



## PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Tuesday, December 13, 2022  
5:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81885763338>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **818 8576 3338**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

## Consent Calendar

*The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

1. **Confirming the Results of the November 8, 2022, General Municipal Election From: City Manager**  
**Recommendation:**
  1. Adopt a Resolution: a) Confirming the results of the November 8, 2022, General Municipal Election; and b) Declaring the passage of Measure M – Vacancy Tax, and Measure N – Article 34 Low-Income Housing.
  2. Adopt an Ordinance amending the Berkeley Municipal Code to incorporate the passage of Measure M – Vacancy Tax.
  3. Adopt a Resolution codifying the text of Measure N – Article 34 Low-Income Housing.**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

2. **Grant Contracts with the State Coastal Conservancy to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute grant contracts with the State Coastal Conservancy (SCC) to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront for the following projects: 1. Dredging of the Marina Main Channel, 2. Replacement of D and E Dock system, 3. Improvements to Cesar Chavez Park Pathways, 4. Improvements to the South Cove West Parking Lot, and 5. Environmental Review and Design of the Pier-Ferry Project.  
**Financial Implications:** \$15 million in revenue.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Council Consent Items

3. **City Council Committee and Regional Body Appointments**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on January 31, 2024 or until new appointments are made.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100
4. **Appointment of the Vice-President of the Council**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution appointing Councilmember Ben Bartlett to be the Vice-President of the Council for a term beginning December 14, 2022 to December 5, 2023 and Councilmember Susan Wengraf to be the Vice President of the Council for a term beginning December 6, 2023 to December 1, 2024 or until new appointments are made.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100
5. **Seating Arrangements for Councilmembers during City Council Meetings**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution rescinding Resolution No. 70,202–N.S. and changing the seating placement of City Councilmembers on the dais to accommodate the newly-elected councilmember and newly appointed Vice-Mayor, as follows (From left to right, facing the dais): Humbert, Kesarwani, Harrison, Bartlett, Arreguin, Wengraf, Hahn, Robinson, Taplin.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100

## Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 9<sup>th</sup> day of December, 2022.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: December 9, 2022  
Mark Numainville, City Clerk

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council 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 the City Council, 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 to the City Clerk Department at 2180 Milvia Street. 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 City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>  
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, South Branch – 1901 Russell



**COMMUNICATION ACCESS INFORMATION:**

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 (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #2: Grant Contracts with the State Coastal Conservancy to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront**

1. Camille Antinori (2)





Office of the City Manager

CONSENT CALENDAR  
December 13, 2022

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 8, 2022, General Municipal Election

RECOMMENDATION

1. Adopt a Resolution:
  - a) Confirming the results of the November 8, 2022, General Municipal Election; and
  - b) Declaring the passage of Measure M – Vacancy Tax, and Measure N – Article 34 Low-Income Housing;
2. Adopt an Ordinance amending the Berkeley Municipal Code to incorporate the passage of Measure M – Vacancy Tax; and
3. Adopt a Resolution codifying the text of Measure N – Article 34 Low-Income Housing.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with confirming the election results.

CURRENT SITUATION AND ITS EFFECTS

The Alameda County Registrar of Voters has submitted to the City Clerk the official Statement of the Results of votes cast for the City of Berkeley General Municipal Election held on November 8, 2022, and the City Clerk has prepared the attached Certification of Election Results.

The attached Resolution confirms the results of the November 8, 2022 Election and declares candidates elected to offices of City Council Districts 1, 4, 7, and 8; Rent Stabilization Board Commissioner; School Board Director; and City Auditor; as well as the passage and/or defeat of city ballot measures.

Voters approved Measures M and N by a majority vote. Pursuant to Election Code Section 9217, Measure M will take effect on December 23, 2022 (10 days after vote is declared by legislative body). Measure N will be effective immediately after the Council adopts the resolution confirming the election results.

Measure L – Bond Measure did not achieve the required two-thirds threshold needed for passage.

### BACKGROUND

The City conducted its General Municipal Election on November 8, 2022. In addition to candidates for local offices, three 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 City Auditor and 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 AND CLIMATE IMPACTS

There are no identifiable environmental and climate 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 Certification of Election Results (includes the Ranked Choice Voting Accumulated Results Chart and the Registrar of Voters Certificate of Election and Statement of Results with precinct-by-precinct results)

2: Ordinance – Measure M

3: Resolution – Measure N

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

CONFIRMING THE CANVASS OF RETURNS OF THE GENERAL MUNICIPAL  
ELECTION HELD NOVEMBER 8, 2022, AND DECLARING THE RESULTS

WHEREAS, a General Municipal Election consolidated with the Gubernatorial General Election was held in the City of Berkeley on November 8, 2022; and

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

- One seat for City Auditor, term ending November 30, 2026
- One Councilmember seat, District 1, term ending November 30, 2026
- One Councilmember seat, District 4, term ending November 30, 2026
- One Councilmember seat, District 7, term ending November 30, 2026
- One Councilmember seat, District 8, term ending November 30, 2026
- Three School Board Director seats, terms ending November 30, 2026
- Five Rent Stabilization Board Commissioner seats, terms ending November 30, 2026

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

**Measure L - Bond Measure**

**Two-thirds Vote Required**

Shall the measure to create affordable housing; repair streets and sidewalks; underground utilities; and enhance buildings, infrastructure, and safety, authorizing the issuance of \$650 million in general obligation bonds, subject to independent oversight and audits, be adopted?

Financial Implications: Median annual cost over the projected 48-year period bonds are outstanding is approximately \$40.91 for every \$100,000 or \$265 for the average assessed home value of \$647,000; raising approximately \$25,000,000/year.

**Measure M – Vacancy Tax**

**Majority Vote Required**

Shall the measure to tax property owners who keep residential units vacant more than 182 days per year, \$3,000 for each nonexempt condominium, duplex, single family dwelling, or townhouse vacant unit in the first year, increasing to \$6,000 for each subsequent year, and \$6,000 for all other residential units vacant in the first year, increasing to \$12,000 for each subsequent year, with exceptions, from January 1, 2024 to December 31, 2034, generating between \$3,900,000 and \$5,900,000 annually, be adopted?

**Measure N – Article 34 Low-Income Housing  
Majority Vote Required**

Shall any federal, state or local public entity be empowered to develop, construct or acquire an additional 3,000 units of low-rent housing in the City of Berkeley for persons of low income?

Financial Implications:

Uncertain, dependent on means of financing used.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following named were candidates for City Auditor for term ending November 30, 2026 and received the votes as set forth after their names, to wit:

<b><u>CITY AUDITOR</u></b>		
Jenny Wong	36,949	

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the following named were candidates for Councilmember for District 1 for the term ending November 30, 2026, 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 Election Results attached hereto, to wit:

<b><u>CITY COUNCIL DISTRICT 1</u></b>		
<b><u>(First Choice Votes)</u></b>		
Rashi Kesarwani	3,289	
Elisa Mikiten	2,750	
Tamar Michai Freeman	586	

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the following named were candidates for Councilmember for Districts 4, 7, and 8 for the terms ending November 30, 2026, and received the votes as set forth after their names, to wit:

<b><u>CITY COUNCIL DISTRICT 4</u></b>		
Kate Harrison	3,049	

<b><u>CITY COUNCIL DISTRICT 7</u></b>		
Rigel Robinson	691	

<b><u>CITY COUNCIL DISTRICT 8</u></b>		
Mark Humbert	3,289	
Mari Mendonca	1,342	
Peter Bruce Dumont	236	
Mary-Lee Smith	186	
Jay Wu	123	

BE IT FURTHER RESOLVED that the following named were candidates for Rent Stabilization Board Commissioner for the terms ending November 30, 2026, and received the votes as set forth after their names, to wit:

**RENT STABILIZATION BOARD**  
**COMMISSIONER**  
**(Top Five Elected)**

Soli Alpert	23,870
Nathan Mizell	21,268
Vanessa Danielle Marrero	19,139
Stefan Elgstrand	17,686
Ida Martinac	17,169
Negeene Mosaed	16,204
Carole Marasovic	15,982
Wendy Saenz Hood	14,031

BE IT FURTHER RESOLVED that the following named were candidates for School Board Director for the terms ending November 30, 2026, and received the votes as set forth after their names, to wit:

**SCHOOL BOARD DIRECTOR**  
**(Top Three Elected)**

Ka'Dijah A. Brown	29,880
Mike Chang	22,792
Jennifer Shanoski	22,692
Reichi Lee	21,594
Tatiana Guerreiro Ramos	6,534
Norma J F Harrison	1,239

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

<b>Measure L</b>		
<b>Bond Measure</b>	NO	18,130
<b>Two-thirds Vote Required</b>	YES	26,545
<b>Measure M</b>		
<b>Vacancy Tax</b>	YES	28,805
<b>Majority Vote Required</b>	NO	15,549
<b>Measure N</b>		
<b>Article 34 Low-Income Housing</b>	YES	33,791
<b>Majority Vote Required</b>	NO	10,597

BE IT FURTHER RESOLVED that the following candidates 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, 2026:

**CITY AUDITOR**

Jenny Wong

**CITY COUNCIL**

Councilmember District 1	Rashi Kesarwani
Councilmember District 4	Kate Harrison
Councilmember District 7	Rigel Robinson
Councilmember District 8	Mark Humbert

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, 2026:

**RENT STABILIZATION BOARD  
COMMISSIONER**

Soli Alpert  
Nathan Mizell  
Vanessa Danielle Marrero  
Stefan Elgstrand  
Ida Martinac

**SCHOOL BOARD  
DIRECTOR**

Ka'Dijah A. Brown  
Mike Chang  
Jennifer Shanoski

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

- a) Measure L did not receive two-thirds of the votes cast at said election for said Measure, and is hereby declared to have failed.
- b) Measure M received a majority of the votes cast at said election for said Measure, and is hereby declared to have passed.
- c) Measure N 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 47,428. 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 Election Results





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)**

Soli Alpert	23,870
Nathan Mizell	21,268
Vanessa Danielle Marrero	19,139
Stefan Elgstrand	17,686
Ida Martinac	17,169
Negeene Mosaed	16,204
Carole Marasovic	15,982
Wendy Saenz Hood	14,031

**SCHOOL BOARD DIRECTOR**

**(Top Three Elected)**

Ka'Dijah A. Brown	29,880
Mike Chang	22,792
Jennifer Shanoski	22,692
Reichi Lee	21,594
Tatiana Guerreiro Ramos	6,534
Norma J F Harrison	1,239

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 L - Bond Measure**

**Two-thirds Vote Required**

Shall the measure to create affordable housing; repair streets and sidewalks; underground utilities; and enhance buildings, infrastructure, and safety, authorizing the issuance of \$650 million in general obligation bonds, subject to independent oversight and audits, be adopted?

Financial Implications: Median annual cost over the projected 48-year period bonds are outstanding is approximately \$40.91 for every \$100,000 or \$265 for the average assessed home value of \$647,000; raising approximately \$25,000,000/year.

NO - 18,130

YES - 26,545

**Measure M – Vacancy Tax  
Majority Vote Required**

Shall the measure to tax property owners who keep residential units vacant more than 182 days per year, \$3,000 for each nonexempt condominium, duplex, single family dwelling, or townhouse vacant unit in the first year, increasing to \$6,000 for each subsequent year, and \$6,000 for all other residential units vacant in the first year, increasing to \$12,000 for each subsequent year, with exceptions, from January 1, 2024 to December 31, 2034, generating between \$3,900,000 and \$5,900,000 annually, be adopted?

YES - 28,805

NO - 15,549

**Measure N – Article 34 Low-Income Housing  
Majority Vote Required**

Shall any federal, state or local public entity be empowered to develop, construct or acquire an additional 3,000 units of low-rent housing in the City of Berkeley for persons of low income?

Financial Implications:

Uncertain, dependent on means of financing used.

YES - 33,791

NO - 10,597

I further certify that the total number of ballots cast in the City of Berkeley at said election was 47,428. 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 9, 2022

*Mark Numainville*

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 8, 2022**, 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 **City Auditor**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



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

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California



**1 City Auditor - Berkeley (RCV)**

		Registered Voters	Voters Cast	Turnout (%)	JENNY WONG	Over Votes	Under Votes
200100	Election Day	3492	171	4.90 %	117		54
200100	Vote by Mail	3492	2433	69.67 %	1986		447
200100	Total	3492	2604	74.57 %	2103		501
200200	Election Day	2317	147	6.34 %	105	1	41
200200	Vote by Mail	2317	1509	65.13 %	1201		308
200200	Total	2317	1656	71.47 %	1306	1	349
201400	Election Day	3680	163	4.43 %	104		59
201400	Vote by Mail	3680	2361	64.16 %	1882	2	477
201400	Total	3680	2524	68.59 %	1986	2	536
202200	Election Day	480	39	8.13 %	24		15
202200	Vote by Mail	480	255	53.13 %	197		58
202200	Total	480	294	61.25 %	221		73
202500	Election Day	1011	114	11.28 %	75		39
202500	Vote by Mail	1011	155	15.33 %	109		46
202500	Total	1011	269	26.61 %	184		85
202620	Election Day	536	231	43.10 %	157		74
202620	Vote by Mail	536	137	25.56 %	93		44
202620	Total	536	368	68.66 %	250		118
203100	Election Day	3304	87	2.63 %	57		30
203100	Vote by Mail	3304	2294	69.43 %	1808		486
203100	Total	3304	2381	72.06 %	1865		516
203500	Election Day	1330	100	7.52 %	65		35
203500	Vote by Mail	1330	768	57.74 %	569		199
203500	Total	1330	868	65.26 %	634		234
203800	Election Day	2277	78	3.43 %	45		33
203800	Vote by Mail	2277	1514	66.49 %	1168		346
203800	Total	2277	1592	69.92 %	1213		379
203880	Election Day	36	4	11.11 %	2		2
203880	Vote by Mail	36	15	41.67 %	12		3
203880	Total	36	19	52.78 %	14		5
203890	Election Day	35	2	5.71 %	2		
203890	Vote by Mail	35	25	71.43 %	20		5
203890	Total	35	27	77.14 %	22		5
204210	Election Day	2138	207	9.68 %	139	1	67
204210	Vote by Mail	2138	987	46.16 %	740		247
204210	Total	2138	1194	55.85 %	879	1	314
204510	Election Day	2338	139	5.95 %	94		45
204510	Vote by Mail	2338	1332	56.97 %	1040		292
204510	Total	2338	1471	62.92 %	1134		337
204900	Election Day	885	145	16.38 %	103		42
204900	Vote by Mail	885	269	30.40 %	199		70
204900	Total	885	414	46.78 %	302		112
205200	Election Day	4260	123	2.89 %	81		42
205200	Vote by Mail	4260	3139	73.69 %	2597	1	541
205200	Total	4260	3262	76.57 %	2678	1	583
205700	Election Day	3660	162	4.43 %	105		57
205700	Vote by Mail	3660	2640	72.13 %	2179	1	460
205700	Total	3660	2802	76.56 %	2284	1	517
206200	Election Day	2103	98	4.66 %	61		37
206200	Vote by Mail	2103	1373	65.29 %	1087		286

