I am following up on my December 30th message to you. I attempted to reach you via telephone but found that the number we have on file for you ((916) 527-4109) is no longer in service.

Please note that, at its November 21, 2024 meeting, the City's Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

The FCPC requested that I attempt again to contact you regarding your outstanding filing. This matter will come before the FCPC again at its January 16, 2025 meeting. The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey
Secretary
Fair Campaign Practices Commission / Open Government Commission
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
fcpc@berkeleyca.gov

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From: Harvey, Samuel
Sent: Monday, December 30, 2024 10:20 AM
To: dmarrero@gmail.com; Marrero, Vanessa <VMarrero@berkeleyca.gov>
Cc: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: FCPC Referral: Failure to File Campaign Statement
Importance: High

Hello Ms. Marrero,

Please note that, at its November 21, 2024 meeting, the City's Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

The FCPC requested that I attempt again to contact you regarding your outstanding filing. This matter will come before the FCPC again at its January 16, 2025 meeting. The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey
Deputy City Attorney
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
o: (510) 981-6988
c: (510) 704-3229
sharvey@berkeleyca.gov

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From: FCPC (Fair Campaign Practices Commission)
Sent: Friday, October 25, 2024 11:37 AM
To: dmarrero@gmail.com
Cc: Kitt Saginor <ksaginor@gmail.com>; Numainville, Mark L. <MNumainville@berkeleyca.gov>
Subject: FCPC Referral: Failure to File Campaign Statement

Restricted

Hello Ms. Marrero,

Please be informed that the City's Fair Campaign Practices Commission (FCPC) received the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

Your Form 470 for 2024 was due on July 31, 2024. Prior to the July 31, 2024 deadline, the City Clerk provided you with two notifications reminding you of your filing obligation. Following the deadline, the City Clerk has sent you two notices that the filing is late.

The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws. **Please file your Form 470 for 2024 as soon as possible.**

This matter will appear again on the agenda for the FCPC's November 21, 2024 regular meeting. City staff are free to answer any questions you may have about this filing.

Sincerely,

Sam Harvey

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

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Harvey, Samuel

From: Vanessa <vanessadaniellemarrero@gmail.com>
Sent: Friday, February 21, 2025 5:25 PM
To: Hylas, Stephen
Cc: Harvey, Samuel; FCPC (Fair Campaign Practices Commission)
Subject: Re: Campaign Filing

I will download the form and sent it to print. I can drop it off on Monday [REDACTED]
[REDACTED]

Dr. Vanessa D. Marrero

*You either run with lions or walk with sheep.”
~Matshona Dhlwayo*

Commissioner Berkeley Rent Board| Equity Education Advocate| Non-Profit
Servant Leader| Board Member| Advisor

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On Fri, Feb 21, 2025 at 5:15 PM Hylas, Stephen <SHylas@berkeleyca.gov> wrote:

Hi Commissioner Marrero,

Apologies for the misinformation. There is unfortunately no option in NetFile to file the Form 470 as it requires a handwritten signature, so it must be filed in hard copy.

[REDACTED]

From: Vanessa <vanessadaniellemarrero@gmail.com>
Sent: Friday, February 21, 2025 4:18 PM
To: Hylas, Stephen <SHylas@berkeleyca.gov>
Cc: Harvey, Samuel <SHarvey@berkeleyca.gov>; FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: Re: Campaign Filing

OK, thank you very much. I will fill the form out today.

Dr. Vanessa D. Marrero

You either run with lions or walk with sheep.”
~Matshona Dhliwayo

Commissioner Berkeley Rent Board| Equity Education Advocate| Non-Profit
Servant Leader| Board Member| Advisor

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On Fri, Feb 21, 2025 at 2:58 PM Hylas, Stephen <SHylas@berkeleyca.gov> wrote:

Hi Commissioner Marrero,

Yes, the form can be filed online through Netfile.

If you run into any issues, please let the Clerk's office know.

Thanks,

Stephen

From: Vanessa <vanessadaniellemarrero@gmail.com>

Sent: Friday, February 21, 2025 2:06 PM

To: Hylas, Stephen <SHylas@berkeleyca.gov>

Cc: Harvey, Samuel <SHarvey@berkeleyca.gov>; FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>

Subject: Re: Campaign Filing

Yes, that would be great. [REDACTED] I can submit online today if possible.

Dr. Vanessa D. Marrero

*You either run with lions or walk with sheep.”
~Matshona Dhliwayo*

Commissioner Berkeley Rent Board| Equity Education Advocate| Non-Profit
Servant Leader| Board Member| Advisor

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On Fri, Feb 21, 2025 at 1:54 PM Hylas, Stephen <SHylas@berkeleyca.gov> wrote:

I believe so but I can try to confirm with the Clerk's office.

From: Vanessa <vanessadaniellemarrero@gmail.com>

Sent: Friday, February 21, 2025 1:24 PM

To: Hylas, Stephen <SHylas@berkeleyca.gov>

Cc: Harvey, Samuel <SHarvey@berkeleyca.gov>; FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>

Subject: Re: Campaign Filing

Thanks so much for letting me know [REDACTED] I apologize for any over sight on my part.

Can I file this form in net file?

Dr. Vanessa D. Marrero

*You either run with lions or walk with sheep.”
~Matshona Dhliwayo*

Commissioner Berkeley Rent Board| Equity Education Advocate| Non-Profit
Servant Leader| Board Member| Advisor

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On Fri, Feb 21, 2025 at 1:20 PM Hylas, Stephen <SHylas@berkeleyca.gov> wrote:

Hi Commissioner Marrero,

Thank you for getting back to me. The FCPC has been trying to contact you regarding a form that you did not file on time—namely, the Form 470, or Short Form Officeholder and Candidate Campaign Statement, which officeholders are required to continue filing annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.) Your Form 470 for 2024 was due on July 31, 2024. **We encourage you to file the Form 470 for 2024 as soon as possible.**

Please see the attached email and its attachments for further information. Apologies if we did not have the right email for you.

Best,

Stephen



Stephen A. Hylas

Acting Secretary

Fair Campaign Practices Commission

[2180 Milvia Street, 4th floor](#)

[Berkeley, CA 94704](#)

fcpc@berkeleyca.gov

From: Vanessa <vanessadaniellemarrero@gmail.com>

Sent: Friday, February 21, 2025 1:02 PM

To: Hylas, Stephen <SHylas@berkeleyca.gov>

Subject: Campaign Filing

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Stephen-

Matt Brown mentioned that you are trying to reach me. I noticed the cot clerk of my address change. Please let me know what is going on and I will respond accordingly.

Dr. Vanessa D. Marrero

*You either run with lions or walk with sheep.”
~Matshona Dhliwayo*

Commissioner Berkeley Rent Board| Equity Education Advocate| Non-Profit
Servant Leader| Board Member| Advisor

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----- Forwarded message -----

From: "Harvey, Samuel" <SHarvey@berkeleyca.gov>

To: "vdmarrero@gmail.com" <vdmarrero@gmail.com>, "Marrero, Vanessa" <VMarrero@berkeleyca.gov>

Cc: "FCPC (Fair Campaign Practices Commission)" <FCPC@berkeleyca.gov>

Bcc:

Date: Thu, 20 Feb 2025 18:17:57 +0000

Subject: FCPC ENFORCEMENT REFERRAL - Failure to File Campaign Statement (Form 470)

Hello Ms. Marrero,

I am following up on my February 12th message to you – and adding an additional email address I’ve been given to contact you.

Please note that, at its November 21, 2024 meeting, the City’s Fair Campaign Practices Commission (FCPC) considered the attached referral from the City Clerk regarding your failure to file a Form 470 (Short Form Officeholder and Candidate Campaign Statement) for the year 2024. Officeholders are required to continue filing a Form 470 annually in any year in which they anticipate they will not receive contributions or make expenditures over \$1,000. (BMC § 2.12.270.C.1.)

ITEM NO.9-ATTACHMENT 4

As the email thread below and the attached referral indicate, the City has attempted to contact you many times via email, US Mail and telephone.

This matter will come before the FCPC again tonight (February 20, 2025) at 6:30pm, at which time the FCPC may make a finding of probable cause that you have violated the Berkeley Election Reform Act (BMC Ch. 2.12). The FCPC has enforcement authority and may levy fines for violations of the City's campaign reporting laws.

Please file your Form 470 for 2024 as soon as possible.

Please feel free to contact me with any questions.

Regards,

Sam



Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@berkeleyca.gov

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From: FCPC (Fair Campaign Practices Commission)

Sent: Wednesday, February 12, 2025 8:51 PM

To: Marrero, Vanessa ; dmarrero@gmail.com; Marrero, Vanessa ; Marrero, Vanessa

Cc: FCPC (Fair Campaign Practices Commission) ; Harvey, Samuel

Subject: ENFORCEMENT REFERRAL - Failure to File Campaign Statement (Form 470)

Importance: High

Hello Ms. Marrero,

**Officeholder and Candidate
Campaign Statement –
Short Form**

Date of election if applicable: (Month, Day, Year) 11/8/2022	☐ Amendment (Explain Below) 	Date Stamp CALIFORNIA 470 FORM For Official Use Only
CITY OF BERKELEY - CITY CLERK 2025 FEB 24 PM 1:17		

1. Statement Covers Calendar Year 20 24 **.**

2. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE	
Vanessa Danielle Marrero	
STREET ADDRESS	
Rent Stabilization Board	
JURISDICTION (LOCATION)	
Berkeley	
CITY	ZIP CODE
AREA CODE/DAYTIME PHONE NUMBER	OPTIONAL: FAX / E-MAIL ADDRESS
925-257-3717	vanessadaniellemarrero@gmail
DISTRICT NUMBER (IF APPLICABLE)	

4. Committee Information

List all committees of which you have knowledge that are primarily formed to receive contributions or to make expenditures on behalf of your candidacy.

COMMITTEE NAME AND I.D. NUMBER	COMMITTEE ADDRESS	NAME OF TREASURER
none applicable	none applicable	none applicable

5. Verification

I declare under penalty of perjury that to the best of my knowledge I anticipate that I will receive less than \$2,000 during the calendar year and that I have used all reasonable diligence in preparing this statement. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 2/21/25 DATE

By SIGNATURE OF OFFICEHOLDER OR CANDIDATE


Fair Campaign Practices Commission

Date: February 10, 2025
To: Fair Campaign Practices Commission
From: Samuel Harvey, Secretary
Subject: **Public financing matching funds disbursements to Mark Humbert for Council 2022**

On March 30, 2023, Commission staff received the attached complaint alleging that the campaign committee Mark Humbert for Council 2022 (“Committee”) included 47 duplicate contributions on two separate matching funds requests (Declarations for Public Funds) and that, as a result, the Committee was awarded duplicate matching funds for these contributions and thereby received public matching funds to which the Committee was not entitled. (Attachment 1.)

Following receipt of the complaint, the Commission Secretary and Clerk Department staff reviewed the Committee’s public financing matching funds requests and disbursements of public matching funds. (Attachment 2.) Staff initially concluded that incorrect duplication of qualified contribution entries was likely the result of the filer selecting an incorrect date range within the NetFile system and thereby generating a report which covered some previously reported contributions. Staff determined that, although this may be a reporting irregularity by the Committee, duplicating qualifying contributions in this manner did not violate the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12). Moreover, given that the Clerk Department reviews all qualifying contributions before disbursing matching funds, staff identified no harm done to the public financing program by the duplicate entries. As a result, staff recommended the Commission dismiss the complaint based on the determination that the complaint did not state a violation of BERA or provide any evidence suggesting that a violation of BERA had occurred. The Commission adopted staff’s recommendation and dismissed the complaint at its April 20, 2023 meeting.

Following the Commission’s dismissal of the complaint, the complainant further asserted that the Committee’s duplicate qualifying contribution entries had resulted in the Committee receiving an overpayment of matching funds. The Commission Secretary and City Clerk indicated that they would review the disbursements further and return at a future Commission meeting with any additional information.

Following additional review of the Committee’s filings and disbursements of public matching funds, staff determined that the Committee received an overpayment of matching funds as the result of a City clerical error. At its October 2023 meeting, the Commission subsequently requested that the staff obtain additional information from the Committee about how the overpayment occurred.

March 13, 2025

Page 2 Re: Public financing matching funds - Mark Humbert for Council 2022

As discussed below, after obtaining additional information from the Committee, staff conclude that the overpayment was the result of City staff's failure to recognize duplicate matching fund request entries submitted by the Committee. Submitting duplicate entries is not itself a violation of BERA, nor does it appear to be an uncommon practice. Rather, City staff review each submission to determine whether a matching request has already been submitted for a given contribution. Unfortunately, that staff review was not properly done in this instance.

Staff recommend that, given that this irregularity was the result of a City staff clerical error, and that staff have identified no attempt to misuse the City's public financing system, that the Commission take no further action on this matter. Staff recommend that the Commission consider whether further review of the City's public financing processes is necessary.

