

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2024

Final Decision Date Deadline: September 18, 2024

STATEMENT OF THE ISSUE: Under Richmond Municipal Code 11.100.060(n) Budget, each year, before July 1st, the Board is mandated to conduct a public hearing on the proposed budget and to formally adopt an annual budget for the upcoming fiscal year. No later than 35 days before the fiscal year begins, the Executive Director must present the proposed budget to the Board. Following a thorough review and any necessary revisions, the Board will schedule the public hearing and ensure that a notice is published in the official newspaper at least 10 days prior to the hearing. The issue before the Rent Board is to identify and select the official newspaper for publishing Rent Board public hearings as required by the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. Both the City of Richmond and the Richmond Rent Program currently utilize the West County Times as the newspaper for publishing notices of public hearings for adoption of their respective annual budgets and legal notices. At the May 15, 2024, Regular Meeting of the Rent Board, the Board directed staff to create a Note to Reader section of the Rent Board Regulations following the Table of Contents and to compose appropriate language to identify the Official Newspaper of the Rent Board.

INDICATE APPROPRIATE BODY

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|-----------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------|
| <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> | |

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|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Contract/Agreement | <input checked="" 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: Staff recommend that the Rent Board adopt the following: Add to the Note to Reader Section of the Rent Board Regulations following the Table of Contents and appropriate language in that section that: The West County Times is designated as the official newspaper for publishing notices of public hearings and legal notices, unless specified otherwise by the Executive Director. (Nicolas Traylor – 620-6564).

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AGENDA REPORT

DATE: September 18, 2024
TO: Chair Cantor and Members of the Rent Board
FROM: Nicolas Traylor, Executive Director
SUBJECT: Selecting Official Rent Program Newspaper

STATEMENT OF THE ISSUE:

Under Richmond Municipal Code 11.100.060(n) Budget, each year, before July 1st, the Board is mandated to conduct a public hearing on the proposed budget and to formally adopt an annual budget for the upcoming fiscal year. No later than 35 days before the fiscal year begins, the Executive Director must present the proposed budget to the Board. Following a thorough review and any necessary revisions, the Board will schedule the public hearing and ensure that a notice is published in the official newspaper at least 10 days prior to the hearing. The issue before the Rent Board is to identify and select the official newspaper for publishing Rent Board public hearings as required by the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. Both the City of Richmond and the Richmond Rent Program currently utilize the West County Times as the newspaper for publishing notices of public hearings for adoption of their respective annual budgets and legal notices. At the May 15, 2024, Regular Meeting of the Rent Board, the Board directed staff to create a Note to Reader section of the Rent Board Regulations following the Table of Contents and to compose appropriate language to identify the Official Newspaper of the Rent Board.

RECOMMENDED ACTION:

Staff recommend that the Rent Board adopt the following: Add to the Note to Reader Section of the Rent Board Regulations following the Table of Contents and appropriate language in that section that: The West County Times is designated as the official newspaper for publishing notices of public hearings and legal notices, unless specified otherwise by the Executive Director.

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

Richmond Municipal Code 11.100.060(n) requires that the Board hold a public hearing on the proposed budget for formal adoption. The Rent Ordinance also requires that the budget hearing be notices in “the official newspaper”. There is no definition of “the official newspaper” listed in the Rent Ordinance. It is important to note that it is a legal requirement under the Rent Ordinance to notice the public regarding the proposed annual Rent Program budget and other public hearings and legal notices. This legal requirement is in place to ensure the public is noticed with the opportunity and ability to provide feedback and comment on the Rent Program’s budget.

Identifying an official newspaper will provide the community a direct source to locate public hearings and legal notices from the Rent Program. Having an established official newspaper will save the public time. The members of the public will no longer need to search through multiple periodicals or various media sources to find published items.

Purpose

The drafters of the Rent Ordinance presumably left this definition to be vague to allow the Board and/or staff to choose which newspaper would best suit its needs to reach the broadest possible audience of Richmond Landlords, Tenants and representatives thereof. During the Rent Program’s first budget cycle in fiscal year 2017-18, in line with the City of Richmond’s practice, Rent Program executive staff elected to use the West County Times as the newspaper for publishing the notice of the annual budget public hearing.

Identifying the Official Newspaper of the Richmond Rent Board

To date, neither the City of Richmond nor the Rent Program has not officially identified a newspaper as its “official” publication. The City of Richmond Municipal Code has no language requiring the City to make such a designation. The decision to utilize a particular newspaper is left for City Management to decide. Giving the City Manager the ability to designate the official newspaper provides for flexibility to pivot and redesignate which newspaper use in the case that the official newspaper goes defunct around the time the City is required to provide public notice, if the turnaround time for publishing changes significantly due to unforeseen circumstances, or another better alternative newspaper arises that can better reach Richmond during a crucial noticing period. Because the Rent Ordinance explicitly states that the Rent Board will publish notices in” the Official Newspaper”, the Board is tasked with selecting a newspaper. Staff recommend however, that the Board approve language giving the Executive Director ability to redesignate the official newspaper in cases where a quick pivot is necessary to meet legal deadlines.

The City of Richmond has historically used the West County Times as the newspaper it uses to notice public hearing notices. According to the City Clerks’ Office, the West County Times was chosen as it is the local (regional) newspaper with the largest

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circulation in the Richmond. The Board is not required to utilize the West County Times, simply because it has the largest circulation. However, it is important to bear in mind that while approximately 27% of Richmond Landlords live in Richmond, about 88% of Richmond Landlords live in the surrounding Bay Area¹. Thus, using a local newspaper that only circulates in Richmond or certain neighborhoods in Richmond, would fail to reach as many Richmond Landlords as it would Richmond Tenants.

1. Source: 2018-10 Rent Program Annual Report

Proposed Language Identifying the Official Newspaper of the Richmond Rent Board in the Note to Reader Section of the Rent Board Regulation Table of Contents

The West County Times is designated as the official newspaper of the Rent Board for publishing notices of public hearings and legal notices, unless specified otherwise by the Executive Director.

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