



Rent Stabilization Board

MEMORANDUM

DATE: August 15, 2019

TO: Honorable Members of the Rent Stabilization Board

FROM: Ad Hoc Committee to Fill the Board Vacancy

SUBJECT: Proposed Process to Select a Replacement for former Board Member Murphy

Background:

Under the City Charter, the Board must select a replacement to complete the time remaining (through November 30, 2020) on Rent Board Commissioner Christina Murphy's term. Any person appointed to the Board must be a resident of Berkeley and registered voter. (City Charter, Article XVII, Section 121(1).)

On June 20, 2019, the Board approved, by consent, a motion to establish an ad hoc committee to develop recommendations for a process to select and vote on a proposed interim commissioner. The Ad Hoc Committee met on July 9, 2019 and recommends the following process.

Recommendation:

The Ad Hoc Committee recommends that the Board adopt the following process for selecting a replacement to complete the time remaining on the term of former Rent Board Commissioner Christina Murphy:

1. On August 16th, staff shall issue a press release and post on the Rent Board's website, an announcement concerning the vacancy and that the Board is considering interested qualified candidates. The announcement will outline, for the community, the process adopted by the Board including submission deadlines, notice that the information submitted is a public document, and an explanation of how to submit appropriate information in order to be considered.
2. Between August 16th and 5:00 pm on September 27th, 2019, any interested and legally eligible member of the community may submit the appropriate information to the Executive Director or designated staff indicating interest in being considered as a candidate to fill the vacant seat. Staff will forward all information received from interested members of the community to all Board members' email within one business day of receipt.

3. The Ad Hoc Committee members will review application materials and, as a group, meet with candidates beginning in late September. Each Committee Member may submit individual reflections by 5:00 pm on October 7 to be included in the agenda packet for the October 17 Board meeting.
4. The Board will vote and select a replacement to fill Commissioner Murphy's seat at the October 17th regular Board meeting. Below, we have listed the process we recommend the Board follow in selecting from the candidates reviewed by the Ad Hoc Committee.

Recommended Process for Selecting from the Candidates Reviewed by the Ad Hoc Committee

When choosing among several candidates for a single position, many candidates may be acceptable. Candidates who are voted on first have an advantage, so one with a bare majority who is voted on first would be selected over another who has stronger support. To avoid this situation and vote first on the candidate with the strongest overall support, the Ad Hoc Committee recommends that the following process be conducted at the September 19th Board meeting:

1. After reading the application materials of each candidate and, if applicable, the reports from individual members of the Ad Hoc Committee, Board members can ask the Committee members questions for clarification purposes.
2. All candidates that are present, even those who did not submit a timely application, shall have the opportunity to present themselves to the Board in 3 minutes or less. Board members may ask questions of any of the candidates present.

Staff Comment: The Board, this evening, should determine how the order in which candidates make their presentation will be determined.

3. Board members will discuss who to select. They may ask additional questions of the candidates, if necessary.
4. Upon conclusion of the discussion among Board members and questioning of candidates, the Board will hold an open straw poll to determine the candidates with the strongest support. The candidate with the strongest support will be voted upon first. So that no Board member has a positional advantage, each member will write down their first and/or second choices in order on a slip of paper with the voting Commissioner's name at the top. Staff will then collect and read the name of the member and their selection(s), and tabulate the votes. The straw poll will determine the order in which candidates are voted on by the full Board, but not be considered the final vote or action by the Board.
 - a. The candidate with the greatest **total** votes (combined first and second place votes) in the straw poll will be the first person for the Board to formally consider and vote on. Any candidate who does not receive any first or second place votes will be eliminated from consideration. If any candidates have the same total votes (combined first and second place votes), the candidate with more first-place votes will be voted on ahead of the other candidate. If any candidates tie both in first and second-place totals, the candidate who comes first alphabetically by last name will be the candidate the Board will vote on first.

- b. If that individual is not selected by the formal Board vote, the candidate with the next greatest number of combined first and second-place votes will be voted on second, and so forth.
- c. If no candidate with first and/or second place votes receives five votes during the direct voting by the full Board, the candidate among these who receives the fewest votes will be eliminated and we will begin the process again with a new straw poll of the remaining candidates. This process will continue until a candidate receives at least five votes. If no candidate receives five votes, the Chair will open the floor for new nominations or other motions.