Berkeley Public Financing Program

Under the City's Fair Elections public financing program, participating candidates may receive public matching funds at a 6:1 ratio for all qualified contributions received from a natural person residing in the City of Berkeley. (BMC §§ 2.12.167 & 2.12.505.A.)

In order to receive matching funds, candidates must submit an Initial Qualifying Declaration for Public Funds listing the qualifying contributions the candidate has received, and provide a qualified contribution receipt and supporting documentation (copy of check, online payment etc.) for each contribution. For any subsequent matching funds requests, the candidate must submit a subsequent Declaration for Public Funds, listing the additional qualifying contributions and providing the same receipt and supporting documentation. City Clerk Department staff then review and verify each of the qualifying contribution entries before disbursing matching funds.

The Committee's Matching Funds Requests

The Committee submitted two separate matching funds requests during the 2022 election cycle: one on August 8, 2022, and the other on September 29, 2022. Staff have identified 45 duplicate entries between these two matching requests.

Staff have not identified a provision of BERA that would be violated by submitting duplicate contribution entries. There are a number of reasons a committee may purposely or inadvertently submit one or more duplicate contribution entries. For example, campaigns may resubmit a contribution from a prior matching request where that contribution was initially denied matching funds for having incomplete information. Alternatively, a campaign may inadvertently resubmit one or more contributions by erroneously selecting the wrong date range within the NetFile system from which to generate a contribution report.

The Committee also provided a number of reasons why contributions may have been submitted multiple times:

March 13, 2025

Page 3 Re: Public financing matching funds - Mark Humbert for Council 2022

- Some of its submittals did not have forms correctly attached the first time, and so they were later resubmitted.
- Some of its submittals had errors on the forms that needed to be corrected, and so they were later resubmitted.
- Some of its contributions were accidentally reassigned to the second batch of submissions.
- Some of its contributions occurred earlier in the year, but contributors did not submit their forms until later in the year, and this may have caused the Committee to select a date range that resulted in overlap with previous submittals.

(See Attachment 3.)

The City's NetFile system does not automatically identify duplicate entries. Instead, City staff manually review candidate matching funds requests to verify each contribution's eligibility for matching funds. BERA provides that it is the duty of the City to verify the eligibility for matching funds of each contribution for which matching funds are disbursed. (See BMC § 2.12.505.D ("The City shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate.")) Based on staff's review of this matter, City staff unfortunately did not manually check for duplicate entries in accordance with standard procedures in this case.

For its two matching requests, the Committee received a total of \$47,000 in matching funds, which is the limit under the public financing program. (BMC §§ 2.12.505.B.2 & 2.12.545.) The Committee was eligible for an additional \$520 of matching funds, which was withheld due to reaching the \$47,000 limit. The 45 duplicate contribution entries accounted for \$16,140 of these matching funds.

City staff have identified an additional 41 contributions for which the Committee would have been able to submit matching requests and receive matching funds had the Committee not erroneously reached the \$47,000 matching funds limit due to improper award of matching funds for duplicate entries. The Committee would have been entitled to an additional \$14,520 in matching funds for these 41 eligible contributions. As a result, City staff have determined that the Committee received an overpayment of \$1,100 in matching funds to which it was not entitled under the public financing program. City records indicate that the Committee was terminated on December 26, 2022.

At the Commission's request, the Secretary contacted the Committee for additional information regarding how the overpayment occurred and why it was not recognized at the time. The Committee provided the following explanation:

We were not readily able to discern that we had received an overpayment. Matching forms are regularly rejected due to errors like

March 13, 2025

Page 4 Re: Public financing matching funds - Mark Humbert for Council 2022

missing phone numbers or mismatched job titles, and some matching forms may not be received through NetFile if the filesize is too large (depending on individual's camera settings), so we deliberately submitted more matching forms than we expected were necessary in order to make up for any that might be invalidated or fail to be received. We submitted a large batch of matching forms on October 3rd, and were subsequently informed on October 5th, 2022 that we had reached the limit. Staff did not specify which forms might have been accepted or not, and so we had no way of determining whether there was a mistake in their process.

Overall, our campaign reported \$9,125 in direct contributions from 162 unique Berkeley donors. While we stopped collecting and submitting matching forms once we were informed that we had reached the maximum amount of matching funds available, these contributions would have had a total matching value of \$54,750 - well in excess of the \$47,000 maximum for 2022. Had this error been reported to us during the campaign, we simply would have collected the necessary forms from 4 more individuals - or identified and fixed 4 more rejected forms - to complete the necessary paperwork.¹

Recommendation

Staff have determined that the overpayment of public matching funds to the Committee was the result of a clerical error by City staff due to failure to adequately perform a manual review of the Committee's matching funds requests. Given that the NetFile system does not automatically identify duplicate qualifying contribution entries, the City's current matching funds disbursement process relies on City staff manually reviewing all contribution entries. Although the Committee submitted duplicate entries in its matching funds requests, staff have not identified a provision of BERA that is violated by submitting one or more duplicate entries. BERA Section 2.12.550 does provide that "It is a violation of the law for candidates to accept more Fair Elections Act benefits than those to which they are entitled or misuse such benefits or Fair Elections funding." However, given that the overpayment of funds in this case was the result of City staff clerical error rather than an otherwise improper practice by the Committee, staff recommend that no further action be taken.

Staff believe this matter highlights a number of areas for improvement for the City's public financing program. First, it appears that campaign committees may have difficulty ascertaining which matching funds requests have been accepted and which have been denied, and the rationale for those denials. Second, the City's reliance on staff-level manual review of matching funds requests may increase the possibility of clerical error resulting in improper payment of matching funds. The Commission may wish to consider changes to standard protocols in order to reduce the risk of error.

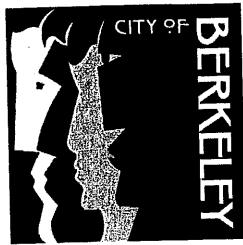
¹ Email from Ben Gould, Aug. 5, 2024 (Attachment 3).

March 13, 2025

Page 5 Re: Public financing matching funds - Mark Humbert for Council 2022

Attachments:

1. Complaint re Mark Humbert for Council 2022
2. Humbert for Council 2022 Public Financing Application and matching funds requests
3. Correspondence between Commission Secretary and Committee



Fair Campaign Practices Commission

Complaint of Noncompliance
Berkeley Election Reform Act ("BERA")*

RECEIVED
3/30/23
City Attorney

Full Name: Gregory Kalkanis
Date: Friday 24 March 2023
Address: [REDACTED] / Berkeley 94704
E-mail (optional but suggested): gkalkanis@yahoo.com
Phone (optional but suggested): (510) 839-6012

Party or parties alleged to have committed or are about to commit a violation of BERA:
Mark Humbert for Council 2022

Clear, concise and accurate statement of the facts that constitute the violation of BERA.
If additional space is needed, you may attach additional pages:

The Declaration for Public Funds dated 7 August 2022 and 29 September 2022 include forty seven duplicate names - each listed as making the maximum contribution of sixty dollars. The Humbert for Council campaign was awarded public matching funds to which they were not entitled. ($47,000 - 40,980$) = $\$6,020$

<u>Total contribution 7 August = \$4,270</u>	<u>total</u>	<u>8</u>	
<u>total contribution 9 Sept. = \$5,380</u>	<u>valid contrib.</u>	<u>9,650</u>	<u>excess</u>
<u>duplicate</u>	<u>\$9,650</u>	<u>duplicate contrib. - 2,820</u>	<u>award</u>
<u>unearned contributions = $47 \times 60 = 2,820$</u>	<u>valid contrib.</u>	<u>\$6,830</u>	
	<u>public funds =</u>	<u>4 1</u>	
	<u>to which the</u>	<u>6,830</u>	
	<u>campaign was</u>	<u>x 6</u>	
	<u>entitled</u>	<u>\$40,980</u>	

Documents: Attach any documentation supporting the facts alleged.

Statements that are not based upon personal knowledge should identify the source of information that gives rise to the complainant's belief in the truth of such statements.

I declare under penalty of perjury under the laws of the State of California that all information submitted hereon and in the attachments is true and correct.

Signature

[REDACTED]

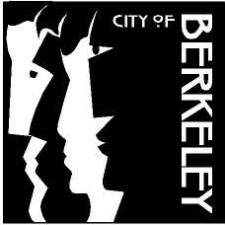
Date 24 marzo 2023

To: City of Berkeley Deputy City Attorney Samuel J. Harvey
Cc: Councilmember Ben Bartlett
From: Gregory Kalkanis
Regarding: Complaint of Noncompliance; Mark Humbert for Council 2022
Date: Friday 24 March 2023

Dear Samuel Harvey:

Please find attached a completed Complaint of Noncompliance form for the campaign of Mark Humbert for Council 2022. The pleasure of a response would be appreciated.

Best Regards,
Gregory Kalkanis



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

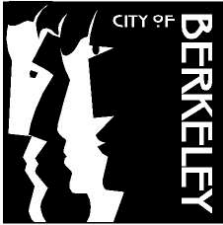
E-Filed
06/29/2022
14:51:17
Filing ID:
204090088

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) 8
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Humbert	FIRST Mark	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Mark Humbert for Council 2022		FPPC I.D. No. 1448572
CANDIDATE CERTIFICATION		
Under penalty of perjury, I hereby certify: I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.		
Mark Humbert CANDIDATE SIGNATURE		06/29/2022 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/08/2022
08:28:31

Filing ID:
204384887

**FAIR ELECTIONS ACT FORM
INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS
BY CANDIDATES FOR MAYOR, CITY COUNCIL, CITY AUDITOR,
SCHOOL BOARD DIRECTOR, OR RENT STABILIZATION BOARD COMMISSIONER**

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 8	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Mark Humbert for Council 2022		FPPC I.D. No. 1448572	
STREET ADDRESS 2928 Linden Avenue		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94705	
TELEPHONE (415) 260-3398	EMAIL ADDRESS mark@humbertforcouncil.com		
CANDIDATE DECLARATION			
I hereby declare that the following information is true and correct: • All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. • I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. • I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties. • All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283. • I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.			
Mark Humbert		08/07/2022	
CANDIDATE SIGNATURE		DATE SIGNED	

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least \$10.00 and no more than \$60.00 each, for a total dollar amount of at least \$580.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

