



Office of the City Manager

CONSENT CALENDAR
December 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Mark Numainville, City Clerk
 Subject: Confirming the Results of the November 3, 2020, General Municipal Election

RECOMMENDATION

1. Adopt a Resolution:

- a) Confirming the results of the November 3, 2020, General Municipal Election; and
- b) Declaring the passage of Measure FF – Fire, Emergency Services and Wildfire Prevention Tax, Measure GG – Tax on Transportation Network Company Trips, Measure II – Police Accountability Charter Amendment, Measure JJ – Charter Amendment: Mayor and Council Compensation, Measure KK - Charter Amendment: Administrative Provisions and City Attorney, Measure LL - GANN Limit Spending Authority, and Measure MM - Rent Stabilization Ordinance.

2. Adopt three Ordinances amending the Berkeley Municipal Code to incorporate the passage of Measure FF – Fire, Emergency Services and Wildfire Prevention Tax, Measure GG - Tax on Transportation Network Company Trips, and Measure MM - Rent Stabilization Ordinance.

3. Adopt a Resolution codifying the text of Measure LL – GANN Limit Spending Authority.

FISCAL IMPACTS OF RECOMMENDATION

None to confirm election results.

CURRENT SITUATION AND ITS EFFECTS

The Alameda County Registrar of Voters has submitted to the City Clerk the official Statement of Votes cast for the City of Berkeley General Municipal Election held on November 3, 2020, and the City Clerk has prepared the attached Certification of Election Results.

The attached Resolution confirms the results of the November 3, 2020 Election and declares candidates elected to offices of Mayor, City Council Districts 2, 3, 5, and 6, Rent Stabilization Board Commisisoner, and School Board Director, as well as the passage and/or defeat of city ballot measures.

Voters approved Measures FF, GG, II, JJ, KK, LL, and MM. Measures FF and GG will be effective on January 1, 2021 according to specific provisions in the measures. Pursuant to Election Code 9217, Measure MM (ordinance) will take effect on December 25, 2020 (10 days after vote is declared by legislative body). Measures II, JJ, and KK (Charter Amendments) will be effective on the date the charter amendments are filed with the Secretary of State. Measure LL will be effective immediately after the Council adopts the resolution confirming the results.

Measure HH did not achieve the required majority threshold needed for passage.

BACKGROUND

The City conducted its General Municipal Election on November 3, 2020. In addition to candidates for local offices, eight measures were placed on the ballot by the Council.

The City Charter and the Municipal Code require that to be elected to the office of Council, a candidate must receive a majority of votes for that office under the Ranked-Choice Voting method.

Members of the School Board and Rent Stabilization Board are elected by plurality vote.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with confirming the election results.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

Exhibit A: City Clerk Certificate of Election (includes the Ranked Choice Voting Accumulated Results Chart for Council District 2 and the Registrar of Voters Certificate of Election and Statement of Results with precinct-by-precinct results)

2: Ordinance – Measure FF

3: Ordinance – Measure GG

4: Ordinance – Measure MM

5: Resolution – Measure LL

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE CANVASS OF RETURNS OF THE GENERAL MUNICIPAL
ELECTION HELD NOVEMBER 3, 2020, AND DECLARING THE RESULTS

WHEREAS, a General Municipal Election consolidated with the Presidential General Election was held in the City of Berkeley on November 3, 2020; and

WHEREAS, the qualified electors cast ballots at said election for the following officials:

One seat for Mayor, Term ending November 30, 2024
One Councilmember seat, District 2, Term ending November 30, 2024
One Councilmember seat, District 3, Term ending November 30, 2024
One Councilmember seat, District 5, Term ending November 30, 2024
One Councilmember seat, District 6, Term ending November 30, 2024
Two School Board Director seats, terms ending November 30, 2024
Five Rent Stabilization Board Commissioner seats, terms of the top four candidates ending November 30, 2024; term of the fifth place candidate ending on November 30, 2022.

WHEREAS, at said election the qualified electors cast ballots upon the following proposed Measures:

Measure FF - Fire, Emergency Services and Wildfire Prevention Tax

Two-Thirds Vote Required

Shall an ordinance enacting a tax at a rate of \$0.1047 per square foot of improvements, which is estimated to generate \$8.5 million annually for firefighting, emergency medical response, 9-1-1 communications services, hazard mitigation, and wildfire prevention and preparedness, until repealed by the voters, be adopted?

Measure GG - Tax on Transportation Network Company Trips

Majority Vote Required

Shall an ordinance enacting a tax on users of Transportation Network Companies for prearranged trips originating in Berkeley, at a rate of 50 cents per trip for private trips and 25 cents per trip for pooled trips, regardless of the number of passengers on the trip, which is estimated to generate \$910,000 annually for general municipal services in the City of Berkeley until January 1, 2041, be adopted?

Measure HH - Utility Users Tax

Majority Vote Required

Shall an ordinance increasing the Utility Users Tax on electricity and gas from 7.5% to 10%, with exemptions for low-income users, for general municipal services, including programs to equitably reduce local greenhouse gas emissions, and authorizing the City

Council to increase the gas users tax by an additional 2.5%, with the total tax estimated to generate \$2.4 million annually, until repealed by the voters, be adopted?

Measure II - Police Accountability Charter Amendment

Majority Vote Required

Shall the measure amending the Berkeley City Charter to create an independent Berkeley Police Accountability Board and Director of Police Accountability to provide oversight of the Berkeley Police Department (Department) policies, practices, and procedures; obtain access to records; investigate complaints filed by members of the public against sworn employees of the Department; and recommend discipline of sworn employees of the Department, based upon a preponderance of the evidence, be adopted?

Measure JJ - Charter Amendment: Mayor and Council Compensation

Majority Vote Required

Shall the measure amending the City Charter to provide that compensation for the office of Mayor be set at Alameda County's median three-person household income from the California Department of Housing and Community Development and that of Councilmembers maintained at 63% of the Mayor's compensation, with annual increases based on changes in Area Median Income, but which may be lowered for unexcused Council meeting absences or negotiated salary reductions for City employees, be adopted?

Measure KK - Charter Amendment: Administrative Provisions and City Attorney

Majority Vote Required

Shall the measure amending the City Charter to eliminate the residency requirement for sworn members of the fire department, conform the provisions of Article V, Section 9.5 and Section 10 regarding the eligibility requirements for the Redistricting Commission to state law, remove gender-specific language and amend Article VII, Section 28 and Article XVI, Section 113 to update terms and duties of the office of City Attorney be adopted?

Measure LL - GANN Limit Spending Authority

Majority Vote Required

Shall the City's appropriation limit under Article XIII B of the California Constitution be increased to allow expenditure of the proceeds of City taxes and income from the investment of those taxes for fiscal years 2021 through 2024?

Financial Implications: This measure would not increase taxes or impose a new tax. It would authorize the City to continue to spend the proceeds of already-approved taxes for FY 2021 through 2024.

Measure MM - Rent Stabilization Ordinance

Majority Vote Required

Shall the measure amending the Rent Stabilization and Eviction for Good Cause Ordinance to: prohibit eviction of qualifying tenants for nonpayment of rent during state or local emergencies; authorize the Rent Stabilization Board to set registration fees for

certain partially exempt units; and limit the Accessory Dwelling Unit exemption to owneroccupied properties with a single-family home and one accessory unit be adopted?

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following named were candidates for Mayor for term ending November 30, 2024 and received the following first choice votes as set forth after their names, to wit:

MAYOR
(First Choice Votes)

Jesse Arreguin	36,515
Wayne Hsiung	14,064
Aidan Hill	5,922
Naomi D. Pete	1,384

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the following named were candidates for Councilmember for District 2 for the term ending November 30, 2024, and received the following first choice votes as set forth after their names, with the final tabulation determined through the Ranked-Choice Voting method as indicated in the City of Berkeley Certification of the Election attached hereto, to wit:

CITY COUNCIL DISTRICT 2
(First Choice Votes)

Terry Taplin	3,213
Cheryl Davila	2,413
Alex Sharenko	1,962
Timothy W. Carter	553

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the following named were candidates for Councilmember for Districts 3, 5, and 6 for the terms ending November 30, 2024, and received the votes as set forth after their names, to wit:

CITY COUNCIL DISTRICT 3

Ben Bartlett	5,328
Deborah Matthews	1,834
Orlando Martinez	494

CITY COUNCIL DISTRICT 5

Sophie Hahn	7,666
Todd Andrew	1,886
Paul Darwin Picklesimer	425

CITY COUNCIL DISTRICT 6

Susan Wengraf	5,619
Richard Illgen	2,112

BE IT FURTHER RESOLVED that the following named were candidates for Rent Stabilization Board Commissioner for four terms ending November 30, 2024, or November 30, 2022 for the fifth place candidate, and received the votes, as set forth after their names, to wit:

RENT STABILIZATION BOARD
COMMISSIONER
(Top Five Elected)

Leah Simon-Weisberg	31,924
Xavier Johnson	29,995
Andy Kelley	28,815
Dominique Walker	26,188
Mari Mendonca	22,031
Bahman Ahmadi	18,918
Carole Marasovic	18,172
Pawel Moldenhawer	14,931
Dan McDunn	13,584
Wendy Saenz Hood Neufeld	13,170
Soulmaz Panahi	11,059
Biance Zahrai	6,099

BE IT FURTHER RESOLVED that the following named were candidates for School Director for the terms ending November 30, 2024, and received the votes, including vote by mail votes, as set forth after their names, to wit:

SCHOOL DIRECTOR
(Top Two Elected)

Laura Babitt	31,496
Ana Vasudeo	30,101
Mike Chang	18,268
Jose Luis Bedolla	5,949
Esfandiar Imani	4,216
Norma J F Harrison	3,955

BE IT FURTHER RESOLVED that the total number of votes cast on ballot measures was as follows:

Measure FF		
Fire, Emergency Services and	YES	43,756
Wildfire Prevention Tax		
Two-Thirds Vote Required	NO	15,221
Measure GG		
Tax on Transportation Network	YES	34,001
Company Trips		
Majority Vote Required	NO	23,842
Measure HH		
Utility Users Tax	NO	30,612
Majority Vote Required	YES	27,175
Measure II		
Police Accountability Charter	YES	50,244
Amendment		
Majority Vote Required	NO	9,112
Measure JJ		
Charter Amendment: Mayor and	YES	35,742
Council Compensation		
Majority Vote Required	NO	19,573
Measure KK		
Charter Amendment: Administrative	YES	41,762
Provisions and City Attorney		
Majority Vote Required	NO	13,877
Measure LL		
GANN Limit Spending Authority	YES	44,947
Majority Vote Required		
	NO	10,282
Measure MM		
Rent Stabilization Ordinance	YES	32,033
Majority Vote Required		
	NO	24,319

BE IT FURTHER RESOLVED that the following candidate received a majority of votes for the office for which they were a candidate and are hereby declared to be elected for the term ending November 30, 2024:

CITY MAYOR

Jesse Arreguin

CITY COUNCIL

Councilmember District 2 Terry Taplin
Councilmember District 3 Ben Bartlett
Councilmember District 5 Sophie Hahn
Councilmember District 6 Susan Wengraf

BE IT FURTHER RESOLVED that the following candidates received a plurality of the votes cast for the offices for which they were a candidate and are hereby declared to be elected for terms ending November 30, 2024:

**RENT STABILIZATION BOARD
COMMISSIONER**

Leah Simon-Weisberg
Xavier Johnson
Andy Kelley
Dominique Walker

**SCHOOL BOARD
DIRECTOR**

Laura Babitt
Ana Vasudeo

BE IT FURTHER RESOLVED that the following candidate received a plurality of the votes cast for the offices for which they were a candidate and are hereby declared to be elected for terms ending November 30, 2022:

RENT STABILIZATION BOARD COMMISSIONER

Mari Mendonca

BE IT FURTHER RESOLVED that the following measures are declared to have passed or to have been defeated as shown below:

- a) Measure FF received a two-thirds majority of the votes cast at said election for said Measure, and is hereby declared to have passed.
- b) Measure GG received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.
- c) Measure HH did not receive a majority of the votes cast at said election for the Measure, and is hereby declared to have failed.
- d) Measure II received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.

- e) Measure JJ received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.
- f) Measure KK received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.
- g) Measure LL received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.
- h) Measure MM received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.

BE IT FURTHER RESOLVED that the total number of ballots cast in the City of Berkeley at said election was 64,353. Attached hereto is the Certification of the City Clerk (Exhibit A) including the Ranked-Choice Voting Accumulated Results Chart and the Certificate of the Election by the Registrar of Voters and a complete Statement of the Results showing the number of votes cast at each precinct for each candidate and for and against each measure.

Exhibit A: City Clerk Certification of the Election

CITY COUNCIL DISTRICT 6

Susan Wengraf	5,619
Richard Illgen	2,112

I further certify the following to be a true and correct Statement of Results of all votes cast for Rent Stabilization Board Commissioner and School Board Director in the City of Berkeley at said election:

RENT STABILIZATION BOARD

COMMISSIONER
(Top Five Elected)

Leah Simon-Weisberg	31,924
Xavier Johnson	29,995
Andy Kelley	28,815
Dominique Walker	26,188
Mari Mendonca	22,031
Bahman Ahmadi	18,918
Carole Marasovic	18,172
Pawel Moldenhawer	14,931
Dan McDunn	13,584
Wendy Saenz Hood	13,170
Neufeld	
Soulmaz Panahi	11,059
Bianca Zahrai	6,099

SCHOOL BOARD DIRECTOR

(Top Two Elected)

Laura Babitt	31,496
Ana Vasudeo	30,101
Mike Chang	18,268
José Luis Bedolla	5,949
Esfandiar Imani	4,216
Norma J F Harrison	3,955

I further certify the following to be a true and correct Statement of Results of all votes cast on the following ballot measures voted upon in the City of Berkeley at said election:

Measure FF - Fire, Emergency Services and Wildfire Prevention Tax

Two-Thirds Vote Required

Shall an ordinance enacting a tax at a rate of \$0.1047 per square foot of improvements, which is estimated to generate \$8.5 million annually for firefighting, emergency medical response, 9-1-1 communications services, hazard mitigation, and wildfire prevention and preparedness, until repealed by the voters, be adopted?

YES - 43,756

NO - 15,221

Measure GG - Tax on Transportation Network Company Trips
Majority Vote Required

Shall an ordinance enacting a tax on users of Transportation Network Companies for prearranged trips originating in Berkeley, at a rate of 50 cents per trip for private trips and 25 cents per trip for pooled trips, regardless of the number of passengers on the trip, which is estimated to generate \$910,000 annually for general municipal services in the City of Berkeley until January 1, 2041, be adopted?

