



RENT STABILIZATION BOARD
Regular Meeting
Thursday, March 17, 2022
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/87860075481?pwd=a2RZaDdMK1duME9TbVBaNUtKVkh1QT09>. 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 Meeting ID: 878 6007 5481 and Passcode: 109891. 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 an e-mail comment, email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **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 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.

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Regular Meeting Minutes - *Approved*

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:01 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang (logged in at 7:03 p.m.), Johnson (logged in at 7:04 p.m.), Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg.
Commissioners absent: None.
Staff present: Brown, Bursell, Mueller, Siegel, 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 acknowledgment statement was played.
- 3. Approval of Agenda** – M/S/C (Selawsky/Laverde) MOTION TO APPROVE THE AGENDA AS WRITTEN. *Friendly amendment by Laverde (accepted)*: ADJOURN IN HONOR OF WOMEN’S HISTORY MONTH. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.
- 4. Public Comment** – *non*-agendized items. There were no speakers.
- 5. SPECIAL PRESENTATION**: “Densifying Berkeley: Potential Impacts on Displacement and Equity” by the Anti-Eviction Mapping Project

Amy Lee, Katy Guimond, Alex Ferrer and Anna Ferrarie presented and took questions from the Board.

6. CONSENT ITEMS

a. Approval of February 17, 2022 regular meeting minutes

M/S/C (Alpert/Mendonca) MOTION TO APPROVE CONSENT ITEM 6.a. AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

7. Public Comment – items on the agenda. There was one speaker. Carole Marasovic spoke about item 5 and had questions about the data.

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

a. Mid-Fiscal Year 2021-2022 Budget Report and recommendation to adopt Resolution 22-03 authorizing changes to the Staffing Model (Budget & Personnel Committee)

Executive Director DéSeana Williams and Senior Planner Lief Bursell presented to and took questions from the Board.

M/S/C (Alpert/Selawsky) MOTION TO ADOPT RESOLUTION 22-03 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

b. Discussion and possible action to have the Board take a position on Assembly Bill (AB) AB-2469 Housing: Statewide Rental Registry (Chair Simon-Weisberg & Vice-Chair Alpert)

Chair Simon-Weisberg reported that the authors of AB-2469 will be changing some of the text, so the Board agreed by consensus to table this item to the next meeting.

c. Discussion and possible action to have the Board take a position on AB-2297 Tenancy: fee in lieu of a security deposit (Chair Simon-Weisberg & Vice-Chair Alpert)

M/S/C (Laverde/Johnson) MOTION TO SEND A LETTER CONVEYING THE BOARD'S OPPOSITION TO AB-2297 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

d. Discussion and possible action to have the Board take a position on AB-2713 Tenant protections: just cause termination: rent caps (Chair Simon-Weisberg & Vice-Chair Alpert)

M/S/C (Selawsky/Laverde) MOTION TO SEND A LETTER TO THE AUTHORS OF AB-2713 CONVEYING THE BOARD'S SUPPORT FOR THE BILL AND

ENCOURAGING THEM TO CLOSE THE LOOPHOLES IN AB 1482. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- e. Discussion and possible action to recommend various amendments to the Rent Stabilization and Eviction for Good Cause Ordinance to be placed on the November 2022 general election ballot (LIRA Committee)

M/S/C (Alpert/Selawsky) MOTION THAT THE BOARD APPROVE THE PROPOSED AMENDMENTS IN CONCEPT AND FORWARD THE AMENDMENTS TO THE 4X4 COMMITTEE. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- f. Recommendation to adopt Resolution 22-04 calling for Alameda County Supervisors to continue the Countywide COVID-19-related Eviction Moratorium (Chair Simon-Weisberg)

M/S/C (Selawsky/Laverde) MOTION TO AUTHORIZE THE CHAIR TO SEND A LETTER TO THE ALAMEDA COUNTY BOARD OF SUPERVISORS CONVEYING THE BOARD'S SUPPORT FOR CONTINUING THE EVICTION MORATORIUM, AND ASKING THE SUPERVISORS TO LOBBY FOR ADDITIONAL FUNDING FOR ERAP. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

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.

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

- a. Update on remote meeting possibilities for future meetings – *Verbal* (General Counsel)

General Counsel Matt Brown gave an overview of the current state of legislation pertaining to the ability to conduct meetings exclusively remotely. Commissioners Alpert and Selawsky volunteered to serve on any ad hoc committee created to discuss this.