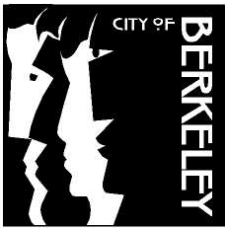
Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1. Gray	Tim	628 San Miguel Ave.	94707-1535 Berkeley	N/A	Retired	Electronic	07/07/2022	07/13/2022	1	60.00
2. Scott	Peggy	1839 Catalina Ave	94707 Berkeley	unemployed	unemployed	Electronic	07/07/2022	07/13/2022	1	60.00
3. Haesloop	Eric	2725 Elmwood Avenue	94705 Berkeley	Architect	Tumbull Griffin Haesloop	Electronic	06/30/2022	07/06/2022	1	60.00
4. Rosales	Ces	2315 Russell Street	94705 Berkeley	unemployed	unemployed	Electronic	06/30/2022	07/06/2022	1	60.00
5. Buswell-Charlow	Joshua	3011 Dohi st	94702-2713 Berkeley	Deputy Director	CALSSA	Electronic	06/30/2022	07/06/2022	1	60.00
6. London	Ellen	2810 Ashby Avenue, Berkeley, CA, USA	94705 Berkeley	Attorney	London & Stout	Electronic	06/29/2022	07/05/2022	1	60.00
7. Bimbach	Kerry	1735 Hopkins Street, A	94707 Berkeley	Policy analyst	City/county of SF	Electronic	06/29/2022	07/05/2022	1	60.00
8. Vincent	Jeff	1134 Baneroft Way	94702 Berkeley	Researcher	UC Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
9. Subbotin	Kyra	2625 Aleatraz Avenue	94705 Berkeley	Lawyer	Self, Berkeley, CA	Electronic	06/29/2022	07/05/2022	1	60.00
10. Gerstein	Beth	1530 Berkeley Way	94703 Berkeley	Legislative aide	City of Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
11. Batista	Elisa	2025 Prince Street	94703-2518 Berkeley	Content Manager	Ultra Violet	Electronic	06/29/2022	07/05/2022	1	60.00
12. Fox	Andrew	3046 Telegraph Ave, Unit 3	94705 Berkeley	Publicist	UC Berkeley	Electronic	06/26/2022	07/02/2022	1	50.00
13. Wengraf	Susan	1404 Le Roy Avenue	94708 Berkeley	councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
14. Robinson	Rigel	2214 Durant Ave #1	94704 Berkeley	Councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
15. Yamaguchi	Thomas	1015 Channing Way	94710 Berkeley	Homecare Worker	IHSS, Alameda County	Electronic	06/21/2022	06/27/2022	1	30.00
Subtotals										860.00 440.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
16. Shoji	Audrey	2924 Russell Street	94705 Berkeley	Volunteer Manager	Women's Cancer Resource Center, Berkeley	Electronic	06/20/2022	06/26/2022	1	60.00
17. Rose	George	1639 Derby Street	94703 Berkeley	Teacher	BLUSD	Electronic	06/20/2022	06/26/2022	1	50.00
18. Johnson	Mary Reed	1401 Greenwood Terrace	94708 Berkeley	Artist	N/A	Electronic	06/16/2022	06/22/2022	1	60.00
19. Caruana	Kenneth	2816 Oak Knoll Terrace	94705 Berkeley	Executive	Ross Stores	Electronic	06/16/2022	06/22/2022	1	60.00
20. Laird	Tad	2722 Webster St	94705-2605 Berkeley	Owner	Koppa Targets	Electronic	06/15/2022	06/22/2022	1	60.00
21. Singer	Sam	33 Roble Road	94705 Berkeley	Communications Strategist	Singer Associates Public Relations	Electronic	06/14/2022	06/20/2022	1	60.00
22. Miles	Gail	906 Santa Barbara Road	94707 Berkeley	unemployed	unemployed	Electronic	06/13/2022	06/19/2022	1	60.00
23. Saldich	Alan	2862 Webster St	94705 Berkeley	unemployed	unemployed	Electronic	06/11/2022	06/18/2022	1	60.00
24. Saldich	Nancy	2862 Webster Street	94705 Berkeley	unemployed	unemployed	Electronic	06/11/2022	06/17/2022	1	60.00
25. Schwartz	Robert	906 SANTA BARBARA RD	94707 Berkeley	Attorney	Trucker Huss, APC	Electronic	06/10/2022	06/16/2022	1	60.00
26. Singer	Martha	21 The Plaza Drive	94705-2413 Berkeley	MD	Self, Castro Valley, CA	Electronic	06/09/2022	06/15/2022	1	60.00
27. Capitelli	Marilyn	1760 Rose St	94703 Berkeley	Retired	unemployed	Electronic	06/08/2022	06/14/2022	1	60.00
28. Capitelli	Laurie	1760 Rose St	94703 Berkeley	Red Oak Realty, Berkeley	Real Estate	Electronic	06/08/2022	06/14/2022	1	60.00
29. Beutler	John	2642 Regent St	94704 Berkeley	Planner	California Air Resources Board	Electronic	06/07/2022	06/13/2022	1	60.00
30. Kawczynska	Claudia	2810 8th St	94710 Berkeley	unemployed	unemployed	Electronic	06/07/2022	06/13/2022	1	60.00
31. Franklin	Zachary	2956 California Street	94703 Berkeley	Nonprofit Executive	GRID Alternatives	Electronic	06/06/2022	06/12/2022	1	60.00
32. Gerhardstein	Ben	2520 Aston St	94702 Berkeley	Environmental Health Scientist	CDC	Electronic	06/06/2022	06/12/2022	1	60.00
33. Stevens	Shelley	2959 Linden Avenue	94705 Berkeley	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
34. Gray	Carrie	2951 Pine Ave	94705 Berkeley	Psychotherapist	Self, Berkeley, CA	Electronic	06/06/2022	06/14/2022	1	60.00
35. Martinucci	Jill	1520 Holly Street	94703 Berkeley	Retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
36. Martinucci	Piero	1520 Holly Street	94703 Berkeley	retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
Subtotals										1,250.00 960.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
37. Humbert	Frances	2928 Linden Avenue	94705 Berkeley	Florist	Freyra/ Brother and Sisters Flower Shop	Electronic	06/06/2022	06/12/2022	1	60.00
38. Choy	Ron	2615 Woolsey Street	94705 Berkeley	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
39. Wang	Carol	2953 Linden Avenue	94705 Berkeley	Homemaker	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
40. Kesarwani	Rashi	1619 Edith St.	94703 Berkeley	Councilmember	City of Berkeley	Electronic	06/05/2022	06/11/2022	1	60.00
41. Bruzzzone	Anthony	1627 Spruce St	94709 Berkeley	Consultant	Arup US Inc	Electronic	06/05/2022	06/11/2022	1	60.00
42. Zander	Sofia	2956 California Street	94703 Berkeley	Owner/ Landscape architect	Zander Design, Berkeley, CA	Electronic	06/05/2022	06/11/2022	1	60.00
43. Smulka	Ann	175 Alvarado Road	94705 Berkeley	Consultant	Strategic Arts	Electronic	06/05/2022	06/11/2022	1	60.00
44. Orriek	Phyllis	1625 Kains Avenue, #A	94702 Berkeley	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
45. Grandahl	Kathleen	2151 Oregon St	94705 Berkeley	Realtor	Self, Berkeley, CA	Electronic	06/04/2022	06/10/2022	1	60.00
46. Lee-Egan	Elizabeth	1130 Hopkins St	94702 Berkeley	graphic designer	Sierra Club	Electronic	06/04/2022	06/10/2022	1	60.00
47. Fike	Barry	1723 Allston Way	94703 Berkeley	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
48. Mudge	Alden	1613 Jaynes Street	94703 Berkeley	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
49. Gould	Harvey	1950 Addison Street, Apt 221	94704 Berkeley	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
50. Aguilar-Canabal	Diego	1921 Francisco St Apt 3A	94709 Berkeley	Legislative Assistant	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
51. Trachtenberg	David	2960 Benvenue Ave	94705 Berkeley	Architect	Trachtenberg Architects, Berkeley, CA	Electronic	06/03/2022	06/09/2022	1	60.00
52. Droste	Lori	2951 Pine Ave.	94705 Berkeley	Councilmember	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
53. Posselt	Theo	2591 Hilgard Avenue	94709 Berkeley	Consultant	Deloitte	Electronic	06/03/2022	06/09/2022	1	60.00
54. Yep	Ray	557 Neilson Street	94707 Berkeley	Civil Engineer	Retired	Electronic	06/03/2022	06/09/2022	1	60.00
55. Hedlund	Marc	2930 Domingo Ave #233	94705 Berkeley	Engineering leadership consulting	Fenuki Moves, LLC	Electronic	06/03/2022	06/09/2022	1	60.00
56. Lomax	Geoffrey	1507 M L King Jr Way	94709 Berkeley	Research Administration	State of CA	Electronic	06/03/2022	06/09/2022	1	60.00
57. Japowitz	Naomi	2745 Elmwood Avenue	94705 Berkeley	Professor	University of California	Electronic	06/03/2022	06/09/2022	1	60.00
49										
Subtotals										1020.00

Attachment 2										
Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
Chatterjee	Anirvan	1404 Henry Street	94709 Berkeley	Data Strategist	UCSF	Electronic	06/03/2022	06/09/2022	+	60.00
Cheyette	Oren	1520 San Lorenzo	94707 Berkeley	Software Engineer	Loomis Styles & Co. Boston	Check	06/02/2022	06/08/2022	+	60.00
Cheyette	Catherine	1520 San Lorenzo	94707 Berkeley	Psychotherapist	Self Employed, Albany, CA	Check	06/02/2022	06/08/2022	+	60.00
Stoller	Tia	2815 Cherry Street	94705 Berkeley	Graphic Designer	Stoller Design Group Berkeley	Check	06/02/2022	06/08/2022	1	60.00
Humbert	Kelly	2028 Linden Ave	94705 Berkeley	Medical Assistant	Berkeley Pediatrics	Other	06/02/2022	06/08/2022	+	60.00
Ghosh	Barnali	1404 Henry St., #4	94709 Berkeley	Designer	Self-employed, Berkeley, CA	Electronic	06/01/2022	06/07/2022	1	60.00
Herek	Gregory	1645 Grant St.	94703 Berkeley	Retired	Retired	Check	06/01/2022	06/07/2022	+	60.00
Dynis	John	1643 Grant Street	94703 Berkeley	Retired	N/A	Check	06/01/2022	06/07/2022	1	60.00
Gould	Benjamin	1950 Addison Street, Apt 723	94704 Berkeley	President	EcoDataLab, Berkeley, CA	Electronic	05/31/2022	06/06/2022	1	60.00
Andrew	Todd	1547 Hopkins Street, Apt. 6	94707 Berkeley	Realtor	Red Oak Realty	Electronic	05/31/2022	06/06/2022	+	60.00
Su	Kathy	2021 Linden Avenue	94705 Berkeley	Home	N/A	Check	05/28/2022	06/04/2022	+	60.00
Brock-Dolas	Phoebe	1932 Los Angeles Avenue	94707 Berkeley	Student	N/A	Check	05/28/2022	06/04/2022	1	60.00
Brock	Charles	1932 Los Angeles Avenue	94707 Berkeley	Retired	N/A	Check	05/28/2022	06/04/2022	+	60.00
Dolas	Lura	1932 Los Angeles Avenue	94707 Berkeley	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
Tan	Thomas	2931 Linden Avenue	94705 Berkeley	Marketing	Apple	Check	05/28/2022	06/04/2022	1	60.00
Subtotals										900.00
Grand Totals										420.00
										2,840 x6
										2840.00

2,840
x6
17,040



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
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09/29/2022
22:24:26

Filing ID:
204931942

FAIR ELECTIONS ACT FORM
DECLARATION FOR PUBLIC FUNDS BY CANDIDATES FOR
MAYOR, CITY COUNCIL, CITY AUDITOR, SCHOOL BOARD DIRECTOR, OR
RENT STABILIZATION BOARD COMMISSIONER

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 8	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Mark Humbert for Council 2022		FPPC I.D. No. 1448572	
STREET ADDRESS 2928 Linden Avenue		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94705	
TELEPHONE (415) 260-3398	EMAIL ADDRESS mark@humbertforcouncil.com		
CANDIDATE DECLARATION			
I hereby declare that the following information is true and correct: • All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. • I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. • I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties. • All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283. • I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.			
Mark Humbert		09/29/2022	
CANDIDATE SIGNATURE		DATE SIGNED	

REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

All approved Qualified Contributions are matched at a 6:1 ratio. Each candidate must submit the following documentation in order to be eligible for public matching funds:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1 Berger	Steven	173 Hillcrest Road	94705 Berkeley	President	NYF Properties, Inc.	Electronic	09/28/2022	09/28/2022	2	60.00
2 Kleitz	Abbey	2850 Webster Street	94705 Berkeley	unemployed	unemployed	Electronic	09/22/2022	09/22/2022	2	60.00
3 Casebolt	Tammigan	2928 Derby Street	94705 Berkeley	unemployed	unemployed	Electronic	09/22/2022	09/22/2022	2	60.00
4 Rice	Michael	4 Sunset Lane	94708 Berkeley	President	VR Research	Electronic	09/20/2022	09/20/2022	2	60.00
5 Bell	Judith	2757 Prince Street	94705 Berkeley	Chief Impact Officer	San Francisco Foundation	Electronic	09/12/2022	09/12/2022	2	60.00
6 David	Narsai	2825 Webster St	94705 Berkeley	retired	retired	Check	09/11/2022	09/11/2022	2	60.00
7 David	Venus	2825 Webster St	94705 Berkeley	retired	retired	Cash	09/11/2022	09/11/2022	2	60.00
8 Kennedy	Patrick	2811 Parker Street	94703 Berkeley	Property Manager	Royal Towers Apartment Company	Electronic	09/06/2022	09/06/2022	2	30.00
9 Arreguin	Jesse	1528 Henry Street	94709 Berkeley	Mayor	City of Berkeley	Electronic	08/24/2022	08/24/2022	2	60.00
10 Erbe	Jacqueline	1614 9th Street	94710 Berkeley	Project Manager	Workshop1	Electronic	08/22/2022	08/22/2022	1	60.00
11 King	Laura	14 Eucalyptus Road	94705 Berkeley	Content Partnerships	Twitter	Electronic	08/22/2022	08/22/2022	2	60.00
12 Lau	Jonathan	1827 Ward St	94703 Berkeley	Local Economic Development Project Manager	San Francisco County	Electronic	08/22/2022	08/22/2022	2	60.00
13 Johns	Jeffrey	2617 Parker St	94704 Berkeley	Physician	City of Berkeley	Electronic	08/19/2022	08/19/2022	2	60.00
14 Francis	Caroline	6029 Chaboly Ter	94618 Berkeley	Manager, Program Management	PG&E	Cash	08/19/2022	08/19/2022	2	60.00
15 Gilbert	Aviva	1295 Berkeley Way	94702 Berkeley	Attorney	FBM	Electronic	08/17/2022	08/17/2022	2	30.00
Subtotals										720 840.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
16 Gutierrez	Rod	2601 Webster St	94705 Berkeley	unemployed	unemployed	Cash	08/04/2022	08/04/2022	2	50.00
17 Gutierrez	Rod	2601 Webster St	94705 Berkeley	unemployed	unemployed	Cash	08/04/2022	08/04/2022	2	10.00
18 Montauk	Lance	3033 Bateman St.	94705 Berkeley	unemployed	unemployed	Electronic	08/02/2022	08/02/2022	2	60.00
19 Lathbury	Donald	1528 Henry St.	94709 Berkeley	Consultant	The Next Generation	Electronic	07/20/2022	07/20/2022	2	60.00
20 Gray	Tim	628 San Miguel Ave.	94707-1535 Berkeley	N/A	Retired	Electronic	07/07/2022	07/13/2022	1	60.00
21 Scott	Peggy	1839 Catalina Ave	94707 Berkeley	unemployed	unemployed	Electronic	07/07/2022	07/13/2022	1	60.00
22 Haesloop	Eric	2725 Elmwood Avenue	94705 Berkeley	Architect	Tumbull Griffin Haesloop	Electronic	06/30/2022	07/06/2022	1	60.00
23 Rosales	Ces	2315 Russell Street	94705 Berkeley	unemployed	unemployed	Electronic	06/30/2022	07/06/2022	1	60.00
24 Buswell-Charkow	Joshua	3011 Dohr st	94702-2713 Berkeley	Deputy Director	CALSSA	Electronic	06/30/2022	07/06/2022	1	60.00
25 Magofna	Gregory	1819 Addison Street Apt 1	94703 Berkeley	Communications	California Renters Legal Advocacy and Education Fund	Electronic	06/30/2022	07/07/2022	1	60.00
26 London	Ellen	2810 Ashby Avenue, Berkeley, CA, USA	94705 Berkeley	Attorney	London & Stout	Electronic	06/29/2022	07/05/2022	1	60.00
27 Birnbach	Kerry	1735 Hopkins Street, A	94707 Berkeley	Policy analyst	City/county of SF	Electronic	06/29/2022	07/05/2022	1	60.00
28 Vincent	Jeff	1134 Bancroft Way	94702 Berkeley	Researcher	UC Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
29 Subbotin	Kyra	2743 Prince Street	94705 Berkeley	Lawyer	Self, Law Offices of Kyra Subbotin, Berkeley, CA	Electronic	06/29/2022	07/05/2022	1	60.00
30 Gerstein	Beth	1530 Berkeley Way	94703 Berkeley	Legislative aide	City of Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
31 Batista	Elisa	2025 Prince Street	94703-2518 Berkeley	Content Manager	UltraViolet	Electronic	06/29/2022	07/05/2022	1	60.00
32 Kletz	Harvey	2850 Webster Street	94705 Berkeley	unemployed	unemployed	Electronic	06/29/2022	06/29/2022	2	50.00
33 Fox	Andrew	3046 Telegraph Ave, Unit 3	94705 Berkeley	Publicist	UC Berkeley	Electronic	06/26/2022	07/02/2022	1	50.00
34 Stahlhut	Nathan	2846 Webster Street	94705 Berkeley	Sales	SGWS	Electronic	06/22/2022	06/29/2022	1	60.00
35 Wengraf	Susan	1404 Le Roy Avenue	94708 Berkeley	councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
36 Robinson	Rigel	2214 Durant Ave #1	94704 Berkeley	Councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
Subtotals										1,180.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
37 Yamaguchi	Thomas	1015 Channing Way	94710 Berkeley	Homecare Worker	IHSS, Alameda County	Electronic	06/21/2022	06/27/2022	1	30.00
38 Shoji	Audrey	2924 Russell Street	94705 Berkeley	Volunteer Manager	Women's Cancer Resource Center, Berkeley	Electronic	06/20/2022	06/26/2022	1	60.00
39 Johnson	MaryReed	1401 Greenwood Terrace	94708 Berkeley	Artist	Unemployed	Electronic	06/16/2022	06/22/2022	1	60.00
40 Caruana	Kenneth	2816 Oak Knoll Terrace	94705 Berkeley	Executive	Ross Stores	Electronic	06/16/2022	06/22/2022	1	60.00
41 Laird	Tad	2722 Webster St	94705-2605 Berkeley	Owner	Kopra Targets	Electronic	06/15/2022	06/22/2022	1	60.00
42 Singer	Sam	33 Roble Road	94705 Berkeley	Communications Strategist	Singer Associates Public Relations	Electronic	06/14/2022	06/20/2022	1	60.00
43 Miles	Gail	906 Santa Barbara Road	94707 Berkeley	unemployed	unemployed	Electronic	06/13/2022	06/19/2022	1	60.00
44 Saldich	Alan	2862 Webster St	94705 Berkeley	unemployed	unemployed	Electronic	06/11/2022	06/18/2022	1	60.00
45 Saldich	Nancy	2862 Webster Street	94705 Berkeley	unemployed	unemployed	Electronic	06/11/2022	06/17/2022	1	60.00
46 Schwartz	Robert	906 SANTA BARBARA RD	94707 Berkeley	Attorney	Trucker Huss, APC	Electronic	06/10/2022	06/16/2022	1	60.00
47 Singer	Martha	21 The Plaza Drive	94705-2413 Berkeley	MD	Self, Castro Valley, CA	Electronic	06/09/2022	06/15/2022	1	60.00
48 Capitelli	Marillyn	1760 Rose St	94703 Berkeley	Retired	unemployed	Electronic	06/08/2022	06/14/2022	1	60.00
49 Capitelli	Laurie	1760 Rose St	94703 Berkeley	Red Oak Realty, Berkeley	Real Estate	Electronic	06/08/2022	06/14/2022	1	60.00
50 Beutler	John	2642 Regent St	94704 Berkeley	Planner	California Air Resources Board	Electronic	06/07/2022	06/13/2022	1	60.00
51 Kawczynska	Claudia	2810 8th St	94710 Berkeley	unemployed	unemployed	Electronic	06/07/2022	06/13/2022	1	60.00
52 Franklin	Zachary	2956 California Street	94703 Berkeley	Nonprofit Executive	GRID Alternatives	Electronic	06/06/2022	06/12/2022	1	60.00
53 Gerhardstein	Ben	2320 Acton St	94702 Berkeley	Environmental Health Scientist	CDC	Electronic	06/06/2022	06/12/2022	1	60.00
54 Stevens	Shelley	2959 Linden Avenue	94705 Berkeley	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
55 Gray	Carrie	2951 Pine Ave	94705 Berkeley	Therapist	Carrie Gray Psychotherapy, Berkeley, CA	Electronic	06/06/2022	06/14/2022	1	60.00
56 Martinucci	Jill	1520 Holly Street	94703 Berkeley	Retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
57 Martinucci	Piero	1520 Holly Street	94703 Berkeley	retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
Subtotals										1,230.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
58 Humbert	Frances	2928 Linden Avenue	94705 Berkeley	Florist	Freya/ Brother and Sisters Flower Shop	Electronic	06/06/2022	06/12/2022	1	60.00
59 Choy	Ron	2615 Woolsey Street	94705 Berkeley	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
60 Wang	Carol	2953 Linden Avenue	94705 Berkeley	Homemaker	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
61 Kesarwani	Rashi	1619 Edith St.	94703 Berkeley	Councilmember	City of Berkeley	Electronic	06/05/2022	06/11/2022	1	60.00
62 Bruzzone	Anthony	1627 Spruce St	94709 Berkeley	Consultant	Arup US Inc	Electronic	06/05/2022	06/11/2022	1	60.00
63 Zander	Sofia	2956 California Street	94703 Berkeley	Owner/ Landscape architect	Zander Design, Berkeley, CA	Electronic	06/05/2022	06/11/2022	1	60.00
64 Sinulka	Ann	175 Alvarado Road	94705 Berkeley	Consultant	Strategic Arts	Electronic	06/05/2022	06/11/2022	1	60.00
65 Brower	Norah	2701 Buena Vista Way	94708 Berkeley	Realtor	Compass	Electronic	06/05/2022	06/05/2022	2	30.00
66 Orrick	Phyllis	1625 Kains Avenue, #A	94702 Berkeley	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
67 Crandall	Kathleen	2151 Oregon ST	94705 Berkeley	Realtor	Self, Berkeley, CA	Electronic	06/04/2022	06/10/2022	1	60.00
68 Lee-Egan	Elizabeth	1130 Hopkins St	94702 Berkeley	graphic designer	Sierra Club	Electronic	06/04/2022	06/10/2022	1	60.00
69 Fike	Barry	1723 Allston Way	94703 Berkeley	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
70 Nudge	Alden	1613 Jaynes Street	94703 Berkeley	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
71 Gould	Harvey	1950 Addison Street, Apt 221	94704 Berkeley	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
72 Aguilar-Canabal	Diego	1921 Francisco St Apt 3A	94709 Berkeley	Legislative Assistant	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
73 Frachtenberg	David	2960 Benvenue Ave	94705 Berkeley	Architect	Frachtenberg Architects, Berkeley, CA	Electronic	06/03/2022	06/09/2022	+	60.00
74 Droste	Lori	2951 Pine Ave.	94705 Berkeley	Councilmember	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
75 Posselt	Theo	2591 Hilgard Avenue	94709 Berkeley	Consultant	Deloitte	Electronic	06/03/2022	06/09/2022	1	60.00
76 Yep	Ray	557 Neilson Street	94707 Berkeley	Civil Engineer	Retired	Electronic	06/03/2022	06/09/2022	1	60.00
77 Taplin	Terry	1032 Bancroft	94710 Berkeley	City Councilmember	City of Berkeley	Cash	06/03/2022	06/03/2022	2	10.00
78 Taplin	Terry	1032 Bancroft	94710 Berkeley	City Councilmember	City of Berkeley	Electronic	06/03/2022	06/03/2022	2	50.00
55									Subtotals	1,110

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Batch #	Amount of Contribution
79 Godar	Andrew	1032 Bancroft Way	94710 Berkeley	RN	Sutter	Electronic	06/03/2022	06/03/2022	2	60.00
80 Lewis	Matthew	1637 Stuart St	94703 Berkeley	Communications Director	California YIMBY	Electronic	06/03/2022	06/10/2022	1	60.00
81 Hedlund	Marc	2930 Domingo Ave #233	94705 Berkeley	Engineering leadership consulting	Tenuki Moves, LLC	Electronic	06/03/2022	06/09/2022	1	60.00
82 Lomax	Geoffrey	1507 M L King Jr Way	94709 Berkeley	Research Administration	State of CA	Electronic	06/03/2022	06/09/2022	1	60.00
83 Janowitz	Naomi	2745 Elmwood Avenue	94705 Berkeley	Professor	University of California	Electronic	06/03/2022	06/09/2022	1	60.00
84 Chatterjee	Anirvan	1404 Henry Street, 4	94709 Berkeley	Data Strategist	UCSF	Electronic	06/03/2022	06/09/2022	1	60.00
85 Stoller	Tia	2815 Cherry Street	94705 Berkeley	Graphic Designer	Stoller Design Group Berkeley	Check	06/02/2022	06/08/2022	1	60.00
86 Humbert	Kelly	2928 Linden Ave	94705 Berkeley	Medical Assistant	Berkeley Pediatrics	Other	06/02/2022	06/08/2022	1	60.00
87 Ghosh	Barnali	1404 Henry St., #4	94709 Berkeley	Designer	Self-employed, Berkeley, CA	Electronic	06/01/2022	06/07/2022	1	60.00
88 Herek	Gregory	1645 Grant St.	94703 Berkeley	Retired	Retired	Check	06/01/2022	06/07/2022	1	60.00
89 Dynis	John	1643 Grant Street	94703 Berkeley	Retired	N/A	Check	06/01/2022	06/07/2022	1	60.00
90 Gould	Benjamin	1950 Addison Street, Apt 723	94704 Berkeley	President	EcoDataLab, Berkeley, CA	Electronic	05/31/2022	06/06/2022	1	60.00
91 Tan	Thomas	2931 Linden Avenue	94705 Berkeley	Marketing	Apple	Check	05/28/2022	06/04/2022	1	60.00
92 Brock-Dolas	Phoebe	1932 Los Angeles Avenue	94707 Berkeley	Student	N/A	Check	05/28/2022	06/04/2022	1	60.00
93 Brock	Darryl	1932 Los Angeles Avenue	94707 Berkeley	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
94 Dolas	Lura	1932 Los Angeles Avenue	94707 Berkeley	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
Subtotals										840
Grand Totals										5,080

5,080

~~30,480~~

X6

30,480

Please note: Candidate's Public Finance matching funds disbursement was calculated to \$30,480 however, per Public Finance matching funds disbursement limits the candidate only qualifies for the \$47,000 maximum for City Council candidates.

Please make a payment of only \$29,960.

Harvey, Samuel

From: C. Mark Humbert <markh@humbertlaw.us>
Sent: Tuesday, April 18, 2023 4:05 PM
To: FCPC (Fair Campaign Practices Commission)
Subject: Re: FCPC Complaint

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mr. Harvey and Members of the Berkeley FCPC:

Thank you for bringing this complaint to my attention. I agree with Staff's conclusion that it does not state a claim under BERA, and therefore does not have merit as a matter of law.