1 City Auditor - Berkeley (RCV)							
		Registered Voters	Voters Cast	Turnout (%)	JENNY WONG	Over Votes	Under Votes
206200	Total	2103	1471	69.95 %	1148		323
206900	Election Day	1405	105	7.47 %	66		39
206900	Vote by Mail	1405	794	56.51 %	593		201
206900	Total	1405	899	63.99 %	659		240
207000	Election Day	1963	92	4.69 %	64		28
207000	Vote by Mail	1963	1418	72.24 %	1139		279
207000	Total	1963	1510	76.92 %	1203		307
207200	Election Day	2444	121	4.95 %	81		40
207200	Vote by Mail	2444	1620	66.28 %	1317		303
207200	Total	2444	1741	71.24 %	1398		343
207700	Election Day	2437	203	8.33 %	135		68
207700	Vote by Mail	2437	889	36.48 %	640	1	248
207700	Total	2437	1092	44.81 %	775	1	316
208010	Election Day	3458	158	4.57 %	113		45
208010	Vote by Mail	3458	2178	62.98 %	1636	2	540
208010	Total	3458	2336	67.55 %	1749	2	585
208300	Election Day	3583	208	5.81 %	148		60
208300	Vote by Mail	3583	2016	56.27 %	1611		405
208300	Total	3583	2224	62.07 %	1759		465
208510	Election Day	1327	73	5.50 %	47		26
208510	Vote by Mail	1327	756	56.97 %	603		153
208510	Total	1327	829	62.47 %	650		179
208690	Election Day	22	1	4.55 %	1		
208690	Vote by Mail	22	15	68.18 %	14		1
208690	Total	22	16	72.73 %	15		1
208800	Election Day	2932	151	5.15 %	111		40
208800	Vote by Mail	2932	1458	49.73 %	1163	1	294
208800	Total	2932	1609	54.88 %	1274	1	334
208810	Election Day	1826	77	4.22 %	57		20
208810	Vote by Mail	1826	941	51.53 %	760		181
208810	Total	1826	1018	55.75 %	817		201
209010	Election Day	4049	163	4.03 %	122		41
209010	Vote by Mail	4049	2503	61.82 %	1988		515
209010	Total	4049	2666	65.84 %	2110		556
209310	Election Day	5402	199	3.68 %	141		58
209310	Vote by Mail	5402	3736	69.16 %	3016	1	719
209310	Total	5402	3935	72.84 %	3157	1	777
209700	Election Day	2589	100	3.86 %	65		35
209700	Vote by Mail	2589	1448	55.93 %	1140		308
209700	Total	2589	1548	59.79 %	1205		343
209900	Election Day	4322	186	4.30 %	136		50
209900	Vote by Mail	4322	2271	52.55 %	1819	1	451
209900	Total	4322	2457	56.85 %	1955	1	501
Total - Election Day		71641	3847	5.37 %	2623	2	1222
Total - Vote by Mail		71641	43249	60.37 %	34326	10	8913
Contest Total		71641	47096	65.74 %	36949	12	10135

# RCV Detailed Report

General Election

Alameda County

November 08, 2022

Certified Final Results

## City Auditor - Berkeley (RCV)

### Official results

Number of positions to elect is 1.

Tabulation status:

All Positions Filled

Tabulation time:

12/6/2022 5:17:47 PM

### Tabulation Options

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: 18,475

Candidate	Votes	Percentage
JENNY WONG	36,949	100.00%
<b>Continuing Ballots Total</b>	<b>36,949</b>	
Blanks	9,296	
Exhausted	0	
Overvotes	12	
Remainder Points	0	
Suspended	839	
<b>Non Transferable Total</b>	<b>10,147</b>	

JENNY WONG is elected because the candidate reached the threshold value.



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 1**, at the General Election held on Tuesday, **November 8, 2022**, 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 1**, for the office **City Council Member, District 1**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



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

		Registered Voters	Voters Cast	Turnout (%)	ELISA MIKITEN	TAMAR MICHAEL FREEMAN	RASHI KESARWANI	Over Votes	Under Votes
207200	Election Day	2444	121	4.95 %	47	14	38		22
207200	Vote by Mail	2444	1620	66.28 %	694	113	702	5	106
207200	Total	2444	1741	71.24 %	741	127	740	5	128
209310	Election Day	5402	199	3.68 %	67	21	92		19
209310	Vote by Mail	5402	3736	69.16 %	1464	269	1735	15	253
209310	Total	5402	3935	72.84 %	1531	290	1827	15	272
209700	Election Day	2589	100	3.86 %	34	17	31	1	17
209700	Vote by Mail	2589	1448	55.93 %	444	152	691	8	153
209700	Total	2589	1548	59.79 %	478	169	722	9	170
Total - Election Day		10435	420	4.02 %	148	52	161	1	58
Total - Vote by Mail		10435	6804	65.20 %	2602	534	3128	28	512
Contest Total		10435	7224	69.23 %	2750	586	3289	29	570

# RCV Detailed Report

General Election

Alameda County

November 08, 2022

Certified Final Results

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

### Official results

Number of positions to elect is 1.

Tabulation status:

All Positions Filled

Tabulation time:

12/6/2022 5:17:07 PM

### Tabulation Options

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	False
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

Candidate	Votes	Percentage
ELISA MIKITEN	2,750	41.51%
TAMAR MICHAÏ FREEMAN	586	8.85%
RASHI KESARWANI	3,289	49.65%
<b>Continuing Ballots Total</b>	<b>6,625</b>	
Blanks	538	
Exhausted	0	
Overvotes	29	
Remainder Points	0	
Suspended	32	
<b>Non Transferable Total</b>	<b>599</b>	

**TAMAR MICHAÏ FREEMAN is eliminated because the candidate had the least amount of votes.**

**TAMAR MICHAÏ FREEMAN is eliminated because the candidate had the least amount of votes.**

Elimination transfer for candidate TAMAR MICHAÏ FREEMAN.

595 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
TAMAR MICHAÏ FREEMAN	ELISA MIKITEN	315	1	315
TAMAR MICHAÏ FREEMAN	RASHI KESARWANI	160	1	160
TAMAR MICHAÏ FREEMAN	Exhausted	116	1	116
TAMAR MICHAÏ FREEMAN	Overvotes	4	1	4

Elimination transfer for candidate Suspended.

32 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
Suspended	ELISA MIKITEN	12	1	12
Suspended	TAMAR MICHAÏ FREEMAN	9	1	9
Suspended	RASHI KESARWANI	8	1	8
Suspended	Overvotes	3	1	3

## Round 2

Candidate	Votes	Percentage
ELISA MIKITEN	3,077	47.09%
TAMAR MICHAÏ FREEMAN	0	0.00%
RASHI KESARWANI	3,457	52.91%
<b>Continuing Ballots Total</b>	<b>6,534</b>	
Blanks	538	
Exhausted	116	
Overvotes	36	
Remainder Points	0	
Suspended	0	
<b>Non Transferable Total</b>	<b>690</b>	

**ELISA MIKITEN is eliminated because the candidate was not elected in the last round.**

**RASHI KESARWANI is elected because all other candidates have been eliminated.**

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 4**, at the General Election held on Tuesday, **November 8, 2022**, 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 4**, for the office **City Council Member, District 4**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



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 Member, City Council, Dist. 4 - Berkeley  
(RCV)**

		Registered Voters	Voters Cast	Turnout (%)	KATE HARRISON	Over Votes	Under Votes
206900	Election Day	1405	105	7.47 %	51		54
206900	Vote by Mail	1405	794	56.51 %	594		200
206900	Total	1405	899	63.99 %	645		254
207700	Election Day	2437	203	8.33 %	126		77
207700	Vote by Mail	2437	889	36.48 %	625		264
207700	Total	2437	1092	44.81 %	751		341
208010	Election Day	3458	158	4.57 %	106		52
208010	Vote by Mail	3458	2178	62.98 %	1547	2	629
208010	Total	3458	2336	67.55 %	1653	2	681
Total - Election Day		7300	466	6.38 %	283		183
Total - Vote by Mail		7300	3861	52.89 %	2766	2	1093
Contest Total		7300	4327	59.27 %	3049	2	1276

# RCV Detailed Report

General Election

Alameda County

November 08, 2022

Certified Final Results

## Member, City Council, Dist. 4 - Berkeley (RCV)

### Official results

Number of positions to elect is 1.

Tabulation status: All Positions Filled

Tabulation time: 12/6/2022 5:17:23 PM

### Tabulation Options

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: 1,525

Candidate	Votes	Percentage
KATE HARRISON	3,049	100.00%
<b>Continuing Ballots Total</b>	<b>3,049</b>	
Blanks	1,105	
Exhausted	0	
Overvotes	2	
Remainder Points	0	
Suspended	171	
<b>Non Transferable Total</b>	<b>1,278</b>	

KATE HARRISON is elected because the candidate reached the threshold value.



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 7**, at the General Election held on Tuesday, **November 8, 2022**, 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 7**, for the office **City Council Member, District 7**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

1 Member, City Council, Dist. 7 - Berkeley (RCV)							
		Registered Voters	Voters Cast	Turnout (%)	RIGEL ROBINSON	Over Votes	Under Votes
202500	Election Day	1011	114	11.28 %	71		43
202500	Vote by Mail	1011	155	15.33 %	97		58
202500	Total	1011	269	26.61 %	168		101
202620	Election Day	536	231	43.10 %	152		79
202620	Vote by Mail	536	137	25.56 %	85		52
202620	Total	536	368	68.66 %	237		131
204900	Election Day	885	145	16.38 %	97		48
204900	Vote by Mail	885	269	30.40 %	189		80
204900	Total	885	414	46.78 %	286		128
Total - Election Day		2432	490	20.15 %	320		170
Total - Vote by Mail		2432	561	23.07 %	371		190
Contest Total		2432	1051	43.22 %	691		360

# RCV Detailed Report

General Election

Alameda County

November 08, 2022

Certified Final Results

## Member, City Council, Dist. 7 - Berkeley (RCV)

### Official results

Number of positions to elect is 1.

Tabulation status:

All Positions Filled

Tabulation time:

12/6/2022 5:17:29 PM

### Tabulation Options

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: 346

Candidate	Votes	Percentage
RIGEL ROBINSON	691	100.00%
<b>Continuing Ballots Total</b>	<b>691</b>	
Blanks	289	
Exhausted	0	
Overvotes	0	
Remainder Points	0	
Suspended	71	
<b>Non Transferable Total</b>	<b>360</b>	

**RIGEL ROBINSON** is elected because the candidate reached the threshold value.

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 8**, at the General Election held on Tuesday, **November 8, 2022**, 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 8**, for the office **City Council Member, District 8**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

**1 Member, City Council, Dist. 8 - Berkeley (RCV)**

		Registered Voters	Voters Cast	Turnout (%)	PETER BRUCE DUMONT	MARY-LEE SMITH	MARI MENDONCA	MARK HUMBERT	JAY WU	Over Votes	Under Votes
203100	Election Day	3304	87	2.63 %	6	8	19	36			18
203100	Vote by Mail	3304	2294	69.43 %	49	62	323	1529	35	16	280
203100	Total	3304	2381	72.06 %	55	70	342	1565	35	16	298
203500	Election Day	1330	100	7.52 %	11	3	26	19	9		32
203500	Vote by Mail	1330	768	57.74 %	38	22	159	401	24	10	114
203500	Total	1330	868	65.26 %	49	25	185	420	33	10	146
203800	Election Day	2277	78	3.43 %	14	3	14	23	1		23
203800	Vote by Mail	2277	1514	66.49 %	43	43	434	766	18	4	206
203800	Total	2277	1592	69.92 %	57	46	448	789	19	4	229
203880	Election Day	36	4	11.11 %				2			2
203880	Vote by Mail	36	15	41.67 %			4	9			2
203880	Total	36	19	52.78 %			4	11			4
203890	Election Day	35	2	5.71 %	1		1				
203890	Vote by Mail	35	25	71.43 %		2	11	8			4
203890	Total	35	27	77.14 %	1	2	12	8			4
204210	Election Day	2138	207	9.68 %	25	16	55	33	9		69
204210	Vote by Mail	2138	987	46.16 %	49	26	285	459	27	5	136
204210	Total	2138	1194	55.85 %	74	42	340	492	36	5	205
208690	Election Day	22	1	4.55 %				1			
208690	Vote by Mail	22	15	68.18 %		1	11	3			
208690	Total	22	16	72.73 %		1	11	4			
Total - Election Day		9142	479	5.24 %	57	30	115	114	19		144
Total - Vote by Mail		9142	5618	61.45 %	179	156	1227	3175	104	35	742
Contest Total		9142	6097	66.69 %	236	186	1342	3289	123	35	886

# RCV Detailed Report

General Election

Alameda County

November 08, 2022

Certified Final Results

## Member, City Council, Dist. 8 - Berkeley (RCV)

### Official results

Number of positions to elect is 1.