YES - 34,001

NO - 23,842

Measure HH - Utility Users Tax
Majority Vote Required

Shall an ordinance increasing the Utility Users Tax on electricity and gas from 7.5% to 10%, with exemptions for low-income users, for general municipal services, including programs to equitably reduce local greenhouse gas emissions, and authorizing the City Council to increase the gas users tax by an additional 2.5%, with the total tax estimated to generate \$2.4 million annually, until repealed by the voters, be adopted?

NO - 30,612

YES - 27,175

Measure II - Police Accountability Charter Amendment
Majority Vote Required

Shall the measure amending the Berkeley City Charter to create an independent Berkeley Police Accountability Board and Director of Police Accountability to provide oversight of the Berkeley Police Department (Department) policies, practices, and procedures; obtain access to records; investigate complaints filed by members of the public against sworn employees of the Department; and recommend discipline of sworn employees of the Department, based upon a preponderance of the evidence, be adopted?

YES - 50,244

NO - 9,112

**Measure JJ - Charter Amendment: Mayor and Council Compensation
Majority Vote Required**

Shall the measure amending the City Charter to provide that compensation for the office of Mayor be set at Alameda County's median three-person household income from the California Department of Housing and Community Development and that of Councilmembers maintained at 63% of the Mayor's compensation, with annual increases based on changes in Area Median Income, but which may be lowered for unexcused Council meeting absences or negotiated salary reductions for City employees, be adopted?

YES - 35,742

NO - 19,573

**Measure KK - Charter Amendment: Administrative Provisions and City Attorney
Majority Vote Required**

Shall the measure amending the City Charter to eliminate the residency requirement for sworn members of the fire department, conform the provisions of Article V, Section 9.5 and Section 10 regarding the eligibility requirements for the Redistricting Commission to state law, remove gender-specific language and amend Article VII, Section 28 and Article XVI, Section 113 to update terms and duties of the office of City Attorney be adopted?

YES - 41,762

NO - 13,877

**Measure LL - GANN Limit Spending Authority
Majority Vote Required**

Shall the City's appropriation limit under Article XIII B of the California Constitution be increased to allow expenditure of the proceeds of City taxes and income from the investment of those taxes for fiscal years 2021 through 2024?

Financial Implications: This measure would not increase taxes or impose a new tax. It would authorize the City to continue to spend the proceeds of already- approved taxes for FY 2021 through 2024.

YES - 44,947

NO - 10,282

Measure MM - Rent Stabilization Ordinance
Majority Vote Required

Shall the measure amending the Rent Stabilization and Eviction for Good Cause Ordinance to: prohibit eviction of qualifying tenants for nonpayment of rent during state or local emergencies; authorize the Rent Stabilization Board to set registration fees for certain partially exempt units; and limit the Accessory Dwelling Unit exemption to owner occupied properties with a single-family home and one accessory unit be adopted?

YES - 32,033

NO - 24,319

I further certify that the total number of ballots cast in the City of Berkeley at said election was 64,353. Attached hereto is a complete Statement of Results showing the number of votes cast at each precinct for each candidate, and for and against each measure.



Dated: December 2, 2020

A handwritten signature in blue ink, appearing to read "Mark Numainville", is written over the typed name.

Mark Numainville, City Clerk
City of Berkeley

County of Alameda, State of California

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley** for the office of **Mayor**.

I hereby set my hand and my official seal this **1st day of December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election ALAMEDA COUNTY November 03, 2020

Mayor - Berkeley (RCV)

Official results

Number of positions to elect is 1.

Tabulation status: All Positions Filled
Tabulation time: 11/30/2020 4:46:44 PM

Tabulation Options

RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY**Round 1****Threshold: 28,943**

Candidate	Votes	Percentage
JESSE ARREGUÍN	36,515	68.08%
WAYNE HSIUNG	14,064	24.30%
AIDAN HILL	5,922	10.23%
NAOMI D. PETE	1,384	2.39%
Continuing Ballots Total	57,885	
Blanks	5,646	
Exhausted	0	
Overvotes	116	
Remainder Points	0	
Suspended	427	
Non Transferable Total	6,189	

JESSE ARREGUÍN is elected because the candidate reached the threshold value.

WAYNE HSIUNG is eliminated because the candidate was not elected in the last round.

AIDAN HILL is eliminated because the candidate was not elected in the last round.

NAOMI D. PETE is eliminated because the candidate was not elected in the last round.

1 Mayor - Berkeley (RCV)											
		Registered Voters	Voters Cast	Turnout (%)	JESSE ARREGUIN	WAYNE HSIUNG	AIDAN HILL	NAOMI D. PETE	Write-ins	Over Votes	Under Votes
200100	Total	3538	3132	88.52 %	2087	598	125	58	19	3	242
200200	Total	1975	1749	88.56 %	1172	307	74	20	11	3	162
201400	Total	2682	2269	84.60 %	1477	439	122	28	16	3	184
201800	Total	1989	1429	71.85 %	726	292	173	39	13		186
202010	Total	248	186	75.00 %	94	51	14	4	2		21
202500	Total	1075	546	50.79 %	199	177	60	13	3		94
202540	Total	716	364	50.84 %	141	91	54	13	2		63
203100	Total	3401	2943	86.53 %	1996	491	123	43	26	2	262
203500	Total	1670	1284	76.89 %	745	247	96	36	10		150
203800	Total	1491	1243	83.37 %	795	214	105	25	12		92
204000	Total	254	209	82.28 %	124	38	22	4	4		17
204210	Total	2487	1772	71.25 %	873	420	215	36	15	1	212
204300	Total	1377	1057	76.76 %	522	235	128	27	13	2	130
204510	Total	2396	1965	82.01 %	1094	422	233	44	10	3	159
204900	Total	1452	925	63.71 %	365	255	151	23	6	1	124
205200	Total	4369	3921	89.75 %	2633	662	211	81	26	4	304
205700	Total	3840	3383	88.10 %	2284	590	173	56	28	1	251
206200	Total	2505	2109	84.19 %	1249	426	168	43	20	4	199
206600	Total	2198	1658	75.43 %	915	354	164	28	9	3	185
207000	Total	1744	1557	89.28 %	1007	307	100	24	16		103
207640	Total	287	218	75.96 %	99	51	38	7	3		20
207700	Total	3262	2415	74.03 %	1144	597	298	85	17	8	266
208010	Total	2544	2085	81.96 %	1158	460	191	40	22	8	206
208300	Total	4003	3199	79.92 %	1722	702	413	102	19	7	234
208600	Total	779	654	83.95 %	347	128	94	9	5		71
208650	Total	412	329	79.85 %	165	84	43	6	1		30
208800	Total	3758	2851	75.86 %	1412	750	371	77	17	12	212
208810	Total	4431	3449	77.84 %	1806	819	470	91	22	13	228
209200	Total	2717	2232	82.15 %	1300	478	217	39	11	9	178
209300	Total	3742	3074	82.15 %	1619	777	324	67	26	4	257
209310	Total	4876	4322	88.64 %	2474	1041	351	85	46	7	318
209700	Total	2733	2242	82.03 %	1063	692	232	54	22	10	169
209900	Total	4121	3303	80.15 %	1708	869	369	77	18	8	254
Total - Election Day		79072	0	0.00 %							
Total - Election Night		79072	3921	4.96 %	1621	1034	488	170	39	5	564
Total - Vote by Mail		79072	60153	76.07 %	34894	13030	5434	1214	451	111	5019
Contest Total		79072	64074	81.03 %	36515	14064	5922	1384	490	116	5583

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley, Council District 2**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley, Council District 2**, for the office of **City Council Member, District 2**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election ALAMEDA COUNTY November 03, 2020

Member, City Council, Dist. 2 - Berkeley (RCV)

Official results

Number of positions to elect is 1.

Tabulation status: All Positions Filled
Tabulation time: 11/30/2020 4:46:50 PM

Tabulation Options

RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY

Round 1

Threshold: 4,071

Candidate	Votes	Percentage
TERRY TAPLIN	3,213	39.47%
ALEX SHARENKO	1,962	24.10%
CHERYL DAVILA	2,413	29.64%
TIMOTHY W. CARTER	553	6.79%
Continuing Ballots Total	8,141	
Blanks	738	
Exhausted	0	
Overvotes	60	
Remainder Points	0	
Suspended	45	
Non Transferable Total	843	

TIMOTHY W. CARTER is eliminated because the candidate had the least amount of votes.

TIMOTHY W. CARTER is eliminated because the candidate had the least amount of votes.

Elimination transfer for candidate TIMOTHY W. CARTER.

562 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
TIMOTHY W. CARTER	TERRY TAPLIN	193	1	193
TIMOTHY W. CARTER	ALEX SHARENKO	148	1	148
TIMOTHY W. CARTER	CHERYL DAVILA	90	1	90
TIMOTHY W. CARTER	Exhausted	129	1	129
TIMOTHY W. CARTER	Overvotes	2	1	2

Elimination transfer for candidate Suspended.

45 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
Suspended	TERRY TAPLIN	9	1	9
Suspended	ALEX SHARENKO	12	1	12
Suspended	CHERYL DAVILA	10	1	10
Suspended	TIMOTHY W. CARTER	9	1	9
Suspended	Overvotes	5	1	5

Round 2**Threshold: 4,026**

Candidate	Votes	Percentage
TERRY TAPLIN	3,415	42.42%
ALEX SHARENKO	2,122	26.36%
CHERYL DAVILA	2,513	31.22%
TIMOTHY W. CARTER	0	0.00%
Continuing Ballots Total	8,050	
Blanks	738	
Exhausted	129	
Overvotes	67	
Remainder Points	0	
Suspended	0	
Non Transferable Total	934	

ALEX SHARENKO is eliminated because the candidate had the least amount of votes.

Elimination transfer for candidate ALEX SHARENKO.

2122 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
ALEX SHARENKO	TERRY TAPLIN	1341	1	1,341
ALEX SHARENKO	CHERYL DAVILA	372	1	372
ALEX SHARENKO	Exhausted	406	1	406
ALEX SHARENKO	Overvotes	3	1	3

Round 3**Threshold: 3,821**

Candidate	Votes	Percentage
TERRY TAPLIN	2,756	62.24%
ALEX SHARENKO	0	0.00%
CHERYL DAVILA	2,885	37.76%
TIMOTHY W. CARTER	0	0.00%
Continuing Ballots Total	7,641	
Blanks	738	
Exhausted	535	
Overvotes	70	
Remainder Points	0	
Suspended	0	
Non Transferable Total	1,343	

TERRY TAPLIN is elected because the candidate reached the threshold value.

CHERYL DAVILA is eliminated because the candidate was not elected in the last round.

1 Member, City Council, Dist. 2 - Berkeley (RCV)											
		Registered Voters	Voters Cast	Turnout (%)	TERRY TAPLIN	ALEX SHARENKO	CHERYL DAVILA	TIMOTHY W. CARTER	Write-ins	Over Votes	Under Votes
208810	Total	4431	3449	77.84 %	1286	613	1002	222	13	20	293
209200	Total	2717	2232	82.15 %	773	596	572	91	10	16	174
209900	Total	4121	3303	80.15 %	1154	753	839	240	15	24	278
Total - Election Day		11269	0	0.00 %							
Total - Election Night		11269	553	4.91 %	148	117	130	61	3	3	91
Total - Vote by Mail		11269	8431	74.82 %	3065	1845	2283	492	35	57	654
Contest Total		11269	8984	79.72 %	3213	1962	2413	553	38	60	745

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley, Council District 3**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley, Council District 3**, for the office of **City Council Member, District 3**.

I hereby set my hand and my official seal this **1st day of December 2020**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis', is written over the printed name and title.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election ALAMEDA COUNTY

November 03, 2020

Member, City Council, Dist. 3 - Berkeley (RCV)

Official results

Number of positions to elect is 1.

Tabulation status: All Positions Filled
 Tabulation time: 11/30/2020 4:46:56 PM

Tabulation Options

RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY**Round 1**

Threshold: 3,829

Candidate	Votes	Percentage
BEN BARTLETT	9,328	69.59%
DEBORAH MATTHEWS	1,834	23.96%
ORLANDO MARTINEZ	494	6.45%
Continuing Ballots Total	7,656	
Blanks	947	
Exhausted	0	
Overvotes	18	
Remainder Points	0	
Suspended	48	
Non Transferable Total	1,013	

BEN BARTLETT is elected because the candidate reached the threshold value.

DEBORAH MATTHEWS is eliminated because the candidate was not elected in the last round.

ORLANDO MARTINEZ is eliminated because the candidate was not elected in the last round.

1 Member, City Council, Dist. 3 - Berkeley (RCV)										
		Registered Voters	Voters Cast	Turnout (%)	BEN BARTLETT	DEBORAH MATTHEWS	ORLANDO MARTINEZ	Write-Ins	Over Votes	Under Votes
204510	Total	2396	1965	82.01 %	1255	359	96	10	1	244
208300	Total	4003	3199	79.92 %	1899	768	197	6	6	323
208600	Total	779	654	83.95 %	403	130	27	6	2	86
208800	Total	3758	2851	75.86 %	1771	577	174	16	9	304
Total - Election Day		10936	0	0.00 %						
Total - Election Night		10936	656	6.00 %	341	115	57	3		140
Total - Vote by Mail		10936	8013	73.27 %	4987	1719	437	35	18	817
Contest Total		10936	8669	79.27 %	5328	1834	494	38	18	957

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley, Council District 5**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley, Council District 5**, for the office of **City Council Member, District 5**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis', is written over the printed name and title.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election
ALAMEDA COUNTY

November 03, 2020

Member, City Council, Dist. 5 - Berkeley (RCV)**Official results**

Number of positions to elect is 1.

Tabulation status: All Positions Filled
Tabulation time: 11/30/2020 4:47:01 PM

Tabulation Options

RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY

Round 1

Threshold: 4,989

Candidate	Votes	Percentage
TODD ANDREW	1,886	18.90%
SOPHIE HAHN	7,669	76.84%
PAUL DARWIN PICKLESIMER	425	4.26%
Continuing Ballots Total	9,977	
Blanks	947	
Exhausted	0	
Overvotes	8	
Remainder Points	0	
Suspended	38	
Non Transferable Total	993	

TODD ANDREW is eliminated because the candidate was not elected in the last round.

SOPHIE HAHN is elected because the candidate reached the threshold value.

PAUL DARWIN PICKLESIMER is eliminated because the candidate was not elected in the last round.