As you know, the Berkeley City Clerk's Office is punctilious in examining matching requests submitted by Berkeley candidates who are participating in the Berkeley public campaign financing program. Individual forms are often rejected for failure to meet the Clerk's appropriately exacting standards.

My assistant treasurer and I worked diligently to supply the requisite information, but we made mistakes in some instances which were later corrected. The campaign contributions we received from Berkeley residents far exceeded the limit on matchable donations, and once we found we had reached the limit, we did not submit any additional requests for matching.

Some of the reasons for the discrepancies noted by the complainant in the public financing records include:

- Some of our submittals did not have forms correctly attached the first time, and so they were later resubmitted.
- Some of our submittals had errors on the forms that needed to be corrected, and so they were later resubmitted.
- Some of our contributions were accidentally reassigned to the second batch of submissions.
- Some of our contributions occurred earlier in the year, but contributors did not submit their forms until later in the year, and this may have caused us to select a date range that resulted in overlap with previous submittals.

As shown by the City Clerk's documentation, we submitted more unique matching forms than were required. As mentioned above, we had still more donations with forms that we could have submitted had it been necessary. Finally, I am confident that we did not receive from the City any funds in excess of the public financing limit.

We request that this complaint be dismissed.

Respectfully submitted,

Mark Humbert
2022 Candidate for Berkeley City Council D8

On Monday, April 17, 2023, 2:47 PM, FCPC (Fair Campaign Practices Commission) <FCPC@cityofberkeley.info> wrote:

Restricted

ITEM NO.10-ATTACHMENT 3

Attached is a courtesy copy of a complaint received by the Berkeley Fair Campaign Practices Commission (FCPC) alleging violations of the Berkeley Election Reform Act (BERA) by your campaign, Mark Humbert for Council 2022. Also included is a staff report recommending that the FCPC dismiss the complaint for failure to state a violation of BERA.

This item will be considered by the FCPC at its meeting on April 20th at 6:30 PM at the North Berkeley Senior Center.

Thank you,

Sam

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

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Harvey, Samuel

From: Humbert, Mark
Sent: Monday, August 5, 2024 5:47 PM
To: Harvey, Samuel; Brown, Farimah F.
Subject: Fw: Fw: FCPC Public Financing

Mark Humbert
 Councilmember, District 8
 City of Berkeley

From: Ben Gould <ben@bengould.org>
Sent: Monday, August 5, 2024 3:55 PM
To: Humbert, Mark <MHumbert@berkeleyca.gov>
Subject: Re: Fw: FCPC Public Financing

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Maybe worth adding:

We were not readily able to discern that we had received an overpayment. Matching forms are regularly rejected due to errors like missing phone numbers or mismatched job titles, and some matching forms may not be received through NetFile if the filesize is too large (depending on individual's camera settings), so we deliberately submitted more matching forms than we expected were necessary in order to make up for any that might be invalidated or fail to be received. We submitted a large batch of matching forms on October 3rd, and were subsequently informed on October 5th, 2022 that we had reached the limit. Staff did not specify which forms might have been accepted or not, and so we had no way of determining whether there was a mistake in their process.

Overall, our campaign reported \$9,125 in direct contributions from 162 unique Berkeley donors. While we stopped collecting and submitting matching forms once we were informed that we had reached the maximum amount of matching funds available, these contributions would have had a total matching value of \$54,750 - well in excess of the \$47,000 maximum for 2022. Had this error been reported to us during the campaign, we simply would have collected the necessary forms from 4 more individuals - or identified and fixed 4 more rejected forms - to complete the necessary paperwork.

On Mon, Aug 5, 2024 at 3:25 PM Humbert, Mark <MHumbert@berkeleyca.gov> wrote:

Mark Humbert
 Councilmember, District 8
 City of Berkeley

From: Humbert, Mark <MHumbert@berkeleyca.gov>
Sent: Monday, August 5, 2024 3:09 PM
To: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Subject: Re: FCPC Public Financing

Dear Sam -

We collected many more \$60 qualified contributions from Berkeley residents than we needed to reach maximum matching. So the campaign truly did not receive more than it would have been entitled to receive, had those additional contributions been counted by the Clerk for matching purposes. There is no harm here.

We did not make the mistake; City staff did. I am not casting aspersions at City staff - it's a complicated process.

The campaign account is closed. And we were told this matter was closed many months ago. And, again, the campaign did not collect more matching funds than it was entitled to collect, based on the number of qualified contributions it received.

Best, Mark

Mark Humbert
Councilmember, District 8
City of Berkeley

From: FCPC (Fair Campaign Practices Commission) <FCPC@berkeleyca.gov>
Sent: Monday, August 5, 2024 2:54 PM
To: Humbert, Mark <MHumbert@berkeleyca.gov>
Cc: Brown, Farimah F. <FBrown@berkeleyca.gov>
Subject: FCPC Public Financing

Restricted

Dear Councilmember Humbert,

The Fair Campaign Practices Commission has expressed interest in obtaining additional information from your 2022 campaign committee regarding the overpayment of public financing funds.

In particular, although City staff have confirmed that the overpayment was the result of an administrative error by City staff, members of the Commission have requested an explanation as to why your campaign did not recognize the overpayment at the time.

Additionally, some commissioners have pointed to Section 2.12.550 of the Berkeley Election Reform Act (“BERA”) which provides that “It is a violation of the law for candidates to accept more Fair Elections Act benefits than those to which they are entitled.” While we believe this section is best read to apply to circumstances in which an overpayment has resulted from an error or violation by the campaign and not by City staff, it is possible that this language could be interpreted to mean that your receipt of an excess \$1,100 was a violation of BERA. As a result, some commissioners have expressed a desire that your campaign repay the \$1,100 overpayment which your campaign received.

We would like an opportunity to discuss further and ideally obtain some additional information on this matter which we can provide to the Commission.

Regards,

Sam

Samuel J. Harvey

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4th Floor

Berkeley, CA 94704

fcpc@cityofberkeley.info

ITEM NO.10-ATTACHMENT 3

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Ben Gould

ben@bengould.org

(510) 725-9176


Fair Campaign Practices Commission

Date: March 13, 2025

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Enforcement referral regarding failure to repay unspent public financing matching funds

At its January 16, 2025 meeting, the Commission received the attached referral from the City Clerk regarding an alleged failure by two Public Finance Participants—*Jenny Guarino for City Council 2024* and *Re-Elect Laura Babitt 4 Berkeley School Board 2024*—to return unspent funds. (Attachment 1.)

Under Berkeley Municipal Code Section 2.12.505(H)(2), campaigns that participate in the City's public financing program must return unspent funds within sixty (60) days after the date of the election. Because the November 2024 election was held on November 5, 2024, the deadline to return the unspent funds was January 4, 2025. On January 8, 2025, the City Clerk referred both campaigns to the Commission for enforcement pursuant to Section 2.12.505(H)(4), which requires the Clerk to "immediately refer to the Commission for enforcement any participating candidate who does not return unspent funds." The referral noted that each campaign's second pre-election campaign statement filed in October 2024 listed significant ending cash balances in the amount of \$14,177.48 and \$12,098.96, which had not been returned.

At the Commission's direction, the Commission Secretary reviewed each campaign's Form 460 filed on January 31, 2025, which covers the period from October 20, 2024 through December 31, 2024. Each campaign's Form 460 now shows an ending cash balance of \$0.00 as of December 31, 2024. (Attachments 2 and 3.) The zero-dollar balance in each campaign's account indicates that neither campaign had unspent funds that were required to be returned under BMC Section 2.12.505(H)(2).

Under the Commission's procedures, probable cause exists that BERA has been violated "when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred." (FCPC Procedures § VI.B.2.) The Commission may dismiss the matter (by majority vote) and proceed no further if evidence of any violation is insufficient or unreliable. (FCPC Procedures § VI.B.1.)

Because the campaigns' public filings indicate that no violation of BMC Section 2.12.505(H)(2) has occurred, staff recommend that the Commission dismiss this matter and take no further action on the ground that there is insufficient evidence of any violation of BERA. The Commission may wish to consider whether an amendment to Section 2.12.505(H)(4) is warranted to avoid the interpretation that BERA requires the City Clerk

March 13, 2025

Page 2 Re: Enforcement referral regarding failure to repay unspent public financing matching funds

to refer any apparent failure to repay unspent funds “immediately” after the deadline to return unspent funds, rather than waiting until the end-of-year campaign statements are filed.

Attachments:

1. Referral from City Clerk dated January 8, 2025
2. Form 460, Jenny Guarino for City Council 2024 (10/20/2024 – 12/31/2024)
3. Form 460, Re-Elect Laura Babitt 4 Berkeley School Board 2024 (10/20/2024 – 12/31/2024)



City Clerk Department

January 8, 2025

To: Fair Campaign Practices Commission

From: Mark Numainville, City Clerk

Subject: Referral of Public Finance Participants to the Fair Campaign Practices Commission

This memo serves as an official referral to the Fair Campaign Practices Commission for failure to return unspent funds by Public Finance Participants, as required by Berkeley Municipal Code Section 2.12.505(H)(4).

Participating candidates in the Public Financing Program are required to return all unspent campaign funds sixty (60) days after the date of the election (BMC § 2.12.505(H)(2)). For the November 5, 2024 election, participating candidates were noticed on November 15, December 2, and December 31. The candidates listed below are in violation of the Berkeley Election Reform Act and are being referred to the Fair Campaign Practices Commission for enforcement.

Jenny Guarino
Jenny Guarino for City Council 2024
2nd pre-election campaign statement ending cash balance: \$14,177.48

Laura Babitt
Re-Elect Laura Babitt 4 Berkeley School Board 2024
2nd pre-election campaign statement ending cash balance: \$12,098.96

The table below provides a summary of returned funds.

Committee Name	Amount Returned	Date Returned
Adena Ishii for Mayor of Berkeley 2024	\$3,836.29	12/18/2024
Alfred Twu for Berkeley Rent Board 2024	\$269.70	12/12/2024
Ana Vasudeo for School Board 2024	\$298.27	12/19/2024
Andrew for Berkeley Council 2024	\$1,927.14	1/8/2025
Andy Katz for Berkeley City Council 2024	\$903.02	1/6/2025
Avery Arbaugh for Berkeley Rent Board 2024	\$76.87	12/6/2024
Brent Blackaby for Berkeley City Council 2024	\$0.00	1/1/2025
Deborah Matthews for Council 2024	\$11,018.03	12/17/2024
Dominique Walker for Berkeley Rent Board 2024	\$70.86	12/6/2024
Jen Corn for Berkeley School Board 2024	\$130.97	12/18/2024
Jenny Guarino for City Council 2024		
John "Chip" Moore for Berkeley City Council District #3 2024	\$0.00	12/31/2024
Kate Harrison for Mayor 2024	\$26.74	12/9/2024
Re-elect Laura Babitt 4 Berkeley School Board 2024		
Shoshana O'Keefe for Berkeley City Council District 5 2024	\$0.00	12/31/2024
Terry Taplin for City Council 2024	\$8,513.99	1/2/2025
Xavier Johnson for Berkeley Rent Board 2024	\$71.42	12/6/2024
Rigel Robinson for Berkeley Mayor 2024	\$17,613.46	6/11/2024
Ana Vasudeo for City Council 2024	\$11,814.00	6/24/2024

Please confirm receipt of this referral and provide notice of any next steps in the enforcement process to my office and to the participating candidates being referred. My staff is available if you have any questions regarding this matter.

Recipient Committee
Campaign Statement
Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA
FORM

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For Official Use Only

Date of election if applicable:

(Month, Day, Year)

11/05/2024

Statement covers period

from 10/20/2024

through 12/31/2024

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- ☒ Officeholder, Candidate Controlled Committee ☐ Primarily Formed Ballot Measure Committee
- ☐ State Candidate Election Committee
- ☐ Recall
- ☐ Sponsored (Also Complete Part 5)
- ☐ General Purpose Committee
- ☐ Sponsored
- ☐ Small Contributor Committee
- ☐ Political Party/Central Committee
- ☐ Primarily Formed Candidate/Officeholder Committee (Also Complete Part 7)

2. Type of Statement:

- ☐ Preelection Statement
- ☒ Semi-annual Statement
- ☐ Termination Statement (Also file a Form 410 Termination)
- ☐ Amendment (Explain below)
- ☐ Quarterly Statement
- ☐ Special Odd-Year Report
- ☐ Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER

Pending

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)

Jenny Guarino for City Council 2024

Treasurer(s)

NAME OF TREASURER

Nickan Fayyazi

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Berkeley

CA

94710

(408) 821-6062

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY

STATE

ZIP CODE

AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

jennyforberkeley@gmail.com

OPTIONAL: FAX / E-MAIL ADDRESS

nickanfayyazi@gmail.com

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/30/2025

Date

By Nickan Fayyazi

Signature of Treasurer or Assistant Treasurer

Executed on 01/30/2025

Date

By Jennifer Guarino

Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on

Date

By

Signature of Controlling Officeholder, Candidate, State Measure Proponent

Executed on

Date

By

Signature of Controlling Officeholder, Candidate, State Measure Proponent

Recipient Committee
Campaign Statement
Cover Page — Part 2

COVER PAGE - PART 2

CALIFORNIA
FORM 460

Page 2 of 12

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE			
Jennifer Guarino			
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)			
City Council Member: City of Berkeley District 2			
RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
Berkeley	Berkeley	CA	94710

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER		
NAME OF TREASURER	CONTROLLED COMMITTEE? ☐ YES ☐ NO		
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)		
CITY	STATE	ZIP CODE	AREA CODE/PHONE
COMMITTEE NAME	I.D. NUMBER		
NAME OF TREASURER	CONTROLLED COMMITTEE? ☐ YES ☐ NO		
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)		
CITY	STATE	ZIP CODE	AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE	
BALLOT NO. OR LETTER	JURISDICTION
	☐ SUPPORT ☐ OPPOSE
Identify the controlling officeholder, candidate, or state measure proponent, if any.	
NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT	
OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement
Summary Page

Amounts may be rounded
to whole dollars.

