



RENT STABILIZATION BOARD

Regular Meeting

Thursday, June 15, 2023 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Teleconference location: 3225 Simon Rd, Manitowoc, WI 54220

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 encouraged. If you are feeling sick, please do not attend the meeting in person.

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/81315510979?pwd=LytGV2RZUDNrNVI4NHRJWkhHcVhSUT09>. 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 1-669-900-6833 and enter Webinar ID: 813 1551 0979 and Passcode: 101882. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368 (981-RENT). The Rent Board may take action related to any subject listed on the Agenda.



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) 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.

RENT STABILIZATION BOARD

Regular Meeting

Thursday, June 15, 2023

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 3225 Simon Rd, Manitowoc, WI 54220

Regular Meeting Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:03 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell (arrived at 7:15 p.m.), Walker, Simon-Weisberg (via Zoom)
Staff present: Brown, Bursell, Cole, Dahl, Eberhart, Mueller, Williams

2. **CLOSED SESSION:** The Board convened in closed session pursuant to Government Code Section 54956.8:

Update and possible action on lease negotiations for potential office rental space

Upon returning from closed session, Chair Simon-Weisberg announced: The Board met in Closed Session to discuss lease negotiations for new office space located at 2000 Center Street, and has authorized the Executive Director to execute a lease agreement for space in that building. The terms of that agreement will be further defined when the Board reaches Action Item 8.j. where it will vote to adopt Resolution 23-21.

3. **Land Acknowledgment Statement:** The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The Land Acknowledgement Statement was played aloud.

4. Approval of Agenda

M/S/C (Alpert/Kelley) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 8.c., 8.d., 8.e., 8.f., 8.g. AND 8.k. TO CONSENT; MOVE THE MINISTERIAL WAIVERS FOR 1232 ASHBY AND 1419 MILVIA FROM CONSENT TO ACTION; AND TABLE INFORMATION ITEM 9.b. TO THE NEXT MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

5. **Public Comment** – *non*-agendized items. There were no speakers.

6. **Public Comment** – items on the agenda. Carrie Yateman spoke regarding the ministerial waiver for 1232 Ashby.

7. CONSENT ITEMS

Action items 8.c., 8.d., 8.e., 8.f., 8.g. and 8.k. were moved to Consent, and the Ministerial Waivers for 1232 Ashby and 1419 Milvia were moved to Action by a prior vote of the Board.

- a. Approval of the May 18th regular meeting minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

2407-2409 HILLSIDE
1232 ASHBY
3335 CALIFORNIA
2907 DERBY
1325 ADDISON
1842 63RD
2210 CURTIS
1419 MILVIA
2720-2722 RUSSELL
2501 DANA
2825 DOHR
94 ROCK LANE
1440 WALNUT

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5082	1811 DELAWARE
W5083	2915 BENVENUE
W5084	1625 8TH ST
W5085	3001 TELEGRAPH
W5086	2756 ACTON and 2385 OAK

M/S/C (Johnson/Alpert) APPROVE ITEM 7.a. AS WRITTEN; APPROVE ITEM 7.b. AS WRITTEN EXCEPT THE MINISTERIAL WAIVERS FOR 1232 ASHBY AND 1419 MILVIA; AND APPROVE ITEMS 8.c., 8.d., 8.e., 8.f., 8.g. AND 8.k. AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment was heard prior to the Board's vote on each action item listed below – there were no speakers.

Action items 8.c. 8.d., 8.e., 8.f., 8.g., and 8.k. were moved to Consent, and the Ministerial Waivers for 1232 Ashby and 1419 Milvia were moved to Action by a prior vote of the Board.

Ministerial Waivers for 1232 Ashby and 1419 Milvia:

M/S/C (Kelley/Alpert) APPROVE THE STAFF RECOMMENDATIONS FOR 1232 ASHBY AND 1419 MILVIA AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- a. Chair Update (Chair Simon-Weisberg) – Chair Simon-Weisberg reported that there is a large uptick in evictions at the courthouse, and noted that staff are now posting on the Rent Board's website data about eviction notices filed with the Board.
- b. Special presentation on the Fiscal Year (FY) 2023-2024 Budget, Staffing Model and Expenditure Level (Senior Planner Lief Bursell & Executive Director) – Senior Planner Bursell presented, and he and Executive Director Williams took questions from the Board.

- (1) Recommendation to adopt Resolution 23-13 approving the FY 2023-2024 Line-item Budget, Staffing Model and Expenditure Level (Budget & Personnel Committee and Executive Director)

M/S/C (Walker/Alpert) ADOPT RESOLUTION 23-13 AS WRITTEN.
Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero,
Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None;
ABSENT: None. Carried: 9-0-0-0.

