



Fair Campaign Practices Commission
Open Government Commission

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

MEETING AGENDA

January 18, 2024

6:30 p.m.

2180 Milvia Street, Berkeley, CA 94704 – 1st Floor, Cypress Room

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

Secretary: Samuel Harvey

The Commission may act on any item on this agenda

1. Call to Order 6:30 p.m.
2. Roll Call.
3. Public Comment. *Comments on subjects not on the agenda that are within the Commissions' purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
4. Approval of minutes for October 19, 2023 FCPC-OGC Regular Meeting

Fair Campaign Practices Commission (FCPC) Agenda

5. Reports.
 - a. Report from Chair.
 - b. Report from Staff.
6. Mandated cost of living adjustments to 1) threshold for filing quarterly campaign reports for ballot measure committees; and 2) threshold for listing "top four" contributors on certain campaign communications; discussion and possible action.
7. Special election to fill City Council District 7 vacancy; possible changes to campaign reporting deadlines; discussion and possible action.

Open Government Commission (OGC) Agenda

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

Joint FCPC-OGC Calendar

9. Adoption of 2023 FCPC-OGC Joint Concurrent Meeting Schedule; discussion and possible action.
10. Chair and Vice-Chair elections to be held at February meeting; discussion and possible action.
11. Adjournment.

Communications

None

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



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

October 19, 2023

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

North Berkeley Senior Center
1901 Hearst Ave.
Aspen Room

Secretary: Samuel Harvey

Members Present: Patrick O'Donnell, Janis Ching, Kitt Saginor, Henry Isselbacher,
Pedro Hernandez, James Hynes

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

1. **Call to Order**

Chair called the meeting to order at 6:30 p.m.

2. **Roll Call**

Roll call taken

3. **Public Comment**

One speaker.

4. **Approval of Minutes:**

a. September 21, 2023 FCPC-OGC Concurrent Regular Meeting

a. Public comment: No speakers

b. Commission discussion and action

Motion to approve minutes (M/S/C: Isselbacher/O'Donnell; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

FCPC Agenda

5. **Reports**
 - a. **Report from Chair**
 - b. **Report from Staff**

6. **City Clerk Department enforcement referral regarding Mike Chang for Berkeley School Board 2022**
 - a. Public comment: No speakers
 - b. Commission discussion

Motion to make a finding of probable cause for 1) failure to timely file campaign statement covering October 23, 2022 to November 31, 2022; 2) failure to timely file campaign statement covering January 1, 2023 to June 30, 2023; 3) failure to timely file campaign statement covering September 25, 2022 to October 22, 2022; and 4) failure to accurately report contributions or expenditures; and create a negotiating committee (M/S/C: Saginor / O'Donnell; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

Pursuant to Commission Procedure VI.C.2.d, Chair appointed the following members to the negotiating committee: O'Donnell, Isselbacher, Ching.

7. **Berkeley Election Reform Act (BERA) clean-up amendments to ensure consistency with contribution limit cost of living adjustments**
 - a. Public comment: No speakers
 - b. Commission discussion.

Motion to adopt amendments for submission to City Council (M/S/C: Isselbacher / Saginor; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

8. **Report from staff on public financing matching funds disbursements to Mark Humbert for Council 2022**
 - a. Public comment: No speakers
 - b. Commission discussion

Motion to direct staff to review further and report back with additional information, and request the candidate provide a response to the Commission (M/S/C: O'Donnell / Isselbacher; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

9. **Report from subcommittee on contribution limits under Berkeley Municipal Code § 2.12.415**

- a. Public comment: No speakers
- b. No commission discussion or action taken

OGC Agenda

10. **Reports**

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

11. **Adjournment**

Motion to adjourn (M/S/C: O'Donnell / Isselbacher; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

The meeting adjourned at 8:31 p.m.



City Clerk Department

January 18, 2024

To: Fair Campaign Practices Commission
From: Mark Numainville, City Clerk
Subject: Mandated Cost of Living Adjustments

Pursuant to newly adopted amendments to the Berkeley Election Reform Act, there are two additional dollar amounts that must be adjusted on a regular cycle, 1) the dollar amount threshold for filing quarterly campaign reports for ballot measure committees; and 2) the dollar amount threshold for listing the “Top Four” contributors on certain campaign communications.

These clean up amendments were adopted to keep these dollar amounts in lock step with the newly adjusted contribution limit. The contribution limit was adjusted upward from \$250 to \$270 in January 2023. This adjustment is an off-cycle adjustment that is needed to keep the amounts tracking at the same dollar amount.

The adjustment for the dollar amounts is based on the Consumer Price Index for the San Francisco Area. The formula the City uses for these adjustments is established by the State Fair Political Practices Commission for adjusting contribution limits for state candidates, and is also used for adjusting the limits for Berkeley’s Public Financing Program.

