


MEMORANDUM

DATE: November 18, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matt Brown, General Counsel
Aimee Mueller, Board Secretary 

SUBJECT: Possible Adjustment of Policy Surrounding Staff Review of Commissioners' email Accounts

Background

Commissioners requested their own unique City email addresses in 2014 so that the public would have more access to each of them. At that time, there was much discussion regarding the possibility that emails the public sent to Commissioners might actually involve issues meant for staff. Commissioners were concerned that a community member might experience delays in service delivery because they incorrectly sent an email to them instead of contacting staff. For example, Commissioners often receive emails regarding housing counseling questions/concerns that are clearly meant for the Public Information Unit.

To that end, Commissioners adopted a policy that ensured that select staff would receive all communications addressed to them. A copy of each email that is sent to a Commissioner's mailbox or to the full Board is simultaneously received by Aimee Mueller and the Executive Director. Aimee or the Executive Director then reviews and forwards that communication to the Commissioner's preferred email address. Communications that are meant for staff are also promptly forwarded to the correct person for follow up and service delivery. Aimee also generally notifies the full Board once staff have responded to the sender.

Over the years, several Commissioners have expressed concern that they do not want staff reading emails intended for them. Staff have also expressed concern that there are times when the volume of emails received can be quite onerous to sift through and forward. For example, the Board received over 1,000 emails associated with a Board agenda item earlier this year, and staff spent considerable time managing and forwarding them.

Next Steps

Staff seeks Board guidance on potentially adopting a new policy for the delivery and management of Commissioners' emails. If staff are no longer included as recipients of Commissioners' emails, considerable attention will need to be given to ensuring that issues meant for staff are promptly forwarded so they can timely respond. Staff awaits Commissioners' guidance regarding potential changes – we will draft policies for the Board to approve once Commissioners decide what (if anything) they wish to change regarding the current policy. Attached is the original report to the Outreach Committee from February 21, 2014 and the approved minutes from the Board's March 17, 2014 regular meeting when the Board adopted its current policy (the relevant language is highlighted on page 4).

Attachments:

1. February 21, 2014 Staff Report to Outreach Committee
2. Approved Minutes from March 17, 2014 monthly Board meeting



Rent Stabilization Program

Date: February 21, 2014

To: Honorable Members of the Outreach Committee

From: Jay Kelekian, Executive Director and
Nick Traylor, Community Service Specialist III

Subject: Staff Report on Providing City Email Addresses to Commissioners

Background: At the November 15, 2013 Outreach Committee meeting, commissioners discussed the topic of setting up City of Berkeley email addresses for commissioners. This issue was brought up after an email from a constituent had apparently not been forwarded by Rent Board staff to the commissioner(s). The current system is that emails to commissioners go to either their non-city email address or the rent@cityofberkeley.info address. Although there has only been one documented example of an email from the public addressed to a commissioner not getting to that commissioner, the additional steps involved can delay the communication being received by the Board member. The process is generally done quickly but can take several days depending on staff resources (absences, etc.) and when the email is received (holidays or weekends).

Among the concerns that commissioners and staff brought up with staff in the Outreach Committee meeting on November 15, 2013 were:

- Emails sent directly to commissioners through a City of Berkeley email address would allow the public an easier and quicker way to contact commissioners. Additionally, commissioners would be able to separate their personal and Rent Board emails more easily.
- Emails sent directly to commissioners through a City of Berkeley email address would require that Commissioners use the City of Berkeley's webmail site in order to access City emails. Staff reported that the webmail website is easy to access and use.
- The current system of the public emailing rent@cityofberkeley.info to contact commissioners requires several steps before a commissioner receives an email and provides for the remote possibility that staff may not forward that email in a timely manner.
- If commissioners have their own City email they will need to act as primary "veter": whether or not it is best for them to answer directly, whether to forward to staff (general rent email address, a staff attorney, the PIU/REG manager or other specific staff person), or whether it is best to consult with the Executive Director before answering.

- Concern was raised that, in the past, some Board members did not regularly check their email account because communications were so infrequent. This could mean that communications that should be responded to will be left unanswered for extended periods of time.
- Concern was raised about Board members receiving inappropriate emails either by a current or likely future appellant. Board members may be required to recuse themselves from a vote if the communication were outside of the administrative record.
- Board members may inadvertently violate the Board Act if each is contacted on a policy issue that the Board later takes a vote on. This can be guarded against if Board members know that other Board members have also received the communication and to exercise caution.

How do City Council members handle emails?

I was informed by several councilmember aides that they have no written protocol for handling emails. Although Council member aides do flag certain emails as priority and do respond to some emails on behalf of the Councilmember- the aides made it clear that Council members can review and respond to any and all of their emails and reserve their own judgment as to whether to include City staff in the responses. Council members also have full-time paid staff to assist them in this endeavor.