Tabulation status:

All Positions Filled

Tabulation time:

12/6/2022 5:17:37 PM

### Tabulation Options

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	False
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

Candidate	Votes	Percentage
PETER BRUCE DUMONT	236	4.56%
MARY-LEE SMITH	186	3.59%
MARI MENDONCA	1,342	25.93%
MARK HUMBERT	3,289	63.54%
JAY WU	123	2.38%
<b>Continuing Ballots Total</b>	<b>5,176</b>	
Blanks	863	
Exhausted	0	
Overvotes	35	
Remainder Points	0	
Suspended	23	
<b>Non Transferable Total</b>	<b>921</b>	

**JAY WU is eliminated because the candidate had the least amount of votes.**

**JAY WU is eliminated because the candidate had the least amount of votes.**

Elimination transfer for candidate JAY WU.

124 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
JAY WU	PETER BRUCE DUMONT	15	1	15
JAY WU	MARY-LEE SMITH	20	1	20
JAY WU	MARI MENDONCA	22	1	22
JAY WU	MARK HUMBERT	36	1	36
JAY WU	Exhausted	31	1	31

Elimination transfer for candidate Suspended.

23 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
Suspended	PETER BRUCE DUMONT	3	1	3
Suspended	MARY-LEE SMITH	2	1	2
Suspended	MARI MENDONCA	8	1	8
Suspended	MARK HUMBERT	5	1	5
Suspended	JAY WU	1	1	1
Suspended	Overvotes	4	1	4



**Round 2**

Candidate	Votes	Percentage
PETER BRUCE DUMONT	254	4.92%
MARY-LEE SMITH	208	4.03%
MARI MENDONCA	1,372	26.57%
MARK HUMBERT	3,330	64.48%
JAY WU	0	0.00%
<b>Continuing Ballots Total</b>	<b>5,164</b>	
Blanks	863	
Exhausted	31	
Overvotes	39	
Remainder Points	0	
Suspended	0	
<b>Non Transferable Total</b>	<b>933</b>	

**MARY-LEE SMITH is eliminated because the candidate had the least amount of votes.**

Elimination transfer for candidate MARY-LEE SMITH.

208 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
MARY-LEE SMITH	PETER BRUCE DUMONT	37	1	37
MARY-LEE SMITH	MARI MENDONCA	101	1	101
MARY-LEE SMITH	MARK HUMBERT	49	1	49
MARY-LEE SMITH	Exhausted	20	1	20
MARY-LEE SMITH	Overvotes	1	1	1

**Round 3**

Candidate	Votes	Percentage
PETER BRUCE DUMONT	291	5.66%
MARY-LEE SMITH	0	0.00%
MARI MENDONCA	1,473	28.64%
MARK HUMBERT	3,379	65.70%
JAY WU	0	0.00%
<b>Continuing Ballots Total</b>	<b>5,143</b>	
Blanks	863	
Exhausted	51	
Overvotes	40	
Remainder Points	0	
Suspended	0	
<b>Non Transferable Total</b>	<b>954</b>	

**PETER BRUCE DUMONT is eliminated because the candidate had the least amount of votes.**

Elimination transfer for candidate PETER BRUCE DUMONT.

291 ballots have been transferred in the following manner:

Transferred from	Transferred to	Ballots	Fraction	Votes
PETER BRUCE DUMONT	MARI MENDONCA	155	1	155
PETER BRUCE DUMONT	MARK HUMBERT	88	1	88
PETER BRUCE DUMONT	Exhausted	45	1	45
PETER BRUCE DUMONT	Overvotes	3	1	3

**Round 4**

<b>Candidate</b>	<b>Votes</b>	<b>Percentage</b>
PETER BRUCE DUMONT	0	0.00%
MARY-LEE SMITH	0	0.00%
MARI MENDONCA	1,628	31.95%
MARK HUMBERT	3,467	68.05%
JAY WU	0	0.00%
<b>Continuing Ballots Total</b>	<b>5,095</b>	
Blanks	863	
Exhausted	96	
Overvotes	43	
Remainder Points	0	
Suspended	0	
<b>Non Transferable Total</b>	<b>1,002</b>	

**MARI MENDONCA is eliminated because the candidate was not elected in the last round.**

**MARK HUMBERT is elected because all other candidates have been eliminated.**

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 8, 2022**, 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 **Rent Stabilization Board Commissioner**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



A handwritten signature in blue ink, appearing to read "Tim Dupuis". The signature is fluid and cursive.

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

**1 Rent Stabilization Board Commissioners - Berkeley**

		Registered Voters	Voters Cast	Turnout (%)	SOLI ALPERT	STEFAN ELCSTRAND	NATHAN MIZELL	CAROLE MARASOVIC	VANESSA DANIELLE MARRERO	IDA MARTINAC	NEGENE MOSAED	WENDY SAENZ HOOD	Over Votes	Under Votes
200100	Election Day	3492	170	4.87 %	63	51	50	63	50	50	46	70		407
200100	Vote by Mail	3492	2448	70.10 %	979	1147	812	1105	752	703	638	885	25	5194
200100	Total	3492	2618	74.97 %	1042	1198	862	1168	802	753	684	955	25	5601
200200	Election Day	2317	147	6.34 %	75	44	71	50	65	57	46	39		288
200200	Vote by Mail	2317	1518	65.52 %	540	684	449	703	396	347	358	661	20	3432
200200	Total	2317	1665	71.86 %	615	728	520	753	461	404	404	700	20	3720
201400	Election Day	3680	163	4.43 %	69	43	64	46	57	54	47	42		393
201400	Vote by Mail	3680	2385	64.81 %	1033	1061	856	1000	774	711	671	868	35	4916
201400	Total	3680	2548	69.24 %	1102	1104	920	1046	831	765	718	910	35	5309
202200	Election Day	480	39	8.13 %	17	6	22	6	20	18	11	12		83
202200	Vote by Mail	480	257	53.54 %	138	91	126	76	115	110	92	58	5	474
202200	Total	480	296	61.67 %	155	97	148	82	135	128	103	70	5	557
202500	Election Day	1011	114	11.28 %	61	21	64	21	60	42	39	27		235
202500	Vote by Mail	1011	159	15.73 %	89	49	81	41	77	63	61	27	5	302
202500	Total	1011	273	27.00 %	150	70	145	62	137	105	100	54	5	537
202620	Election Day	536	231	43.10 %	126	42	127	40	123	86	96	58		457
202620	Vote by Mail	536	138	25.75 %	88	38	72	33	75	52	57	23		252
202620	Total	536	369	68.84 %	214	80	199	73	198	138	153	81		709
203100	Election Day	3304	87	2.63 %	31	28	32	29	26	22	19	33		215
203100	Vote by Mail	3304	2310	69.92 %	954	1135	769	819	663	591	611	884	40	5084
203100	Total	3304	2397	72.55 %	985	1163	801	848	689	613	630	917	40	5299
203500	Election Day	1330	100	7.52 %	50	14	45	24	46	34	36	22		229
203500	Vote by Mail	1330	775	58.27 %	349	293	296	240	253	255	212	251	15	1711
203500	Total	1330	875	65.79 %	399	307	341	264	299	289	248	273	15	1940
203800	Election Day	2277	78	3.43 %	29	19	32	15	26	24	25	15		205
203800	Vote by Mail	2277	1517	66.62 %	801	613	732	457	671	604	590	412	5	2700
203800	Total	2277	1595	70.05 %	830	632	764	472	697	628	615	427	5	2905
203880	Election Day	36	4	11.11 %	1	1	1	1	1		1	1		13
203880	Vote by Mail	36	15	41.67 %	10	6	11	2	10	7	6			23
203880	Total	36	19	52.78 %	11	7	12	3	11	7	7	1		36
203890	Election Day	35	2	5.71 %	2	1	2		2	1	2			
203890	Vote by Mail	35	25	71.43 %	13	11	10	7	12	10	7	9		46
203890	Total	35	27	77.14 %	15	12	12	7	14	11	9	9		46
204210	Election Day	2138	207	9.68 %	108	36	103	45	96	80	69	47		451
204210	Vote by Mail	2138	990	46.30 %	545	367	501	267	435	381	383	260	20	1791
204210	Total	2138	1197	55.99 %	653	403	604	312	531	461	452	307	20	2242
204510	Election Day	2338	139	5.95 %	68	26	70	42	72	54	51	35		277
204510	Vote by Mail	2338	1349	57.70 %	757	471	666	364	617	589	554	320	5	2402
204510	Total	2338	1488	63.64 %	825	497	736	406	689	643	605	355	5	2679
204900	Election Day	885	145	16.38 %	87	32	85	39	79	61	55	29		258
204900	Vote by Mail	885	271	30.62 %	178	85	174	71	160	127	130	49		381
204900	Total	885	416	47.01 %	265	117	259	110	239	188	185	78		639
205200	Election Day	4260	123	2.89 %	49	33	42	38	42	30	31	35		315
205200	Vote by Mail	4260	3170	74.41 %	1381	1356	1158	1143	1024	912	947	1056	25	6848
205200	Total	4260	3293	77.30 %	1430	1389	1200	1181	1066	942	978	1091	25	7163
205700	Election Day	3660	160	4.37 %	69	52	60	52	58	47	50	42		370
205700	Vote by Mail	3660	2658	72.62 %	1113	1151	904	975	761	687	727	986	50	5936
205700	Total	3660	2818	76.99 %	1182	1203	964	1027	819	734	777	1028	50	6306
206200	Election Day	2103	98	4.66 %	43	21	39	25	36	27	26	26		247

**1 Rent Stabilization Board Commissioners - Berkeley**

		Registered Voters	Voters Cast	Turnout (%)	SOLI ALPERT	STEFAN ELGSTRAND	NATHAN MIZELL	CAROLE MARASOVIC	VANESSA DANIELLE MARRERO	IDA MARTINAC	NEGENE MOSAED	WENDY SAENZ HOOD	Over Votes	Under Votes
206200	Vote by Mail	2103	1381	65.67 %	723	523	643	453	555	483	472	396	30	2627
206200	Total	2103	1479	70.33 %	766	544	682	478	591	510	498	422	30	2874
206900	Election Day	1405	106	7.54 %	57	26	45	27	49	30	36	26		234
206900	Vote by Mail	1405	800	56.94 %	490	289	444	249	401	386	352	201	15	1173
206900	Total	1405	906	64.48 %	547	315	489	276	450	416	388	227	15	1407
207000	Election Day	1963	92	4.69 %	44	25	39	34	32	36	40	32		178
207000	Vote by Mail	1963	1429	72.80 %	672	582	605	488	509	496	455	452	15	2871
207000	Total	1963	1521	77.48 %	716	607	644	522	541	532	495	484	15	3049
207200	Election Day	2444	121	4.95 %	52	26	57	28	49	45	42	30		276
207200	Vote by Mail	2444	1626	66.53 %	898	566	778	538	688	693	610	417	30	2912
207200	Total	2444	1747	71.48 %	950	592	835	566	737	738	652	447	30	3188
207700	Election Day	2437	203	8.33 %	106	33	105	44	102	74	81	56		414
207700	Vote by Mail	2437	899	36.89 %	593	270	522	228	466	417	373	200		1426
207700	Total	2437	1102	45.22 %	699	303	627	272	568	491	454	256		1840
208010	Election Day	3458	158	4.57 %	86	35	72	62	73	66	60	45		291
208010	Vote by Mail	3458	2201	63.65 %	1217	736	1128	675	998	933	879	600	45	3794
208010	Total	3458	2359	68.22 %	1303	771	1200	737	1071	999	939	645	45	4085
208300	Election Day	3583	208	5.81 %	109	56	106	58	99	90	86	53		383
208300	Vote by Mail	3583	2031	56.68 %	1178	678	1061	583	981	891	785	463	25	3510
208300	Total	3583	2239	62.49 %	1287	734	1167	641	1080	981	871	516	25	3893
208510	Election Day	1327	73	5.50 %	35	15	33	20	30	28	22	20		162
208510	Vote by Mail	1327	764	57.57 %	464	268	433	231	406	358	325	186		1149
208510	Total	1327	837	63.07 %	499	283	466	251	436	386	347	206		1311
208690	Election Day	22	1	4.55 %		1	1	1						2
208690	Vote by Mail	22	15	68.18 %	11	6	9	3	10	9	9	1		17
208690	Total	22	16	72.73 %	11	7	10	4	10	9	9	1		19
208800	Election Day	2932	150	5.12 %	78	44	81	46	82	56	56	45		262
208800	Vote by Mail	2932	1470	50.14 %	881	429	845	429	751	654	602	370	30	2359
208800	Total	2932	1620	55.25 %	959	473	926	475	833	710	658	415	30	2621
208810	Election Day	1826	77	4.22 %	47	12	39	18	39	25	33	27		145
208810	Vote by Mail	1826	948	51.92 %	552	291	496	285	503	426	372	267	20	1528
208810	Total	1826	1025	56.13 %	599	303	535	303	542	451	405	294	20	1673
209010	Election Day	4049	163	4.03 %	75	51	80	61	73	62	56	51		306
209010	Vote by Mail	4049	2514	62.09 %	1376	888	1305	856	1145	1050	944	654	20	4332
209010	Total	4049	2677	66.12 %	1451	939	1385	917	1218	1112	1000	705	20	4638
209310	Election Day	5402	199	3.68 %	95	51	92	67	78	74	64	61	5	408
209310	Vote by Mail	5402	3747	69.36 %	1971	1360	1728	1345	1539	1422	1338	1046	30	6956
209310	Total	5402	3946	73.05 %	2066	1411	1820	1412	1617	1496	1402	1107	35	7364
209700	Election Day	2589	100	3.86 %	51	30	47	22	52	30	36	25		207
209700	Vote by Mail	2589	1455	56.20 %	782	529	700	482	638	539	498	372	10	2725
209700	Total	2589	1555	60.06 %	833	559	747	504	690	569	534	397	10	2932
209900	Election Day	4322	185	4.28 %	96	53	83	49	70	61	59	46	5	403
209900	Vote by Mail	4322	2286	52.89 %	1215	785	1165	761	1067	899	825	607	80	4026
209900	Total	4322	2471	57.17 %	1311	838	1248	810	1137	960	884	653	85	4429
Total - Election Day		71641	3843	5.36 %	1879	928	1789	1073	1687	1364	1321	1050	10	8114
Total - Vote by Mail		71641	43551	60.79 %	21991	16758	19479	14909	17452	15805	14883	12981	600	82897
Contest Total		71641	47394	66.15 %	23870	17686	21268	15982	19139	17169	16204	14031	610	91011