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Jenny Guarino for City Council 2024

Statement covers period

from 10/20/2024 through 12/31/2024

CALIFORNIA FORM

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I.D. NUMBER Pending

SUMMARY PAGE

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ 868.11	\$ 6,341.21
2. Loans Received Schedule B, Line 3	0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ 868.11	\$ 6,341.21
4. Nonmonetary Contributions Schedule C, Line 3	0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ 868.11	\$ 6,341.21

Expenditures Made

6. Payments Made Schedule E, Line 4	\$ 26,055.59	\$ 33,551.21
7. Loans Made Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ 26,055.59	\$ 33,551.21
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	0.00	0.00
10. Nonmonetary Adjustment Schedule C, Line 3	0.00	0.00
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ 26,055.59	\$ 33,551.21

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ 14,177.48
13. Cash Receipts Column A, Line 3 above	868.11
14. Miscellaneous Increases to Cash Schedule I, Line 4	11,010.00
15. Cash Payments Column A, Line 8 above	26,055.59
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ 0.00
If this is a termination statement, Line 16 must be zero.	

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2

0.00

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ 0.00
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ 0.00

Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections

1/1 through 6/307/1 to Date

20. Contributions Received \$

21. Expenditures Made \$

Expenditure Limit Summary for State
Candidates

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) / /

Total to Date / / \$

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

Schedule A
Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A

Statement covers period
from 10/20/2024
through 12/31/2024

CALIFORNIA
FORM
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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
Jenny Guarino for City Council 2024

I.D. NUMBER
Pending

Page 4 of 12

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/21/2024	David Levinson Berkeley, CA 94702	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Physician Lifelong Medical Care	60.00	60.00	G2024 \$60.00
10/22/2024	Rowena Carlson Berkeley, CA 94710	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Retired Retired	60.00	60.00	G2024 \$60.00
10/25/2024	Daniel Koomt Berkeley, CA 94702	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Graduate Student Instructor University of California, Berkeley	50.00	50.00	G2024 \$50.00
10/25/2024	Mel Moyce Berkeley, CA 94703	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Student University of California, Berkeley	60.00	60.00	G2024 \$60.00
10/27/2024	Kitty Calavita Berkeley, CA 94707	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Retired University of California, Irvine	60.00	60.00	G2024 \$60.00
SUBTOTAL \$				290.00	ITEM NO. 11	

Schedule A Summary

1. Amount received this period – itemized monetary contributions.

(Include all Schedule A subtotals.) \$ 710.00

2. Amount received this period – unitemized monetary contributions of less than \$100

..... \$ 158.11

3. Total monetary contributions received this period.

(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) TOTAL \$ 868.11

*Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule A (Continuation Sheet)
Monetary Contributions Received

Statement covers period
from 10/20/2024
through 12/31/2024

Page 5 of 12

NAME OF FILER
Jenny Guarino for City Council 2024

I.D. NUMBER
Pending

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/27/2024	Luca Dhagat Berkeley, CA 94709	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Food Service Worker University of California, Berkeley	60.00	60.00	G2024 \$60.00
10/27/2024	Todd Jailer Berkeley, CA 94703	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Retired Retired	60.00	60.00	G2024 \$60.00
10/27/2024	Jyotindra Vasudeo Berkeley, CA 94707	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Director of Engineering Figma	60.00	60.00	G2024 \$60.00
10/28/2024	Joe Berry Berkeley, CA 94707	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Retired Retired	60.00	60.00	G2024 \$60.00
10/29/2024	Soli Alpert Berkeley, CA 94709	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Rent Board Commissioner City of Berkeley	60.00	60.00	G2024 \$60.00

SUBTOTAL \$ 300.00

ITEM NO. 11-ATTACHMENT 2

*Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule A (Continuation Sheet)
Monetary Contributions Received

Statement covers period
from 10/20/2024
through 12/31/2024
Page 6 of 12

NAME OF FILER
Jenny Guarino for City Council 2024
I.D. NUMBER
Pending

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/29/2024	Marissa Oaks English Berkeley, CA 94702	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Student University of California, Berkeley	60.00	60.00	G2024 \$60.00
11/03/2024	Joseph Flegel-Mishlove Berkeley, CA 94705	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Policy Associate East Bay Housing Organizations	60.00	60.00	G2024 \$60.00
		☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC				
		☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC				
		☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC				

SUBTOTAL \$				120.00	ITEM NO. 11-ATTACHMENT 2	
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*Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule E
Payments Made

Amounts may be rounded
to whole dollars.

SCHEDULE E

Statement covers period
from 10/20/2024
through 12/31/2024

CALIFORNIA
FORM
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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Jenny Guarino for City Council 2024

I.D. NUMBER

Pending

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- CMP campaign paraphernalia/misc.

CNS campaign consultants

CTB contribution (explain nonmonetary)*

CVC civic donations

FIL candidate filing/ballot fees

FND fundraising events

IND independent expenditure supporting/opposing others (explain)*

LEG legal defense

LIT campaign literature and mailings
- MBR member communications

MTG meetings and appearances

OFC office expenses

PET petition circulating

PHO phone banks

POL polling and survey research

POS postage, delivery and messenger services

PRO professional services (legal, accounting)

PRT print ads
- RAD radio airtime and production costs

RFD returned contributions

SAL campaign workers' salaries

TEL t.v. or cable airtime and production costs

TRC candidate travel, lodging, and meals

TRS staff/spouse travel, lodging, and meals

TSF transfer between committees of the same candidate/sponsor

VOT voter registration

WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Political Data, Inc. Norwalk, CA 90652			Textbanking	162.65
Autumn Press Berkeley, CA 94710	LIT		Mailer	2,775.73
Regina Lynne Wallace Berkeley, CA 94702	SAL		Paid canvassing	325.00

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$ 3,263.38

Schedule E Summary

1. Itemized payments made this period. (Include all Schedule E subtotals.) \$ 26,044.58
2. Unitemized payments made this period of under \$100 \$ 11.01
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$ 0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) TOTAL \$ 26,055.59

Schedule E
(Continuation Sheet)
Payments Made

SCHEDULE E (CONT.)

Amounts may be rounded
to whole dollars.

Statement covers period
from 10/20/2024
through 12/31/2024

CALIFORNIA
FORM 460

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
Jenny Guarino for City Council 2024

I.D. NUMBER
Pending

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

OMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Autumn Press Berkeley, CA 94710	LIT	Mailer		1,446.64
Autumn Press Berkeley, CA 94710	LIT	Mailer		2,186.73
Squarespace New York, NY 10014	WEB	Website hosting		36.00
Marissa Oaks English Berkeley, CA 94702	SAL	Communications Director		1,000.00
ActBlue Somerville, MA 02144		Service fee		35.00

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.	SUBTOTAL \$	4,704.55
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Schedule E
(Continuation Sheet)
Payments Made

SCHEDULE E (CONT.)

Amounts may be rounded
to whole dollars.

Statement covers period
from 10/20/2024
through 12/31/2024

CALIFORNIA
FORM 460

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
Jenny Guarino for City Council 2024

I.D. NUMBER
Pending

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

OMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Stripe South San Francisco, CA 94080			Service fee	62.13
Cafe Leila Berkeley, CA 94702			Election night party	100.00
Cityside Oakland, CA 94607			Online advertising	2,000.00
Action Squared Washington, DC 20036	WEB		Action Network service	15.00
Katherine Wolf Berkeley, CA 94708	SAL		Paid canvassing	50.00
ITEM NO.11-ATTACHMENT 2				

75

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$ 2,227.13

Schedule E
(Continuation Sheet)
Payments Made

Amounts may be rounded
to whole dollars.

SCHEDULE E (CONT.)

Statement covers period
from 10/20/2024
through 12/31/2024

CALIFORNIA
FORM 460

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
Jenny Guarino for City Council 2024

I.D. NUMBER
Pending

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

OMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)		CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
ActBlue Somerville, MA 02144				Service fee	0.90
Stripe South San Francisco, CA 94080				Service fee	1.34
Jovanka Beckles for State Senate 2024 (ID# 1459429) Richmond, CA 94805				Portion of textbanking services (Cost equally split between two campaigns)	100.00
Action Squared Washington, DC 20036		WEB		Action Network service	15.00
Soli Alpert Berkeley, CA 94709		SAL		Campaign Manager	6,732.00
ITEM NO.11-ATTACHMENT 2					

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$ 6,849.52

Schedule E
(Continuation Sheet)
Payments Made

SCHEDULE E (CONT.)

Amounts may be rounded
to whole dollars.

Statement covers period
from 10/20/2024
through 12/31/2024

CALIFORNIA
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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
Jenny Guarino for City Council 2024

I.D. NUMBER
Pending

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

OMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Nickan Fayvazi Oakland, CA 94610	SAL	Treasurer		5,000.00
Marissa Oaks English Berkeley, CA 94702	SAL	Communications Director		4,000.00
			ITEM NO.11-ATTACHMENT 2	
* Payments that are contributions or independent expenditures must also be summarized on Schedule D.				SUBTOTAL \$ 9,000.00

Schedule I

Miscellaneous Increases to Cash

SCHEDULE I

CALIFORNIA FORM 460

Amounts may be rounded to whole dollars.

Statement covers period from 10/20/2024 through 12/31/2024

Page 12 of 12

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Jenny Guarino for City Council 2024

I.D. NUMBER

Pending

DATE RECEIVED	FULL NAME AND ADDRESS OF SOURCE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF RECEIPT	AMOUNT OF INCREASE TO CASH
10/25/2024	City of Berkeley Public Financing Fund Berkeley, CA 94704	Matching funds	3,270.00
12/12/2024	City of Berkeley Public Financing Fund Berkeley, CA 94704	Matching funds	7,740.00

Attach additional information on appropriately labeled continuation sheets.

ITEM NO.

SUBTOTAL \$

11,010.00

Schedule I Summary

1. Itemized increases to cash this period. \$ 11,010.00

2. Unitemized increases to cash of under \$100 this period. \$ 0.00

3. Total of all interest received this period on loans made to others. (Schedule H, Column (e).) \$ 0.00

4. Total miscellaneous increases to cash this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Line 14.) TOTAL \$ 11,010.00

Recipient Committee
Campaign Statement
Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA
FORM

Date Stamp

E-Filed
01/31/2025
19:23:08
Filing ID:
213052135

Page 1 of 7

For Official Use Only

Date of election if applicable:

(Month, Day, Year)

11/05/2024

Statement covers period

from 10/20/2024

through 12/31/2024

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- ☒ Officeholder, Candidate Controlled Committee ☐ Primarily Formed Ballot Measure Committee
- ☐ State Candidate Election Committee
- ☐ Recall
- ☐ Sponsored (Also Complete Part 5)
- ☐ General Purpose Committee
- ☐ Sponsored
- ☐ Small Contributor Committee
- ☐ Political Party/Central Committee

2. Type of Statement:

- ☐ Preelection Statement
- ☒ Semi-annual Statement
- ☐ Termination Statement
- ☐ Amendment (Explain below)
- ☐ Quarterly Statement
- ☐ Special Odd-Year Report
- ☐ Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER
1470803

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)

Re-elect Laura Babitt 4 Berkeley School Board 2024

Treasurer(s)

NAME OF TREASURER

Laura Babitt

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY

Berkeley

STATE

CA

ZIP CODE

94710

AREA CODE/PHONE

(925) 238-5239

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY

STATE

ZIP CODE

AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

laura@laurababitt.com

OPTIONAL: FAX / E-MAIL ADDRESS

laurababitt@gmail.com

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/31/2025

Date

By Laura Babitt

Signature of Treasurer or Assistant Treasurer

Executed on 01/31/2025

Date

By Laura Babitt

Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on

Date

By

Signature of Controlling Officerholder, Candidate, State Measure Proponent

Executed on

Date

By

Signature of Controlling Officerholder, Candidate, State Measure Proponent

Recipient Committee
Campaign Statement
Cover Page — Part 2

COVER PAGE - PART 2

CALIFORNIA
FORM 460

Page 2 of 7

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE			
Laura Babitt			
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)			
School Board Trustee: City of Berkeley			
RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
Berkeley	CA	94710	

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER		
NAME OF TREASURER	CONTROLLED COMMITTEE? ☐ YES ☐ NO		
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)		
CITY	STATE	ZIP CODE	AREA CODE/PHONE
COMMITTEE NAME	I.D. NUMBER		
NAME OF TREASURER	CONTROLLED COMMITTEE? ☐ YES ☐ NO		
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)		
CITY	STATE	ZIP CODE	AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE	
BALLOT NO. OR LETTER	JURISDICTION
	☐ SUPPORT ☐ OPPOSE
Identify the controlling officeholder, candidate, or state measure proponent, if any.	
NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT	
OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	☐ SUPPORT ☐ OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement
Summary Page

Amounts may be rounded
to whole dollars.

