



**RENT STABILIZATION BOARD
Regular Meeting and Public Hearing
Thursday, March 16, 2023
7:00 p.m.**

**Berkeley Unified School District Board Room
1231 Addison Street, Berkeley, CA 94702**

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/87985893082?pwd=MC9pZ1ljNmJ0WGt3OHE4aHNncVdOZz09>. 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 1-408-638-0968 and enter Meeting ID: 879 8589 3082 and Passcode: 917780. 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 12:00 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, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. 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.

RENT STABILIZATION BOARD
Regular Meeting and Public Hearing
Thursday, March 16, 2023
7:00 p.m.
Berkeley Unified School District Board Room
1231 Addison Street, Berkeley, CA 94702

AGENDA

*Times allotted for each item are approximate and may be changed at the Board's discretion during the course of this meeting.

1. **Roll call** – 1 min.*

2. **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.

3. **Approval of Agenda** – 1 min.*

4. **Public Comment** – 2 min. per speaker for *non*-agendized items*

5. **Public Comment** – 2 min. per speaker for items on the agenda*

6. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the February 16th regular meeting minutes

 - b. Recommendation to adopt Resolution 23-04 authorizing the Executive Director to execute a contract modification with Goldfarb & Lipman LLP through June 30, 2023, in an amount not to exceed \$20,000 (General Counsel)

 - c. Recommendation to adopt Resolution 23-05 authorizing the Executive Director to execute a contract modification with Sloan Sakai Yeung & Wong LLP through

June 30, 2023, in an amount not to exceed \$80,000 (General Counsel)

- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

18 THE UPLANDS
2022 VIRGINIA ST
2915 HARPER
2124 PRINCE
1032 CRAGMONT
2614 WARRING
2237 ROOSEVELT
939 ADDISON
2117-2119 ASHBY
3014 COLLEGE
1455 GRIZZLY

Discretionary Waivers

Waiver No. Property Address

W5075	2716 DURANT
W5076	2443 SPAULDING
W5077	1300 DELAWARE
W5078	1951 CHESTNUT

7. PUBLIC HEARING ON PROPOSED INCREASE TO THE ANNUAL REGISTRATION FEES FOR FISCAL YEAR (FY) 2023-2024

- a. Staff presentation on the proposed increase to the FY 2023-2024 Annual Registration Fees
- b. Public Comment
- c. Comments from the Board

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board's vote on each action item listed below – 1 min. per speaker

- a. Chair Update (Chair Simon-Weisberg) – 5 min.*

- b. Recommendation to adopt Resolution 23-06 setting the FY 2023-2024 annual registration fee for fully-covered units (due July 3, 2023) at \$290 per unit (Budget & Personnel Committee and Executive Director) – 20 min.*
- c. Recommendation to adopt Resolution 23-07 setting the FY 2023-2024 annual registration fee for partially-covered Measure MM units (due July 3, 2023) at \$178 per unit (Budget & Personnel Committee and Executive Director) – 15 min.*
- d. Recommendation to adopt Resolution 23-08 setting the FY 2023-2024 annual registration fee for partially-covered Measure MM units in affordable housing projects (due July 3, 2023) at \$37 per unit (Budget & Personnel Committee and Executive Director) – 15 min.*
- e. Recommendation to adopt Resolution 23-09 setting the Summer Rental Period registration fee for fraternities and sororities for FY 2023-2024 (due July 3, 2023) at \$70 per unit (Budget & Personnel Committee and Executive Director) – 10 min.*
- f. Discussion and possible action to send a letter of support for Senate Bill (SB) 460 (Wahab): Fair Chance Housing (Chair Simon-Weisberg & Commissioner Johnson) – 5 min.*
- g. Discussion and possible action to send a letter of support for SB 466 (Wahab): Costa-Hawkins Rental Housing Act: rental rates (Commissioner Elgstrand, Chair Simon-Weisberg & Commissioner Kelley) – 10 min.*

9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

NOTE: The Board may vote to move Information Items to the Action calendar.

- a. Update on Council's recent action on the City's Eviction Moratorium – *Verbal* (General Counsel) – 15 min.*
- b. Update on limited post-emergency options for remote participation in Board and Committee meetings (General Counsel) – 15 min.*
- c. Owner Move-in Eviction Tracking Report (January 2020 - December 2022) (Eviction/Section 8/Foreclosure Committee) – 3 min.*
- d. Date to submit agenda topics/items for April's regular Rent Board meeting is **Monday, April 10th by 5:00 p.m.** (Board Secretary) – 1 min.*

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Walker, Chair) – 5 min.*
Next regularly-scheduled meeting: Thursday, April 6th at 5:30 p.m.

