



**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 23-05 authorizing the Executive Director to modify the existing contract with Sloan Sakai Yeung & Wong to add \$80,000 for the current fiscal year.

Recommendation

That the Board adopt Resolution 23-05 authorizing the Executive Director to execute a contract modification with Sloan Sakai Yeung & Wong in an additional amount not to exceed \$80,000 (bringing the contract total to \$180,000).

Background and Need for Rent Stabilization Board Action

The Rent Stabilization Board previously authorized a contract extension with Sloan Sakai Yeung & Wong (Sloan Sakai) to advise the Board on various confidential personnel matters and for litigation support for a total amount not to exceed \$100,000.¹ Sloan Sakai has provided the agency with invaluable support during a time of great transition which has included significant staff turnover.

For several years, Sloan Sakai 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 \$80,000 worth of work from Sloan Sakai for the current fiscal year.²

Financial Impact

The Board has sufficient funds in its FY 2022/23 uncommitted reserve to allocate an additional \$80,000 for a contract modification with Sloan Sakai Yeung & Wong.

Name and Telephone Number of Contact Person

Matt Brown, General Counsel (510) 981-4930

¹ The Board authorized these amounts in Resolution 20-02 (adopted on February 27, 2020), Resolution 20-13 (adopted on June 18, 2020), and Resolution 22-01 (adopted on January 20, 2022).

² 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 23-05

**AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT
MODIFICATION WITH SLOAN SAKAI YEUNG & WONG THROUGH JUNE 30, 2023,
IN AN AMOUNT NOT TO EXCEED \$80,000**

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

WHEREAS, on February 27, 2020, and June 18, 2020, the Board met in closed session and was apprised of the need to continue ongoing confidential personnel investigations being conducted by an outside investigator concerning Board employees and the need to provide litigation support regarding various matters; and

WHEREAS, the Board allocated funds to the law firm of Sloan Sakai Yeung & Wong when it adopted Resolutions 20-02 (February 27, 2020) and 20-13 (June 18, 2020) to assist with these matters; and

WHEREAS, the Board authorized a further \$50,000 to Sloan Sakai Yeung & Wong for litigation support when it adopted Resolution 22-01 (January 20, 2022); 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 Sloan Sakai Yeung & Wong; and

WHEREAS, Sloan Sakai Yeung & Wong have particular expertise in litigating matters related to writs of mandates and other private claims against government agencies.

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NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley Rent Stabilization Board hereby authorizes the executive director to execute a contract modification with Sloan Sakai Yeung & Wong through June 30, 2023, in an amount not to exceed \$80,000 (total contract amount not to exceed \$180,000); 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; and

BE IT FURTHER RESOLVED that this Resolution shall amend and supersede Resolution 22-01 to the extent there are any conflicting terms.

Dated: March 16, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____

DeSeana Williams, Executive Director
Rent Stabilization Board