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Re-elect Laura Babitt 4 Berkeley School Board 2024

Statement covers period

from 10/20/2024

through 12/31/2024

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I.D. NUMBER

1470803

Contributions Received

Column A
TOTAL THIS PERIOD
(FROM ATTACHED SCHEDULES)

Column B
CALENDAR YEAR
TOTAL TO DATE

Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections

1. Monetary Contributions	Schedule A, Line 3	\$ 300.00	\$ 8,898.00
2. Loans Received	Schedule B, Line 3	0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2	300.00	8,898.00
4. Nonmonetary Contributions	Schedule C, Line 3	0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4	300.00	8,898.00

1/1 through 6/30 7/1 to Date

20. Contributions Received \$

21. Expenditures Made \$

Expenditures Made

6. Payments Made	Schedule E, Line 4	\$ 15,282.96	\$ 33,898.00
7. Loans Made	Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7	15,282.96	33,898.00
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3	0.00	0.00
10. Nonmonetary Adjustment	Schedule C, Line 3	0.00	0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10	15,282.96	33,898.00

Expenditure Limit Summary for State
Candidates

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)

Total to Date

/ / \$

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16	\$ 12,098.96
13. Cash Receipts	Column A, Line 3 above	300.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4	2,884.00
15. Cash Payments	Column A, Line 8 above	15,282.96
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15	0.00

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2	\$ 0.00
18. Cash Equivalents	See instructions on reverse	0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above	0.00

Cash Equivalents and Outstanding Debts

ITEM NO.11-ATTACHMENT 3

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

Schedule A
Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A

Statement covers period
from 10/20/2024
through 12/31/2024

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Re-elect Laura Babbitt 4 Berkeley School Board 2024

I.D. NUMBER
1470803

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DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/21/2024	Deborah Tuttle Berkeley, CA 94707	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Philanthropy Advisor Jewish Community Federation	60.00	60.00	G2024 \$60.00
10/28/2024	Henry Clark Berkeley, CA 94702	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	None Unemployed	60.00	60.00	G2024 \$60.00
11/03/2024	Rashi Kesarwani 1619 Edith St., CA 94703	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Councilmember City of Berkeley	60.00	60.00	G2024 \$60.00
11/04/2024	Beverly Greene Berkeley, CA 94710	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Excutive Director AC Transit	60.00	60.00	G2024 \$60.00
11/25/2024	James Borens SLIDELL, LA 70461	☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Homenaker Unemployed	60.00	60.00	G2024 \$60.00
SUBTOTAL \$				300.00		

Schedule A Summary

1. Amount received this period – itemized monetary contributions.

(Include all Schedule A subtotals.) \$ 300.00

2. Amount received this period – unitemized monetary contributions of less than \$100

..... \$ 0.00

3. Total monetary contributions received this period.

(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) TOTAL \$ 300.00

*Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule E
Payments Made

Amounts may be rounded
to whole dollars.

SCHEDULE E

Statement covers period
from 10/20/2024
through 12/31/2024

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Re-elect Laura Babitt 4 Berkeley School Board 2024

I.D. NUMBER
1470803

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- OMP campaign paraphernalia/misc.

MTG member communications

CNS campaign consultants

CTB contribution (explain nonmonetary)*

CVC civic donations

FIL candidate filing/ballot fees

FND fundraising events

IND independent expenditure supporting/opposing others (explain)*

LEG legal defense

LIT campaign literature and mailings
- MBR meetings and appearances

MTG meetings and appearances

OFC office expenses

PET petition circulating

PHO phone banks

POL polling and survey research

POS postage, delivery and messenger services

PRO professional services (legal, accounting)

PRT print ads
- RAD radio airtime and production costs

RFD returned contributions

SAL campaign workers' salaries

TEL t.v. or cable airtime and production costs

TRC candidate travel, lodging, and meals

TRS staff/spouse travel, lodging, and meals

TSF transfer between committees of the same candidate/sponsor

VOT voter registration

WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Alameda County Registration Office Oakland, CA 94612	VOT		Voter Registration Information	195.00
United States Post Office Berkeley, CA 94704	POS		Campaign Mailer	2,676.89
United States Post Office Berkeley, CA 94704	POS		Campaign Mailer	973.40

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$

3,845.29

Schedule E Summary

1. Itemized payments made this period. (Include all Schedule E subtotals.)
2. Unitemized payments made this period of under \$100
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)
- TOTAL \$
- 15,282.96
- 0.00
- 0.00
- 15,282.96

SCHEDULE E (CONT.)

Statement covers period
from 10/20/2024
through 12/31/2024

I.D. NUMBER
1470803

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

NAME AND ADDRESS OF PAYEE
(IF COMMITTEE, ALSO ENTER I.D. NUMBER)

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

www.netfile.com

FPPC Form 460 (Jan/2016)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)
www.fppc.ca.gov

Amounts may be rounded to whole dollars.

Statement covers period from 10/20/2024 through 12/31/2024

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Re-elect Laura Babbitt 4 Berkeley School Board 2024

I.D. NUMBER 1470803

DATE RECEIVED	FULL NAME AND ADDRESS OF SOURCE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF RECEIPT	AMOUNT OF INCREASE TO CASH
12/06/2024	City of Berkeley Berkeley, CA 94704	Misc Increases to Cash	2,884.00

Attach additional information on appropriately labeled continuation sheets.

ITEM NO. 11

SUBTOTAL \$ 2,884.00

Schedule I Summary

1. Itemized increases to cash this period. \$ 2,884.00

2. Unitemized increases to cash of under \$100 this period. \$ 0.00

3. Total of all interest received this period on loans made to others. (Schedule H, Column (e).) \$ 0.00

4. Total miscellaneous increases to cash this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Line 14.) TOTAL \$ 2,884.00



City Clerk Department

March 19, 2025

To: Fair Campaign Practices Commission

From: Mark Numainville, City Clerk

Subject: Mandated Cost of Living Adjustments Pursuant to the Berkeley Election Reform Act and the Fair Elections Act

Under the Fair Elections Act of 2016 (Public Financing), certain data points and dollar amounts are required to be adjusted by the Commission in January of each odd-numbered year (BMC 2.12.545). The non-public financing contribution limit is adjusted biennially as well. Due to the timing of CPI data release by the State, these adjustments were not able to be presented to the Commission in January.

The adjustment for the dollar amounts is based on the Consumer Price Index for the San Francisco Area. The formula established by the State Fair Political Practices Commission for adjusting contribution limits for state candidates is also used for adjusting the limits for Berkeley's Public Financing Program. The factors labeled "2016 Dollar Amounts" and "2016 Annual CPI" will remain constant when the formula is applied in all subsequent odd-numbered years because those reflect the original amounts in the ballot measure. The numerator will change to reflect the year in which the adjustment is calculated.

$$2016 \text{ Dollar Amounts} \times \frac{2024 \text{ Annual CPI}}{2016 \text{ Annual CPI}} = 2024 \text{ Dollar Amounts}$$

The CPI numbers used are the December 2016 number (269.5) and the December 2024 number (348.0). The December number is used because the State Department of Finance does not calculate the standard CPI-U in January.

The chart in Attachment 1 shows all of the amounts that are subject to the inflator, the original amount, the new amount (raw and rounded), and the code reference.

At its inception in 2016, the Public Financing Program has had a contribution cap of \$50.00, with a matching contribution from the City of \$300.00, for a total of \$350.00 from a single donor. For the 2022 election cycle the amounts were raised to \$60 and \$360.

Mandated Cost of Living Adjustments Pursuant to the
Berkeley Election Reform Act and the Fair Elections Act

March 19, 2025

For the 2024 election cycle there was no change to these amounts. For the 2026 election cycle, these dollar amounts will again remain the same. Some of the other dollar amounts have also changed as presented in Attachment 1.

The non-public financing contribution limit is adjusted from \$270 to \$290.

Upon approval by the Commission, all manuals and materials related to Public Financing will be updated to reflect the new dollar amounts.

Item Subject to Inflator	Starting Amount	Inflator	Previous Amount	Adjusted Amount 2024	Rounding	Rounded Amount 2024	Amount Reference	Inflator Reference
Contribution Limit	\$250	CPI - U	\$270	\$287.18	Nearest \$10	\$290.00	2.12.415	2.12.415
Quarterly Filing Threshold	\$250	CPI - U	\$270	\$287.18	Nearest \$10	\$290.00	2.12.271	2.12.545
Top Four Threshold	\$250	CPI - U	\$270	\$287.18	Nearest \$10	\$290.00	2.12.335	2.12.545

Item Subject to Inflator	Starting Amount (Dec 2016)	Inflator	Previous Amount (2021)	Adjusted Amount 2024	Rounding	Rounded Amount 2024	Amount Reference	Inflator Reference
Population	120,972	Census Update	121,353	124,321	Up to nearest whole number	124,321	Art. III, Sec.6.2 (2)(a)	Art. III, Sec.6.2 (3)
Admin Costs (four year cycle)	\$250,000	CPI - U	\$290,914.33	\$322,820.96	None	\$322,820.96	Art. III, Sec.6.2 (1)(b)	Art. III, Sec.6.2 (3)
Per Resident Allocation	\$4.00	CPI - U	\$4.65	\$5.17	None	\$5.17	Art. III, Sec.6.2 (1)(b)	Art. III, Sec.6.2 (3)
Cap in Fund Balance	\$2,000,000	CPI - U	\$2,327,314.64	\$2,582,567.72	None	\$2,582,567.72	Art. III, Sec.6.2 (1)(b)	Art. III, Sec.6.2 (3)
Qualified Contribution	\$50.00	CPI - U	\$60.00	\$64.56	Nearest \$10	\$60.00	2.12.167	2.12.545
Capital Asset Cap	\$500.00	CPI - U	\$580.00	\$645.64	Nearest \$10	\$650.00	2.12.530.B.2.c	2.12.545
Initial Qualified Contributions	\$10.00	CPI - U	\$10.00	\$12.91	Nearest \$10	\$10.00	2.12.500.A.3.	2.12.545
Initial Qualified Contributions - Total	\$500.00	CPI - U	\$580.00	\$645.64	Nearest \$10	\$650.00	2.12.500.A.3.	2.12.545
Matching funds limit - Mayor	\$120,000	CPI - U	\$140,000.00	\$154,954.06	Nearest \$1,000	\$155,000.00	2.12.505.B.	2.12.545
Matching funds limit - Council	\$40,000	CPI - U	\$47,000.00	\$51,651.35	Nearest \$1,000	\$52,000.00	2.12.505.B.	2.12.545
Matching funds limit - Auditor*	\$20,000	CPI - U	n/a	\$25,825.68	Nearest \$1,000	\$26,000.00	2.12.505.B.	2.12.545
Matching funds limit - Rent Board*	\$8,000	CPI - U	n/a	\$10,330.27	Nearest \$1,000	\$10,000.00	2.12.505.B.	2.12.545
Matching funds limit - School Board*	\$20,000	CPI - U	n/a	\$25,825.68	Nearest \$1,000	\$26,000.00	2.12.505.B.	2.12.545

* In 2022, the program was expanded to include Auditor, School Board Director, and Rent Stabilization Board Commissioner candidates.

POSSIBLE REVISIONS TO FCPC PROCEDURES

suggestions from Kitt Saginor 03/20/25

Significant changes**III. Request for Advice and Opinions.**

Add a section

C. Publication of Advice and Opinions

Written responses to requests for advice and and requests for opinions that qualify as public records shall be made readily available to the public via

p. 7

I recommend that we activate BERA 2.12.220 Opinions, which says in part:

"The commission's opinions shall be public records and may from time to time be published."

I do not have full details in mind for how to accomplish this. The simplest way might be creating a pdf document containing advice and opinion from the last x number of years, posting it on the Commission web page, and then updating it annually to add new entries. A pdf document would be less complicated to maintain than a database, and anyone could open it and search for a topic (using <CTRL>F). Making this information readily available will help provide guidance to persons associated with a campaign.