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 8, 2022**, 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 **School Director**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

**1 School Directors - Berkeley**

		Registered Voters	Voters Cast	Turnout (%)	KADIJAH A. BROWN	MIKE CHANG	JENNIFER SHAMOSKI	NORMA J.F. HARRISON	REICHI LEE	TATIANA ZUERREIRO RAMOS	Over Votes	Under Votes
200100	Election Day	3492	170	4.87 %	89	87	65	9	73	14		173
200100	Vote by Mail	3492	2448	70.10 %	1515	1296	1207	39	1227	241	12	1807
200100	Total	3492	2618	74.97 %	1604	1383	1272	48	1300	255	12	1980
200200	Election Day	2317	147	6.34 %	79	56	46	6	55	36		163
200200	Vote by Mail	2317	1518	65.52 %	904	644	675	15	831	170	6	1309
200200	Total	2317	1665	71.86 %	983	700	721	21	886	206	6	1472
201400	Election Day	3680	163	4.43 %	87	64	51	4	55	24	3	201
201400	Vote by Mail	3680	2385	64.81 %	1443	1032	1087	37	1238	245	24	2049
201400	Total	3680	2548	69.24 %	1530	1096	1138	41	1293	269	27	2250
202200	Election Day	480	39	8.13 %	21	14	16	5	12	5		44
202200	Vote by Mail	480	257	53.54 %	145	126	140	8	95	23		234
202200	Total	480	296	61.67 %	166	140	156	13	107	28		278
202500	Election Day	1011	114	11.28 %	64	46	36	2	33	27		134
202500	Vote by Mail	1011	159	15.73 %	94	68	60	8	54	21		172
202500	Total	1011	273	27.00 %	158	114	96	10	87	48		306
202620	Election Day	536	231	43.10 %	130	97	56	4	87	65		254
202620	Vote by Mail	536	138	25.75 %	76	60	54	3	47	31		143
202620	Total	536	369	68.84 %	206	157	110	7	134	96		397
203100	Election Day	3304	87	2.63 %	38	26	35	6	43	15	3	95
203100	Vote by Mail	3304	2310	69.92 %	1476	925	1211	26	1328	210	12	1742
203100	Total	3304	2397	72.55 %	1514	951	1246	32	1371	225	15	1837
203500	Election Day	1330	100	7.52 %	46	35	35	4	31	17		132
203500	Vote by Mail	1330	775	58.27 %	439	311	354	19	401	71		730
203500	Total	1330	875	65.79 %	485	346	389	23	432	88		862
203800	Election Day	2277	78	3.43 %	36	28	28	4	30	15		93
203800	Vote by Mail	2277	1517	66.62 %	1016	749	817	25	672	157	3	1112
203800	Total	2277	1595	70.05 %	1052	777	845	29	702	172	3	1205
203880	Election Day	36	4	11.11 %	1	2	2		1			6
203880	Vote by Mail	36	15	41.67 %	10	9	9		3	1		13
203880	Total	36	19	52.78 %	11	11	11		4	1		19
203890	Election Day	35	2	5.71 %	2		1		1	1		1
203890	Vote by Mail	35	25	71.43 %	18	13	18	1	6	3		16
203890	Total	35	27	77.14 %	20	13	19	1	7	4		17
204210	Election Day	2138	207	9.68 %	99	87	64	5	75	43		248
204210	Vote by Mail	2138	990	46.30 %	601	416	489	22	432	129	9	872
204210	Total	2138	1197	55.99 %	700	503	553	27	507	172	9	1120
204510	Election Day	2338	139	5.95 %	71	64	51	2	52	27		150
204510	Vote by Mail	2338	1349	57.70 %	879	723	670	31	483	157	9	1095
204510	Total	2338	1488	63.64 %	950	787	721	33	535	184	9	1245
204900	Election Day	885	145	16.38 %	75	61	48	4	49	42		156
204900	Vote by Mail	885	271	30.62 %	162	116	120	15	96	45	6	253
204900	Total	885	416	47.01 %	237	177	168	19	145	87	6	409
205200	Election Day	4260	123	2.89 %	65	44	46	3	57	30		124
205200	Vote by Mail	4260	3170	74.41 %	1916	1584	1647	57	1488	462	42	2314
205200	Total	4260	3293	77.30 %	1981	1628	1693	60	1545	492	42	2438
205700	Election Day	3660	160	4.37 %	85	83	76	5	72	29		130
205700	Vote by Mail	3660	2658	72.62 %	1621	1430	1406	37	1327	300	15	1838
205700	Total	3660	2818	76.99 %	1706	1513	1482	42	1399	329	15	1968
206200	Election Day	2103	98	4.66 %	52	35	38	4	37	17		111
206200	Vote by Mail	2103	1381	65.67 %	845	695	741	32	586	151	18	1075

**1 School Directors - Berkeley**

		Registered Voters	Voters Cast	Turnout (%)	KADIJAH A. BROWN	MIKE CHANG	JENNIFER SHANOSKI	NORMA J F HARRISON	REICHLEE	TATIANA ZUERREIRO RAMOS	Over Votes	Under Votes
206200	Total	2103	1479	70.33 %	897	730	779	36	623	168	18	1186
206900	Election Day	1405	106	7.54 %	54	40	36	4	39	24		121
206900	Vote by Mail	1405	800	56.94 %	508	432	414	19	311	106	9	601
206900	Total	1405	906	64.48 %	562	472	450	23	350	130	9	722
207000	Election Day	1963	92	4.69 %	50	42	41	4	54	20		65
207000	Vote by Mail	1963	1429	72.80 %	917	768	718	23	723	186	12	940
207000	Total	1963	1521	77.48 %	967	810	759	27	777	206	12	1005
207200	Election Day	2444	121	4.95 %	59	47	39	4	56	17		141
207200	Vote by Mail	2444	1626	66.53 %	1070	921	780	39	740	198	21	1109
207200	Total	2444	1747	71.48 %	1129	968	819	43	796	215	21	1250
207700	Election Day	2437	203	8.33 %	98	82	56	12	73	49	3	236
207700	Vote by Mail	2437	899	36.89 %	522	396	371	45	339	152	12	860
207700	Total	2437	1102	45.22 %	620	478	427	57	412	201	15	1096
208010	Election Day	3458	158	4.57 %	93	66	66	6	63	35		145
208010	Vote by Mail	3458	2201	63.65 %	1388	1198	1143	68	918	281	15	1592
208010	Total	3458	2359	68.22 %	1481	1264	1209	74	981	316	15	1737
208300	Election Day	3583	208	5.81 %	133	86	86	13	74	41	3	188
208300	Vote by Mail	3583	2031	56.68 %	1382	998	948	67	862	309	24	1503
208300	Total	3583	2239	62.49 %	1515	1084	1034	80	936	350	27	1691
208510	Election Day	1327	73	5.50 %	34	23	26	6	28	16		86
208510	Vote by Mail	1327	764	57.57 %	533	402	390	20	329	104	3	511
208510	Total	1327	837	63.07 %	567	425	416	26	357	120	3	597
208690	Election Day	22	1	4.55 %	1	1	1					
208690	Vote by Mail	22	15	68.18 %	12	10	9		4			10
208690	Total	22	16	72.73 %	13	11	10		4			10
208800	Election Day	2932	150	5.12 %	82	51	46	13	64	47		147
208800	Vote by Mail	2932	1470	50.14 %	999	666	707	63	575	254	33	1113
208800	Total	2932	1620	55.25 %	1081	717	753	76	639	301	33	1260
208810	Election Day	1826	77	4.22 %	44	22	26	5	33	20		81
208810	Vote by Mail	1826	948	51.92 %	651	423	436	49	404	174	6	701
208810	Total	1826	1025	56.13 %	695	445	462	54	437	194	6	782
209010	Election Day	4049	163	4.03 %	91	68	52	10	70	42	3	153
209010	Vote by Mail	4049	2514	62.09 %	1766	1214	1173	81	1129	393	21	1765
209010	Total	4049	2677	66.12 %	1857	1282	1225	91	1199	435	24	1918
209310	Election Day	5402	199	3.68 %	107	89	66	7	95	45		188
209310	Vote by Mail	5402	3747	69.36 %	2506	1902	1849	88	1778	530	18	2570
209310	Total	5402	3946	73.05 %	2613	1991	1915	95	1873	575	18	2758
209700	Election Day	2589	100	3.86 %	46	26	39	4	44	21		120
209700	Vote by Mail	2589	1455	56.20 %	928	673	664	45	667	255	6	1127
209700	Total	2589	1555	60.06 %	974	699	703	49	711	276	6	1247
209900	Election Day	4322	185	4.28 %	98	65	62	13	74	47		196
209900	Vote by Mail	4322	2286	52.89 %	1508	1055	1049	89	971	344	21	1821
209900	Total	4322	2471	57.17 %	1606	1120	1111	102	1045	391	21	2017
Total - Election Day		71641	3843	5.36 %	2030	1537	1336	168	1530	831	15	4082
Total - Vote by Mail		71641	43551	60.79 %	27850	21255	21356	1071	20064	5703	357	32997
Contest Total		71641	47394	66.15 %	29880	22792	22692	1239	21594	6534	372	37079



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 8, 2022**, 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 L**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



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

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

1 Bond Measure L - City of Berkeley								
		Registered Voters	Voters Cast	Turnout (%)	BONDS YES	BONDS NO	Over Votes	Under Votes
200100	Election Day	3492	171	4.90 %	79	77		15
200100	Vote by Mail	3492	2450	70.16 %	1133	1225	1	91
200100	Total	3492	2621	75.06 %	1212	1302	1	106
200200	Election Day	2317	147	6.34 %	95	41		11
200200	Vote by Mail	2317	1520	65.60 %	727	727		66
200200	Total	2317	1667	71.95 %	822	768		77
201400	Election Day	3680	163	4.43 %	107	36		20
201400	Vote by Mail	3680	2384	64.78 %	1284	963	1	136
201400	Total	3680	2547	69.21 %	1391	999	1	156
202200	Election Day	480	39	8.13 %	29	6		4
202200	Vote by Mail	480	257	53.54 %	167	73		17
202200	Total	480	296	61.67 %	196	79		21
202500	Election Day	1011	114	11.28 %	85	19		10
202500	Vote by Mail	1011	160	15.83 %	120	24		16
202500	Total	1011	274	27.10 %	205	43		26
202620	Election Day	536	231	43.10 %	187	16		28
202620	Vote by Mail	536	139	25.93 %	99	24		16
202620	Total	536	370	69.03 %	286	40		44
203100	Election Day	3304	87	2.63 %	38	38		11
203100	Vote by Mail	3304	2313	70.01 %	1241	972	1	99
203100	Total	3304	2400	72.64 %	1279	1010	1	110
203500	Election Day	1330	100	7.52 %	63	22		15
203500	Vote by Mail	1330	775	58.27 %	430	295	1	49
203500	Total	1330	875	65.79 %	493	317	1	64
203800	Election Day	2277	78	3.43 %	46	20		12
203800	Vote by Mail	2277	1519	66.71 %	910	532		77
203800	Total	2277	1597	70.14 %	956	552		89
203880	Election Day	36	4	11.11 %	3	1		
203880	Vote by Mail	36	16	44.44 %	11	4		1
203880	Total	36	20	55.56 %	14	5		1
203890	Election Day	35	2	5.71 %		1		1
203890	Vote by Mail	35	25	71.43 %	11	13		1
203890	Total	35	27	77.14 %	11	14		2
204210	Election Day	2138	207	9.68 %	156	24		27
204210	Vote by Mail	2138	992	46.40 %	592	339		61
204210	Total	2138	1199	56.08 %	748	363		88
204510	Election Day	2338	139	5.95 %	92	34		13
204510	Vote by Mail	2338	1347	57.61 %	775	467		105
204510	Total	2338	1486	63.56 %	867	501		118
204900	Election Day	885	145	16.38 %	114	13		18
204900	Vote by Mail	885	272	30.73 %	195	52		25
204900	Total	885	417	47.12 %	309	65		43
205200	Election Day	4260	123	2.89 %	69	45		9
205200	Vote by Mail	4260	3171	74.44 %	1526	1478	5	162
205200	Total	4260	3294	77.32 %	1595	1523	5	171
205700	Election Day	3660	161	4.40 %	93	57		11
205700	Vote by Mail	3660	2658	72.62 %	1225	1316	1	116
205700	Total	3660	2819	77.02 %	1318	1373	1	127
206200	Election Day	2103	98	4.66 %	58	30		10
206200	Vote by Mail	2103	1382	65.72 %	756	546		80