M/S/C (Alpert/Selawsky) MOTION TO CREATE AN AD HOC COMMITTEE ON THE STATUS OF VIRTUAL MEETINGS TO BE APPOINTED BY THE CHAIR. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- b. Deadline to submit comments for the City’s Housing Element Administrative Draft is April 1st (Chair Simon-Weisberg)
- c. Update regarding restoring commissioners’ access to their Rent Board email accounts – *Verbal* (Chair Simon-Weisberg/Board Secretary)
- d. Update on the City’s Website Reinvention Project timeline and the Rent Board’s content migration – *Verbal* (Executive Director/Board Secretary)
- e. Berkeley Rent Board presentation at FLEJCON Conference on March 12, 2022 – *Verbal* (Executive Director)
- f. February 23, 2022 memo from City Manager Dee Williams-Ridley regarding the California Community Housing Agency Middle Income Rental Housing Program (CalCHA) & 2020 Kittredge Street Acquisition Information (Chair Simon-Weisberg)
- g. March 12, 2022 “Community Health is Wealth Fair” event flyer (Executive Director)
- h. Date to submit agenda topics/items for the April 21st Rent Board meeting: **Monday, April 11th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair)
Next regularly-scheduled meeting: Tuesday, March 29th at 5:00 p.m.

March 8th agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)
Next regularly-scheduled meeting: Thursday, March 24th at 5:30 p.m.
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair)
Next regularly-scheduled meeting: Tuesday, April 5th at 5:00 p.m.

March 9th agenda
- d. Outreach Committee (Commissioner Laverde, Chair)
Next regularly-scheduled meeting: Wednesday, March 16th at 5:15 p.m.

March 16th agenda
- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board
(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Wednesday, March 23rd at 3:00 p.m.

February 23rd agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair)
Next meeting date: TBA

- h. Updates and Announcements

- i. Discussion of items for possible placement on future agenda

11. CLOSED SESSION: The Board met in closed session as follows:

- a. Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1)

Title: Executive Director

- b. Conference with Labor Negotiators pursuant to California Government Code Section 54957.6

Agency Designated Representative: Board Chair

Unrepresented Employee: Executive Director

- c. Pursuant to California Government Code Section 54956.9(a), the Board also will convene in closed session for an update on litigation:

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 returning from Closed Session, Chair Simon-Weisberg reported there was no action taken on items 11.a. and 11.b.

General Counsel Matt Brown reported that the Board adopted a motion to hire outside counsel to draft an amicus brief for the defendant in *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), and have the Executive Director use her independent spending authority to pay for this expense.

12. ACTION ITEM: Oral recommendation regarding proposed changes, if any, to salary and/or fringe benefits of Executive Director (Full Board) – Chair Simon-Weisberg announced that the

Board discussed the Executive Director's salary and benefits in closed session.

- 13. ACTION ITEM:** Discussion and possible approval of changes, if any, to salary and/or fringe benefits of Executive Director (Full Board)

M/S/C (Selawsky/Laverde) MOTION TO ADJUST THE SALARY OF DÉSEANA L. WILLIAMS FROM \$96.33 PER HOUR (\$200,366.40 ANNUALLY) TO \$119.17 PER HOUR (\$247,873.60 ANNUALLY), AND THAT THIS PAY ADJUSTMENT WILL TAKE EFFECT IN THE PAY CYCLE STARTING MARCH 20, 2022. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

General Counsel Matt Brown read the following into the record:

A motion has been made and seconded regarding the modification of an existing employment agreement with DéSeana L. Williams, Executive Director of the Berkeley Rent Stabilization Board. Pursuant to Government Code 54953(c), a summary of compensation must be orally reported prior to taking final action. Pursuant to the proposed modification to the Executive Director's employment agreement with the Board, Ms. Williams' annual salary of \$200,366.40 would be adjusted to \$247,873.60 effective during the pay cycle beginning March 20, 2022. All other terms of the employment agreement will remain the same. A copy of the amendment to the employment agreement will be made available once all the parties have signed the amendment.

Mr. Brown then read Resolution 22-04 Approving Adjustment to Compensation Package for Rent Stabilization Board Executive Director DéSeana L. Williams into the record.

M/S/C (Johnson/Mendonca) MOTION TO ADOPT RESOLUTION 22-04 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- 14. ADJOURNMENT:** M/S/C (Johnson/Mendonca) MOTION TO ADJOURN IN HONOR OF WOMEN'S HISTORY MONTH. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 12:16 p.m.