- c. Recommendation to adopt Resolution 23-14 authorizing the Executive Director to execute a new contract with the Eviction Defense Center in an amount not to exceed \$435,500 annually for FY 2023-2024 and FY 2024-2025 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- d. Recommendation to adopt Resolution 23-15 authorizing the Executive Director to execute a new contract with the East Bay Community Law Center in an amount not to exceed \$423,605 annually for FY 2023-2024 and FY 2024-2025 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- e. Recommendation to adopt Resolution 23-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through July 31, 2023, and increasing the contract by an amount not to exceed \$7,000 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- f. Recommendation to adopt Resolution 23-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by extending the term through June 30, 2024, and increasing the contract by an amount not to exceed \$22,000 for FY 2023-2024 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- g. Discussion and possible action to adopt Resolution 23-18 in support of Virtual Net Energy Metering and transmit copies of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (Chair Simon-Weisberg & Commissioner Martinac) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- h. Recommendation to adopt Resolution 23-19 adjusting Executive Director DéSeana Williams’ salary according to the terms of her existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert)

Prior to the Board’s vote, Chair Simon-Weisberg stated for the record: A motion has been made and seconded regarding the modification to the existing employment agreement with DéSeana Williams, Executive Director of the Berkeley Rent Stabilization Board, by adopting Resolution 23-19. Pursuant to Government Code section 54953(c), the summary of compensation must be orally reported prior to taking final action. The proposed modification adjusts the Executive Director’s monthly base salary of \$21,275.80 to \$21,488.48 effective during the pay cycle beginning July 2023, when the cost-of-living salary increase

for unrepresented employees in Unit Z1 is implemented. This salary adjustment is made pursuant to Section 3 of Ms. Williams' existing employment agreement. All other terms of the existing employment agreement will remain the same.

M/S/C (Johnson/Walker) APPROVE RESOLUTION 23-19 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- i. Recommendation to adopt Resolution 23-20 adjusting General Counsel Matt Brown's salary according to the terms of his existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert)

Prior to the Board's vote, Chair Simon-Weisberg stated for the record: A motion has been made and seconded regarding the modification to the existing employment agreement with Matt Brown, General Counsel of the Berkeley Rent Stabilization Board, by adopting Resolution 23-20. Pursuant to Government Code section 54953(c), a summary of compensation must be orally reported prior to taking final action. The proposal adjusts the General Counsel's monthly base salary of \$19,592.21 to \$19,788.08 effective during the pay cycle beginning in July 2023, when the cost-of-living salary increase for unrepresented employees in Unit Z1 is implemented. This salary adjustment is made pursuant to Section 3 of Mr. Brown's existing employment agreement. All other terms of the employment agreement will remain the same.

M/S/C (Johnson/Elgstrand) APPROVE RESOLUTION 23-20 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- j. Discussion and possible action to adopt Resolution 23-21 to authorize the Executive Director to sign a new lease agreement for Rent Board office space at 2020 Center Street (Chair Simon-Weisberg & Executive Director)

M/S/C (Marrero/Martinac) APPROVE RESOLUTION 23-21 AUTHORIZING THE EXECUTIVE DIRECTOR TO SIGN A NEW LEASE AGREEMENT FOR RENT BOARD OFFICE SPACE AT 2000 CENTER ST. AS READ ALOUD INTO THE RECORD. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- k. Discussion and possible action to authorize staff to restore Commissioner Kelley's stipend deduction for committee meeting absences in May 2023 (Commissioner Kelley) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

9. **INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**

from Board Members, Committees, Executive Director or Staff

**ALL ITEMS BELOW WERE BRIEFLY MENTIONED OR DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

- a. Eviction Moratorium outreach update – *Verbal* (Public Information Unit Manager) – Public Information Unit Manager Nate Dahl updated the Board on eviction notices received by the Board, and highlighted that this data will be updated weekly on the Rent Board’s COVID-19 webpage.
- b. “Registration 365” presentation by Amanda Eberhart (Registration Unit Manager) – Tabled to the July meeting by a prior vote of the Board.
- c. May 31, 2023 *Berkeleyside* article by Kori Suzuki titled, “After decades of homelessness, he had finally secured an apartment in Berkeley. Now, he’s being evicted” (Chair Simon-Weisberg)
<https://www.berkeleyside.org/2023/05/31/berkeley-man-faces-eviction-40-years-homelessness>
- d. Date to submit agenda topics/items for July’s regular Rent Board meeting:
Monday, July 10th by 5:00 p.m. (Board Secretary)

10. **COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker noted that the Board considered today the items the Committee had been working on, like the budget and staffing model and the office relocation.
Next regularly-scheduled meeting: Thursday, July 6th at 5:30 p.m.

June 1st agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee will meet in July to take up the foreclosure report.
Next regularly-scheduled meeting: To Be Announced (TBA)
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that, at their next meeting, the Committee expects to receive a draft of the report on the Tenant Survey that is close to being final. The final draft of the report is expected to be ready by the next Board meeting.
Next regularly-scheduled meeting: Monday, June 12th at 5:30 p.m.

June 12th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: Thursday, June 29th at 3:00 p.m.
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Chair TBA)
Next meeting date: Monday, June 26th at 5:30 p.m.
- g. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac,
Chair) – Committee Chair Martinac reported that the Committee is looking at a
meeting date in late June.
Next meeting date: TBA
- h. Updates and Announcements – Commissioners encouraged everyone to come to
Berkeley’s Juneteenth celebration on Sunday, June 18.
- i. Discussion of items for possible placement on future agenda

11. ADJOURNMENT

M/S/C (Johnson/Marrero) ADJOURN IN HONOR OF INCARCERATED
INDIVIDUALS WHO PROVIDE FORCED LABOR, AND IN HONOR OF PRIDE
MONTH. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac,
Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 9-0-0-0.