1 Member, City Council, Dist. 5 - Berkeley (RCV)

		Registered Voters	Voters Cast	Turnout (%)	TODD ANDREW	SOPHIE HAHN	PAUL DARWIN PICKLESIMER	Write-Ins	Over Votes	Under Votes
205200	Total	4369	3921	89.75 %	642	2798	135	9	5	332
205700	Total	3840	3383	88.10 %	613	2376	117	17	1	259
206200	Total	2505	2109	84.19 %	343	1404	115	6	2	239
207000	Total	1744	1557	89.28 %	288	1088	58	5		118
Total - Election Day		12458	0	0.00 %						
Total - Election Night		12458	458	3.68 %	75	267	34	1		81
Total - Vote by Mail		12458	10512	84.38 %	1811	7399	391	36	8	867
Contest Total		12458	10970	88.06 %	1886	7666	425	37	8	948

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley, Council District 6**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley, Council District 6**, for the office of **City Council Member, District 6**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election ALAMEDA COUNTY November 03, 2020

Member, City Council, Dist. 6 - Berkeley (RCV)

Official results

Number of positions to elect is 1.

Tabulation status: All Positions Filled
 Tabulation time: 11/30/2020 4:47:08 PM

Tabulation Options

RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY

Round 1

Threshold: 3,866

Candidate	Votes	Percentage
RICHARD ILLGEN	2,112	27.32%
SUSAN WENGRAF	5,619	72.68%
Continuing Ballots Total	7,731	
Blanks	819	
Exhausted	0	
Overvotes	5	
Remainder Points	0	
Suspended	24	
Non Transferable Total	848	

RICHARD ILLGEN is eliminated because the candidate was not elected in the last round.

SUSAN WENGRAF is elected because the candidate reached the threshold value.

1 Member, City Council, Dist. 6 - Berkeley (RCV)

		Registered Voters	Voters Cast	Turnout (%)	RICHARD ILGEN	SUSAN WENGRAF	Write-Ins	Over Votes	Under Votes
200100	Total	3538	3132	88.52 %	754	2127	10		241
200200	Total	1975	1749	88.56 %	349	1263	6	2	129
201400	Total	2682	2269	84.60 %	537	1512	10	2	208
201800	Total	1989	1429	71.85 %	472	717	9	1	230
Total - Election Day		10184	0	0.00 %					
Total - Election Night		10184	375	3.68 %	120	190	4	1	60
Total - Vote by Mail		10184	8204	80.56 %	1992	5429	31	4	748
Contest Total		10184	8579	84.24 %	2112	5619	35	5	808

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley** for the office of **Rent Stabilization Board Commissioner**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Rent Stabilization Board Commissioners - Berkeley

		Registered Voters	Voters Cast	Turnout (%)	BAHMAN AHMADI	BIANCA ZAHRAI	SOULMAZ PANNAHI	LEAH SIMON-WEISBERG	WENDY SAENZ HOOD NEUFELD	CAROLE MARASOVIC	MARI MENDONCA	PAWEL MOLDENHAWER	DAN MCDJUNN	ANDY KELLEY
200100	Total	3538	3144	88.86 %	1350	321	811	1158	1002	944	739	951	983	1290
200200	Total	1975	1759	89.06 %	753	164	459	630	607	538	381	544	597	720
201400	Total	2682	2279	84.97 %	937	205	568	914	766	653	556	684	705	963
201800	Total	1989	1433	72.05 %	395	148	205	709	241	431	482	337	245	629
202010	Total	248	186	75.00 %	50	16	24	109	22	49	69	44	33	85
202500	Total	1075	548	50.98 %	100	65	57	267	36	169	178	121	58	181
202540	Total	716	365	50.98 %	67	38	26	177	28	124	108	79	31	125
203100	Total	3401	2950	86.74 %	1047	292	743	1336	708	613	849	754	884	1213
203500	Total	1670	1290	77.25 %	379	132	281	588	256	316	390	355	307	507
203800	Total	1491	1249	83.77 %	357	106	246	662	254	282	491	290	306	587
204000	Total	254	209	82.28 %	63	8	50	105	48	47	88	54	45	99
204210	Total	2487	1773	71.29 %	398	170	222	933	213	514	645	394	266	716
204300	Total	1377	1060	76.98 %	215	106	144	542	136	276	395	224	176	440
204510	Total	2396	1974	82.39 %	494	172	261	1077	339	592	823	376	324	1004
204900	Total	1452	929	63.98 %	148	107	70	484	56	333	324	193	86	357
205200	Total	4369	3932	90.00 %	1596	342	945	1710	1183	1033	1167	1071	1096	1813
205700	Total	3840	3389	88.26 %	1406	300	847	1427	1056	917	939	920	1015	1529
206200	Total	2505	2114	84.39 %	700	200	396	1042	511	629	692	539	460	992
206600	Total	2198	1663	75.66 %	381	145	207	961	196	447	674	357	274	732
207000	Total	1744	1560	89.45 %	552	118	288	806	404	437	536	358	355	804
207640	Total	287	219	76.31 %	49	27	19	124	20	93	64	38	23	89
207700	Total	3262	2435	74.65 %	505	256	306	1313	309	670	931	502	392	1006
208010	Total	2544	2092	82.23 %	495	202	317	1184	314	512	861	447	409	990
208300	Total	4003	3205	80.06 %	783	295	379	1735	559	1002	1301	542	462	1648
208600	Total	779	654	83.95 %	154	59	73	380	106	168	274	111	92	345
208650	Total	412	329	79.85 %	63	27	34	208	43	78	150	66	53	160
208800	Total	3758	2867	76.29 %	673	249	320	1576	464	843	1135	523	433	1324
208810	Total	4431	3473	78.38 %	760	334	339	1829	522	1151	1308	560	471	1644
209200	Total	2717	2237	82.33 %	623	195	307	1148	463	732	748	459	414	1061
209300	Total	3742	3092	82.63 %	666	294	437	1726	458	847	1208	668	527	1433
209310	Total	4876	4328	88.76 %	1303	405	918	2209	890	1008	1566	1180	1082	1897
209700	Total	2733	2253	82.44 %	552	248	365	1146	354	606	808	513	434	931
209900	Total	4121	3319	80.54 %	904	353	395	1709	606	1118	1151	677	546	1501
Total - Election Day		79072	0	0.00 %										
Total - Election Night		79072	3915	4.95 %	903	492	541	1538	518	1206	971	829	679	1240
Total - Vote by Mail		79072	60394	76.38 %	18015	5607	10518	30386	12652	16966	21060	14102	12905	27575
Contest Total		79072	64309	81.33 %	18918	6099	11059	31924	13170	18172	22031	14931	13584	28815

1 Rent Stabilization Board Commissioners - Berkeley									
		Registered Voters	Voters Cast	Turnout (%)	DOMINIQUE WALKER	XAVIER JOHNSON	Write-Ins	Over Votes	Under Votes
200100	Total	3538	3144	88.86 %	806	897	14	30	4424
200200	Total	1975	1759	89.06 %	456	485	15	10	2436
201400	Total	2682	2279	84.97 %	689	770	10	15	2960
201800	Total	1989	1433	72.05 %	556	687	6		2094
202010	Total	248	186	75.00 %	82	95	2	5	245
202500	Total	1075	548	50.98 %	211	259	2	20	1016
202540	Total	716	365	50.98 %	135	188	7		692
203100	Total	3401	2950	86.74 %	1015	1154	15	40	4087
203500	Total	1670	1290	77.25 %	487	523	4	20	1905
203800	Total	1491	1249	83.77 %	587	635	4	15	1423
204000	Total	254	209	82.28 %	100	97	3	5	233
204210	Total	2487	1773	71.29 %	735	900	5	20	2734
204300	Total	1377	1060	76.98 %	450	550	4	15	1627
204510	Total	2396	1974	82.39 %	915	1043	7	30	2413
204900	Total	1452	929	63.98 %	394	531	4	15	1543
205200	Total	4369	3932	90.00 %	1270	1372	10	30	5022
205700	Total	3840	3389	88.26 %	1095	1175	15	40	4264
206200	Total	2505	2114	84.39 %	807	964	13	40	2585
206600	Total	2198	1663	75.66 %	788	917	7	10	2219
207000	Total	1744	1560	89.45 %	647	716	6	25	1748
207640	Total	287	219	76.31 %	106	130	1		312
207700	Total	3262	2435	74.65 %	1126	1306	6	20	3527
208010	Total	2544	2092	82.23 %	1015	1124	9	45	2536
208300	Total	4003	3205	80.06 %	1492	1739	11	70	4007
208600	Total	779	654	83.95 %	315	361	4	10	818
208650	Total	412	329	79.85 %	175	190	1		397
208800	Total	3758	2867	76.29 %	1396	1565	10	65	3759
208810	Total	4431	3473	78.38 %	1685	1941	21	50	4750
209200	Total	2717	2237	82.33 %	938	1153	4	40	2900
209300	Total	3742	3092	82.63 %	1467	1657	28	25	4019
209310	Total	4876	4328	88.76 %	1864	2013	18	55	5232
209700	Total	2733	2253	82.44 %	970	1166	13	5	3154
209900	Total	4121	3319	80.54 %	1414	1692	39	35	4455
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3915	4.95 %	1107	1484	21	40	8006
Total - Vote by Mail		79072	60394	76.38 %	25081	28511	297	765	77530
Contest Total		79072	64309	81.33 %	26188	29995	318	805	85536

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Berkeley** for the office of **School Director**.

I hereby set my hand and my official seal this **1st day of December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 School Directors - Berkeley

		Registered Voters	Voters Cast	Turnout (%)	LAURA BABITT	JOSÉ LUIS BEDOLLA	NORMA J F HARRISON	ESFANDIAR IMANI	MIKE CHANG	ANA VASUDEO	Write-ins	Over Votes	Under Votes
200100	Total	3538	3144	88.86 %	1408	301	116	286	1086	1511	3	22	1555
200200	Total	1975	1759	89.06 %	812	155	67	144	516	823	3	16	982
201400	Total	2682	2279	84.97 %	1099	231	93	148	689	1098	1	4	1195
201800	Total	1989	1433	72.05 %	603	139	90	98	401	593	3	2	937
202010	Total	248	186	75.00 %	78	9	14	10	74	74			113
202500	Total	1075	548	50.98 %	163	80	43	43	177	147	2		441
202540	Total	716	365	50.98 %	108	60	49	30	109	90			284
203100	Total	3401	2950	86.74 %	1478	227	97	197	864	1372	2	8	1655
203500	Total	1670	1290	77.25 %	549	133	84	95	361	540		4	814
203800	Total	1491	1249	83.77 %	663	98	47	65	351	613	2	2	657
204000	Total	254	209	82.28 %	97	23	7	10	55	112	1		113
204210	Total	2487	1773	71.29 %	713	207	134	109	503	672	2	4	1202
204300	Total	1377	1060	76.98 %	443	120	89	74	306	410	1		677
204510	Total	2396	1974	82.39 %	1045	161	107	98	472	1004	2	6	1053
204900	Total	1452	929	63.98 %	292	157	120	59	291	296			643
205200	Total	4369	3932	90.00 %	2050	260	119	313	1158	2090	5	10	1859
205700	Total	3840	3389	88.26 %	1815	249	105	313	1017	1776	7	24	1472
206200	Total	2505	2114	84.39 %	989	211	102	160	624	994	3	8	1137
206600	Total	2198	1663	75.66 %	690	167	102	96	492	689	1	8	1081
207000	Total	1744	1560	89.45 %	904	88	48	98	453	914	1	8	606
207640	Total	287	219	76.31 %	83	23	25	25	70	67			145
207700	Total	3262	2435	74.65 %	992	273	204	168	720	945	8	8	1552
208010	Total	2544	2092	82.23 %	1050	161	108	116	565	1024	7	16	1137
208300	Total	4003	3205	80.06 %	1763	279	238	161	762	1682	5	10	1510
208600	Total	779	654	83.95 %	354	45	46	31	138	322	2	4	366
208650	Total	412	329	79.85 %	173	27	20	21	81	164	1		171
208800	Total	3758	2867	76.29 %	1527	274	274	151	679	1302	5	16	1506
208810	Total	4431	3473	78.38 %	1837	316	345	186	872	1628	8	12	1742
209200	Total	2717	2237	82.33 %	1253	207	167	101	524	1149		8	1065
209300	Total	3742	3092	82.63 %	1464	291	209	183	970	1369	5	10	1683
209310	Total	4876	4328	88.76 %	2186	360	218	292	1470	2105	5	16	2004
209700	Total	2733	2253	82.44 %	1082	268	195	139	589	957	4	20	1252
209900	Total	4121	3319	80.54 %	1733	349	273	196	829	1569	5	20	1664
Total - Election Day		79072	0	0.00 %									
Total - Election Night		79072	3915	4.95 %	1310	561	465	296	1091	1087	16	4	3000
Total - Vote by Mail		79072	60394	76.38 %	30186	5388	3490	3920	17177	29014	78	262	31273
Contest Total		79072	64309	81.33 %	31496	5949	3955	4216	18268	30101	94	266	34273

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure FF**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure FF - City of Berkeley

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	2083	868			192
200200	Total	1975	1755	88.86 %	1141	491			123
201400	Total	2682	2278	84.94 %	1573	544			161
201800	Total	1989	1433	72.05 %	966	281			186
202010	Total	248	186	75.00 %	125	39			22
202500	Total	1075	551	51.26 %	327	106			118
202540	Total	716	365	50.98 %	239	54			72
203100	Total	3401	2964	87.15 %	2002	735		1	226
203500	Total	1670	1290	77.25 %	859	299			132
203800	Total	1491	1252	83.97 %	878	272			102
204000	Total	254	211	83.07 %	153	40			18
204210	Total	2487	1775	71.37 %	1189	349			237
204300	Total	1377	1060	76.98 %	709	231		1	119
204510	Total	2396	1973	82.35 %	1427	376			170
204900	Total	1452	930	64.05 %	601	175		1	153
205200	Total	4369	3938	90.14 %	2664	1016		1	257
205700	Total	3840	3391	88.31 %	2254	940		1	196
206200	Total	2505	2114	84.39 %	1498	448		1	167
206600	Total	2198	1665	75.75 %	1176	302		1	186
207000	Total	1744	1561	89.51 %	1120	338			103
207640	Total	287	218	75.96 %	154	46			18
207700	Total	3262	2435	74.65 %	1648	487			300
208010	Total	2544	2091	82.19 %	1425	496			170
208300	Total	4003	3212	80.24 %	2226	750		1	235
208600	Total	779	654	83.95 %	468	130			56
208650	Total	412	330	80.10 %	243	64			23
208800	Total	3758	2866	76.26 %	2021	620		2	223
208810	Total	4431	3474	78.40 %	2343	872			259
209200	Total	2717	2241	82.48 %	1510	565			166
209300	Total	3742	3090	82.58 %	2120	714			256
209310	Total	4876	4333	88.86 %	2959	1085			289
209700	Total	2733	2256	82.55 %	1466	605			185
209900	Total	4121	3318	80.51 %	2189	883		2	244
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	2211	1102			607
Total - Vote by Mail		79072	60433	76.43 %	41545	14119		12	4757
Contest Total		79072	64353	81.39 %	43756	15221		12	5364

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure GG**.