1 Bond Measure L - City of Berkeley								
		Registered Voters	Voters Cast	Turnout (%)	BONDS YES	BONDS NO	Over Votes	Under Votes
206200	Total	2103	1480	70.38 %	814	576		90
206900	Election Day	1405	106	7.54 %	69	27		10
206900	Vote by Mail	1405	799	56.87 %	531	233	1	34
206900	Total	1405	905	64.41 %	600	260	1	44
207000	Election Day	1963	92	4.69 %	54	31		7
207000	Vote by Mail	1963	1430	72.85 %	692	668		70
207000	Total	1963	1522	77.53 %	746	699		77
207200	Election Day	2444	121	4.95 %	69	31		21
207200	Vote by Mail	2444	1626	66.53 %	881	651	1	93
207200	Total	2444	1747	71.48 %	950	682	1	114
207700	Election Day	2437	203	8.33 %	154	27		22
207700	Vote by Mail	2437	903	37.05 %	657	174		72
207700	Total	2437	1106	45.38 %	811	201		94
208010	Election Day	3458	158	4.57 %	94	52		12
208010	Vote by Mail	3458	2203	63.71 %	1172	892	1	138
208010	Total	3458	2361	68.28 %	1266	944	1	150
208300	Election Day	3583	208	5.81 %	135	58		15
208300	Vote by Mail	3583	2032	56.71 %	1297	639	2	94
208300	Total	3583	2240	62.52 %	1432	697	2	109
208510	Election Day	1327	73	5.50 %	42	22		9
208510	Vote by Mail	1327	763	57.50 %	465	248	1	49
208510	Total	1327	836	63.00 %	507	270	1	58
208690	Election Day	22	1	4.55 %		1		
208690	Vote by Mail	22	15	68.18 %	11	4		
208690	Total	22	16	72.73 %	11	5		
208800	Election Day	2932	151	5.15 %	100	37		14
208800	Vote by Mail	2932	1471	50.17 %	987	406	1	77
208800	Total	2932	1622	55.32 %	1087	443	1	91
208810	Election Day	1826	77	4.22 %	46	27		4
208810	Vote by Mail	1826	948	51.92 %	617	278	3	50
208810	Total	1826	1025	56.13 %	663	305	3	54
209010	Election Day	4049	163	4.03 %	96	52		15
209010	Vote by Mail	4049	2516	62.14 %	1438	951		127
209010	Total	4049	2679	66.16 %	1534	1003		142
209310	Election Day	5402	199	3.68 %	108	73		18
209310	Vote by Mail	5402	3751	69.44 %	1923	1638	4	186
209310	Total	5402	3950	73.12 %	2031	1711	4	204
209700	Election Day	2589	100	3.86 %	61	25		14
209700	Vote by Mail	2589	1455	56.20 %	821	558	1	75
209700	Total	2589	1555	60.06 %	882	583	1	89
209900	Election Day	4322	186	4.30 %	115	50		21
209900	Vote by Mail	4322	2289	52.96 %	1394	747	2	146
209900	Total	4322	2475	57.27 %	1509	797	2	167
Total - Election Day		71641	3847	5.37 %	2457	993		397
Total - Vote by Mail		71641	43581	60.83 %	24088	17137	27	2329
Contest Total		71641	47428	66.20 %	26545	18130	27	2726

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 8, 2022**, 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 M**.

I hereby set my hand and my official seal this **8<sup>th</sup> day of December 2022**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis' with a stylized flourish at the end.

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California



1 Measure M - City of Berkeley								
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
200100	Election Day	3492	171	4.90 %	76	82		13
200100	Vote by Mail	3492	2450	70.16 %	1155	1136		159
200100	Total	3492	2621	75.06 %	1231	1218		172
200200	Election Day	2317	147	6.34 %	90	41		16
200200	Vote by Mail	2317	1520	65.60 %	705	724		91
200200	Total	2317	1667	71.95 %	795	765		107
201400	Election Day	3680	163	4.43 %	105	42		16
201400	Vote by Mail	3680	2384	64.78 %	1243	983	1	157
201400	Total	3680	2547	69.21 %	1348	1025	1	173
202200	Election Day	480	39	8.13 %	24	9		6
202200	Vote by Mail	480	257	53.54 %	182	61		14
202200	Total	480	296	61.67 %	206	70		20
202500	Election Day	1011	114	11.28 %	73	19		22
202500	Vote by Mail	1011	160	15.83 %	106	38		16
202500	Total	1011	274	27.10 %	179	57		38
202620	Election Day	536	231	43.10 %	147	53		31
202620	Vote by Mail	536	139	25.93 %	106	20		13
202620	Total	536	370	69.03 %	253	73		44
203100	Election Day	3304	87	2.63 %	36	38		13
203100	Vote by Mail	3304	2313	70.01 %	1175	1009		129
203100	Total	3304	2400	72.64 %	1211	1047		142
203500	Election Day	1330	100	7.52 %	59	23		18
203500	Vote by Mail	1330	775	58.27 %	422	294		59
203500	Total	1330	875	65.79 %	481	317		77
203800	Election Day	2277	78	3.43 %	50	18		10
203800	Vote by Mail	2277	1519	66.71 %	972	458		89
203800	Total	2277	1597	70.14 %	1022	476		99
203880	Election Day	36	4	11.11 %	2	1		1
203880	Vote by Mail	36	16	44.44 %	13	2		1
203880	Total	36	20	55.56 %	15	3		2
203890	Election Day	35	2	5.71 %	1			1
203890	Vote by Mail	35	25	71.43 %	17	8		
203890	Total	35	27	77.14 %	18	8		1
204210	Election Day	2138	207	9.68 %	147	30	1	29
204210	Vote by Mail	2138	992	46.40 %	656	266		70
204210	Total	2138	1199	56.08 %	803	296	1	99
204510	Election Day	2338	139	5.95 %	96	29		14
204510	Vote by Mail	2338	1347	57.61 %	923	326		98
204510	Total	2338	1486	63.56 %	1019	355		112
204900	Election Day	885	145	16.38 %	101	23		21
204900	Vote by Mail	885	272	30.73 %	196	52		24
204900	Total	885	417	47.12 %	297	75		45
205200	Election Day	4260	123	2.89 %	68	42		13
205200	Vote by Mail	4260	3171	74.44 %	1687	1284		200
205200	Total	4260	3294	77.32 %	1755	1326		213
205700	Election Day	3660	161	4.40 %	96	51		14
205700	Vote by Mail	3660	2658	72.62 %	1415	1104	1	138
205700	Total	3660	2819	77.02 %	1511	1155	1	152
206200	Election Day	2103	98	4.66 %	54	34		10
206200	Vote by Mail	2103	1382	65.72 %	849	452		81

1 Measure M - City of Berkeley								
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
206200	Total	2103	1480	70.38 %	903	486		91
206900	Election Day	1405	106	7.54 %	64	29		13
206900	Vote by Mail	1405	799	56.87 %	546	207		46
206900	Total	1405	905	64.41 %	610	236		59
207000	Election Day	1963	92	4.69 %	55	30		7
207000	Vote by Mail	1963	1430	72.85 %	840	507		83
207000	Total	1963	1522	77.53 %	895	537		90
207200	Election Day	2444	121	4.95 %	78	26		17
207200	Vote by Mail	2444	1626	66.53 %	1071	460	1	94
207200	Total	2444	1747	71.48 %	1149	486	1	111
207700	Election Day	2437	203	8.33 %	145	39		19
207700	Vote by Mail	2437	903	37.05 %	672	159		72
207700	Total	2437	1106	45.38 %	817	198		91
208010	Election Day	3458	158	4.57 %	93	53		12
208010	Vote by Mail	3458	2203	63.71 %	1467	611	2	123
208010	Total	3458	2361	68.28 %	1560	664	2	135
208300	Election Day	3583	208	5.81 %	134	58		16
208300	Vote by Mail	3583	2032	56.71 %	1363	551	1	117
208300	Total	3583	2240	62.52 %	1497	609	1	133
208510	Election Day	1327	73	5.50 %	49	15		9
208510	Vote by Mail	1327	763	57.50 %	536	185		42
208510	Total	1327	836	63.00 %	585	200		51
208690	Election Day	22	1	4.55 %	1			
208690	Vote by Mail	22	15	68.18 %	13	2		
208690	Total	22	16	72.73 %	14	2		
208800	Election Day	2932	151	5.15 %	101	34		16
208800	Vote by Mail	2932	1471	50.17 %	1011	378	2	80
208800	Total	2932	1622	55.32 %	1112	412	2	96
208810	Election Day	1826	77	4.22 %	51	22		4
208810	Vote by Mail	1826	948	51.92 %	642	245	1	60
208810	Total	1826	1025	56.13 %	693	267	1	64
209010	Election Day	4049	163	4.03 %	101	44		18
209010	Vote by Mail	4049	2516	62.14 %	1632	736		148
209010	Total	4049	2679	66.16 %	1733	780		166
209310	Election Day	5402	199	3.68 %	115	60		24
209310	Vote by Mail	5402	3751	69.44 %	2348	1208	1	194
209310	Total	5402	3950	73.12 %	2463	1268	1	218
209700	Election Day	2589	100	3.86 %	65	22		13
209700	Vote by Mail	2589	1455	56.20 %	923	454	1	77
209700	Total	2589	1555	60.06 %	988	476	1	90
209900	Election Day	4322	186	4.30 %	112	55		19
209900	Vote by Mail	4322	2289	52.96 %	1530	607		152
209900	Total	4322	2475	57.27 %	1642	662		171
Total - Election Day		71641	3847	5.37 %	2389	1022	1	435
Total - Vote by Mail		71641	43581	60.83 %	26416	14527	11	2627
Contest Total		71641	47428	66.20 %	28805	15549	12	3062

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 8, 2022**, 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 N**.

I hereby set my hand and my official seal this **8<sup>th</sup>** day of **December 2022**.



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

1 Measure N - City of Berkeley								
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
200100	Election Day	3492	171	4.90 %	105	50		16
200100	Vote by Mail	3492	2446	70.05 %	1519	790	1	136
200100	Total	3492	2617	74.94 %	1624	840	1	152
200200	Election Day	2317	147	6.34 %	94	36		17
200200	Vote by Mail	2317	1515	65.39 %	1010	419		86
200200	Total	2317	1662	71.73 %	1104	455		103
201400	Election Day	3680	163	4.43 %	112	39		12
201400	Vote by Mail	3680	2368	64.35 %	1613	594		161
201400	Total	3680	2531	68.78 %	1725	633		173
202200	Election Day	480	39	8.13 %	28	5		6
202200	Vote by Mail	480	258	53.75 %	196	51		11
202200	Total	480	297	61.88 %	224	56		17
202500	Election Day	1011	114	11.28 %	93	8		13
202500	Vote by Mail	1011	158	15.63 %	123	27		8
202500	Total	1011	272	26.90 %	216	35		21
202620	Election Day	536	230	42.91 %	195	14		21
202620	Vote by Mail	536	140	26.12 %	115	16		9
202620	Total	536	370	69.03 %	310	30		30
203100	Election Day	3304	87	2.63 %	51	28		8
203100	Vote by Mail	3304	2309	69.88 %	1618	577		114
203100	Total	3304	2396	72.52 %	1669	605		122
203500	Election Day	1330	100	7.52 %	72	16		12
203500	Vote by Mail	1330	773	58.12 %	545	177		51
203500	Total	1330	873	65.64 %	617	193		63
203800	Election Day	2277	78	3.43 %	52	11		15
203800	Vote by Mail	2277	1517	66.62 %	1163	251	2	101
203800	Total	2277	1595	70.05 %	1215	262	2	116
203880	Election Day	36	4	11.11 %	3	1		
203880	Vote by Mail	36	16	44.44 %	13	3		
203880	Total	36	20	55.56 %	16	4		
203890	Election Day	35	2	5.71 %	2			
203890	Vote by Mail	35	25	71.43 %	23	2		
203890	Total	35	27	77.14 %	25	2		
204210	Election Day	2138	207	9.68 %	158	24		25
204210	Vote by Mail	2138	984	46.02 %	750	168		66
204210	Total	2138	1191	55.71 %	908	192		91
204510	Election Day	2338	139	5.95 %	109	18		12
204510	Vote by Mail	2338	1343	57.44 %	1012	216		115
204510	Total	2338	1482	63.39 %	1121	234		127
204900	Election Day	885	145	16.38 %	114	15		16
204900	Vote by Mail	885	271	30.62 %	214	41		16
204900	Total	885	416	47.01 %	328	56		32
205200	Election Day	4260	123	2.89 %	85	24		14
205200	Vote by Mail	4260	3161	74.20 %	2075	893		193
205200	Total	4260	3284	77.09 %	2160	917		207
205700	Election Day	3660	162	4.43 %	117	29		16
205700	Vote by Mail	3660	2654	72.51 %	1721	763		170
205700	Total	3660	2816	76.94 %	1838	792		186
206200	Election Day	2103	98	4.66 %	70	20		8
206200	Vote by Mail	2103	1378	65.53 %	981	310		87



1 Measure N - City of Berkeley								
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
206200	Total	2103	1476	70.19 %	1051	330		95
206900	Election Day	1405	105	7.47 %	79	14		12
206900	Vote by Mail	1405	798	56.80 %	606	146		46
206900	Total	1405	903	64.27 %	685	160		58
207000	Election Day	1963	92	4.69 %	58	26		8
207000	Vote by Mail	1963	1426	72.64 %	1015	320		91
207000	Total	1963	1518	77.33 %	1073	346		99
207200	Election Day	2444	121	4.95 %	84	20		17
207200	Vote by Mail	2444	1623	66.41 %	1185	355		83
207200	Total	2444	1744	71.36 %	1269	375		100
207700	Election Day	2437	203	8.33 %	159	25		19
207700	Vote by Mail	2437	899	36.89 %	720	134		45
207700	Total	2437	1102	45.22 %	879	159		64
208010	Election Day	3458	158	4.57 %	107	37		14
208010	Vote by Mail	3458	2197	63.53 %	1631	431		135
208010	Total	3458	2355	68.10 %	1738	468		149
208300	Election Day	3583	208	5.81 %	155	39		14
208300	Vote by Mail	3583	2030	56.66 %	1550	372		108
208300	Total	3583	2238	62.46 %	1705	411		122
208510	Election Day	1327	73	5.50 %	52	12		9
208510	Vote by Mail	1327	762	57.42 %	583	141		38
208510	Total	1327	835	62.92 %	635	153		47
208690	Election Day	22	1	4.55 %	1			
208690	Vote by Mail	22	15	68.18 %	12	3		
208690	Total	22	16	72.73 %	13	3		
208800	Election Day	2932	151	5.15 %	116	25	1	9
208800	Vote by Mail	2932	1466	50.00 %	1166	253		47
208800	Total	2932	1617	55.15 %	1282	278	1	56
208810	Election Day	1826	77	4.22 %	54	18		5
208810	Vote by Mail	1826	946	51.81 %	732	158		56
208810	Total	1826	1023	56.02 %	786	176		61
209010	Election Day	4049	163	4.03 %	116	32		15
209010	Vote by Mail	4049	2512	62.04 %	1841	527		144
209010	Total	4049	2675	66.07 %	1957	559		159
209310	Election Day	5402	199	3.68 %	129	54		16
209310	Vote by Mail	5402	3742	69.27 %	2592	937	1	212
209310	Total	5402	3941	72.95 %	2721	991	1	228
209700	Election Day	2589	100	3.86 %	70	21		9
209700	Vote by Mail	2589	1450	56.01 %	1028	342		80
209700	Total	2589	1550	59.87 %	1098	363		89
209900	Election Day	4322	186	4.30 %	124	46		16
209900	Vote by Mail	4322	2280	52.75 %	1675	473		132
209900	Total	4322	2466	57.06 %	1799	519		148
Total - Election Day		71641	3846	5.37 %	2764	707	1	374
Total - Vote by Mail		71641	43462	60.67 %	31027	9890	4	2541
Contest Total		71641	47308	66.03 %	33791	10597	5	2915

