



**Rent Stabilization Board
Legal Unit**

DATE: September 21, 2023
TO: Honorable Members of the Rent Stabilization Board
FROM: Matt Brown, General Counsel *MB*

SUBJECT: Recommendation to adopt Resolution 23-23 authorizing the Executive Director to amend the existing contract with Goldfarb & Lipman, LLP increasing the contract by \$30,000 for a total not to exceed the amount of \$80,000 through June 30, 2024.

Recommendation

That the Board adopt Resolution 23-23 authorizing the Executive Director to execute a contract amendment with Goldfarb & Lipman, LLP for an additional amount of \$30,000 for a total not to exceed \$80,000 through June 30, 2024.

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 had a direct impact on Berkeley's tenant community in a total amount not to exceed \$30,000.¹ On March 16, 2023, the Board authorized an additional \$20,000 for this contract. Goldfarb & Lipman, LLP has provided the agency with invaluable support during a time of great transition which 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 left the legal unit particularly short-staffed. The firm's work has concluded, but we have several outstanding invoices to resolve. We will need another \$30,000 to pay for work performed.²

Financial Impact

The Board has sufficient funds in its FY 2023/24 uncommitted reserve to allocate an additional \$30,000 for a contract amendment with Goldfarb & Lipman, LLP.

Name and Telephone Number of Contact Person

Matt Brown, General Counsel (510) 981-4930

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

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 23-23

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

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 to assist with 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, on March 16, 2023, the Board adopted Resolution 23-04 which authorized a contract amendment to increase the contract by \$20,000; and

WHEREAS, Goldfarb & Lipman, LLP has completed the work associated with this contract and informed Board staff that they will require more funds than the Board authorized for litigation support in the administrative writ of mandate and drafting the amicus brief for a case that had direct impact on Berkeley’s tenant community; and

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

WHEREAS, the Board has expressed support for the Executive Director to allocate funds to outside counsel during times when staff capacity does not meet the demand for litigation support; and

RESOLUTION 23-23

AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED \$30,000 (Page 2)

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.

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 to pay for work performed in an amount not to exceed \$30,000 (total contract amount not to exceed \$80,000); 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: September 21, 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