February 22nd agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, April 11th at 6:00 p.m.

March 8th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*
Next regularly-scheduled meeting: Monday, April 10th at 5:30 p.m.

March 9th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.*
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA

- f. Ad Hoc Committee on Environmental Sustainability (Chair TBA) – 3 min.*
Next meeting date: TBA

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Chair TBA) – 1 min.*
Regularly-scheduled meeting date: TBA

- h. Updates and Announcements – 3 min.*

- i. Discussion of items for possible placement on future agenda – 5 min.*

11. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver

communications via U.S. Postal Service to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.



RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 16, 2023
7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

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/84493074093?pwd=czBIeVhaekhOcllwZHo2cThBdGRGZz09>. 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.

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Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 16, 2023
7:00 p.m.

Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:02 p.m.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Eberhart, Ehlinger, Mueller, Williams

2. **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.

3. **Approval of Agenda**

M/S/C (Johnson/Walker) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: ADJOURN TONIGHT’S MEETING IN HONOR OF COUNTY SUPERVISOR VALLE, AND IN RECOGNITION OF FORMER RENT BOARD COMMISSIONER PAOLA LAVERDE FOR HER SUPPORT AND INSPIRATION.

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.

4. **Public Comment** – *non*-agendized items. There was one speaker. Zak Bos spoke about the eviction moratorium and its impacts on his mother’s property.

5. **Public Comment** – items on the agenda. There were four speakers. Noah Levy spoke about his discretionary waiver request that the Board will consider tonight. Paola Laverde

spoke about the Board's honoring of Byron Rumford and his extraordinary contributions to fair housing. Carlotta Brown spoke about the resolution honoring Byron Rumford, and thanked Commissioners Marrero and Mizell for putting it forward. Zak Bos spoke about Item 9.b.

6. SPECIAL ORDER OF BUSINESS

- a. Recommendation to adopt Resolution 23-02 In Honor and Recognition of Assembly Member William Byron Rumford for His Extraordinary Service and Leadership for Racial Justice for Tenants of Berkeley and Beyond, in Commemoration of Black History Month (Commissioner Mizell, Commissioner Marrero & Chair Simon-Weisberg) – Following an introduction by Commissioners Mizell and Marrero, Chair Simon-Weisberg read aloud Resolution 23-02 in honor and recognition of Byron Rumford.

M/S/C (Marrero/Mizell) ADOPT RESOLUTION 23-02 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.

- b. Recommendation that the Board send a letter of support for the City of Berkeley's Proclamation to Honor William Byron Rumford on the 60th Anniversary of the Rumford Fair Housing Act of 1963 – Verbal (Commissioner Marrero & Chair Simon-Weisberg)

M/S/C (Alpert/Kelley) AUTHORIZE THE BOARD CHAIR AND VICE-CHAIR TO SEND A LETTER SUPPORTING THE CITY'S PROCLAMATION IN HONOR OF BYRON RUMFORD ON THE 60th ANNIVERSARY OF THE RUMFORD FAIR HOUSING ACT OF 1963. 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.

7. CONSENT ITEMS

- a. Approval of the January 19, 2023 regular meeting minutes
- b. Discussion and possible action to adopt Resolution 23-03 to allow the Board to continue to meet exclusively by teleconference throughout the remainder of the state of emergency associated with the COVID-19 pandemic (General Counsel)
- c. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

2624 REGENT
1278 DELAWARE
1464 BANCROFT
921 REGAL RD
2020 PRINCE
2223 BONAR
940 FRESNO
1645 CORNELL
1235 CARRISON
1923-1929 CURTIS
2624 REGENT

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5071	2133 RUSSELL ST
W5072	1334 ORDWAY
W5074	1104/1106 EUCLID

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS 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. APPEAL – Case No. T-5991 (2705 Ridge Road, #14)

Appearances:
Michael Partow, Appellant
Vivek Nair, Respondent

M/S/C (Johnson/Alpert) APPROVE THE HEARING EXAMINER’S DECISION. 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.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

**Public comment will also be heard prior to the Board’s vote on each action item
listed below – No speakers.**

a. Chair Update (Chair Simon-Weisberg)

- (1) Discussion and possible action regarding the California Department of
Housing and Community Development’s formal comments on the City of
Berkeley’s Revised Draft Housing Element