I hereby set my hand and my official seal this **1st day of December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure GG - City of Berkeley									
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	1646	1233		1	263
200200	Total	1975	1755	88.86 %	899	692			164
201400	Total	2682	2278	84.94 %	1229	831			218
201800	Total	1989	1433	72.05 %	697	523			213
202010	Total	248	186	75.00 %	90	71		1	24
202500	Total	1075	551	51.26 %	202	219			130
202540	Total	716	365	50.98 %	134	158			73
203100	Total	3401	2964	87.15 %	1551	1117			296
203500	Total	1670	1290	77.25 %	635	462			193
203800	Total	1491	1252	83.97 %	705	419		1	127
204000	Total	254	211	83.07 %	127	62			22
204210	Total	2487	1775	71.37 %	848	658			269
204300	Total	1377	1060	76.98 %	527	397			136
204510	Total	2396	1973	82.35 %	1147	635			191
204900	Total	1452	930	64.05 %	395	363			172
205200	Total	4369	3938	90.14 %	2157	1459			322
205700	Total	3840	3391	88.31 %	1887	1255		1	248
206200	Total	2505	2114	84.39 %	1141	759		1	213
206600	Total	2198	1665	75.75 %	836	620			209
207000	Total	1744	1561	89.51 %	927	509			125
207640	Total	287	218	75.96 %	93	102			23
207700	Total	3262	2435	74.65 %	1207	914			314
208010	Total	2544	2091	82.19 %	1164	726		1	200
208300	Total	4003	3212	80.24 %	1805	1137			270
208600	Total	779	654	83.95 %	382	206			66
208650	Total	412	330	80.10 %	193	107			30
208800	Total	3758	2866	76.26 %	1540	1049			277
208810	Total	4431	3474	78.40 %	1831	1332		2	309
209200	Total	2717	2241	82.48 %	1222	829			190
209300	Total	3742	3090	82.58 %	1567	1187		2	334
209310	Total	4876	4333	88.86 %	2393	1585		1	354
209700	Total	2733	2256	82.55 %	1094	934			228
209900	Total	4121	3318	80.51 %	1730	1292		1	295
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	1603	1632			685
Total - Vote by Mail		79072	60433	76.43 %	32398	22210		12	5813
Contest Total		79072	64353	81.39 %	34001	23842		12	6498

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure HH**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure HH - City of Berkeley									
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	1067	1800			276
200200	Total	1975	1755	88.86 %	611	975			169
201400	Total	2682	2278	84.94 %	876	1164			238
201800	Total	1989	1433	72.05 %	598	617			218
202010	Total	248	186	75.00 %	78	86			22
202500	Total	1075	551	51.26 %	214	211			126
202540	Total	716	365	50.98 %	151	144			70
203100	Total	3401	2964	87.15 %	1271	1412			281
203500	Total	1670	1290	77.25 %	557	564			169
203800	Total	1491	1252	83.97 %	607	526			119
204000	Total	254	211	83.07 %	108	80			23
204210	Total	2487	1775	71.37 %	768	748			259
204300	Total	1377	1060	76.98 %	485	441			134
204510	Total	2396	1973	82.35 %	931	837			205
204900	Total	1452	930	64.05 %	433	340			157
205200	Total	4369	3938	90.14 %	1613	1981			344
205700	Total	3840	3391	88.31 %	1378	1731		1	281
206200	Total	2505	2114	84.39 %	918	983		1	212
206600	Total	2198	1665	75.75 %	772	685			208
207000	Total	1744	1561	89.51 %	741	684			136
207640	Total	287	218	75.96 %	88	105			25
207700	Total	3262	2435	74.65 %	1046	1071			318
208010	Total	2544	2091	82.19 %	946	953			192
208300	Total	4003	3212	80.24 %	1387	1542		1	282
208600	Total	779	654	83.95 %	313	275			66
208650	Total	412	330	80.10 %	175	125			30
208800	Total	3758	2866	76.26 %	1236	1355			275
208810	Total	4431	3474	78.40 %	1408	1736		1	329
209200	Total	2717	2241	82.48 %	915	1113		1	212
209300	Total	3742	3090	82.58 %	1400	1390		2	298
209310	Total	4876	4333	88.86 %	1916	2066		1	350
209700	Total	2733	2256	82.55 %	877	1160		2	217
209900	Total	4121	3318	80.51 %	1291	1712			315
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	1393	1871			656
Total - Vote by Mail		79072	60433	76.43 %	25782	28741		10	5900
Contest Total		79072	64353	81.39 %	27175	30612		10	6556

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure II**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis', with a long horizontal flourish extending to the right.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure II - City of Berkeley									
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	2276	648			219
200200	Total	1975	1755	88.86 %	1257	374		1	123
201400	Total	2682	2278	84.94 %	1737	380			161
201800	Total	1989	1433	72.05 %	1065	202			166
202010	Total	248	186	75.00 %	144	23			19
202500	Total	1075	551	51.26 %	399	54			98
202540	Total	716	365	50.98 %	277	31			57
203100	Total	3401	2964	87.15 %	2194	542			228
203500	Total	1670	1290	77.25 %	954	203			133
203800	Total	1491	1252	83.97 %	1021	148			83
204000	Total	254	211	83.07 %	169	24			18
204210	Total	2487	1775	71.37 %	1383	190			202
204300	Total	1377	1060	76.98 %	817	138			105
204510	Total	2396	1973	82.35 %	1640	192			141
204900	Total	1452	930	64.05 %	723	73			134
205200	Total	4369	3938	90.14 %	2915	753			270
205700	Total	3840	3391	88.31 %	2613	581		1	196
206200	Total	2505	2114	84.39 %	1663	284		1	166
206600	Total	2198	1665	75.75 %	1330	175			160
207000	Total	1744	1561	89.51 %	1228	231			102
207640	Total	287	218	75.96 %	179	23			16
207700	Total	3262	2435	74.65 %	1843	331			261
208010	Total	2544	2091	82.19 %	1670	267			154
208300	Total	4003	3212	80.24 %	2649	348		3	212
208600	Total	779	654	83.95 %	541	60			53
208650	Total	412	330	80.10 %	280	27			23
208800	Total	3758	2866	76.26 %	2378	290		1	197
208810	Total	4431	3474	78.40 %	2844	401			229
209200	Total	2717	2241	82.48 %	1801	297		1	142
209300	Total	3742	3090	82.58 %	2434	417			239
209310	Total	4876	4333	88.86 %	3424	627		1	281
209700	Total	2733	2256	82.55 %	1764	326			166
209900	Total	4121	3318	80.51 %	2632	452			234
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	2608	744			568
Total - Vote by Mail		79072	60433	76.43 %	47636	8368		9	4420
Contest Total		79072	64353	81.39 %	50244	9112		9	4988

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure JJ**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure JJ - City of Berkeley

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	1578	1124			441
200200	Total	1975	1755	88.86 %	884	630			241
201400	Total	2682	2278	84.94 %	1235	684		1	358
201800	Total	1989	1433	72.05 %	835	336			262
202010	Total	248	186	75.00 %	110	41			35
202500	Total	1075	551	51.26 %	247	135			169
202540	Total	716	365	50.98 %	195	82			88
203100	Total	3401	2964	87.15 %	1668	894			402
203500	Total	1670	1290	77.25 %	688	377			225
203800	Total	1491	1252	83.97 %	766	320			166
204000	Total	254	211	83.07 %	119	59			33
204210	Total	2487	1775	71.37 %	966	477			332
204300	Total	1377	1060	76.98 %	580	292			188
204510	Total	2396	1973	82.35 %	1237	476			260
204900	Total	1452	930	64.05 %	478	241			211
205200	Total	4369	3938	90.14 %	2153	1306			479
205700	Total	3840	3391	88.31 %	1811	1186			394
206200	Total	2505	2114	84.39 %	1188	620		2	304
206600	Total	2198	1665	75.75 %	970	430			265
207000	Total	1744	1561	89.51 %	917	456			188
207640	Total	287	218	75.96 %	111	74			33
207700	Total	3262	2435	74.65 %	1339	676		2	418
208010	Total	2544	2091	82.19 %	1207	626			258
208300	Total	4003	3212	80.24 %	1860	947		2	403
208600	Total	779	654	83.95 %	401	162			91
208650	Total	412	330	80.10 %	210	73			47
208800	Total	3758	2866	76.26 %	1697	811		1	357
208810	Total	4431	3474	78.40 %	1889	1147		1	437
209200	Total	2717	2241	82.48 %	1170	780		3	288
209300	Total	3742	3090	82.58 %	1746	910		2	432
209310	Total	4876	4333	88.86 %	2459	1365		1	508
209700	Total	2733	2256	82.55 %	1200	767			289
209900	Total	4121	3318	80.51 %	1828	1069			421
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	1821	1215			884
Total - Vote by Mail		79072	60433	76.43 %	33921	18358		15	8139
Contest Total		79072	64353	81.39 %	35742	19573		15	9023

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure KK**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure KK - City of Berkeley									
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	1898	879			366
200200	Total	1975	1755	88.86 %	1024	517			214
201400	Total	2682	2278	84.94 %	1439	565		1	273
201800	Total	1989	1433	72.05 %	890	287			256
202010	Total	248	186	75.00 %	124	29			33
202500	Total	1075	551	51.26 %	350	52			149
202540	Total	716	365	50.98 %	230	48			87
203100	Total	3401	2964	87.15 %	2079	475		1	409
203500	Total	1670	1290	77.25 %	824	222			244
203800	Total	1491	1252	83.97 %	923	167			162
204000	Total	254	211	83.07 %	154	27			30
204210	Total	2487	1775	71.37 %	1214	246			315
204300	Total	1377	1060	76.98 %	741	150			169
204510	Total	2396	1973	82.35 %	1316	384			273
204900	Total	1452	930	64.05 %	614	113			203
205200	Total	4369	3938	90.14 %	2458	1025		2	453
205700	Total	3840	3391	88.31 %	2119	903		3	366
206200	Total	2505	2114	84.39 %	1364	468		1	281
206600	Total	2198	1665	75.75 %	1184	232			249
207000	Total	1744	1561	89.51 %	990	399			172
207640	Total	287	218	75.96 %	138	40			40
207700	Total	3262	2435	74.65 %	1600	414			421
208010	Total	2544	2091	82.19 %	1477	348			266
208300	Total	4003	3212	80.24 %	2039	789		2	382
208600	Total	779	654	83.95 %	435	121		1	97
208650	Total	412	330	80.10 %	245	41			44
208800	Total	3758	2866	76.26 %	1779	711		1	375
208810	Total	4431	3474	78.40 %	2125	910		1	438
209200	Total	2717	2241	82.48 %	1379	596		1	265
209300	Total	3742	3090	82.58 %	2135	507		1	447
209310	Total	4876	4333	88.86 %	3014	827		2	490
209700	Total	2733	2256	82.55 %	1477	467			312
209900	Total	4121	3318	80.51 %	1984	918		3	413
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	2080	962		1	877
Total - Vote by Mail		79072	60433	76.43 %	39682	12915		19	7817
Contest Total		79072	64353	81.39 %	41762	13877		20	8694

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure LL**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure LL - City of Berkeley									
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	2237	546			360
200200	Total	1975	1755	88.86 %	1228	291		1	235
201400	Total	2682	2278	84.94 %	1651	333			294
201800	Total	1989	1433	72.05 %	946	217		1	269
202010	Total	248	186	75.00 %	133	23			30
202500	Total	1075	551	51.26 %	303	76			172
202540	Total	716	365	50.98 %	214	57			94
203100	Total	3401	2964	87.15 %	2102	428			434
203500	Total	1670	1290	77.25 %	799	224			267
203800	Total	1491	1252	83.97 %	896	182			174
204000	Total	254	211	83.07 %	164	16			31
204210	Total	2487	1775	71.37 %	1143	288			344
204300	Total	1377	1060	76.98 %	730	155			175
204510	Total	2396	1973	82.35 %	1433	265		1	274
204900	Total	1452	930	64.05 %	558	156			216
205200	Total	4369	3938	90.14 %	2887	597			454
205700	Total	3840	3391	88.31 %	2520	495			376
206200	Total	2505	2114	84.39 %	1512	301		1	300
206600	Total	2198	1665	75.75 %	1154	246			265
207000	Total	1744	1561	89.51 %	1201	173			187
207640	Total	287	218	75.96 %	127	54			37
207700	Total	3262	2435	74.65 %	1585	395			455
208010	Total	2544	2091	82.19 %	1480	322			289
208300	Total	4003	3212	80.24 %	2315	502		2	393
208600	Total	779	654	83.95 %	486	73			95
208650	Total	412	330	80.10 %	244	37			49
208800	Total	3758	2866	76.26 %	1956	523			387
208810	Total	4431	3474	78.40 %	2377	648			449
209200	Total	2717	2241	82.48 %	1575	390			276
209300	Total	3742	3090	82.58 %	2127	483		1	479
209310	Total	4876	4333	88.86 %	3149	658		1	525
209700	Total	2733	2256	82.55 %	1460	484			312
209900	Total	4121	3318	80.51 %	2255	644			419
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	2096	901			923
Total - Vote by Mail		79072	60433	76.43 %	42851	9381		8	8193
Contest Total		79072	64353	81.39 %	44947	10282		8	9116

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Berkeley** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure MM**.

I hereby set my hand and my official seal this **1st day of December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure MM - City of Berkeley

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-ins	Over Votes	Under Votes
200100	Total	3538	3143	88.84 %	1077	1684			382
200200	Total	1975	1755	88.86 %	576	972		1	206
201400	Total	2682	2278	84.94 %	887	1134			257
201800	Total	1989	1433	72.05 %	762	436			235
202010	Total	248	186	75.00 %	98	51			37
202500	Total	1075	551	51.26 %	330	77			144
202540	Total	716	365	50.98 %	248	41			76
203100	Total	3401	2964	87.15 %	1174	1408		1	381
203500	Total	1670	1290	77.25 %	627	450		1	212
203800	Total	1491	1252	83.97 %	648	461			143
204000	Total	254	211	83.07 %	107	69			35
204210	Total	2487	1775	71.37 %	1042	436		1	296
204300	Total	1377	1060	76.98 %	614	278			168
204510	Total	2396	1973	82.35 %	1103	636		1	233
204900	Total	1452	930	64.05 %	630	126			174
205200	Total	4369	3938	90.14 %	1432	2053			453
205700	Total	3840	3391	88.31 %	1254	1802			335
206200	Total	2505	2114	84.39 %	993	851		1	269
206600	Total	2198	1665	75.75 %	1027	408			230
207000	Total	1744	1561	89.51 %	729	660		1	171
207640	Total	287	218	75.96 %	147	44			27
207700	Total	3262	2435	74.65 %	1491	571		1	372
208010	Total	2544	2091	82.19 %	1170	677			244
208300	Total	4003	3212	80.24 %	1755	1118		2	337
208600	Total	779	654	83.95 %	375	193			86
208650	Total	412	330	80.10 %	208	87			35
208800	Total	3758	2866	76.26 %	1673	868			325
208810	Total	4431	3474	78.40 %	1963	1139		1	371
209200	Total	2717	2241	82.48 %	1158	856			227
209300	Total	3742	3090	82.58 %	1676	992		1	421
209310	Total	4876	4333	88.86 %	2046	1820		1	466
209700	Total	2733	2256	82.55 %	1256	730			270
209900	Total	4121	3318	80.51 %	1757	1191		1	369
Total - Election Day		79072	0	0.00 %					
Total - Election Night		79072	3920	4.96 %	2058	1125			737
Total - Vote by Mail		79072	60433	76.43 %	29975	23194		14	7250
Contest Total		79072	64353	81.39 %	32033	24319		14	7987

ORDINANCE NO. #,###-N.S.