V. Complaints of Alleged Violations. B. Processing of Complaints

1. For purposes of the seven day requirement for Commission response, a complaint shall not be deemed received by the Commission until the first **regular** Commission meeting following the Secretary's receipt of the complaint, provided that it is received in time to provide copies to the Commission and to the subject of the complaint (respondent) prior to the meeting, and to be placed on the agenda consistent with the Brown Act. **If a complaint is received by the Secretary more than 14 days before the next regular Commission meeting, the Secretary shall inform the Chairperson who may call a special meeting.**
2. At the first **regular** Commission meeting following the Secretary's verification that the complaint meets the above-specified filing requirements, the Commission shall decide: (a) whether to direct the Secretary to investigate the complaint, to the extent the Secretary has not already done so; (b) whether to dismiss the complaint; or (c) whether to find probable cause to believe a provision of the BERA has been violated.

p. 9

VI. Disposition of Alleged Violations. B. Proceeding After Presentation of Secretary's Report

Add section 3.

- 3. The Commission shall inform the parties, including the complainant, of each action taken in regard to the complaint.**

p. 11

VI. Disposition of Alleged Violations. C. Proceeding After Determination of Probable Cause

3. After making a probable cause determination, the Commission shall promptly inform the parties, ***including the complainant***, of the determination and of the course(s) of action it intends to pursue.

p. 13

Wording updates

III. Request for Advice and Opinions. A. Requests for Advice

2. The Secretary shall provide advice orally if the matter is routine or does not require substantial interpretation of the ordinance.

Alter to include email responses?

2. The Secretary shall provide advice orally ***or through electronic communication*** if the matter is routine or does not require substantial interpretation of the ordinance.

p. 6

III. Request for Advice and Opinions. A. Requests for Opinions

... They shall be signed by the person requesting the opinion...

Alter to

... They shall be ***submitted in writing and*** signed by the person requesting the opinion...

p. 7

III. Hearings. B. Scheduling and Notices

The Secretary shall provide notice of the hearing to all parties ***electronically and also*** either by deposit in the U.S. Mail or delivery to that party's representative or to the address of that party's representative on file with the Commission....

p. 13

References to the "Commissioners' Manual" will need to be changed to "Commissions' and Board Members' Manual"

Top of p. 2, bottom of p. 18, bottom of p. 19

Substitute "ad hoc committees" for "committees" and "subcommittees."

Throughout

Reword to eliminate third person singular pronouns (he, her, his, she, etc.)

Throughout



City Clerk Department

Date: November 18, 2024

To: Sam Harvey, Secretary, Open Government Commission

From: Mark Numainville, City Clerk

Subject: Referral of Non-Filing by Quarterly Lobbyist Filer

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

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

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

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

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



City Clerk Department

March 19, 2025

To: Open Government Commission

From: Mark Numainville, City Clerk

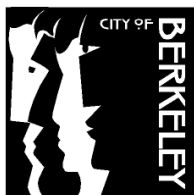
Subject: Approval of Revised Lobbyist Registration Form

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 was January 1, 2020. The forms used to carry out the requirements of the ordinance are prescribed by the Open Government Commission (BMC § 2.09.120).

The City Clerk is submitting a revised lobbyist registration form to the Commission for approval. The modifications are necessary to clarify regarding how and where to submit the form and payment. The changes are as follows:

- Instructions have been added to the first and second pages, along with contact information such as address, phone number, and email address.
- Obsolete information in the header and first paragraph was removed.

Attachment 1: Revised Lobbyist Registration Form



Open Government Commission

2180 Milvia Street

Berkeley, CA 94704

(510) 981-6900

www.cityofberkeley.info | FCPC@cityofberkeley.info

ITEM 16

Date Filing Received

Official Use Only

☐ Fee Paid (\$500)

LOBBYIST REGISTRATION FORM

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

No person shall act as local governmental lobbyist before registering as a local governmental lobbyist with the ~~Open Government Commission, through the office of the City Clerk.~~ File the hardcopy registration form and registration fee with the City Clerk at 2180 Milvia Street, 1st Floor Berkeley, CA 94704. Phone: (510) 981-6908 Email: elections@berkeleyca.gov. Lobbyists are further required to file a Quarterly/Annual Disclosure of Lobbying Activities no later than 30 days after the end of the reporting period. **BMC 2.09.060**

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

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

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

2. NAME	PHONE NUMBER
ADDRESS	
3. NAME	PHONE NUMBER
ADDRESS	
4. NAME	PHONE NUMBER
ADDRESS	
5. NAME	PHONE NUMBER
ADDRESS	
6. NAME	PHONE NUMBER
ADDRESS	
7. NAME	PHONE NUMBER
ADDRESS	

PART 4. FILING UNDER PENALTY OF PERJURY

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

PRINT NAME

DATE

SIGNATURE

[File the hardcopy registration form and registration fee with the City Clerk Department:](#)
[2180 Milvia Street, 1st Floor Berkeley, CA 94704 ~ Phone: \(510\) 981-6908 ~ Email: elections@berkeleyca.gov](#)

Council Review and Possible Revisions to City Council Rules of Procedure and Order
report by Chair Kitt Saginor 3/20/25

The Agenda and Rules Policy Committee is starting (or restarting) a process of examining Council processes, commencing on April 1st under the agenda item:

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

I expect this work will take a number of months and I will report on it regularly.

At the February Open Government meeting, our discussion on this topic highlighted a need for Council to avoid situations in which a majority of Councilmembers specify a nay or abstain vote for an item on the Consent Calendar, causing it to fail without discussion, and without being moved to the Action Calendar. As was stated in [Modifications or Improvements to City Council Meeting Procedures](#) approved by the Open Government Commission (OGC) on September 21, 2023:

An item that is not going to pass does not fit the plain English definition of “consent.” Such items properly belong in the Action calendar where members of the public may advocate for them and where Councilmembers may discuss their views.

I intend to speak on this issue to the Agenda and Rules Policy Committee, bringing to their attention the events on July 11, 2023, when Item 29.-[Resolution Opposing Tokyo Electric Power Company and the Government of Japan’s Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean](#) failed in this manner, to the consternation of many Japanese American members of the community. I will point out that, as in that instance, the lack of any reasons being given for the votes against an item opens space up for speculation and suspicions of underhanded motives for failing an item without discussion.

Perhaps we might suggest the following addition to Section II D. Council Meeting Conduct of Business:

If a majority of those voting specify a nay or abstain vote, with the consequence that the item will fail, that item will be moved to the Action Calendar prior to the vote on the Consent Calendar.

I will also be glad to advocate for any additional issues that our Commission wishes to see addressed.

Chapter 2.09

LOBBYIST REGISTRATION AND REGULATIONS

Sections:

Article 1. General Provisions

- 2.09.010 Title.**
- 2.09.020 Findings.**
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Article 2. Definitions and Interpretation of This Act

- 2.09.040 Words and phrases.**
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Article 3. Registration of Lobbyists

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Article 4. Disclosure of Lobbying Activities and Audits

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This chapter shall be known as the Berkeley Lobbyist Registration Act, hereafter "the Act." (Ord. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

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. (Ord. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

2.09.050 Definitions.

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

A. "Administrative enforcement proceeding" means a proceeding in which a City employee, officer, commission, board or other body seeks to enforce law or policy through methods including but not limited to correction of violations, imposition of disciplinary action, abatement of nuisances, or payment of fines or other penalties.

"Administrative enforcement proceeding" includes but is not limited to code enforcement proceedings, enforcement proceedings before the Fair Campaign Practices Commission and Open Government Commission, officer misconduct proceedings before the Police Review Commission, and any employee disciplinary proceeding. "Administrative enforcement proceeding" does not include land use approval proceedings or other permitting processes.

B. "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](#)).

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

D. "City legislation" means ordinances, resolutions, ballot measures, Charter amendments, regulations or similar items considered by the City Council or any commission, board or other City legislative body.

E. "Client" means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed. In the case of an in-house local governmental lobbyist, "client" means the lobbyist employer of which the in-house local governmental lobbyist is an employee, officer or director. 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.

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

G. "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.

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

I. "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.

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

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

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

M. "Governmental action" means any discretionary administrative or legislative action of the City other than an action which is ministerial in nature. An action is ministerial in nature if it does not require the City official or employee who is the subject of the communication or contact to exercise any discretion concerning an outcome or course of action.

N. "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.

O. "In-house local governmental lobbyist" means a local governmental lobbyist who is an employee, officer or director of a business, firm or organization and who lobbies solely on behalf of that business, firm or organization. "In-house local governmental lobbyist" does not include a local governmental lobbyist who is a partner, owner, officer or employee of a lobbying firm.

P. "Lobbyist employer" means any business, firm, or organization for which an employee, officer or director qualifies as an in-house local governmental lobbyist. "Lobbyist employer" does not include a lobbying firm.

Q. "Lobbying firm" means any business entity which receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing any proposed or pending governmental action of the City on behalf of any other person or entity, and any partner, owner, officer,

or employee of the business entity is a local governmental lobbyist. "Lobbying firm" does not include a bona fide trade, labor or membership organization which is ongoing in nature and whose membership services are not limited to influencing governmental action of the City.

R. "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 paid employee, officer or director of any business, firm, or organization 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.

S. "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.

T. "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.

U. "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.

V. "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.

W. "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](#).

X. "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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

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. Within ten business days of initial registration, and each annual registration, each local governmental lobbyist shall pay a non-refundable fee of \$500.
- F. Failure to pay the annual fee shall invalidate 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, officer or director of a tax-exempt organization presenting proof of the organization's tax-exempt status under [26 U.S.C. Sections 501\(c\)\(3\), 501\(c\)\(4\), or 501\(c\)\(6\)](#) so long as they are acting in that capacity. Proof of an organization's tax-exempt status shall include an Internal Revenue Service determination letter or other documentation deemed sufficient by the City Clerk.
- H. The City Clerk shall deposit all fees collected pursuant to this Section in the General Fund of the City of Berkeley.
- I. A local governmental lobbyist's registration and fee are not transferrable to any other local governmental lobbyist. (Ord. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

2.09.070 Cessation of Lobbying Activities.

A local governmental lobbyist who has terminated all activities requiring registration shall file a final disclosure report no later than the date required by Section [2.09.140](#) along with a final registration form indicating that all lobbying activities have terminated, and thereupon shall be relieved of any further obligations under this Act until such time as he or she commences activity requiring registration. (Ord. 7749-NS, 2021; 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.
- D. Failure to file the signed declaration required by this section within 30 days of the local governmental lobbyist's initial registration shall constitute a violation of this Act. The Open Government Commission may invalidate a registration for failure to comply with this section. (Ord. 7749-NS, 2021; 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. To persons appearing or acting on behalf of a labor union of which they are an employee or member.
- I. To an attorney who only communicates with a City official or employee regarding representation of a party or potential party to pending or actual litigation, or to a pending or actual administrative enforcement proceeding, brought by or against the City or City agent, officer or employee.
- J. Persons employed by, or a member of, a tax-exempt Section 501(c)(3) or 501(c)(4), or 501(c)(6) organization, unless lobbying for specific City funding of the organization, project controlled by the organization or City legislation. (Ord. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. In the case of an in-house local governmental lobbyist, the lobbyist employer, or agent thereof, may complete and file any declaration required by this section. (Ord. 7749-NS, 2021; 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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

Article 4. Disclosure of Lobbying Activities and Audits**2.09.140 Quarterly/Annual 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, is an in-house local governmental lobbyist who lobbies solely on behalf of a lobbyist employer with four or fewer employees, 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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

2.09.150 Registration and filing of disclosures by organizations.

A lobbyist employer, or agent thereof, may complete and submit any registration or local governmental lobbyist disclosure on behalf of any in-house local governmental lobbyist it employs. 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 in-house local governmental lobbyists employed by those businesses, firms, or organizations. (Ord. 7749-NS, 2021; 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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

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. A local governmental lobbyist shall submit an amended registration form indicating the addition of a new client before lobbying on behalf of that client.

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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

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. (Ord. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; 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. 7749-NS, 2021; Ord. 7629-NS § 1 (part), 2018)

The Berkeley Municipal Code is current through Ordinance 7952-NS, passed December 10, 2024.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Hosted by General Code.](#)

COMMUNICATIONS

Harvey, Samuel

From: meryl siegal <merylsiegal@gmail.com>
Sent: Saturday, March 1, 2025 6:27 PM
To: FCPC (Fair Campaign Practices Commission)
Subject: ADA complaint practices for the hard of hearing

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

FCPC@berkeleyca.gov

Dear Fair Campaign Practices Commission,

I would like to ask for help attending TIC and the Planning Commission. I have attended these meetings for several years and noticed that several meeting attendees cannot hear what is being said. I am sure your Commission wants to ensure that that all meetings are ADA compliant. It was also hard to hear at the Landmarks Preservation Commission.

Recently, the TIC there was a microphone but only one person used it and people wearing masks are exceptionally hard to understand.

We hope that you can help to ensure that all public meetings are accessible for all and therefore ADA compliant.

Sincerely,
Meryl Siegal