- (2) February 1, 2023 *Berkeleyside* article by Nico Savidge titled, “The state rejected Berkeley’s housing plans. What happens next?”
<https://www.berkeleyside.org/2023/02/01/berkeley-housing-element-builders-remedy-hcd>
- b. Discussion and possible action to deliver official communication to Council recommending that it extend the Eviction Moratorium (BMC Chapter 13.110) beyond the expiration of the state of emergency (LIRA Committee)

Chair Simon-Weisberg provided verbal updates and the Board discussed items 9.a.(1), 9.a.(2) and 9.b. No action was taken.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. Update on providing mediation services and technical assistance to the Town of Fairfax – *Verbal* (Executive Director)
- b. Copy of January 26, 2023 letter to Chief Investment Officer Jagdeep Singh Bachher regarding the Board’s vote to demand that the University of California Regents divest from the Blackstone Real Estate Income Trust (Chair Simon-Weisberg)
- c. Copy of January 20, 2023 letter to Assembly Member Haney conveying the Board’s support for AB 12 (Chair Simon-Weisberg)
- d. Date to submit agenda topics/items for March’s regular Rent Board meeting is **Monday, March 5th by 5:00 p.m.** (Board Secretary) – The Board Secretary clarified that the correct date to submit agenda items is March 6th.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Chair TBA) – Committee Chair Walker reviewed the items discussed at the February 9th meeting and announced the next meeting date of February 22 at 3:30 p.m.
Next regularly-scheduled meeting: Thursday, Feb. 9th at 5:30 p.m.

February 9th agenda

- b. Eviction/Section 8/Foreclosure Committee (Chair TBA)
Next regularly-scheduled meeting: TBA

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee discussed its workplan at the last meeting.
Next regularly-scheduled meeting: Monday, Mar. 6th at 5:30 p.m.

February 6th agenda

- d. Outreach Committee (Chair TBA) – Committee Chair Alpert reported that the Committee discussed the tenant survey at their last meeting.
Next regularly-scheduled meeting: Wednesday, Feb. 15th at 5:30 p.m.

January 31st agenda

February 15th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg provided an update on the Committee’s last meeting. (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: Wednesday, Feb. 15th at 3:00 p.m.

February 1st agenda packet (revised)

February 15th agenda packet

- f. Ad Hoc Committee on Environmental Sustainability (Chair TBA)
Next meeting date: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA
- h. Updates and Announcements – Commissioner Marrero announced the Listos California Target Grant Program request for proposals by the Governor’s Office of Emergency Services. The application deadline is March 20, 2023 for community-based organizations that do disaster-related work. Chair Simon-Weisberg and Executive Director Williams announced the Rent Board’s virtual screening of the film, “Fair Legislation – The Byron Rumford Story” on Wednesday, February 22 at 1:00 p.m.
- i. Discussion of items for possible placement on future agenda

12. CLOSED SESSION – Pursuant to California Government Code Section 54956.9(a), the Board convened in closed session for an update on litigation:

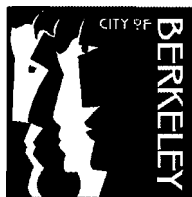
Andrew Marowitz v. Berkeley Rent Stabilization Board (Alameda County Superior Court Case # RG19042977)

Williams, et al. v. Alameda County, Alameda County Board of Supervisors, City of Oakland, Oakland City Council (United States District Court for the Northern District of California Case # 3:22-cv-01274-LB) – amicus brief


Upon return from closed session, the Chair announced that no reportable action was taken.

13. **ADJOURNMENT** – M/S/C (Alpert/Johnson) ADJOURN TONIGHT’S MEETING IN HONOR OF COUNTY SUPERVISOR VALLE, AND IN RECOGNITION OF FORMER RENT BOARD COMMISSIONER PAOLA LAVERDE FOR HER SUPPORT AND INSPIRATION. 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.

The meeting adjourned at 9:33 p.m.



**Rent Stabilization Board
Legal Unit**

DATE: March 16, 2023
 TO: Honorable Members of the Rent Stabilization Board
 FROM: Matt Brown, General Counsel 
 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 \$30,000.¹ 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.²

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

¹ 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.

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 23-04

**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

**AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT
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:

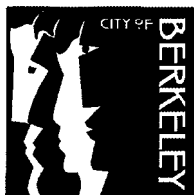
NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director
Rent Stabilization Board



**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.

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 (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 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