IMPOSING A SPECIAL TAX AT A RATE OF \$0.1047 PER SQUARE FOOT OF IMPROVEMENTS TO PAY FOR FIREFIGHTING, EMERGENCY MEDICAL RESPONSE, 9-1-1 COMMUNICATIONS SERVICES, HAZARD MITIGATION, AND WILDFIRE PREVENTION AND PREPAREDNESS

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

Section 1. Findings and declarations.

The People of the City of Berkeley find and declare as follows:

A. On June 16, 2020, the City Council adopted an ordinance declaring a Fiscal Emergency due to the significant loss of revenue attributable to the COVID-19 pandemic and does not have adequate resources to maintain existing staffing levels, fill vacant positions, adequately train firefighters and paramedics, maintain and replace equipment and facilities, prepare and plan for wildfires, and upgrade and modernize its 9-1-1 dispatch system.

B. Over the years, the Fire Department has experienced a significant increase in calls-for-service, rising from approximately 6,300 in 1995 to approximately 16,000 in 2017 without adequate increases in staffing levels. Over the years, this has resulted in increasing response times.

C. An increasing number of calls in the Fire Department are dedicated to addressing the needs of vulnerable populations including individuals experiencing homelessness and mental health crises and the Fire Department does not have resources dedicated to addressing these vital community needs.

D. The City's 9-1-1 dispatch center does not have the resources to ensure adequate staffing levels, upgrade its systems, and modernize to include emergency medical dispatching to ensure that the appropriate emergency response services are deployed to 9-1-1 calls-for-service.

E. The City is vulnerable to wildfires that could impact significant portions of the City and without a consistent source of funding, the City does not have the resources to address wildfire prevention activities such as vegetation management, hazard mitigation, evacuation planning, public education, and an emergency alert system.

Section 2. Code Amendment. A new Chapter 7.83 is hereby added to the Berkeley Municipal Code to read as follows:

Chapter 7.83
Fire, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness Tax

7.83.010 Special Tax.

A. A special tax for the purpose of funding firefighter and emergency medical response including, but not limited to, training, hiring, maintaining and upgrading facilities and equipment, upgrades to the 9-1-1 communication system, hazard mitigation, and wildfire prevention and preparedness activities is hereby authorized to be imposed on all improvements in the City of Berkeley as more fully set forth in this Chapter.

B. The City Council may impose the tax authorized by this Chapter at the rate and subject to the inflation adjustments, set forth in Section 7.83.020.

C. This special tax is imposed under Article XIII A, Section 4, of the California Constitution and the City's constitutional authority as a charter city under Article XI, Section 5 of the California Constitution.

D. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used only for the purpose of enhancing public safety by funding the following:

1. Local firefighter and emergency medical response including hiring and training personnel and upgrading safety equipment and facilities.
2. Upgrading and modernizing the 9-1-1 dispatch system to implement and maintain a system to provide emergency medical dispatching.
3. Wildfire prevention and preparedness activities including, but not limited to, vegetation management, hazard mitigation, public education, evacuation planning, and an emergency alert system.

7.83.020 Tax Authorized – Tax rate – Adjustments for Inflation

A. The City Council is hereby authorized to impose a special tax of \$0.1047 per square foot of improvements in the City of Berkeley.

B. Annually in May, the City Council may increase the previous year's tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

7.83.030 Definitions.

For purposes of this chapter, the following terms shall be defined as set forth below:

A. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."

B. "Improvements" shall mean all buildings or structures erected or affixed to the land.

C. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.

2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools, and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.

3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display storage, service, or production areas.

D. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

E. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment roll of the Alameda County Assessor.

7.83.040 Exemptions.

A. The tax imposed by this Chapter shall not apply to parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.

B. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate their entitlement thereto annually

by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

C. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought

7.83.050 Duties and Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

7.83.060 Collection with Property Tax – Penalties and Interest.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

7.83.070 Collection.

The amount of any tax, penalty, or interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

7.83.080 Refunds.

Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

7.83.090 Savings clause – Severability.

The provisions of this chapter shall not apply to any person, association, corporation, entity, or property as to whom or which it is beyond the power of the City of Berkeley to impose the tax herein provided. If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein

is found to be unconstitutional, illegal, or invalid, such sentence, clause, section or part shall be severable and such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the City Council and the People of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

7.83.100 Violation – Penalty.

Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

Section 3. Increase appropriations limit. Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 2021 through 2024.

Section 4. Effective date. The tax imposed by this Chapter shall be operative on January 1, 2021.

Section 5. Amendment, repeal, and reenactment. The City Council may repeal this ordinance, or amend it in any manner that does not result in an increase in the tax imposed herein, or add or modify exemptions, without further voter approval. If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not result in an increase in the tax imposed herein.

Section 6. California Environmental Quality Act Requirements. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065 and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080, subdivision (b)(8), and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

Section 7. Special Tax; Two Thirds Vote Requirement. This Ordinance imposes a special tax for restricted general revenue purposes and shall be effective only if approved by two-thirds of the voters voting thereon.

ORDINANCE NO. #,###-N.S.

IMPOSING A GENERAL TAX ON USERS OF TRANSPORTATION NETWORK COMPANIES AT A RATE OF 50 CENTS FOR PRIVATE TRIPS AND 25 CENTS FOR POOLED TRIPS

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

Section 1. Findings and declarations.

The People of the City of Berkeley find and declare as follows:

A. Transportation Network Company (TNC) trips use the public infrastructure of the City of Berkeley, including our streets.

B. Maintaining our streets, sidewalks, and pedestrian crossings is costly, and important to the public.

C. The trips of TNCs contribute to traffic congestion, greenhouse gas emissions, air pollution, and wear and tear on the public infrastructure.

D. Currently, TNC trips do not pay taxes to the City of Berkeley.

E. A 2017 study from the *University of California Davis, Institute of Transportation Studies* stated: "Directionally, based on mode substitution and ride-hailing frequency of use data, we conclude that ride-hailing is currently likely to contribute to growth in vehicle miles traveled (VMT)."

F. A report by the *San Francisco County Transportation Authority* states: "TNCs drive approximately 570,000 vehicle miles within San Francisco on a typical weekday. This accounts for 20% of all local daily vehicle miles traveled (VMT) and includes both in-service and out-of-service mileage."

G. A report by former NYCDOT staffer Bruce Schaller on TNC use in New York City stated that, "As a result of growing trip volumes, TNCs added 600 million miles of driving to city streets in 2016. The growth of on-demand ride services is also working to undercut the essential role of mass transit in absorbing growth in residents, workers and visitors."

H. The City of Berkeley wishes to ensure tax fairness, and to provide for adequate revenue for public needs.

I. Multiple other jurisdictions, including the City of Chicago, and the State of Massachusetts, have adopted and implemented per-trip charges for the trips taken via Transportation Network Companies.

Section 2. Code Amendment. A new Chapter 7.71 is added to the Berkeley Municipal Code to read as follows:

Chapter 7.71
TRANSPORTATION NETWORK COMPANY USER TAX

7.71.010. Title

This chapter shall be known as the “Transportation Network Company User Tax Ordinance.”

7.71.020. Definitions

Except as where context otherwise requires, the definitions given in this section govern the construction of this chapter:

- A. “City” means the City of Berkeley.
- B. “Digital Network” means an online-enabled application software, website, or system offered, utilized, or controlled by a Transportation Network Company that enables the prearrangement of transportation services by Drivers with Users.
- C. “Driver” means a person who receives connections to potential Users through a Digital Network and uses a vehicle to offer or provide Prearranged Transportation Services to those Users.
- D. “Exempt Trip” means any Trip for a Government Healthcare Payor or WAV Trip.
- E. “Originate” refers to the location where a passenger of a Prearranged Transportation Service is picked up by a Driver. It does not refer to the location of the User who arranges the Prearranged Transportation Service, if different.
- F. “Person” or “people” mean any non-exempt individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- G. “Pooled Prearranged Trip” means a prearranged trip which, prior to its commencement, a User requests through the transportation network company's digital network to share the ride with one or more passenger for whom a separate fare will be charged and for which the fare is calculated, in whole or in part, based on the User's request for the ride to be shared with other passengers, regardless of whether other passengers actually share all or a part of the ride.
- H. “Prearranged Trip” means the transportation of one or more passengers in a single vehicle at the same time by a Driver that is arranged through a Digital Network for which a fee is charged.

- I. "Prearranged Transportation Service" means a "Prearranged Trip" or a "Pooled Prearranged Trip."
- J. "Tax", "Transportation Network Company User Tax", or "TNC User Tax" means the tax imposed by this chapter.
- K. "Transportation Network Company" or "TNC" means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, that provides Prearranged Transportation Services for compensation using a Digital Network to connect Users with Drivers.
- L. "Trip for a Government Healthcare Payor" means a Prearranged Trip that is paid for or reimbursed by a state, or federal government healthcare payor. The term includes trips paid or reimbursed under the Medi-Cal program.
- M. "User" means a person who uses a Digital Network to connect with a Driver to request and pay for Prearranged Transportation Service. A User may or may not be a passenger.
- N. "WAV Trip" means a Prearranged Trip that is provided in a wheelchair accessible vehicle as defined in section 5431.5 of the Public Utilities Code.

7.71.030. Imposition and Rate of Tax

- A. For each Prearranged Trip that Originates in the City that is not part of a Pooled Prearranged Trip there is imposed a tax of 50 cents on the User. There is no additional tax on guests of a User who arranges a Prearranged Trip.
- B. For each Pooled Prearranged Trip there is imposed a tax of 25 cents on each User who arranges each Prearranged Trip that Originates in the City and which comprises part of the Pooled Prearranged Trip. There is no additional tax on guests of a User who arranges a Prearranged Trip that comprises part of a Pooled Prearranged Trip.
- C. The tax constitutes a debt owed by the User to the City, which is extinguished only by payment to the TNC at the time of payment for the Prearranged Transportation Service.
- D. While the tax imposed by this section is in effect, Drivers shall not be required to pay Berkeley business license fees under Chapter 9.04 of the Berkeley Municipal Code for carrying on the business of being a Driver in the City.
- E. No Tax shall be imposed under this section for any Exempt Trip.
- F. The City Council may by Ordinance adopt further exemptions, waivers, discounts, or rebates for the tax, including, but not limited to, exemptions, waivers, discounts, or rebates for low-income discount programs or free donated trips, programs to help youth get to or from school, and may adopt regulations and procedures for implementing the tax,

including but not limited to the exemptions and tax rate reductions in subsection E of this section.

G. Annually in May, the City Council may increase the previous year's tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

7.71.040. Collection and Remittance of Tax by Transportation Network Company

Every TNC engaged in business in the City shall at the time of collecting payment for a Prearranged Transportation Service originating in the City, collect the tax from the User and remit the tax to the City on a quarterly basis. In all cases in which the tax is not collected by the TNC, the TNC shall be liable to the City for the amount of tax due. A TNC is engaged in business in the City if it facilitates a trip for a User that Originates in the City.

7.71.050. Registration of Transportation Network Company

A. Within thirty (30) days after the effective date of this chapter, or within thirty (30) days after commencing business, whichever is later, every TNC engaged in business in the City must register with the Finance Department of the City, using a form provided by the Director of Finance.

B. Each TNC registration shall set forth the name under which the TNC transacts or intends to transact business, the location of its primary place or places of business, and such other information to facilitate the collection of the tax as the Director of Finance may require. The registration shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The Director of Finance shall within thirty (30) days after such registration issue without charge a certificate of authority to each registrant to collect the tax from a User. Such certificates shall be non-assignable and nontransferable and shall be surrendered immediately to the Director of Finance upon the cessation of business in the City or upon its sale or transfer.

7.71.060 Duties of the Director of Finance

It shall be the duty of the Director of Finance to collect and receive all taxes imposed by this chapter and to keep an accurate record thereof. Said Director of Finance is charged with the enforcement of this chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce those rules and regulations necessary or advisable to effectuate the purposes of this chapter, including provisions for the re-examination and correction of declarations, returns, and payments; the exclusive discretionary authority to waive penalties; and the authority to defer the payment due dates as prescribed herein. In individual cases, the Director of Finance may make findings of fact in support of decisions, determinations, and rulings enforcing this chapter. The Director of Finance may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

7.71.070. Determinations, Returns, and Payments

A. Due Date of Taxes. All taxes imposed by this chapter and collected by any TNC or required to be collected by any TNC are due and payable to the Director of Finance for each taxable quarter on or before the last day of the month immediately following each respective quarterly period.

B. Return—Time for Filing. On or before the last day of the month immediately following each quarterly period, a return for the preceding quarterly period must be filed with the Director of Finance, in such form as the Director of Finance may prescribe.

C. Contents of Return. Returns must show the amount of tax collected for the related period and such other information as required by the Director of Finance. The Director of Finance may require returns to show the total number of Prearranged Trips and Pooled Prearranged Trips originating within the City upon which tax was collected or otherwise due, the total number of Prearranged Trips and Pooled Prearranged Trips originating in the City for such period, and an explanation in detail of any discrepancy between the amounts.

D. Delivery for Return and Remittance. The return shall be transmitted with the remittance of the amount of the tax due to the Director of Finance at the Finance Department on or before the date provided in this chapter.

7.71.080. Penalties and Interest

A. Original Delinquency. Any TNC that fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any TNC that fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed

C. Fraud. If the Director of Finance determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalty stated in subdivisions A and B of this section.

D. Interest. In addition to any penalties imposed, any TNC that fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

7.71.090. Deficiency Determinations

A. **Recomputation of Tax—Authority to Make—Basis of Recomputation.** If the Director of Finance is not satisfied with the return or returns of the tax or the amount of the tax paid to the City by a TNC, he or she may compute and determine the amount required to be paid based upon the facts contained in the return or returns or upon any information within the Director of Finance's possession or that may come into his or her possession. One or more deficiency determinations may be made of the amount due for one or more periods.