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

ADDING CHAPTER 7.54 TO THE BERKELEY MUNICIPAL CODE TO IMPOSE AN  
EXCISE TAX ON KEEPING RESIDENTIAL PROPERTY VACANT TO FUND GENERAL  
MUNICIPAL SERVICES

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

Section 1. That Chapter 7.54 of the Berkeley Municipal Code is added to read as follows:

**Chapter 7.54**

**Empty Homes Tax**

**Sections:**

**7.54.010 Short Title.**

**7.54.020 Findings and Purpose.**

**7.54.030 Definitions.**

**7.54.040 Imposition of Tax.**

**7.54.050 Returns; Presumption of Vacancy.**

**7.54.060 Exemptions.**

**7.54.070 Administration; Penalties.**

**7.54.080 Use of Funds for General Municipal Purposes.**

**7.54.090 Technical Assistance to the City Manager; Annual Reports.**

**7.54.100 Authorization and Limitation on Issuance of Bonds.**

**7.54.110 Severability.**

**7.54.120 Savings Clause.**

**7.54.130 Liberal Construction.**

**7.54.010 Short Title.**

This Chapter shall be known as the “Empty Homes Tax Ordinance,” and the tax it imposes shall be known as the “Empty Homes Tax.”

**7.54.020 Findings and purpose.**

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

- A. Residential vacancies are an ongoing concern in Berkeley.
- B. Of total vacancies, the Berkeley Rent Stabilization Board data from 2022 indicates that 1,128 fully or partially regulated units in buildings with more than two units have been classified by their owners as not available to rent. Returning these and other vacant units to the housing market is a key strategy for ensuring long-term affordability.
- C. Prolonged vacancy restricts the supply of available housing units, is often the result of housing speculation and runs counter to the City’s housing objectives. Prolonged vacancies can also decrease economic activity in neighborhoods and lead to blight.
- D. The housing affordability crisis has created an urgent need to pay for additional services and programs including, but not limited to, construction of new affordable housing for households with a household income of 80% or less of Area Median Income,

including by providing pre-development funding to non-profit affordable housing developers, and the acquisition and rehabilitation of multi-unit buildings for affordable housing, and the operation of such buildings acquired and/or rehabilitated.

E. The City is also working to ensure all public funds available to build affordable housing are being maximized, from the City, Alameda County, State and Federal governments.

F. Even with the addition of City, County, State, and Federal resources, the City is unable to house all of its residents.

G. The increased costs of meeting the challenges of the housing crisis have impacted the City's General Fund.

H. The City needs new funds to pay for municipal services. The Empty Homes Tax is intended to disincentivize prolonged vacancies and housing speculation, thereby increasing the number of housing units available for occupancy, while also raising funds for municipal services, including but not limited to constructing, acquiring, and rehabilitating affordable housing.

#### **7.54.030 Definitions.**

Unless otherwise defined in this Chapter, the terms used in this Chapter shall have the meanings given to them in Chapters 2.44 and 9.04 of the Municipal Code, as amended from time to time. For purposes of this Chapter, the following definitions shall apply:

A. "Affiliate" means an entity under common majority ownership or common control, whether that ownership or control is direct or indirect, with any other person or entity, including but not limited to a person or entity that majority owns or controls, or is majority owned or controlled by, any other person or entity.

B. "Building Permit Application Period" means the period following the date that an application for a building permit for repair, rehabilitation, or construction with respect to a Residential Unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year.

Notwithstanding the preceding sentence, if more than one building permit application is filed by or on behalf of one or more persons in the Owner's Group for the same Residential Unit, the Building Permit Application Period shall mean only the applicable period following the date the first application is filed with the City by or on behalf of anyone in the Owner's Group. In the case of an owner qualifying for the Disaster Period in subsection D, the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.

C. "Disaster Period" means the two-year period following the date that a Residential Unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless or willful act or omission by the owner or agent of the owner contributed to or caused the Residential Unit to become uninhabitable or unusable due to fire, natural disaster or other catastrophic event.

D. "Homeowners' Exemption Period" means the period during which a Residential Unit is the principal place of residence of any owner of that Residential Unit and for which

such owner validly has claimed either the homeowners' property tax exemption under Section 218 of the California Revenue and Taxation Code or the disabled veterans' exemption under Section 205.5 of that Code, as those sections may be amended from time to time.

E. "Hotel" means any property registered under Section 7.36.060 of the Municipal Code and excludes any properties regulated under Chapter 23.314 of the Municipal Code.

F. "Lease Period" means the period during which any owner of a Residential Unit or any person in the Owner's Group of that owner leases that Residential Unit to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of that Residential Unit to anyone in the Owner's Group or to travelers, vacationers, or other transient occupants.

G. "Owner Death Period" means, with respect to a co-owner or decedent's estate, heirs, or beneficiaries, the period during which a Residential Unit is unoccupied, uninhabited, or unused because of the death of any owner of a Residential Unit who was the sole occupant of that Residential Unit immediately prior to such owner's death, provided that such period shall not exceed the longer of two years or the period during which the Residential Unit is subject to the authority of a probate court.

H. "Owner In Care Period" means the period during which a Residential Unit is unoccupied, uninhabited, or unused because the occupant of the Residential Unit who used that Residential Unit as their principal residence is residing in a hospital, long term or supportive care facility, medical care or treatment facility, or other similar facility.

I. "Owner's Group" means for each owner of a Residential Unit, with respect to each Residential Unit, the owner, any current or former co-owner, and any Related Person or Affiliate of the owner or any current or former co-owner.

J. "Rehabilitation Period" means the two-year period following the date that the City issues a building permit for repair, or rehabilitation, with respect to a Residential Unit, provided that if the City issues multiple building permits to or for the benefit of one or more persons in the Owner's Group for the same Residential Unit, the Rehabilitation Period shall mean only the two-year period following the issuance of the first building permit to or for the benefit of anyone in the Owner's Group.

K. "Related Person" means a spouse, domestic partner, child, parent, or sibling.

L. "Residential Unit" means a house, an apartment, a group of rooms, or a single room that is designed as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have a kitchen and direct access from the outside of the building or through a common hall. For purposes of this Chapter, a Residential Unit shall not include a unit in a Hotel, a currently operational nursing home, residential care facility, or other similar facility, or any unit that is fully exempt from property tax under the welfare exemption under Section 214(g) of the California Revenue and Taxation Code, as may be amended from time to time.

M. "Vacancy Exclusion Period" means the Building Permit Application Period, Rehabilitation Period, Disaster Period, Homeowners' Exemption Period, Lease Period, Owner Death Period, or Owner In Care Period.

N. "Vacant" means unoccupied, uninhabited, or unused, for more than 182 days, whether consecutive or nonconsecutive, in a calendar year.

**7.54.040 Imposition of Tax.**

A. Except as otherwise provided in this Chapter, the City imposes an annual Empty Homes Tax on each person that owns a Residential Unit for keeping that Residential Unit Vacant for more than 182 days, whether consecutive or nonconsecutive, in a calendar year except for those periods defined as a Vacancy Exclusion Period.

B. The Empty Homes Tax on an owner keeping a Residential Unit Vacant shall be as follows:

1. For the first calendar year that the Residential Unit is Vacant, the tax shall be \$3,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$6,000 per any other vacant Residential Unit.
2. For the second consecutive calendar year and each subsequent calendar year thereafter that the Residential Unit is Vacant, the tax shall be \$6,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$12,000 per any other vacant Residential Unit.

C. The rates set forth in subsection B. of this Section shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of the preceding year, beginning with the 2025 calendar year.

D. The Empty Homes Tax shall be payable by the owner or owners of the Residential Unit kept Vacant. Not more than one tax per Residential Unit shall be imposed under this Section for a calendar year by reason of multiple liable owners. If there are multiple liable owners, each owner shall be jointly and severally liable for the tax, which shall be the highest amount of tax payable by any owner for that Residential Unit for that calendar year.

E. In determining whether an owner has kept a Residential Unit Vacant during a calendar year, days within any Vacancy Exclusion Period shall be disregarded if that Vacancy Exclusion Period applies to that owner for that Residential Unit, as shall days in which the Residential Unit was not owned by the owner, but the owner shall be deemed to have kept the Residential Unit unoccupied, uninhabited, or unused on all other days that such Residential Unit is unoccupied, uninhabited, or unused during the calendar year.

F. The Empty Homes Tax shall take effect on January 1, 2024. The Empty Homes Tax shall expire on December 31, 2034, unless reauthorized by the voters prior to such date.

G. The Empty Homes Tax shall be suspended for as long as the Berkeley COVID-19 Residential Eviction Moratorium is in effect pursuant to BMC 13.110 and the tax shall resume upon expiration.

H. Upon declaring a citywide emergency, the Council may suspend the tax in whole or part by a supermajority vote of two-thirds of the entire City Council upon a finding that a declared emergency has undermined the ability of owners to fill vacancies in their Residential Units. Such a suspension shall last for no more than 60 days from its enactment by the Council, but may be extended on or before its expiration by a two-thirds supermajority vote of the Council so long as the emergency continues and the required findings can be made. The Empty Homes Tax shall resume upon the expiration of the emergency.

I. The Council may, by majority vote of the entire City Council, amend this Chapter in furtherance of its purposes or to correct ambiguities or errors in language, provided that such amendments do not alter the dollar amounts of the tax as provided in Section 7.54.040 B, or expand the applicability of the exemptions in Section 7.54.060, or amend subsection H. or this subsection I. of Section 7.54.040.

**7.54.050 Returns; Presumption of Vacancy.**

A. Each person that is required to pay the Empty Homes Tax shall file a return in the form and manner prescribed by the City Manager or their designee.

B. Each person that owns a Residential Unit at any time during a calendar year and that is not exempt from the Empty Homes Tax with respect to that Residential Unit under any one of subsections A. through D. of Section 7.54.060 shall file a return for that calendar year in the form and manner prescribed by the City Manager or their designee. A person that fails to file the return required by this subsection B. for a Residential Unit shall be presumed to have kept that Residential Unit Vacant for the calendar year for which such return is required. The person who fails to file the required return may rebut the presumption by producing satisfactory evidence that such person did not keep the Residential Unit Vacant during the calendar year for which the return is required.

**7.54.060 Exemptions.**

A. For only so long as and to the extent that the City is prohibited by the Constitution or laws of the State of California or the Constitution or laws of the United States from imposing the Empty Homes Tax on any person that person shall be exempt from the Empty Homes Tax.

B. Any organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be exempt from the Empty Homes Tax.

C. The City, the State of California, and any county, municipal corporation, district, or other political subdivision of the State shall be exempt from the Empty Homes Tax, except where any constitutional or statutory immunity from taxation is waived or is not applicable.

D. A natural person or trust who is the owner of a single property of four or fewer Residential Units, inclusive of accessory dwelling units and junior accessory dwelling units, that is their principal residence shall be exempt provided that they own no other Residential Units in the City. Additionally, for the purposes of this subsection D. only, the

“owner” of such Rental Property shall not be any of the following set forth under California Civil Code Section 1947.12(d)(5)(A)(i)-(iii) (“AB 1482”): a real estate investment trust, as defined in Section 856 of the Internal Revenue Code; a corporation; or a limited liability company.

E. Any taxpayer seeking an 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.

**7.54.070 Administration; Penalties**

A. The City Manager or their designee shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter.

B. The tax required by this Chapter is delinquent if not received by the tax administrator on or before February 28 of each year.

C. Any person who fails to pay the tax required by this Chapter to the City or any amount of tax required to be collected and paid to the City within the time required shall pay a penalty of ten percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the rate of one percent per month from the date on which the tax or the amount of tax required to be collected became due and payable to the City until the date of payment.

D. Transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be disregarded for purposes of determining the amount of the Empty Homes Tax and whether the Empty Homes Tax is due. Any owner determined to have engaged in one or more transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be liable for the Empty Homes Tax and also liable for a penalty in an amount equal to the Empty Homes Tax.

E. Any tax required to be paid by an owner under the provisions of this chapter shall be deemed a debt owed by the owner to the City. Any person 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, along with any collection costs incurred by the City as a result of the person’s noncompliance with this chapter, including, but not limited to, reasonable attorneys’ fees, plus interest and penalties as herein provided.

**7.54.080 Use of Funds for General Municipal Purposes.**

A. The Council may deposit any portion of the proceeds generated by the Empty Homes Tax into the Housing Trust Fund, subject to its operating rules, or it may use any of the proceeds to fund any general municipal services designated by the Council.

