

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: March 15, 2023

Final Decision Date Deadline: March 15, 2023

**STATEMENT OF THE ISSUE:** The minutes of the February 15, 2023, Regular Meeting of the Richmond Rent Board require approval.

## INDICATE APPROPRIATE BODY

- |   |   |  |  |   |
|---|---|--|--|---|
| <input type="checkbox"/> City Council               | <input type="checkbox"/> Redevelopment Agency                             | <input type="checkbox"/> Housing Authority     | <input type="checkbox"/> Surplus Property Authority          | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> |   |

## ITEM

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) |  |  |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Regulation  | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement   | <input type="checkbox"/> Rent Board As Whole                                     |  |
| <input type="checkbox"/> Grant Application/Acceptance                                 | <input type="checkbox"/> Claims Filed Against City of Richmond                   |  |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) |  |

**RECOMMENDED ACTION:** APPROVE the minutes of the February 15, 2023, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

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**RICHMOND, CALIFORNIA**, February 15, 2023.

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M.

Due to the coronavirus (Covid-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Public comments were confined to items appeared on the agenda and were limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, the meeting utilized video/teleconferencing only. The following provides information on how the public participated in this meeting.

The public was able to view the meeting using Zoom at the following link:

<https://us02web.zoom.us/j/85979480263?pwd=NURuQ2ZpWEgyZUIJWE13SIRtSzRaUT09>  
Password: rentboard

**Or By Telephone:**

US: +1 669 900 9128 or +1 669 444 9171 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 253 205 0468 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623

**Step 2:** Webinar ID: 859 7948 0263

International numbers available:

<https://us02web.zoom.us/j/85979480263?pwd=NURuQ2ZpWEgyZUIJWE13SIRtSzRaUT09>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, February 15, 2023, to the Rent Board Clerk, Cynthia Shaw at [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us), to be considered into the record.

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Board Members Present:** Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay.

**Staff Present:** Executive Director Nicolas Traylor, Deputy Director Fred Tran, General Counsel Charles Oshinuga, and Staff Attorney Palomar Sanchez.

**Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler invited the Board to attend the Contra Costa Mayors Conference on March 2nd, held at the Orinda Country Club. He restated his comments from the previous Rent Board Meetings regarding City legislative bodies continuing to meet via videoconference and teleconference. He mentioned that he had researched other jurisdictions on how they conduct their meetings, and they hold hybrid meetings. He feels it's time for Boards and Commissions to consider a hybrid format and return to the Council Chambers.

**RENT BOARD CONSENT CALENDAR**

Board Member Conner, recommended to move Item F-5 under Consent Calendar, for discussion before Item G-1 under Regulations. On a motion of Board Member Conner, seconded by Board Member Vasilas, to move Item F-5 from Consent Calendar for discussion before Item G-1 under Regulations, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

On motion from Board Member Conner, seconded by Board Member Johnson, the item(s) marked with an (\*) were approved unanimously.

**\*F-1.** Approve the minutes of the January 18, 2023, Regular Meeting of the Richmond Rent Board.

**\*F-2.** Receive the Fiscal Year 2022-23 Monthly Activity Report through January 2023.

**\*F-3.** Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through January 2023.

**\*F-4.** Approve late fee waiver(s) for February 2023 pursuant to Regulation 425.

**F-5.** The matter to approve a contract in the amount of \$17,290 with Matrix Consulting Group to develop a Cost Allocation Plan and to direct staff from the Finance Department and Rent Program to prepare the Full Cost Allocation Plans that adheres to both Government Code Section 50076 and Richmond Municipal Code Section 11.100.060(l), for a term beginning January 18, 2023, through January 17, 2025. This contract was approved by the City Council at the January 24, 2023, Regular City Council Meeting on Consent (Item O.1.a) - Rent Program. Half of the Contract (\$8,645) will be paid from the City's General Fund and the other half (\$8,645) from the Rent Program Operating Budget.

Board Member Conner requested to remove Item F-5 from the Consent Calendar because she had questions about the contract, referencing paragraph 8 on page 4 on Attachment 2, regarding the section titled Changes in Extra Work, and it authorizes the City Council or City Manager to authorize extra work. She mentioned that it didn't articulate who would pay for the extra work. She asked if there were some addendums or understanding around consultations with the Rent Board before they spend additional money.