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

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

ITEM 6 - ATTACHMENT 1

Internal

Item Subject to Inflator	Starting Amount	Inflator	Previous Amount	Adjusted Amount 2023	Rounding	Rounded Amount 2023	Amount Reference	Inflator Reference
Contribution Limit	\$250	CPI - U	\$250	\$273.33	Nearest \$10	\$270.00	2.12.415	2.12.415
Quarterly Filing Threshold	\$250	CPI - U	\$250	\$273.33	Nearest \$10	\$270.00	2.12.271	2.12.545
Top Four Threshold	\$250	CPI - U	\$250	\$273.33	Nearest \$10	\$270.00	2.12.335	2.12.545

Item Subject to Inflator	Starting Amount (Dec 2016)	Inflator	Previous Amount (2021)	Adjusted Amount 2023	Rounding	Rounded Amount 2023	Amount Reference	Inflator Reference
Population	120,972	Census Update	121,353	124,321	Up to nearest whole number	124,321	Art. III, Sec.6.2 (2)(a)	Art. III, Sec.6.2 (3)
Admin Costs (four year cycle)	\$250,000	CPI - U	\$290,914.33	\$307,254.17	None	\$307,254.17	Art. III, Sec.6.2 (1)(b)	Art. III, Sec.6.2 (3)
Per Resident Allocation	\$4.00	CPI - U	\$4.65	\$4.92	None	\$4.92	Art. III, Sec.6.2 (1)(b)	Art. III, Sec.6.2 (3)
Cap in Fund Balance	\$2,000,000	CPI - U	\$2,327,314.64	\$2,458,033.40	None	\$2,458,033.40	Art. III, Sec.6.2 (1)(b)	Art. III, Sec.6.2 (3)
Qualified Contribution	\$50.00	CPI - U	\$60.00	\$61.45	Nearest \$10	\$60.00	2.12.167	2.12.545
Capital Asset Cap	\$500.00	CPI - U	\$580.00	\$614.51	Nearest \$10	\$610.00	2.12.530.B.2.c	2.12.545
Initial Qualified Contributions	\$10.00	CPI - U	\$10.00	\$12.29	Nearest \$10	\$10.00	2.12.500.A.3.	2.12.545
Initial Qualified Contributions - Total	\$500.00	CPI - U	\$580.00	\$614.51	Nearest \$10	\$610.00	2.12.500.A.3.	2.12.545
Matching funds limit - Mayor	\$120,000	CPI - U	\$140,000.00	\$147,482.00	Nearest \$1,000	\$147,000.00	2.12.505.B.	2.12.545
Matching funds limit - Council	\$40,000	CPI - U	\$47,000.00	\$49,160.67	Nearest \$1,000	\$49,000.00	2.12.505.B.	2.12.545
Matching funds limit - Auditor*	\$20,000	CPI - U	n/a	\$24,580.33	Nearest \$1,000	\$25,000.00	2.12.505.B.	2.12.545
Matching funds limit - Rent Board*	\$8,000	CPI - U	n/a	\$9,832.13	Nearest \$1,000	\$10,000.00	2.12.505.B.	2.12.545
Matching funds limit - School Board*	\$20,000	CPI - U	n/a	\$24,580.33	Nearest \$1,000	\$25,000.00	2.12.505.B.	2.12.545



Fair Campaign Practices Commission
Open Government Commission

Date: January 18, 2024
To: Fair Campaign Practices Commission and Open Government Commission
From: Sam Harvey, Secretary
Subject: Adoption of 2024 FCPC-OGC Joint Concurrent Meeting Schedule

The FCPC and OGC (“Commissions”) must set their annual meeting schedule for 2024. Traditionally, the Commissions have met in a concurrent meeting on each third Thursday of the month. Starting last year, the Commissions began meeting at 6:30 p.m. rather than 6 p.m.

In recent years, the Commissions have not had a regular meeting scheduled in August or December consistent with the City Council’s recess schedule. This practice is continued in the proposed schedule below. The Commissions may need to schedule additional meetings as needed throughout the year.

The Commission Secretary has generated the following proposed schedule for the remainder of the year, which the Commissions should feel free to adjust as they see fit:

- Thursday, February 15
- Thursday, March 21
- Thursday, April 18
- Thursday, May 16
- Thursday, June 20
- Thursday, July 18
- Thursday, September 19
- Thursday, October 17
- Thursday, November 21
- Thursday, January 16, 2025

All meetings to begin at 6:30 p.m.



Fair Campaign Practices Commission
Open Government Commission

DATE: January 18, 2024

TO: Fair Campaign Practices Commission & Open Government Commission

FROM: Sam Harvey, Commission Secretary

SUBJECT: Election of Commission Officers

City commissions must annually elect a Chair and Vice Chair. Pursuant to the FCPC's Rules of Procedure, the Chair and Vice Chair are to be elected at the February regular meeting. The purpose of this agenda item is to allow the Commissions an opportunity to discuss the process prior to the February officer election.

The Chair and Vice Chair are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as Chair for more than two consecutive years. There is no term limit for Vice Chair.

The FCPC's Rules of Procedure outline the following responsibilities for the Chair:

1. Preside at all Commission meetings
2. Appoint committees and chairpersons of committees
3. Approve the agenda prior to distribution
4. Sign correspondence on behalf of the Commission
5. Administer oaths and affirmations to persons testifying before the Commission
6. Provide guidance to the Secretary regarding staff execution of Commission business, including, but not limited to, investigations, reviewing campaign statements and audits of candidates and committees
7. Represent the Commission in dealings with the City Manager, the City Attorney, and other City staff
8. Represent the Commission before the City Council
9. Exercise the authority of the Commission with regard to administrative Matters

The role of the Vice-Chair is to assume the above roles in the absence of the Chair.