**7.54.090 Annual Reports.**

Commencing with a report filed no later than February 15, 2026, covering the fiscal year ending June 30, 2025, the City Manager shall file annually with the Council, by February 15 of each year, a report containing the amount of monies collected from the tax during the prior fiscal year.

**7.54.100 Authorization and Limitation on Issuance of Bonds.**

The City shall be authorized to pledge revenues generated by the Empty Homes Tax to the repayment of limited tax bonds or other forms of indebtedness authorized under this Section. The Council shall by ordinance or resolution, as applicable, establish the terms of any limited tax bonds or other forms of indebtedness authorized hereby, including but not limited to, the amount of the issue, date, covenants, denominations, interest rate or rates, maturity or maturities, redemption rights, tax status, manner of sale, and such other particulars as are necessary or desirable.

**7.54.110 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The People of the City of Berkeley hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

**7.54.120 Savings Clause.**

No section, clause, part, or provision of this Chapter shall be construed as requiring the payment of any tax that would be in violation of the Constitution or laws of the United States or of the Constitution or laws of the State of California.

**7.54.130 Liberal Construction.**

This Chapter shall be liberally construed to effectuate its purpose.

Section 2. Increase Appropriations Limit. Pursuant to California Constitution Article XIII B and applicable laws, for four years from November 8, 2022, the appropriations limit for the City shall be increased by the aggregate sum collected by the levy of the general tax imposed under this ordinance.

Section 3. 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 4. General Tax; Majority Vote Requirement. This Ordinance imposes a general tax for general revenue purposes and shall be effective only if approved by a majority of the voters voting thereon.

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

AUTHORIZING PUBLIC ENTITIES TO DEVELOP, CONSTRUCT, OR ACQUIRE NO MORE THAN 3,000 UNITS OF LOW RENT HOUSING IN THE CITY OF BERKELEY

WHEREAS, Article XXXIV of the Constitution of California requires that a majority of qualified voters of the City of Berkeley determine whether or not any public entity should be empowered to develop, construct, or acquire low rent housing projects in the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the People of the City of Berkeley that any public entity shall be empowered to develop, construct or acquire up to 3,000 additional units of low-rent housing for persons of low income in the City of Berkeley.

BE IT FURTHER RESOLVED that the terms of the authorization contained in this measure shall be construed in the same manner as Article XXXIV of the Constitution of California and any laws or cases interpreting that section.



Office of the City Manager

CONSENT CALENDAR

December 13, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation Waterfront

Subject: Grant Contracts with the State Coastal Conservancy to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute grant contracts with the State Coastal Conservancy (SCC) to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront for the following projects:

1. Dredging of the Marina Main Channel,
2. Replacement of D and E Dock system,
3. Improvements to Cesar Chavez Park Pathways,
4. Improvements to the South Cove West Parking Lot, and
5. Environmental Review and Design of the Pier-Ferry Project.

FISCAL IMPACTS OF RECOMMENDATION

The State Coastal Conservancy (SCC) has been selected to administer the FY2022 State Budget allocation of \$15 million for Berkeley Waterfront projects. The SCC runs a grants reimbursement program whereby the City floats the cost of each project and then submits reimbursement requests to the SCC as City project funds are spent. The SCC has a hard deadline of February 2026 to disburse these state funds, and in order to start these projects by the end of summer 2023, the City will need to seek approval at the SCC board meeting on April 6, 2023. As a result, the key criteria for selecting projects at the Waterfront among several badly-needed projects is project readiness – a project must be far enough along to be completed and City requests for reimbursement be completed by the Fall of 2025 in order to be processed for final reimbursement by the SCC by the February 2026 deadline.

CURRENT SITUATION AND ITS EFFECTS

Over the last fifteen years, the City Council has dedicated \$40.2M to the Waterfront<sup>1</sup>. However, the Waterfront still has over \$140M in unfunded capital and maintenance, comprised of badly-needed improvements to dock systems, restrooms, roads, parking lots,

<sup>1</sup> See Off Agenda Memo to Council on Feb 16, 2022: <https://berkeleyca.gov/sites/default/files/2022-04/Waterfront%20CIP%20Projects%20021622.pdf>

pathways, parks, City buildings, utilities, and other infrastructure. The Marina Fund, the financial mechanism that operates the Waterfront, has an annual operating deficit that is projected to be \$1.45M in FY2024<sup>2</sup> and its current fund balance has only remained positive during the last two years because of \$2.55M in American Rescue Plan Act (ARPA) funding.

In FY2022, the State of California allocated a one-time distribution of state surplus funds to cities and counties throughout California. Berkeley received a one-time allocation of \$15 million for Berkeley Waterfront improvement projects. The State Coastal Conservancy (SCC) will administer these funds via their grants and contracts program. SCC requires that Berkeley submit a grant application package for each proposed project comprised of a scope of work, a cost estimate, conceptual plans, environmental review documents (CEQA), and other project-related items (e.g., photos, etc.) This funding program will terminate in February of 2026. As a result, all work to be funded by this program must be completed, fully invoiced to the SCC, and fully reimbursed by February 2026.

Staff has identified key five projects that can be completed by the state funding deadline of February 2026. Below is a list and rationale for the selection of each project.

1. \$7.403M - Dredging of the Marina Main Channel
2. \$1.587M - Replacement of D and E Dock system
3. \$2.113M - Improvements to Cesar Chavez Park Pathways
4. \$0.936M - Improvements to the South Cove West Parking Lot
5. \$2.961M - Environmental Review and Design of the Pier-Ferry Project
- \$15M - Total

1. Dredging the Marina Main Channel

Over the past thirty years, the problem of siltation at the Berkeley Marina has increased to the point where larger boats get stuck during low tide at various locations. The main channel was last dredged in 1990 when FEMA funded a temporary public ferry service after the Loma Prieta Earthquake damaged the Bay Bridge. This dredging project will increase safety at the Marina and will help increase the occupancy of slips at the Marina. The total cost of the project is estimated at \$7.703 million. This project was initiated in 2021 with a \$300,000 allocation of General Funds for the design, permitting, and environmental review phases, but no construction funding was identified. An estimated \$7.403 million in state funds will be used to complete this project.

2. Replacement of D and E Docks

The D and E Dock system at the Berkeley Marina is the last remaining of the fifteen original dock systems that were installed at the Berkeley Marina in the 1970s. This dock system has aged far past its lifespan and many of its slips are not rentable to the public (and therefore cannot produce revenue), and badly needs to be replaced. The total project cost is \$7.587 million. To-date, the project has received a \$5.5 million loan from the State Division of Boating and Waterways (DBAW), as well as funds from Measure T1 Phase 2.

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<sup>2</sup> See PRW presentation to the Budget and Finance Policy Committee:  
<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/PRW%20Budget%20Presentation%20FY23-FY24%20Revised.pdf>

The project was initiated in 2019 and is on schedule to complete the environmental document phase and the 60% design phase in the Spring of 2023.

The dock replacement project will convert failing 32 ft and 36 ft berth slips to new and more marketable 35 ft to 45 ft slips. These new larger slips are in high demand and will help generate additional revenue to the Marina Fund. An additional \$1.587M of the state funds is needed to cover the recent unanticipated increases in construction costs.

### 3. Improvements to Cesar Chavez Park Pathways

The existing perimeter pathway at Cesar Chavez Park, as well as most interior pathways, are in a severely degraded condition and most sections do not meet current building codes for ADA accessibility. In 2010, the City completed a conceptual plan for a renovation of the perimeter path and competed for grant funding, which was not successful. With a new allocation of \$2.113 million in state funds, the City will be able to submit highly competitive proposals to upcoming grant programs that require a 50% match (e.g., the Land and Water Conservation Fund) to complete all pathway renovations. If the grant applications are not successful, the \$2.113 million will complete the perimeter pathway renovation.

### 4. Improvements to the South Cove West Parking Lot

The South Cove West Parking Lot is an existing gravel lot where vehicles kick up airborne dust and loose gravel that gets carried onto the pavement along University Ave and the adjacent East Lot, which will accelerate the damage to the roadway asphalt in the coming years. The design and permitting for the West Lot was completed in 2018 as part of the South Cove Parking Lot and Restroom Project, but construction was not completed due to lack of funding. The design will be updated to accommodate an improved back entrance to Cal Sailing Club from the parking lot. Other Waterfront parking lots like the H&I, J&K, N, and O dock lots are also in need of replacement. However, the West Lot is more project-ready and the loose gravel from this lot is a current problem. \$936K from the state funds will be matched with \$200K from the Marina fund to complete this project.

### 5. Environmental Review and Design of Pier- Ferry Project

The next step for the Pier-Ferry Project involves two phases – the environmental review phase (CEQA and NEPA) and the final design and permitting phase, at a total cost of \$10 million. In 2022, the City submitted a grant proposal to the Alameda County Transportation Commission (ACTC) requesting \$5 million in grant funds and providing \$5 million in local City match (comprised of \$2.2 million in existing staff cost and \$2.8 million in cash). If the ACTC grant is not awarded, the allocation of \$2.961M from the state funds will cover the first phase – environmental review (CEQA, NEPA), which includes preliminary design.

Four out of the five projects described above have already commenced. The fifth project, Cesar Chavez Pathways, is primarily a renovation of existing features that can proceed once the City completes a standard Categorical Exemption CEQA document.

The Timber Piling Replacement Project at the Berkeley Marina was also considered for this state fund allocation because the CEQA has been completed and the project is currently bidding. It has a total budget of \$3.0M comprised of \$1.5M General Fund, \$1.2M T1 Phase 2, and \$300K in Marina Funds for construction. This project also meets the key criteria that it can be completed and reimbursed by the February 2026 deadline. This project can be a

backup to the five projects described above, but we will not know if the project has a shortfall until bids are received.

### BACKGROUND

In the past 15 years, Council has funded over \$40.2 million in important improvement projects at the Berkeley Waterfront.<sup>3</sup>

In the past five years, numerous improvement projects have been completed at the Berkeley Waterfront: Finger Dock replacements (3 phases), Berther Restroom renovations (4), the South Cove East Parking Lot and Restroom, the South Cove Bay Trail Segment 3, the South Cove ADA accessible gangway ramp, the South Cove sailing dock replacements (East and West docks), and the Pier-Ferry conceptual plan. These projects, along with the nine projects currently funded and underway (see below) will significantly reduce the unfunded infrastructure need and help to rejuvenate the Waterfront:

#### **Current Construction Projects** (Phase / Allocated Funding / Funding Source)

- The Marina Streets Project – Close-out phase / \$8.5M (T1 phase 1, Marina Fund, and State Transportation Tax and Measures B and BB).
- The O and K Dock Electrical System Renovation – Currently in Construction Phase / \$1.56M (CIP-General Fund, Marina Fund)
- The Finger Dock Replacement, Phase 4 – Currently under Construction / \$550k (Marina Fund).
- The Timber Piling Replacement Project – Currently in 90% design / \$2.4M (T1 phase 2, CIP-General Fund, and Marina Fund).
- The K Dock Restroom Renovation – Currently in Pre-Design / \$400k (T1 phase 2).
- The Cesar Chavez Park Restroom – Currently in Pre-Design / \$350k (T1 Phase 2).

#### **Current Planning Projects**

- The Dredging of the Marina Main Channel (Design, Permitting, and CEQA Phase) / \$300k (General Fund).
- The Dredging of the South Sailing Basin (Conceptual Phase) / \$350k (CIP-General Fund).
- The Waterfront Specific Plan / \$1.05M (CIP-General Fund).
- The South Cove West Parking Lot (Design Phase) / \$80k (Marina Fund).

With this new \$15 million in state funds plus the \$40 million previously funded by Council since 2008, the list of unfunded capital improvement projects needed at the Berkeley Waterfront has been reduced by over \$50 million.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The five infrastructure improvement projects at the Berkeley Waterfront identified in this report will help the City to further advance the City's Strategic Plan Goal 1 – to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. Four of the five projects involved renovations of existing facilities, and therefore do not have significant

<sup>3</sup> See Off Agenda Memo to Council on February 16, 2022: <https://berkeleyca.gov/sites/default/files/2022-04/Waterfront%20CIP%20Projects%20021622.pdf>

environmental impacts, and the fifth project is itself an environmental review project. The construction contracts for the four improvement projects contain requirements to comply with the City's Environmentally Preferable Purchasing Policy as well as the City's Construction and Demolition Waste program to divert at least 50% of construction waste from landfills towards re-use and recycling programs.

RATIONALE FOR RECOMMENDATION

The projects identified in this report are the furthest along in terms of project readiness, and therefore will allow the City to complete these much-needed projects and the reimbursement process by the February 2026 deadline of the funding program.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation Waterfront, (510) 981-6700

Attachments:

1: Resolution



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

GRANT CONTRACTS WITH THE STATE COASTAL CONSERVANCY (SCC) TO RECEIVE THE FY2022 STATE BUDGET ALLOCATION OF \$15 MILLION FOR IMPROVEMENT PROJECTS AT THE BERKELEY WATERFRONT

WHEREAS, in FY2022, the State of California allocated a one-time distribution of state surplus funds to cities and counties throughout California; and

WHEREAS, Berkeley received a one-time FY2022 state budget allocation of \$15 million for Berkeley Waterfront improvement projects; and

WHEREAS, the State Coastal Conservancy (SCC) will administer these funds via their grants and contracts program. SCC requires that Berkeley submit a grant application package for each proposed project comprised of a scope of work, a cost estimate, conceptual plans, environmental review documents (CEQA), and other project-related items (e.g., photos, etc.); and

WHEREAS, this funding program will terminate in February of 2026. As a result, all work to be funded by this program must be completed, fully invoiced to the SCC, and fully reimbursed by February 2026; and

WHEREAS, staff has identified five projects currently underway that are the furthest along that can be completed by the state funding deadline of February 2026 as follows: 1. Dredging of the Marina Main Channel; 2. Replacement of D and E Dock system; 3. Improvements to Cesar Chavez Park Pathways; 4. Improvements to the South Cove West Parking Lot; and 5. Environmental Review and Design of the Pier-Ferry Project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the selection of the five projects described above to be funded by the State FY2022 one-time budget allocation of \$15,000,000 to Berkeley is hereby approved; and that the City Manager or their designee is authorized to execute all grant submittal packages, grant contracts and amendments, grant reimbursement submittals, and all other grant project-related documents with the State Coastal Conservancy (SCC) in order to complete these projects. A record signature copy of contracts and any amendments will be on file in the Office of the City Clerk.