General Counsel Oshinuga responded that the contract included boilerplate language that didn't get altered to accommodate the Rent Program as an additional party to the contract. He also stated that he imagined the City would pay for any additional work. However, the contract does not state they would pay for it; the Rent Program would be expected to pay half. He also mentioned that given the many discussions with the City, he would be shocked if the City would unilaterally ask for

additional work and would expect the Rent Program to pay half. He also added, to his understanding, all the decisions made with this contract would take both the Rent Program and the City to agree.

Executive Director Nicolas Traylor mentioned that representatives from the City Manager's Office and Finance Department are in attendance to answer any questions from Board Members. In attendance were Deputy City Manager Nickie Mastay and Budget Administrator Mubeen Qader. Board Member Conner asked for feedback on her question from the City representatives. Deputy City Manager Nickie Mastay mentioned that the language is boilerplate, but they will work collaboratively with the Rent Board and Executive Nicolas Traylor if any changes are needed. Deputy City Manager Nickie Mastay also addressed Board Member Conner's comment regarding the increase in cost recovery. She stated the rise in cost was due to increased insurance expenses. Board Member Conner reiterated her comment that if there are any contract changes, the Rent Program will be consulted, and add language that the additional cost be shared. She wanted it to be clear to avoid any confusion. Deputy City Manager Nickie Mastay responded that everything should be included and didn't foresee the City adding anything else to the engagement. Budget Administrator Mubeen Qader stated the development of the specific Contract, the Staff Report, and all other dealings have been in consultation with the Rent Program staff and does not expect to make any changes or any initiation without the Rent Program staff's consultation. He also added that the entire process has been in collaboration with Rent Program staff, this contract is a collaboration between the Rent Program and the City of Richmond. He also added that additional work would not be initiated without the Rent Board's agreement, and mentioned the language in the contract is standard contract language used in all City's contracts. Additional discussion ensued. There were no public comments on this item. A motion by Vice Chair Mishek, seconded by Board Member Johnson to approve Item F-5 passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

**REGULATIONS**

**G-1.** The matter to amend Regulation 600 and Regulation 610 and adopt Regulation 611, as these changes are necessary to bring Chapter 6 of Rent Board Regulations in alignment with Measure P was presented by Staff Attorney Palomar Sanchez. The

presentation included the statement of the issue, fiscal impact, background, information on Measure P, amendments to Regulations 600 and 610, addition to Regulation 611, and the recommended action. There were no public comments on this item. Discussion ensued. A motion by Board Member Johnson, seconded by Vice Chair Mishek to amend Regulation 600 and Regulation 610, and adopt Regulation 611, to bring Chapter 6 of Rent Board Regulations in alignment with Measure P passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

### **REPORTS OF OFFICERS**

**I-1.** Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded micro-workshop titled "Owner Move-in Evictions" which will be posted on the website on Friday, February 24th, 2023, in English and Spanish. This workshop will cover the rules around those evictions, which is essential because the Eviction Moratorium for Richmond will be ending soon.

General Counsel Charles Oshinuga briefly reported on the upcoming Rent Board meeting schedule. He mentioned that our next Rent Board meeting being held on Wednesday, March 15th, will be in-person. He said that we are continually working with the City to figure out how to conduct in-person meetings safely. He also mentioned that everyone would receive updates during the coming weeks. He also stated Board Member terms are expiring, some board members are reapplying, and some may not. He acknowledged the Board Members and thanked them for their service. He also mentioned that March would be their last obligated meeting to attend. He stated the Board would hear two appeals at the March meeting.

Chair Finlay asked General Counsel Charles Oshinuga if he would like the current Board to hear the two appeals or should the new Board. General Counsel Charles Oshinuga responded that, ideally, he would like the current Board Members to hear the appeals because the parties have been waiting a while. Since the Board Members are already trained on the appeals process, and new Board Members would need to be trained before they could hear the appeals may delay the appeals an

additional month. He also mentioned that there is a Regulation that permits any Board Member to continue to serve beyond the expiration of their term until a new board is appointed. He stated that it's not a mandate, but some Board Members have continued to serve until a replacement was appointed. Chair Finlay added if Board Members continue to serve or not, they are still required to file the necessary paperwork.

Board Member Conner asked if we are meeting in-person for the March meeting. General Counsel Charles Oshinuga responded that more likely the meeting will be in-person unless there is a new emergency or renewal of the same emergency order. Everyone should be receiving an email with the information by March 1st when staff will know 100%.

Rent Board Clerk Cynthia Shaw also added that Board Members would receive an email with instructions on attending the meeting in-person.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:48 P.M.

Cynthia Shaw

Staff Clerk

(SEAL)

Approved:

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Virginia Finlay, Rent Board Chair