Possible guidelines and options if Commissioners use City of Berkeley email addresses

Recommended Option

1. Each Board member be given a unique City of Berkeley email address.
2. We establish a "Board" email address
3. That at two places on our website – "Contact Us" and "Meet the Board" the public be given the option to send an email to the full Board or an individual Board member.
4. The communications to the full Board would go to staff to review and forward as appropriate. In most cases this will be as part of the Board packet but if the communication is time sensitive (say, for an event), it could be forwarded sooner.
5. The communications for individual Board members would simultaneously go to the Board member's mail box and to a staff mailbox. Staff will review the mail and act as a "fail safe" and notify the Board member that a communication was received and is being forwarded. If there is an additional advisory message (Brown Act alert, an appeal is pending or anticipated and it is recommended that the communication not be read, or relevant background on the issue the emailer is communicating about) that will be included at the time the email is forwarded to the Board member.

Alternative Options Considered

- 1. Set up individual City email addresses for each commissioner's name (allowing a commissioner to "opt out").**

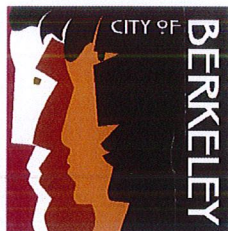
Option A: Commissioners would respond to each email and copy the Executive Director, other assigned staff person.

Option B: Commissioners would vet each email they receive and use their best judgment as to responding, forwarding or including Rent Board staff in the email string.

- 2. Set up a box addressed to "Rent Board Commissioners" (that would go to the Chair and Vice-Chair with a designated staff member to review all incoming email). The chair would check weekly and forward to individual commissioner after vetting by staff.**

- 3. Maintain current system:**

- a. Emails from the public to commissioners will go to the rent@cityofberkeley.info address.
- b. Rent Board staff (usually Lead Housing Counselor or Division Chief of the Public Information Unit) will forward the email to Executive Director.
- c. Executive Director or assigned staff forwards email to commissioner or decides that a staff response is more appropriate.



Rent Stabilization Board

RENT STABILIZATION BOARD

Regular Meeting Minutes

(Approved)

Maudelle Shirek Building
2134 Martin Luther King Jr. Way
Council Chambers, Second Floor
Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

Monday, March 17, 2014
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:18 p.m.*
Aimee Mueller called roll.
Commissioners present: Blake, Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster, Stephens
Commissioners absent: None
Staff present: Arreguin, Brown, Kelekian, Law (in audience), Mueller

**The meeting start time was delayed due to a problem with the KPFB broadcast.*

2. **Approval of Agenda** M/S/C (Harr/Townley) APPROVE AGENDA WITH THE FOLLOWING CHANGE: MOVE ITEM 7.a.(1) TO ACTION AND HEAR THIS ITEM BEFORE WAIVERS. Voice vote. Carried: 9-0-0-0.
3. **Public Forum** – There were three speakers. Ezekiel Gorrocino of the Better Berkeley Working Group spoke in support of the Rent Board staff recommendations for AB 2175 (Daly), SB 1439 (Leno) and AB 2181 (Bloom); Moni T. Law spoke about the Daily Cal article on housing; and Leah Simon-Weisberg of Berkeley Tenants Union spoke about the state legislation and Ellis reform.
4. **Approval of the January 27th Regular Meeting minutes** M/S/C (Townley/Hunt) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 9-0-0-0.
5. **Special Presentation by representatives from Christine Minnehan & Associates, Rent Board Legislative Advocate, on housing-related legislation**
 - a. **State Legislative Report**

b. Recommendation concerning three pieces of legislation:

- (1) Recommendation that the Board go on record supporting AB 2175 (Daly)**
- (2) Recommendation to direct Legislative Advocate to urge author to amend SB 1439 (Leno)**
- (3) Recommendation to encourage the Berkeley City Council to review AB 2181 (Bloom)**

Following the presentation by Michael Moynagh and Brian Augusta of Christine Minnehan & Associates, the presenters took questions from the Board. After discussion, the Board took the following action:

M/S/C (Harr/Webster) ADOPT RECOMMENDATIONS 5.b.(1) AND 5.b.(3), AND AMEND RECOMMENDATION 5.b.(2) AS FOLLOWS: DIRECT THE RENT BOARD'S LEGISLATIVE ADVOCATE TO URGE AUTHOR LENO TO AMEND SB 1439; TO ALSO DIRECT THE LEGISLATIVE ADVOCATE TO ASK LONI HANCOCK AND NANCY SKINNER TO WORK TOWARD A BILL THAT WOULD PROTECT EAST BAY RENTERS; AND AUTHORIZE THE CHAIR TO WRITE THE CITY COUNCIL REQUESTING THAT THEY ALSO APPROACH HANCOCK AND SKINNER TO WORK TO PROTECT BERKELEY TENANTS BY ENCOURAGING AND THEN SUPPORTING A BILL THAT WOULD PROTECT EAST BAY TENANTS. Voice vote. 8-1-0-0. NO: Hunt.

6. Action Items

a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action regarding the Multi-Unit Housing Emergency Preparedness Program memo (Commissioner Townley)**

M/S/C (Blake/Soto-Vigil) SUPPORT THE PROPOSALS OUTLINED IN THIS MEMO WITH THE FOLLOWING CHANGES TO THE THIRD PAGE OF THE MEMO:

- REMOVE THE PARAGRAPH THAT BEGINS WITH "The course would be required annually..."
- REMOVE THE PARAGRAPH THAT BEGINS WITH "The Fire Department and the Rent Board..."
- INSERT THE FOLLOWING SENTENCE IN THE PARAGRAPH THAT BEGINS WITH "These special two-hour classes would...": "We also think that the class should eventually be required for all managers of 16-unit and larger buildings, of which most have onsite managers; there are approximately 300 such buildings in Berkeley."

Roll call vote. YES: Blake, Dodsworth, Hunt, Shelton, Soto-Vigil, Webster, Stephens; NO: Harr, Townley; ABSTAIN/ABSENT: None. Carried: 7-2-0-0.

- (2) Recommendation to restore the 10% deduction from Commissioner Hunt's stipend for her absence from the January 3rd Eviction/Section 8/Foreclosure Committee meeting (Commissioner Hunt)

M/S/C (Soto-Vigil/Webster) RESTORE THE 10% DEDUCTION FROM COMMISSIONER HUNT'S STIPEND FOR HER ABSENCE FROM THE JANUARY 3, 2014 EVICTION/SECTION 8/FORECLOSURE COMMITTEE MEETING. Voice vote. Carried: 9-0-0-0.

- (3) Proposal to approve staff recommendation on the following request for waiver of late registration penalties (Executive Director)

Ministerial Waiver

<u>Waiver No.</u>	<u>Property Address</u>
4325	2119 Emerson St
4348	2042 Dwight Way
4349	3135 Mabel St
4352	1330 Oxford St

Discretionary Waiver

<u>Waiver No.</u>	<u>Property Address</u>
4340	1533 MLK Jr Way
4341	1308 Hopkins St
4343	1333 Santa Fe Ave
4344	1215 Kains Ave
4351	3141 College Ave
4353	2919 Acton St
4357	2443 Derby St

M/S/C (Blake/Soto-Vigil) APPROVE ALL MINISTERIAL WAIVERS AND DISCRETIONARY WAIVER NOS. 4343 AND 4353. Voice vote. Carried: 9-0-0-0.

M/S/C (Hunt/Webster) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4340. Voice vote. Carried: 9-0-0-0.

M/S/C (Blake/Hunt) APPROVE WAIVING \$482.00 FOR WAIVER NO. 4341. Voice vote. Carried: 9-0-0-0.

M/S/C (Blake/Hunt) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4344. Voice vote. Carried: 9-0-0-0.

M/S/C (Harr/Webster) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4351. Voice vote. Carried: 7-1-1-0. NO: Townley; ABSTAIN: Shelton.

M/S/C (Harr/Webster) WAIVE ONE HUNDRED PERCENT FOR WAIVER NO. 4357. Voice vote. Carried: 9-0-0-0.

7. Information and Announcements

Please Note: The Board may move Information Items to the Action Calendar.

a. Reports from Board Members/Staff

- (1) February 21, 2014 staff report to Outreach Committee regarding Providing City E-mail Addresses to Commissioners (Executive Director) This item was moved to action by an earlier vote on approval of the agenda and voted on following the Waivers. Following discussion on each Recommended Option enumerated on the second page of this item, the Board voted on each one separately:

M/S/C (Soto-Vigil/Townley) ADOPT "Recommended Option 1." AS WRITTEN.
Voice vote. Carried: 9-0-0-0.

M/S/C (Soto-Vigil/Townley) ADOPT "Recommended Option 2." AS WRITTEN.
Voice vote. Carried: 8-1-0-0. NO: Stephens.

M/S/C (Soto-Vigil/Townley) ADOPT "Recommended Option 3." AS WRITTEN.
Voice vote. Carried: 8-1-0-0. NO: Stephens.

M/S/C (Harr/Hunt) ELIMINATE EXISTING "Recommended Option 4.", AND AMEND "Recommended Option 5." (that shall replace Recommended Option 4.) TO READ AS FOLLOWS:

"The communications to the full Board would go to staff to review and forward. When communications are of a policy nature, they will be included in the full Board packet. The communications for individual Board members would simultaneously go to the Board member's mailbox and to a staff mailbox. Staff will review the mail and act as a 'fail safe' and notify the Board member that a communication was received and is being forwarded. If there is an additional advisory message (Brown Act alert, an appeal is pending or anticipated and it is recommended that the communication not be read, or relevant background on the issue about which the e-mailer is communicating), that will be included at the time the e-mail is forwarded to the Board member."

Voice vote. Carried: 7-2-0-0. NO: Blake, Townley.

- (2) Update on Council's action regarding the referral to the City Manager of an Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee (Executive Director) Council Member Arreguin was present to speak about this item and answer questions from the Board.
- (3) February 7, 2014 Ellis Act and Owner Move-in (Measure Y) statistics report to Eviction/Section 8/Foreclosure Committee (Executive Director) Commissioner Harr stated that the next Measure Y report should be in the April Board meeting packet.