



Berkeley Housing Authority

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Office of the Executive Director

Item 6C
CONSENT AGENDA
June 28, 2011

To: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

From: Tia M. Ingram, Executive Director *Tia M. Ingram*

Subject: Adopt a resolution authorizing the Executive Director to make a second amendment to the contract with the Law Office of Charles T. Ramsey, legal services for LIPH/RHCP, increasing the contract authority by \$35,000, for a total not to exceed \$113,000, and extending the term through June 30, 2012.

RECOMMENDATION

Adopt a resolution authorizing the Executive Director to make a second amendment to the contract with the Law Office of Charles T. Ramsey, legal services for LIPH/RHCP, increasing the contract authority by \$35,000, for a total not to exceed \$113,000, and extending the term through June 30, 2012.

BACKGROUND

The Housing Authority has responsibilities to administer the rental assistance, and perform property management services for the 75 units of BHA owned rental housing. -We have contracted with Charles Ramsey since March 2009, for legal services to assist with unlawful detainers and other legal sanctions as may be required to enforce the terms of the rental lease. In the past six months Mr. Ramsey defended BHA in 3 unlawful detainer actions (non-payment of rent); BHA prevailed in each case, with the Court awarding BHA all back due rent.

If things go according to plan, BHA will close out the Public Housing Program in the next 12-18 months (possibly sooner), and we will not have any tenant/landlord responsibilities. However, much can happen during that intervening period (including 3 current cases which may result in termination/eviction, and possibly financial restitution to BHA), and we believe it in the best interest to continue Mr. Ramsey's services as he is thoroughly familiar with our leases and the governing local policies (Admissions and Continued Occupancy Policy), and has knowledge of our clients with troubled rent and/or nuisance behavior.

The Board authorized an amendment of the contract last November, that increased contract authority and extended the term through June 30, 2011. Unfortunately, the "repositioning" project has not progressed as we anticipated, and will likely extend through June 30, 2012. In recognition of the financial challenges faced by BHA, the firm has consented to a reduction in the hourly rate.

FISCAL IMPACTS OF RECOMMENDATIONS

\$35,000. Contract authorizes expenditure up to \$35,000; expenses are only incurred as cases that require legal assistance are assigned.

The interest of BHA would not be served by a new solicitation, and attempting to engage new counsel to serve the next 12-18 months. We considered and rejected the option of utilizing the services of Goldfarb and Lipman for property management legal services, based on cost.

CONTACT PERSON

Tia M. Ingram, Executive Director, 981-5471

Jesy Yturalde, Finance Manager, 981-5488

David Solis, Property Manager, 981-5484

Attachment:

1. Resolution

BERKELEY HOUSING AUTHORITY
RESOLUTION NO. 11-

AUTHORIZING THE EXECUTIVE DIRECTOR TO MAKE A SECOND AMENDMENT TO THE CONTRACT WITH THE LAW OFFICE OF CHARLES T. RAMSEY, LEGAL SERVICES FOR LIPH/RHCP, INCREASING THE CONTRACT AUTHORITY BY \$35,000, FOR A TOTAL NOT TO EXCEED \$113,000, AND EXTENDING THE TERM THROUGH JUNE 30, 2012

WHEREAS, the Berkeley Housing Authority is the owner/landlord of 61 units of Low Income Public Housing (LIPH) and 14 units of Rental Housing Construction Program (RHCP) housing; and

WHEREAS, the Berkeley Housing Authority has responsibilities to administer the rental assistance, and enforce the terms of the rental lease of these units; and

WHEREAS, the Law Firm of Charles Ramsey is recognized as a legal expert in the area of affordable housing property management; and

WHEREAS, Charles Ramsey takes a very active, hands-on approach to our program; and

WHEREAS, legal counsel is required to ensure compliance with all applicable laws and regulations in enforcing the rental lease; and

WHEREAS, BHA is in the process of opting out of the Public Housing Program and transferring the units to another entity; and

WHEREAS, upon successful completion of the transfer BHA will no longer have any tenant/landlord responsibilities.

NOW THEREFORE, BE IT RESOLVED, that the Executive Director is authorized to amend the contract with the Law Office of Charles Ramsey, increasing the contract amount by \$35,000 for a total not to exceed \$113,000 and extending the term through June 30, 2012.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on June 28, 2012 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: _____
Tia M. Ingram, Secretary