B. **Penalties and Interest on Deficiency.** Penalties and interest under Section 7.71.080 shall be applied to any additional amount of tax determined to be due in a deficiency determination under subdivision A of this section. Interest shall be calculated from the original due date of the additional amount of tax determined to be due.

C. **Offsetting of Overpayments.** In making a deficiency determination, the Director of Finance may offset overpayments for a period or periods against underpayments for another period or periods or against penalties and interest on the underpayments.

D. **Notice of Director of Finance's Determination—Service of.** The Director of Finance shall give to the TNC written notice of the deficiency determination. The notice may be served personally or by certified mail, return receipt requested; if by certified mail, service shall be made by depositing the notice in the United States mail, in a sealed envelope with postage paid, addressed to the TNC at its business address as it appears in the records of the Director of Finance. In case of service by mail or any notice required by this chapter, the service is complete at the time of the deposit of the notice in the United States Post Office, without extension of time for any reason.

E. **Time Within Which Notice of Deficiency Determination Is to Be Mailed.** Except in the case of fraud, intent to evade this chapter or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the last day of the calendar month following the quarterly period for which the deficiency determination applies or within three years after the return for the period to which the deficiency determination applies was filed, whichever period expires later. The time to issue a notice of deficiency determination under this section shall be tolled during the pendency of an audit of a TNC under Section 7.71.120.

7.71.100. Determinations If No Return Made

A. **Estimate—Computation of Tax Penalty.** If any TNC fails to make a return, the Director of Finance shall estimate the number of Prearranged Trips and Pooled Prearranged Trips originating in the City subject to the tax. The estimate shall be made for the period or periods for which the TNC failed to make a return and shall be based upon any information that is in the Director of Finance's possession or may come into his or her possession.

B. **Penalties and Interest.** Penalties and interest under Section 7.71.080 shall be applied to the tax determined to be due in subdivision A of this section. Interest shall be calculated from the original due date of the amount of tax determined to be due.

C. Manner of Computation—Offsets—Interest. In making a determination, the Director of Finance may offset overpayments for a period or periods against underpayments for another period or periods or against penalties and interest on the underpayments.

D. Giving Notice—Manner of Service. After making the determination, the Director of Finance shall give the TNC written notice of the estimate, determination, penalty, and interest. The notice shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

E. Time to Make a Determination. The Director of Finance may make a determination in accordance with this Section at any time within three years of a return being due. The time to issue a determination under this section shall be tolled during the pendency of an audit of a TNC under Section 7.71.120.

7.71.110. Administrative appeal to the City Manager from Director of Finance decision.

A. Petition for Redetermination. Any TNC against whom a determination is made under this chapter may appeal such decision to the City Manager by filing a verified appeal with the City Manager within thirty (30) days after receipt of service upon the TNC of notice thereof. If a petition for redetermination is not filed in writing with the City Manager, City Hall, 2180 Milvia St. Berkeley, California 94704, within the 30-day period, the determination becomes final at the expiration of the period.

B. Consideration of Petition—Hearing. If a petition for redetermination is filed within the 30-day period, the City Manager shall reconsider the determination and, if the TNC has so requested in its petition, shall grant the TNC an oral hearing, and shall give the TNC at least ten days notice of the time and place of hearing. The City Manager may designate one or more deputies for the purpose of conducting hearings and may continue a hearing from time to time as may be necessary.

C. Determination of Petition. The City Manager or their designee may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the City Manager or their designee at or before the hearing.

D. Finality of Determination. The order or decision of the City Manager, or their designee upon a petition for redetermination becomes final thirty (30) days after service of notice thereof upon the petitioner. There is no appeal of the City Manager's decision (or his or her deputies designated for a redetermination) to the City Council; writs challenging the City Manager's decision must be filed with the appropriate court within ninety (90) days of the final date of such redetermination. (California Code of Civil Procedure § 1094.6.)

E. Tax a Debt. The amount of any tax, penalty, and interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any TNC owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. Such action must be filed within three

years of a determination under Sections 7.71.090 or 7.71.100 becoming final or a redetermination under Section 7.71.110 becoming final.

7.71.120. Records and Audits

A. It shall be the duty of every TNC engaged in business in the City to keep and preserve, for a period of five years, all records as may be necessary to determine the amount of tax the TNC may have been liable for the collection of and payment to the City, which records the Director of Finance shall have the right to inspect upon notice at a reasonable time.

B. The Director of Finance may conduct an audit, no more frequently than once annually, of any TNC engaged in business in the City to ensure compliance with the requirements of this chapter. The Director of Finance shall notify the TNC of the initiation of an audit in writing. The audit period of review shall not exceed three years. Upon completion of the audit, the Director of Finance may make determinations under Section 7.71.090 and/or Section 7.71.100 of any tax determined to be owed.

7.71.130. Refunds

Whenever any tax under this chapter has been paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded only as provided in Chapter 7.20 of the Berkeley Municipal Code. Filing a claim for refund under Chapter 7.20 does not absolve a claimant of the requirement to exhaust the administrative remedies provided in this chapter.

7.71.140. Violations

Any TNC which fails or refuses to register as required herein, or to furnish any return required to be made or which fails or refuses to furnish any other data required by the Director of Finance, or which renders a false or fraudulent return or claim, or which fails to meet the substantive requirements of any other provision of this chapter may be charged with a civil penalty or an infraction.

7.71.150. Sunset

This tax will sunset in 20 years (on January 1, 2041).

Section 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 4. California Environmental Quality Act Requirements. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065 and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section

21080, subdivision (b)(8), and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

Section 5. Increase appropriations limit. Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this general tax for each of the four fiscal years from 2021 through 2024.

Section 6. General Tax; Majority Approval; Effective Date. This Ordinance enacts a general tax for unrestricted general revenue purposes. Tax revenue collected pursuant to the Ordinance may be used by the City for any municipal governmental purpose. The Ordinance shall be effective only if approved by a majority of the voters voting thereon and after the vote is declared by the City Council. The effective date of this Ordinance shall be January 1, 2021 and shall remain in effect until January 1, 2041.

Section 7. Council Amendments. The City Council of the City of Berkeley is hereby authorized to amend Chapter 7.71 of the Berkeley Municipal Code as adopted by this Ordinance in any manner that does not increase the rate of the Transportation Network Company User Tax, except pursuant to the inflation factor described in section 7.71.030, or otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution, including reducing the rate of the tax or even eliminating the tax.

ORDINANCE NO. ##,###-N.S.

AN ORDINANCE OF THE CITY OF BERKELEY AMENDING BERKELEY MUNICIPAL CODE CHAPTER 13.76 TO PROHIBIT EVICTION FOR NONPAYMENT OF RENT OF TENANTS WHO QUALIFY UNDER THE TERMS OF ADOPTED EMERGENCY LEGISLATION; ADOPT A SECONDARY REGISTRATION FEE FOR SINGLE-FAMILY HOMES, CONDOMINIUMS, AND NEWLY CONSTRUCTED UNITS; AND CLARIFY THE EXEMPTION OF LAWFULLY PERMITTED ACCESSORY DWELLING UNITS.

The People of the City of Berkeley do ordain as follows:

Section 1. Section 13.76.050 of the Berkeley Municipal Code is amended to read as follows:

13.76.050 Applicability

This chapter shall apply to all real property that is being rented or is available for rent for residential use in whole or in part, except for the following:

A. Rental units which are owned by any government agency. However, the exemption of units owned by the Berkeley Housing Authority from the terms of this chapter shall be limited to their exemption from the terms of Section 13.76.080, Rent Registration; Section 13.76.100, Establishment of Base Rent Ceiling and Posting; Section 13.76.110, Annual General Adjustment of Rent Ceilings; and Section 13.76.120, Individual Adjustments of Rent Ceilings, of this chapter.

B. Rental units which are rented primarily to transient guests for use or occupancy less than fourteen consecutive days in establishments such as hotels, motels, inns, tourist homes, and rooming and boarding houses. However, the payment of rent every fourteen days or less shall not by itself exempt any unit from coverage by this chapter.

C. Rental units in nonprofit cooperatives owned and controlled by a majority of the residents.

D. Rental units leased to tenants assisted under the Section 8 program (42 U.S.C. Section 1437f) or the Shelter Plus Care Program (42 U.S.C. 11403 et. seq.) or similar federally funded rent subsidy program. Except as may be preempted by state or federal law, the exemption of such rental units from the terms of this chapter shall be limited to Section 13.76.080, Rent Registration; Section 13.76.100, Establishment of Base Rent Ceiling and Posting; Section 13.76.110, Annual General Adjustment of Rent Ceilings and Section 13.76.120, Individual Adjustments of Rent Ceilings, of this chapter. However, the exemption from Sections 13.76.080, 13.76.110 and 13.76.120 shall apply only for so long as the rent demanded does not exceed the authorized Payment Standard, which, for purposes of this subsection, is the maximum monthly rental assistance potentially available to an assisted household before deducting the household share of income paid

for rent and utilities as established by the Berkeley Housing Authority or successor agency. For units where the rent demanded exceeds the Payment Standard, the Payment Standard or an initial rent above the Payment Standard if approved by the Berkeley Housing Authority, as reported to the board by the Berkeley Housing Authority or successor agency, shall become the unit's base rent ceiling and the reference point from which the rent ceiling shall be adjusted in accordance with Sections 13.76.110 and 13.76.120.

E. Rental units in any hospital, skilled nursing facility, health facility, asylum, or non-profit home for the aged.

F. Rental units in a residential property which is divided into a maximum of four units where one of such units is occupied by the landlord as his/her principal residence. Any exemption of rental units established under this subsection (13.76.050 F.) shall be limited to rental units that would have been exempt under the provisions of this chapter had this chapter been in effect on December 31, 1979. After July 1, 1982, this exemption shall no longer apply to rental units in a residential property which is divided into three or four units. It shall continue to apply to rental units in a residential property which is divided into two units, and which meet all the other requirements of this subsection (13.76.050F). Rental units which become non-exempt under this provision shall have the provisions of Subsections 13.76.080I and 13.76.100C. applied to them.

G. A rental unit in a residential property where the landlord shares kitchen or bath facilities with the tenant(s) of such rental unit and where the landlord also occupies a unit in the same property as his/her principal residence.

H. For the purposes of Subsections 13.76.050 F. and G., the term landlord shall be defined only as the owner of record holding at least 50% interest in the property.

I. Newly constructed rental units, as defined in Section 13.76.040. However, the exemption of such newly constructed units shall be limited to their exemption from the terms of ~~Section 13.76.080, Rent Registration;~~ Section 13.76.100, Establishment of Base Rent Ceiling and Posting; Section 13.76.110, Annual General Adjustment of Rent Ceilings; and Section 13.76.120, Individual Adjustments of Rent Ceilings, of this chapter. To the extent that state law permits, the exemption of such newly constructed units shall be limited to the first 20 years after completion of construction.

J. A rental unit which is rented by a nonprofit, accredited institution of higher education to a tenant or tenants who are student(s), faculty, or staff of the institution or of a member school of the Graduate Theological Union, provided, however, that the institution owned the unit as of January 1, 1988.

K. A rental unit in a residential property owned by an organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code that is rented to a low income tenant and subject to a regulatory agreement with a governmental agency that controls the unit's rent levels. However, the exemption for such rental units from the

terms of this chapter shall be limited to Section 13.76.080, Rent Registration; Section 13.76.100, Establishment of Base Rent Ceiling and Posting; Section 13.76.110, Annual General Adjustment of Rent Ceilings; and Section 13.76.120, Individual Adjustments of Rent Ceilings of this chapter and shall apply only for so long as the regulatory agreement is in effect. This exemption shall not apply to rental units at the property that are not subject to a regulatory agreement with a governmental agency or that are rented by a tenant who occupied the unit prior to the property's acquisition by the tax-exempt organization.

L. Rental units in a facility owned or leased by an organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code that has the primary purpose of operating a treatment, recovery, therapy, sanctuary or shelter program for qualified clients, where such rental units are provided incident to the client's participation in the primary program and where the client has been informed in writing of the temporary or transitional nature of the housing at the inception of his or her participation in the program. However, except as may be preempted by the Transitional Housing Participant Misconduct Act (California Health and Safety Code Sections 50580 et. seq.) or other state or federal law, such rental units shall not be exempted from the terms of Section 13.76.130, Good Cause Required for Eviction. For purposes of Section 13.76.130.A.2, the client's continued eligibility for participation in the treatment, recovery, therapy, sanctuary or shelter program shall be deemed a material term of the client's rental agreement with the program's operator.

M. A rental unit or room which is rented by an active member of a fraternity or sorority recognized by the University of California Berkeley, or a rental unit or room which is rented by an active member of a fraternity or sorority identified by Rent Board Resolution. To qualify for the exemption, the rental unit must be owned by the fraternity or sorority or by an entity whose sole purpose is the maintenance and operation of the fraternity or sorority's rental units for the benefit of the members in order to provide housing to said members at cost.

N. A rental unit in a residential property containing only a Single Family Dwelling (as defined in Subtitle 23F.04 of the Zoning Ordinance) and one a lawfully established and fully permitted Accessory Dwelling Unit where the landlord also occupies a unit in the same property as his/her principal residence. This subsection (13.76.050N) shall only apply to properties containing a single Accessory Dwelling Unit, shall only apply to units compliant with all applicable requirements of Chapter 23C.24 ("Accessory Dwelling Units"), and shall only apply to tenancies created after November 7, 2018.

O. A dwelling or a unit alienable separate from the title to any other dwelling unit unless the tenancy commenced before January 1, 1996. However, the exemption of such units shall be limited to their exemption from the terms of Section 13.76.100, Establishment of Base Rent Ceiling and Posting; Section 13.76.110, Annual General Adjustment of Rent Ceilings; and Section 13.76.120, Individual Adjustments of Rent Ceilings, of this chapter. A property owner who owns only one residential unit in the City of Berkeley, and occupied

that residential unit for 365 consecutive days as their principal residence immediately prior to renting the unit, and is absent from the unit for a period not to exceed 24 months, and such period is specified in the lease, shall also be exempt from the terms of Section 13.76.080, Rent Registration, of this Chapter. The exemptions provided in this Section shall apply only as long as the pertinent provisions of California Civil Code Section 1954.50 et. seq. ("Costa-Hawkins") remain in effect and require such an exemption.

Section 2. Section 13.76.060 of the Berkeley Municipal Code is amended to read as follows:

13.76.060 Rent Stabilization Board

A. Composition. There shall be in the city of Berkeley an elected rent stabilization board; the board shall consist of nine commissioners. The board shall elect annually as chairperson one of its members to serve in that capacity.

B. Eligibility. Residents who are duly qualified electors of the city of Berkeley are eligible to serve as commissioners on the board.

C. Full disclosure of holdings. Candidates for the position of commissioner shall fulfill the requirements as set forth in the City Charter in Article III, Section 6 1/2.