Office of the Mayor

CONSENT CALENDAR  
December 13, 2022

To: Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: City Council Committee and Regional Body Appointments

RECOMMENDATION

Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on January 31, 2024 or until new appointments are made.

BACKGROUND

There are a number of City Council appointments to various Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions. Every two years after the General Municipal Election, the Mayor makes recommendations on new Council representatives to these committees.

The Berkeley City Council Rules of Procedure and Order also require the Mayor to recommend and the full Council approve appointments to Standing Council Policy Committees by January 31st of each year.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects from taking this action

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

APPROVING APPOINTMENTS TO STANDING CITY COUNCIL POLICY COMMITTEES, PARTNERSHIP COMMITTEES, LIASIONS TO BOARDS AND COMMISSIONS AND REGIONAL BODIES

WHEREAS, the City Council has numerous appointments to various Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions, and makes new appointments every two years following the General Municipal Election; and

WHEREAS, the Berkeley City Council Rules of Procedure and Order also require the Mayor to recommend and the full Council approve appointments to Standing Council Policy Committees by January 31st of each year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it officially makes the following appointments for the period ending January 31, 2024 or until new appointments are approved:

**City Council Standing Policy Committees:**

Agenda & Rules Committee

Appoint Mayor Arreguín, Councilmember Hahn and Councilmember Wengraf  
Appoint Vice-Mayor Bartlett as Alternate

Budget & Finance Committee

Appoint Mayor Arreguín, Councilmember Kesarwani and Councilmember Harrison  
Appoint Councilmember Hahn as Alternate

Facilities, Infrastructure, Transportation, Environment & Sustainability Committee

Appoint Councilmember Harrison, Councilmember Robinson and Councilmember Taplin  
Appoint Councilmember Humbert as Alternate

Public Safety Committee

Appoint Councilmember Taplin, Councilmember Humbert and Councilmember Wengraf  
Appoint Councilmember Robinson as Alternate

Land Use, Housing & Economic Development Committee

Appoint Vice-Mayor Bartlett, Councilmember Humbert and Councilmember Robinson  
Appoint Councilmember Harrison as Alternate

Health, Life Enrichment, Equity & Community Committee

Appoint Vice-Mayor Bartlett, Councilmember Hahn and Councilmember Kesarwani  
Appoint Councilmember Taplin as Alternate

**Partnership Committees:**

4x4 Joint Task Force Committee on Housing: Rent Board/City Council

Appoint Mayor Arreguín, Councilmember Hahn, Councilmember Harrison, and Councilmember Robinson

3x3 Committee of the Berkeley City Council and the Berkeley Housing Authority

Appoint Mayor Arreguin, Councilmember Harrison and Councilmember Kesarwani

2x2 Committee of the City Council and the Board of Education

Appoint Councilmember Hahn and Councilmember Taplin

Appoint Mayor Arreguín as Alternate

**Regional Committees:**

Alameda County Transportation Commission

Appoint Councilmember Robinson

Appoint Councilmember Taplin as Alternate

Alameda County Waste Management Authority

Appoint Councilmember Wengraf

Appoint Councilmember Hahn as Alternate

Delegate to Association of Bay Area Governments General Assembly

Appoint Councilmember Harrison

Appoint Mayor Arreguín as Alternate

Joint Powers Authority - East Bay Community Energy Authority

Appoint Vice-Mayor Bartlett

Appoint Councilmember Taplin as Alternate

Joint Powers Agreement - East Bay Regional Sports Fields

Appoint Councilmember Kesarwani

Joint Powers Authority - Lead Abatement

Appoint Councilmember Wengraf

Appoint Councilmember Kesarwani as Alternate

League of California Cities - East Bay Division

Appoint Councilmember Taplin

Appoint Councilmember Humbert as Alternate

Oakland Airport Noise Forum  
Appoint Councilmember Hahn

**Council Liaisons to City Boards and Commissions:**

Board of Library Trustees  
Appoint Councilmember Hahn

Community Health Commission  
Appoint Councilmember Kesarwani

Mental Health Commission  
Appoint Councilmember Harrison



Office of the Mayor

# 04

**Special Meeting Item**

CONSENT CALENDAR  
December 13, 2022

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Appointment of the Vice-President of the Council

RECOMMENDATION

Adopt a Resolution appointing Councilmember Ben Bartlett to be the Vice-President of the Council for a term beginning December 14, 2022 to December 5, 2023 and Councilmember Susan Wengraf to be the Vice President of the Council for a term beginning December 6, 2023 to December 1, 2024 or until new appointments are made.

FINANCIAL IMPLICATIONS

None

BACKGROUND

The Vice-President of the Council, as defined in the City Charter, presides over the Council meetings when the Mayor is absent. During the temporary absence or disability of the Mayor, the Vice-President of the Council shall act as Mayor pro tempore. Over the years, the City Council has selected the Vice-President of the Council in a number of ways. From 2008 to 2016, the Council appointed one of its members as Vice-President of the Council for a term of one-year.

On December 8, 2016, by adoption of Resolution No. 67,768-N.S., the Council changed the term of Vice-President to a 3-month rotation cycle, allowing each member of the Council to serve as Vice Mayor for a period of three months.

While this rotation schedule gave every Councilmember the opportunity to serve and facilitate Council meetings in the Mayor's absence, a one-year appointment will ensure continuity of government and give the Vice-President of the Council more experience in conducting meetings and acting as the Mayor Pro Tempore if needed.

On December 4, 2018, the Council adopted a resolution changing the term of Vice-President of the Council from a rotating term of 3 months, to a fixed one-year term. The resolution requires that the Council elect a Vice-President of the Council at the first Council meeting each December. It also permits the Council at that time to appoint an individual for two consecutive years, or to appoint two different Councilmembers as Vice-President of the Council over a two-year period

The Mayor is nominating Councilmember Ben Bartlett to serve as Vice-President of the Council for a term beginning December 7, 2022 to December 5, 2023 and Councilmember Susan Wengraf to serve as Vice-President of the Council for a term beginning December 6, 2023 to December 1, 2024 or until new appointments are made.

CONTACT PERSON

Mayor Jesse Arreguin      510-981-7100

Attachments:

1: Resolution

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

APPOINTING A VICE-PRESIDENT OF THE CITY COUNCIL

WHEREAS, Article VIII, Section 39 of the City Charter states that the Council shall elect one of its members to be the Vice-President of the Council; and

WHEREAS, the City Charter and City Council Rules of Procedure and Order state that when the Mayor is absent, the Vice-President of the Council shall preside over all meetings; and

WHEREAS, Article VI, Section 22 of the City Charter states that "During the temporary absence or disability of the Mayor, the Vice-President of the Council shall act as Mayor pro tempore"; and

WHEREAS, to ensure proper continuity of government the Council must appoint one of its members to serve as Vice-President of the Council; and

WHEREAS, the Council voted to change the term of the Vice-President of the Council to a one-year term appointed at the first Council meeting in December, beginning December 4, 2018. The resolution also allows the Council to appoint an individual for two consecutive years, or to appoint two different Councilmembers as Vice-President of the Council over a two-year period.

NOW THEREFORE, BE IT RESOLVED by Council of the City of Berkeley that it hereby appoints Councilmember Ben Bartlett to serve as Vice-President of the Council for a term beginning December 14, 2022 to December 5, 2023 and appoints Councilmember Susan Wengraf to serve as Vice-President of the Council for a term beginning December 6, 2023 to December 1, 2024 or until new appointments are made.







Office of the Mayor

CONSENT CALENDAR  
December 13, 2022

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Seating Arrangements for Councilmembers during City Council Meetings

RECOMMENDATION

Adopt a Resolution rescinding Resolution No. 70,202–N.S and changing the seating placement of City Councilmembers on the dias to accommodate the newly-elected councilmember and newly appointed Vice-Mayor, as follows (From left to right, facing the dais): Humbert, Kesarwani, Harrison, Bartlett, Arreguin, Wengraf, Hahn, Robinson, Taplin.

BACKGROUND

The Mayor makes recommendations on the seating arrangement of the Berkeley City Councilmembers. On January 25, 2022, the City Council approved Resolution No. 70,202–N.S that changed the order of the dais to accommodate the newly appointed Vice-Mayor. Mayor Arreguín is recommending a change to the current seating arrangement to accommodate the newly elected Councilmember from District 8 and the Vice-Mayor. The new seating arrangement will be as follows (from left to right, facing the dais): Humbert, Kesarwani, Harrison, Bartlett, Arreguin, Wengraf, Hahn, Robinson, Taplin.

City Council meetings are now being conducted in a hybrid format beginning on December 6, 2022, and the City will be fully subject to the provisions of the Brown Act regarding the conduct of meetings at the expiration of the state declared emergency in late February 2023. This Resolution will be in place until December 31, 2024 or when a new Resolution supersedes this.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects from taking this action

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments: 1: Resolution

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

CITY COUNCIL SEATING ARRANGEMENT ON THE DAIS

WHEREAS, the Mayor makes recommendations on the seating arrangement of the Berkeley City Councilmembers; and

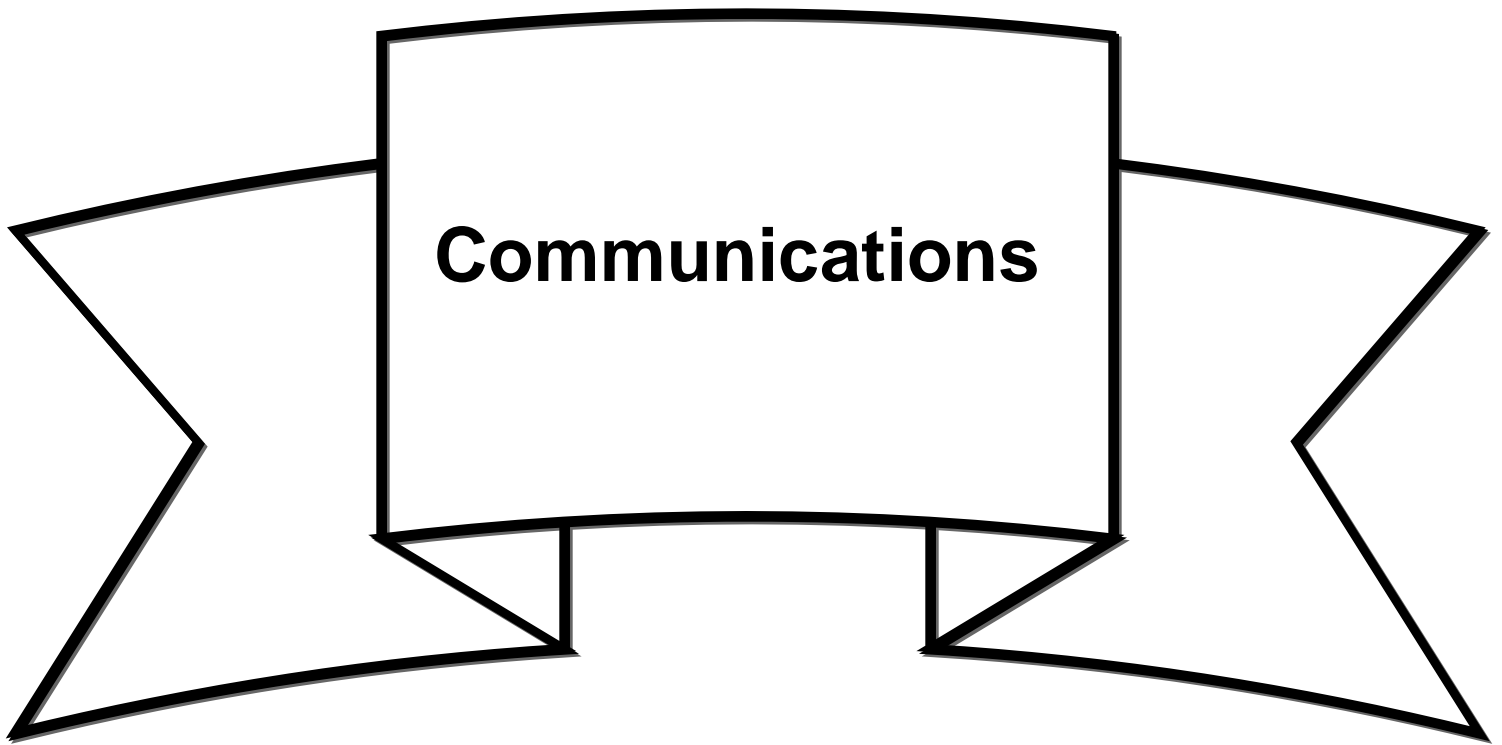
WHEREAS, in 2022, the City Council adopted Resolution No. 70,202–N.S. which changed the seating arrangement to accommodate the newly appointed Vice-Mayor; and

WHEREAS, Mayor Arreguín is recommending a change to the current seating arrangement to accommodate the newly-elected councilmember and newly appointed Vice-Mayor (from left to right, facing the dais) as follows: Humbert, Kesarwani, Harrison, Bartlett, Arreguin, Wengraf, Hahn, Robinson, Taplin.

NOW THEREFORE, BE IT RESOLVED that Resolution No. 70,202–N.S. is hereby rescinded; and

BE IT FURTHER RESOLVED that the Berkeley City Council does hereby set the seating order on the dais for City Council Meetings as follows (from left to right, facing the dais): Humbert, Kesarwani, Harrison, Bartlett, Arreguin, Wengraf, Hahn, Robinson, Taplin; and

BE IT FURTHER AND FINALLY RESOLVED that this Resolution will be in place until December 31, 2024 or when a new Resolution supersedes this.



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF