



**Rent Stabilization Board  
Legal Unit**

DATE: March 16, 2023  
TO: Honorable Members of the Rent Stabilization Board  
FROM: Matt Brown, General Counsel (MB)  
SUBJECT: Recommendation to adopt Resolution 23-04 authorizing the Executive Director to modify the existing contract with Goldfarb Lipman, LLP to add \$20,000 for the current fiscal year.

**Recommendation**

That the Board adopt Resolution 23-04 authorizing the Executive Director to execute a contract modification with Goldfarb Lipman, LLP in an additional amount not to exceed \$20,000 (bringing the contract total to \$50,000).

**Background and Need for Rent Stabilization Board Action**

The Rent Stabilization Board previously authorized the Executive director to execute a contract with Goldfarb Lipman, LLP to provide litigation support for an administrative writ of mandate and to draft an amicus brief for a case that has direct impact on Berkeley's tenant community in a total amount not to exceed \$30,000.<sup>1</sup> Goldfarb Lipman, LLP has provided the agency with invaluable support during a time of great transition which has included significant staff turnover.

Throughout the duration of this contract Goldfarb Lipman, LLP has assisted with litigation support given that the departure and extended absence of several staff attorneys has left the legal unit particularly short-staffed. We anticipate that we will need at least another \$20,000 worth of work from Goldfarb Lipman, LLP for the current fiscal year.<sup>2</sup>

**Financial Impact**

The Board has sufficient funds in its FY 2022/23 uncommitted reserve to allocate an additional \$20,000 for a contract modification with Goldfarb Lipman, LLP.

**Name and Telephone Number of Contact Person**

Matt Brown, General Counsel (510) 981-4930

<sup>1</sup> The Board made clear that the Executive Director should use her independent spending authority of \$30,000 (authorized by Resolution 19-26 adopted December 19, 2019) to execute the contract with Goldfarb Lipman, LLP.

<sup>2</sup> During the adoption of past Fiscal Year budgets the Board has expressed support for staff seeking assistance from outside counsel, so that the Board's interests may be fully protected.

**RESOLUTION 23-04**

**AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT  
MODIFICATION WITH GOLDFARB & LIPMAN, LLP THROUGH JUNE 30, 2023, IN  
AN AMOUNT NOT TO EXCEED \$20,000**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley (the “Board”) as follows:

**WHEREAS**, the Board authorized the executive director to execute a contract with Goldfarb & Lipman, LLP in the amount of \$30,000 to provide litigation support regarding an administrative writ of mandate and an amicus brief in a case that had a direct impact on protections offered to Berkeley’s tenant community; and

**WHEREAS**, the contract was executed with Goldfarb & Lipman, LLP for a term beginning August 1, 2022, and ending June 30, 2023; and

**WHEREAS**, Goldfarb & Lipman, LLP has informed Board staff that they will require more funds to complete the contracted task associated with litigation support in the administrative writ of mandate; and

**WHEREAS**, the Board’s legal unit has been short-staffed for some time during the last three years; and

**WHEREAS**, the Board has expressed support for the executive director to allocate funds to outside counsel during this time when staff capacity does not meet the demand for litigation support; and

**WHEREAS**, the Board’s legal staff have continued to work successfully with the lawyers at Goldfarb & Lipman, LLP; and

**WHEREAS**, Goldfarb & Lipman, LLP have particular expertise in litigating matters related to writs of mandates and other private claims against government agencies.

**RESOLUTION 23-04**

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MODIFICATION WITH GOLDFARB & LIPMAN, LLP THROUGH JUNE 30, 2023, IN  
AN AMOUNT NOT TO EXCEED \$20,000 (Page 2)**

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Berkeley Rent Stabilization Board hereby authorizes the executive director to execute a contract modification with Goldfarb & Lipman, LLP through June 30, 2023, in an amount not to exceed \$20,000 (total contract amount not to exceed \$50,000); and

**BE IT FURTHER RESOLVED** that the Board will reconsider these matters should more funds be necessary to provide further assistance with matters related to litigation.

Dated: March 16, 2023

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Attest: \_\_\_\_\_

DeSeana Williams, Executive Director  
Rent Stabilization Board

\_\_\_\_\_  
Leah Simon-Weisberg, Chairperson  
Rent Stabilization Board