In addition, when filing nomination papers, candidates shall submit a verified statement of their interests and dealings in real property, including but not limited to its ownership, sale or management and investment in and association with partnerships, corporations, joint ventures and syndicates engaged in its ownership, sale or management during the previous three years.

D. Election of commissioners. Commissioners shall be elected at the statewide general election held in November of even numbered years.

E. Terms of office. Commissioners' terms of office shall be as set forth in Article XVII of the Berkeley City Charter.

F. Powers and duties. The elected rent stabilization board shall have the power to determine, to arbitrate and to set rent levels, whether through general or individual adjustments, of any unit which has controlled rents under any Berkeley Ordinance, and to administer any Berkeley program which regulates rents and evictions. The board shall have the following powers and duties:

1. Set the rent ceilings for all rental units.
2. Require registration of all rental units under Section 13.76.080.
3. Publicize the manner in which the base rent ceiling is established under Section 13.76.100.
4. To make adjustments in the rent ceiling in accordance with Sections 13.76.110 and 13.76.120.

5. Set rents at fair and equitable levels in view of and in order to achieve the purposes of this chapter.
6. To issue orders-, rules and regulations, conduct hearings and charge fees as set below.
7. Make such studies, surveys and investigations, conduct such hearings, and obtain such information as is necessary to carry out its powers and duties.
8. Report annually to the city council of the city of Berkeley on the status of rental housing units covered by this chapter.
9. Request the City Council to remove rent controls under Section 13.76.060Q.
10. Administer oaths and affirmations and subpoena witnesses and relevant documents.
11. Establish rules and regulations for settling civil claims under Section 13.76.150.
12. Seek injunctive relief under Section 13.76.150.
13. Pursue civil remedies in courts of appropriate jurisdiction.
14. Intervene as an interested party in any litigation brought before a court of appropriate jurisdiction by a landlord or tenant with respect to rental units covered by this chapter.
15. Hold public hearings.
16. Charge and collect registration fees, including penalties for late payments.
17. Other powers necessary to carry out the purposes of this chapter which are not inconsistent with the terms of this chapter.
18. Except as provided in Section 13.76.060N of this chapter, the board shall finance its reasonable and necessary expenses for its operation without the use of general fund monies of the city of Berkeley.

G. Rules and Regulations: The board shall issue and follow such rules and regulations, including those which are contained in this Chapter, as will further the purposes of this Chapter. The board shall publicize its rules and regulations prior to promulgation in at least one newspaper of general circulation in the city of Berkeley.

All rules and regulations and relevant documents explaining the decisions, orders, and policies of the board shall be kept in the board's office and shall be available to the public for inspection and copying.

The board shall publicize this Chapter so that all residents of Berkeley will have the opportunity to become informed about their legal rights and duties under this Chapter. The board shall prepare a brochure which fully describes the legal rights and duties of

landlords and tenants under this Chapter. The brochure shall be made available to the public.

H. Meetings: The board shall hold regularly scheduled meetings. Special meetings shall be called at the request of at least a majority of the commissioners of the board. The board shall hold its initial meeting no later than July 15, 1980.

I. Quorum: Five commissioners shall constitute a quorum for the board.

J. Voting: The affirmative vote of five commissioners of the board is required for a decision, including all motions, rules, regulations, and orders of the board.

K. Compensation: The rent stabilization board shall be a working board. Commissioners shall be paid compensation and benefits in an amount set by the board in order to compensate commissioners for their time and work performed as required by this chapter and the city charter.

L. Dockets: The board shall maintain and keep in its office all hearing dockets, which shall be available for public inspection.

M. Vacancies: If a vacancy shall occur on the board, a qualified person to fill such vacancy shall be selected in accordance with the procedures set forth in Article V of the City Charter.

N. Financing: The board shall finance its reasonable and necessary expenses by charging landlords annual registration fees in amounts deemed reasonable by the board. The registration fee for partially-exempt units shall reasonably approximate the cost of registration and counseling services for such units, and shall not include the cost of services from which such units are exempt. Such registration fees shall not be passed on to tenants in the form of rent increases except with the express prior approval of the board. The board is also empowered to request and receive funding, when and if necessary, from the city of Berkeley and/or any other available source for its reasonable and necessary expenses, including expenses incurred at the request of the City.

O. Staff: The board shall be a working board and shall employ such staff as may be necessary to perform its functions efficiently and as provided by Berkeley Ordinance.

P. Registration: The board shall require the registration of all rental units covered by this chapter as provided for in Section 13.76.080. The board may also require landlords to provide current information supplementing their registration statements.

Q. Decontrol: If the annual average vacancy rate for all rental units in the city of Berkeley exceeds five percent over a six month period, the city council is empowered, upon request by the board, at its discretion and in order to achieve the purposes of this chapter, to exempt rental units covered by this chapter from Sections 13.76.080, 13.76.100, 13.76.110 and 13.76.120 of this chapter. In determining the vacancy rate for the city of

Berkeley the board and the city council shall consider all available data and may conduct their own survey. If units are exempted pursuant to this Subsection Q coverage shall be reimposed if the city council finds that the average annual vacancy rate has thereafter fallen below five percent. Prior to any decision to exempt or renew coverage for rental units under this Subsection Q the board shall hold at least two public hearings.

R. Conflict of Interest: Commissioners shall be subject to the requirements of the California Political Reform Act and other applicable state and local conflict of interest codes. Commissioners shall not necessarily be disqualified from exercising any of their powers and duties on the grounds of a conflict of interest solely on the basis of their status as a landlord or tenant. However, a commissioner shall be disqualified from ruling on a petition for an individual adjustment of a rent ceiling under Section 13.76.120, where the commissioner is either the landlord of the property or a tenant residing in the property that is involved in the petition.

Section 3. Section 13.76.080 of the Berkeley Municipal Code is amended to read as follows:

13.76.080 Rent registration

A. The board shall require all landlords subject to the provisions of this chapter prior to November 3, 2020, to file a rent registration statement with the board by September 1, 1980 ~~a rent registration statement~~ for each rental unit covered by this chapter. The board shall require all landlords subject to Subsections 13.76.050I. and 13.76.050O. of this chapter to file a rent registration statement with the board for each rental unit covered by this chapter as outlined in Subsection 13.76.080L. A property owner who owns only one residential unit in the City of Berkeley, and occupied that residential unit for 365 consecutive days as their principal residence immediately prior to renting the unit, and is absent from the unit for a period not to exceed 24 months, and such period is specified in the lease, shall also be exempt from the terms of Section 13.76.080, Rent Registration, of this Chapter and need not file a rent registration statement for the subject rental unit.

B. Landlords shall provide in their initial rent registration statement the following information:

- (1) The address of each rental unit;
- (2) The name and address of the landlord(s) and the managing agent, if any;
- (3) The date on which the landlord received legal title to or equitable interest in the rental unit;
- (4) The housing services provided for the rental unit;
- (5) The rent in effect on June 6, 1978;

- (6) The rent in effect on December 30, 1979;
- (7) The base rent ceiling;
- (8) The lowest rent in effect between June 6, 1978, and the date of the adoption of this chapter;
- (9) The amount of any deposits or other monies in addition to periodic rent demanded or received by the landlord in connection with the use or occupancy of the rental unit;
- (10) Whether the rental unit was vacant or occupied on May 31, 1980;
- (11) Rent in effect on December 31, 1981.

C. All rent registration statements provided by landlords in accordance with this chapter shall include an affidavit signed by the landlord declaring under penalty of perjury that the information provided in the rent registration statement is true and correct.

D. The first annual registration fee of twelve dollars per unit shall be paid by the landlords to the board no later than September 1, 1980. Subsequent annual registration fees set in accordance with Section 13.76.060N of this chapter shall be paid no later than July 1 of each. Because fees charged in years prior to 1991 were due on September 1, but paid for board expenses from each preceding July 1, the fee due 1991 shall be calculated to pay for twelve months of board expenses.

E. The board shall provide forms for the registration information required by this section and shall make other reasonable efforts to facilitate the fulfillment of the requirements set forth in this section.

F. Every annual registration fee required by this chapter which is not paid on or before July 1 is declared delinquent, and the board shall add to said registration fee and collect a penalty of one hundred percent of the fee so delinquent in addition to the fee. Every six months that the fee and penalty remain delinquent, the penalty shall be increased by one hundred percent of the original fee. The board may waive the penalty if payment is made within thirty days of the original due date.

A landlord may request the board to waive all or part of the penalty if he/she can show good cause for the delinquent payment.

G. The amount of any registration fee and penalty imposed by the provisions of this chapter shall be deemed a debt to the city.

H. Within thirty days after the filing of a rent registration statement, the board shall provide a true and correct copy of said statement to the occupant of the respective unit.

I. Landlords of formerly exempt units shall register within sixty days of coming under coverage of this chapter. The registration fee for this first-time registration shall be pro-

rated based upon the number of months remaining to the next July 1 annual registration deadline.

J. No landlord shall be deemed to be in compliance with this section with respect to a given unit until the landlord has completed registration for all covered units in the same property. Registration shall be deemed complete when all required information has been provided and all outstanding fees and penalties have been paid.

K. Registration fees shall not be passed along to the tenants without the express, prior approval of the board. Under no circumstances shall penalties be passed along to tenants.

L. Landlords of partially-exempt units (set forth above in Sections 13.76.050I. and 13.76.050O.) shall register within sixty days of coming under coverage of this chapter. The registration fee for this first-time registration shall be pro-rated based upon the number of months remaining to the next July 1 annual registration deadline.

Section 4. Section 13.76.130 of the Berkeley Municipal Code is amended to read as follows:

13.76.130 Good cause required for eviction

A. No landlord shall be entitled to recover possession of a rental unit covered by the terms of this chapter unless said landlord shows the existence of one of the following grounds:

1. The tenant has failed to pay rent to which the landlord is legally entitled pursuant to the lease or rental agreement and under the provisions of state or local law, unless the tenant has withheld rent pursuant to applicable law; and said failure has continued after service on the tenant of a written notice setting forth the amount of rent then due and requiring it to be paid, within a period, specified in the notice, of not less than three days. Rent that is lawfully withheld pursuant to emergency legislation that authorizes rent withholding during the effective period of a state of emergency applicable in Berkeley shall not constitute grounds for recovery of possession except as expressly provided in the applicable emergency legislation. Emergency legislation adopted during the emergency may prohibit recovery of possession for lawfully withheld rent even after the expiration of a state or local emergency.

2. The tenant has continued, after written notice to cease, to substantially violate any of the material terms of the rental agreement, except the obligation to surrender possession on proper notice as required by law, and provided that such terms are reasonable and legal and have been accepted in writing by the tenant or made part of the rental agreement; and provided further that, where such terms have been accepted by the tenant or made part of the rental agreement subsequent to the initial creation of the tenancy, the landlord shall have first notified the tenant in writing that he or she need not accept such terms or agree to their being made part of the rental

agreement. Notwithstanding any contrary provision in this chapter or in the rental agreement, a landlord is not entitled to recover possession of a rental unit under this subsection where a tenant permits his or her rental unit to be occupied by a subtenant, provided:

- a. The landlord has unreasonably withheld consent to the subtenancy; and
 - b. The tenant remains an actual occupant of the rental unit; and
 - c. The number of tenants and subtenants actually occupying the rental unit does not exceed the number of occupants originally allowed by the rental agreement or the board's regulations, whichever is greater.
 - d. Withholding of consent by the landlord shall be deemed to be unreasonable where:
 - (i) The tenant's written request for consent was given at least two weeks prior to commencement of the subtenancy;
 - (ii) The proposed new subtenant has, upon the landlord's written request, completed the landlord's standard form application or provided sufficient information to allow the landlord to conduct a standard background check, including references and credit, income and other reasonable background information; and
 - (iii) The proposed new subtenant meets the landlord's customary occupancy qualifications and has not refused the landlord's request to be bound by the terms of the current rental agreement between the landlord and the tenant; and
 - (iv) The landlord has not articulated in writing a well-founded reason for refusing consent.
3. The tenant has willfully caused or allowed substantial damage to the premises beyond normal wear and tear and has refused, after written notice, to pay the reasonable costs of repairing such damage and cease damaging said premises.
 4. The tenant has refused to agree to a new rental agreement upon expiration of a prior rental agreement, but only where the new rental agreement contains provisions that are substantially identical to the prior rental agreement, and is not inconsistent with local, state and federal laws.
 5. The tenant has continued, following written notice to cease, to be so disorderly as to destroy the peace and quiet of other tenants or occupants of the premises or the tenant is otherwise subject to eviction pursuant to subdivision 4 of Code of Civil Procedure Section 1161.
 6. The tenant has, after written notice to cease, refused the landlord access to the unit as required by state or local law.

7a. The landlord, after having obtained all necessary permits from the City of Berkeley, seeks in good faith to undertake substantial repairs which are necessary to bring the property into compliance with applicable codes and laws affecting the health and safety of tenants of the building or where necessary under an outstanding notice of code violations affecting the health and safety of tenants of the building, and where such repairs cannot be completed while the tenant resides on the premises.

b. Where such repairs can be completed in a period of 60 or fewer days, and the tenant, within 30 days after the service of a notice of termination of his or her tenancy, agrees in writing to vacate the premises during the period required to complete the repairs at no charge to the landlord, other than abatement of the obligation to pay rent for the premises during the period required to complete the repairs, the landlord may not recover possession pursuant to this subsection (13.76.130A.7.) unless the tenant shall fail or refuse to vacate the premises in accordance with such agreement.

c. Where the landlord owns any other residential rental units in the City of Berkeley, and any such unit is vacant and available at the time of premises or the entry of a judgment by a court of competent jurisdiction awarding possession of the premises to the landlord, the landlord shall, as a condition of obtaining possession pursuant to this subsection (13.76.130A.7.), notify tenant in writing of the existence and address of each such vacant rental unit and offer tenant the right, at the tenant's option:

(i) To enter into a rental agreement (to be designated as a "temporary rental agreement") on any available rental unit which the tenant may choose, at a rent not to exceed the lesser of the lawful rent which may be charged for such available rental unit or the lawful rent in effect, at the time of the notice of termination of tenancy, on the unit being vacated, said rental agreement to be for a term of the lesser of ninety days or until completion of repairs on the rental unit being vacated by tenant; or

(ii) To enter into a new rental agreement or lease for such available rental unit at a rent not to exceed the lawful rent which may be charged for such available rental unit.

d. Where the landlord recovers possession under this subsection (13.76.130A.7.), the tenant must be given the right of first refusal to re-occupy the unit upon completion of the required work. In the event the landlord files an application for an individual rent adjustment within six months following the completion of the work, the tenant shall be a party to such proceeding the same as if he or she were still in possession, unless the landlord shall submit, with such application, a written waiver by the tenant of his or her right to re-occupy the premises pursuant to this subsection.

8. The landlord, after having obtained all necessary permits from the City of Berkeley, seeks in good faith to recover possession of the rental unit, in order to remove the rental unit from the market by demolition.

9. Owner Move-in Evictions.

a. The landlord seeks in good faith with honest intent and without ulterior motive to recover possession for his/her own use and occupancy as his/her principal residence for a period of at least 36 consecutive months; or

b. For the use and occupancy as the principal residence by the landlord's spouse or by the landlord's child, or parent for a period of at least 36 consecutive months.

c. For the purposes of this subsection (13.76.130A.9.), the term landlord shall be defined as the owner of record, as of the time of giving of a notice terminating tenancy, and at all times thereafter to and including the earlier of the tenant's surrender of possession of the premises or the entry of a judgment of a court of competent jurisdiction awarding possession of the premises to the landlord, holding at least a 50% interest in the property and shall not include a lessor, sublessor, or agent of the owner of record.

d. All notices terminating tenancy pursuant subsection 13.76.130A.9 shall include the following: the existence and potential availability of relocation assistance under subsection 13.76.130A.9.g; the existence of tenant protections for families with minor children as defined in subsection 13.76.130A.9.k; the name and relationship of any qualified relative for purposes of subsection 13.76.130A.9.b; and the landlord's ownership interest in any residential properties in the City of Berkeley where such interest, in any form whatsoever, is ten percent (10%) or greater. The landlord shall, within ten days of giving notice, file a copy of the notice terminating tenancy with the Rent Board.

e. The landlord may not recover possession under this subsection (13.76.130A.9.) if a comparable unit, owned by the landlord in the City of Berkeley, was, at the time of the landlord's decision to seek to recover possession of the rental unit, already vacant and available, or if a comparable unit, owned by the landlord in the City of Berkeley, thereafter becomes vacant at any time until the earlier of the tenant's surrender of possession of the premises or the entry of a judgment of a court of competent jurisdiction awarding possession of the premises to the landlord. In an action by or against the tenant, evidence that a comparable unit was vacant and available within ninety days prior to the date of a notice terminating the tenant's tenancy shall create a presumption that such unit was vacant and available at the time of the landlord's decision to seek to recover possession of the premises. "Presumption" means that the court

must find the existence of the presumed fact unless and until the contrary is proven by a preponderance of the evidence.

f. The landlord shall offer any non-comparable unit owned by the landlord to the tenant if a non-comparable unit becomes available before the recovery of possession of the tenant's unit at a rate based on the rent the tenant is paying with an upward or downward adjustment based on the condition, size, and other amenities of the replacement unit. Disputes concerning the initial rent for the replacement unit shall be determined by the Rent Board.

g. Where a landlord recovers possession of a unit under subsection 13.76.130A.9, the landlord is required to provide standard relocation assistance to tenant households where at least one occupant has resided in the unit for one year or more in the amount of \$15,000. The landlord is required to provide an additional \$5,000 relocation assistance to tenant households that qualify as low-income; or include disabled or elderly tenants; minor children; or tenancies which began prior to January 1, 1999. The relocation fees set forth above shall be increased in accordance with the rules set forth in subsection 13.76.130A.9.h below. The procedures for payment of this relocation assistance are set forth below in subsection 13.76.130A.9.p.(i) through (iv). The following definitions apply for any tenant households evicted for owner move-in under subsection 13.76.130A.9:

(i) "low-income tenants" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, or as otherwise defined in Health and Safety Code Section 50079.5.

(ii) a person is "disabled" if he/she has a physical or mental impairment that limits one or more of a person's major life activities within the meaning of the California Fair Housing and Employment Act (Government Code § 12926).

(iii) "elderly" is defined as sixty (60) years of age or older.

(iv) "minor child" means a person who is under 18 years of age.

(v) "tenancy began prior to January 1, 1999" is a tenancy where an "original occupant" (as defined by Berkeley Rent Board Regulation) still permanently resides in the rental unit.

h. Effective January 1 of each year beginning in 2018, the fees set forth above in subsection 13.76.130A.9.g., may be increased in an amount based on the Consumer Price Index - All Urban Consumers in the San Francisco-

Oakland-San Jose Region averaged for the 12-month period ending June 30, of each year, as determined and published by United States Department of Labor. Any increase shall be published by the Board on or before October 31st of each year.

i. It shall be evidence that the landlord has acted in bad faith if the landlord or the landlord's qualified relative for whom the tenant was evicted does not move into the rental unit within three months from the date of the tenant's surrender of possession of the premises or occupy said unit as his/her principal residence for a period of at least 36 consecutive months.

j. Once a landlord has successfully recovered possession of a rental unit pursuant to subsection 13.76.130A.9.a., then no other current or future landlords may recover possession of any other rental unit on the property pursuant to subsection 13.76.130A.9.a. It is the intention of this subsection that only one specific unit per property may be used for such occupancy under subsection 13.76.130A.9.a and that once a unit is used for such occupancy, all future occupancies under subsection 13.76.130A.9.a must be of that same unit.

k. A landlord may not recover possession of a unit from a tenant under subsection 13.76.130A.9 if any tenant in the rental unit has a custodial or family relationship with a minor child who is residing in the unit, the tenant with the custodial or family relationship has resided in the unit for 12 months or more, and the effective date of the notice of termination of tenancy falls during the school year. The term "school year" as used in this subsection means the first day of instruction for the Fall Semester through the first day of the month following the last day of instruction for the Spring Semester, as posted on the Berkeley Unified School District website for each year.

(i) For purposes of subsection 13.76.130A.9.k, the term "custodial relationship" means that the person is a legal guardian of the child, or has a caregiver's authorization affidavit for the child as defined by Section 6550 of the California Family Code, or that the person has provided full-time custodial care of the child pursuant to an agreement with the child's legal guardian or court-recognized caregiver and has been providing that care for at least one year or half of the child's lifetime, whichever is less. The term "family relationship" means that the person is the biological or adoptive parent, grandparent, brother, sister, aunt or uncle of the child, or the spouse or domestic partner of such relations.

l. A landlord may not recover possession of a unit from a tenant under subsection 13.76.130A.9 if any tenant in the rental unit:

(i) Is 60 years of age or older and has been residing on the property for five years or more; or

(ii) Is disabled and has been residing on the property for five years or more; or

(iii) Has resided on the property for five years or more and the landlord has a ten percent (10%) or greater ownership interest, in any form whatsoever, in five or more residential rental units in the City of Berkeley.

m. A tenant who claims to be a member of one of the classes protected by subsection 13.76.130A.9.I must submit a statement, with supporting evidence, to the landlord. A tenant's failure to submit a statement at any point prior to the trial date of an unlawful detainer action for possession of the tenant's unit shall be deemed an admission that the tenant is not protected by subsection 13.76.130A.9.I. A landlord may challenge a tenant's claim of protected status by raising it as an issue at trial in an unlawful detainer action for possession of the tenant's unit.

n. The provisions of subsection 13.76.130A.9.I shall not apply to the following situations:

(i) Where a person is the owner of three or fewer residential units in the City of Berkeley and has no greater than a nine percent (9%) ownership interest in any other residential unit in the City of Berkeley; or

(ii) Where each residential rental unit in Berkeley in which the landlord holds an ownership interest of ten percent (10%) or greater is occupied by a tenant otherwise protected from eviction by subsection 13.76.130A.9.I and the landlord's qualified relative who is seeking possession of a unit subject to subsection 13.76.130A.9.b is 60 years of age or older or is disabled as defined in subsection 13.76.130A.9.I.(ii) above; or

(iii) Where each residential rental unit in Berkeley in which the landlord holds an ownership interest of ten percent (10%) or greater is occupied by a tenant otherwise protected from eviction by subsection 13.76.130A.9.I, the landlord has owned the unit for which possession is being sought subject to subsection 13.76.130A.9.a for five years or more and is 60 years of age or older or is disabled as defined in subsection 13.76.130A.9.I.(ii).

o. Where a landlord recovers possession under Subsection 13.76.130A.9, the tenant must be given the right of first refusal to re-occupy the unit upon its next vacancy.

p. When a landlord is required to provide a relocation assistance payment subject to subsection 13.76.130A.9.g, the payment shall be divided among the tenants occupying the rental unit at the time of service of the notice to terminate tenancy.

(i) Within ten days of service of a notice terminating tenancy under subsection 13.76.130A.9, the landlord shall deposit the standard relocation assistance (for households where an occupant has resided one year or more) with the City or its designated agent to be held in escrow. Within ten days after the funds

are deposited into escrow, the City shall release the standard relocation assistance to the tenant household, unless the landlord notifies the Rent Stabilization Program in writing that he/she disputes the tenant's eligibility to receive such assistance.

(ii) In order to claim entitlement to additional relocation assistance under subsection 13.76.130A.9.g, a tenant must notify the landlord and the Rent Stabilization Program in writing that he/she is claiming low-income, disabled, elderly, tenant with minor child status, or a claim that the tenancy began prior to January 1, 1999 (hereinafter "entitlement to additional relocation assistance") per subsection 13.76.130A.9.g within 30 days of filing of notice of termination of tenancy with the Rent Stabilization Program. The landlord shall deposit the additional relocation payment with the Rent Stabilization Program or its designated agent to be held in escrow for any tenant household who claims entitlement to additional relocation assistance within ten days after such notice claiming entitlement to additional relocation assistance is mailed. Within ten days after the funds are deposited into escrow, the Rent Stabilization Program shall authorize release the relocation assistance to the tenant household that claims entitlement to additional relocation assistance, unless the landlord notifies the Rent Stabilization Program in writing that he/she disputes the tenant's eligibility to receive such assistance.

(iii) When a tenant household's eligibility to receive standard or additional relocation assistance as described in subsection 13.76.130A.9.g is disputed, either party may file a Rent Board petition requesting a determination of eligibility or file a claim in a court of competent jurisdiction. The Rent Stabilization Program shall release disputed relocation assistance funds to either the tenant or the landlord upon receipt of either a written agreement by both the landlord and the affected tenant, an order of a court of competent jurisdiction, or an order of a City or Rent Board hearing examiner issued pursuant to a petition process conducted in accordance with applicable Rent Board Regulations.

(iv) The landlord may rescind the notice of termination of tenancy prior to any release of relocation payment to the tenants by serving written notice stating such rescission on the tenants. In such instance, the relocation payment shall be released to the landlord. Subsequent to the release of any relocation payment to the tenants, the landlord may rescind the notice of termination of tenancy only

upon the written agreement of the tenants to remain in possession of the rental unit. If the tenants remain in possession of the rental units after service of a landlord's written notice of rescission of the eviction, the tenants shall provide an accounting to the landlord of the amount of the relocation payment expended for moving costs, return to the landlord that portion of the relocation payment not expended for moving costs, and assign to the landlord all rights to recover the amount of relocation payment paid to third parties. If a rescission occurs under this subsection, the tenant(s) shall continue the tenancy on the same terms as before the notice was served.

(v) Where a landlord has served a notice of termination of tenancy on a tenant prior to the date that this amendment takes effect and the notice of termination of tenancy has not expired, the landlord shall deposit the full relocation payment with the City or its designated agent to be held in escrow for the tenants if the tenants have not vacated the rental unit as of the effective date of this amendment, and the landlord shall pay the full relocation payment to the tenants if the tenants have vacated the rental unit as of the effective date of this amendment. Said deposit in escrow or payment to the tenants shall be made within ten days of the effective date of this amendment.

(vi) Failure of the landlord to make any payment specified herein shall be a defense to any action to recover possession of a rental unit based upon the landlord's termination of tenancy notice pursuant to this subsection (13.76.130A.9). In addition, if the tenants of a rental unit have vacated the unit as a result of a notice of termination of tenancy pursuant to this subsection (13.76.130.A.9), and the landlord fails to make any payment specified herein, the landlord shall be liable to the tenants for three times the amount of the payment as well as reasonable attorney fees.

q. A tenant who prevails in an action brought under this subsection (13.76.130A.9), in addition to any damages and/or costs awarded by the court, shall be entitled to recover all reasonable attorney's fees incurred in bringing or defending the action.

r. At least twice annually, Rent Board staff shall report to the Rent Board regarding the occupancy status of units possession of which has been recovered pursuant to this subsection (13.76.130A.9) within the prior 36 months.

s. If any provision or clause of this subsection (13.76.130A.9) or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses, and to this end the provisions and applications of this subsection are severable.

10. A landlord or lessor seeks in good faith to recover possession of the rental unit for his/her occupancy as a principal residence, where the landlord or lessor has previously occupied the rental unit as his/her principal residence and has the right to recover possession of the unit for his/her occupancy as a principal residence under an existing rental agreement with the current tenants.

11. The tenant fails to vacate a rental unit occupied under the terms of a temporary rental agreement entered into pursuant to the provisions of subsection 13.76.130A.7.c., following expiration of the term of said temporary rental agreement, and following written notice of the availability of tenant's previous rental unit for re-occupancy by tenant (if the term of the rental agreement has expired by reason of the completion of repairs on the old rental unit), or of written notice to quit (if the term of the rental agreement has expired by reason of the expiration of a period of 90 days).

B. A landlord's failure to specify good cause as listed above in subsections 1. through 11. of Section 13.76.130A. in the notice of termination or the notice to quit and in the complaint for possession shall be a defense to any action for possession of a rental unit covered by the terms of this chapter.

C. In any action to recover possession of a rental unit covered by the terms of this chapter, except an action to recover possession under subsection 13.76.130A.7., 13.76.130.A.8, or 13.76.130.A.11., a landlord shall allege, as to each rental unit on the property, substantial compliance as of the date of the notice of termination or notice to quit and as of the date of the commencement of the action for possession with the implied warranty of habitability and compliance as of the date of the notice of termination or notice to quit and as of the date of the commencement of the action for possession with Sections 13.76.100 (Rent Ceiling) and 13.76.080 (Rent Registration) of this chapter.

D. The landlord shall file with the board a copy of any notice of termination, notice to quit, and summons and complaint, within ten days after the tenant has been served with such notice or summons and complaint.

Section 5. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

RESOLUTION NO. ##,###-N.S.

APPROVING INCREASE IN APPROPRIATION LIMIT FOR FISCAL YEARS 2021 THROUGH 2024

WHEREAS, Article XIII B of the California Constitution requires that the voters approve increases in the City's appropriations limit on a four year cycle; and

WHEREAS, such increases allow the City to expend funds it has already collected from previously approved ballot measures for various purposes including public safety, parks and recreation, health services, and infrastructure; and

WHEREAS, such expenditures are necessary for the continued health and well-being of City residents.

NOW THEREFORE BE IT RESOLVED by the People of the City of Berkeley that the City's appropriation limit under Article XIII B of the California Constitution is increased to allow the expenditure of the proceeds of City taxes and income from the investment of those taxes for fiscal years 2021 through 2024.

