

**CITY OF OAKLAND**  
**COUNCIL AGENDA REPORT**

05 SEP -7 PM 5:30

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency, Housing and Community  
Development Division, Rent Adjustment Program  
DATE: September 20, 2005

**A SUPPLEMENTAL REPORT AND RECOMMENDATION TO ADOPT AN ORDINANCE  
AMENDING THE RENT ADJUSTMENT ORDINANCE TO PROVIDE FOR THE  
APPOINTMENT OF SEVEN ALTERNATE MEMBERS TO THE HOUSING, RESIDENTIAL  
RENT, AND RELOCATION BOARD (RENT BOARD) AND AN ALTERNATE  
RECOMMENDATION TO APPOINT THREE ALTERNATE MEMBERS TO THE RENT  
BOARD.**

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**SUMMARY**

On July 13, 2005, the CED Committee adopted a motion asking Staff to prepare amendments to the Municipal Code and Rent Program Regulations to add seven alternate members consisting of two landlord members, two tenant members and three persons who are neither landlords or tenants ("neutral members") to the HRRRB to alleviate the quorum problems of the Housing Residential Rent and Relocation Board ("Rent Board").

**FISCAL IMPACT**

The fiscal impact is minimal. Estimated costs to prepare additional packages, serve the additional members as customers, copy and mail to the alternate members, and added time to administer the Board are about \$5,390 a year for 7 alternates. For three alternates, the costs total about \$2,310. The costs can be absorbed by the Rent Adjustment Program within the current budget as miscellaneous expenses funded by revenues from the Rent Program Service Fee at the current level. (1.1010.88969.52921.P190010.SC15)

**BACKGROUND**

The composition and functions of the Rent Board and its members are defined in the Rent Adjustment Ordinance, OMC Section 8.22.040 and the Rent Board Regulations, Section 8.22.040. At present the Ordinance provides for 7 members, with three neutral members, two

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landlord members and two tenant members. A quorum consists of a majority of the members. However, the Regulations (8.22.040.B.2) also provide that the Board may not take action on an item the first time the item is presented to the Board unless at least one tenant member, one landlord member and one neutral member are present. This special quorum requirement was adopted in the 2002 amendments to the Regulations. Since its adoption, the special quorum requirement has resulted in a large number of canceled meetings, delaying the conduct of business and frustrating members of the public, members of the Rent Board and staff alike.

Addressing the problem, on April 24, 2005 the Rent Board unanimously recommended the elimination of the special quorum requirements. To the same end, on July 12, 2005, the CED Committee unanimously adopted a motion to provide for the appointment of seven alternate members to the Rent Board.

## **RECOMMENDATIONS AND RATIONALE**

At present, the Rent Board consists of seven members, two landlord members, two tenant members and three neutral members. One member from each group must be present in order to meet the quorum requirement. The quorum problem becomes most acute when a landlord or tenant vacancy occurs. Under those circumstances, the existence of a special quorum depends on the attendance of one person, the remaining landlord or tenant member. The CED Committee reasoned that having alternate members appointed to the Rent Board would provide greater assurance that the quorum requirement could be met and allow the business of the Rent Board to continue as scheduled.

## **ALTERNATIVE RECOMMENDATIONS**


Staff concurs with the recommendation of providing alternate members to the Rent Board, but believes that three alternate members, one for each group represented on the Rent Board, would be as effective and reduce the administrative burden of staffing the Board. Each alternate Board member must also be educated and informed about the cases, policies and issues that the regular Rent Board members consider. To that end, staff is recommending consideration of the appointment of three alternate members rather than seven. Three alternates, one landlord, one tenant and one neutral member will provide the same benefits of more alternates at a reduced cost and with less administrative complexity. Additionally, the Mayor's Office supports the appointment of three additional alternate members.

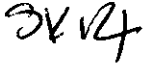
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**ACTION REQUESTED BY CITY COUNCIL**

Staff recommends that the City Council approve either of the attached Ordinances amending the Rent Adjustment Ordinance to provide seven or three alternate Rent Board members.

Respectfully submitted,

  
for DAN VANDERPRIEM  
Director of Redevelopment, Economic  
Development and Housing

Reviewed by:   
Sean Rogan  
Deputy Director  
Housing and Community Development

Prepared by:  
Rick Nemcik Cruz  
Rent Adjustment Program Manager

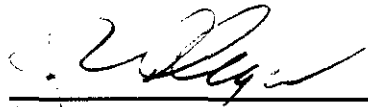
APPROVED AND FORWARDED TO  
THE CITY COUNCIL

  
OFFICE OF THE CITY ADMINISTRATOR

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September 20, 2005

OAKLAND CITY COUNCIL

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Approved as to Form and Legality

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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### **Ordinance Amending Rent Adjustment Ordinance (OMC Chapter 8.22) To Add Seven Alternate Members to the Housing Residential Rent and Relocation Board.**

**WHEREAS**, the Rent Adjustment Program regulations require that for a quorum of the Housing, Residential Rent and Relocation Board that at least one of each of the classes of Rent Board members (landlord, tenant, and neutral) be present when a matter first comes before the Board;

**WHEREAS**, this "supermajority" quorum requirement creates an impediment to the Rent Board conducting business. Since January 2005, eight Board meetings were cancelled due to the lack of a supermajority. These cancellations have been the major cause in delays in deciding pending appeals, have inconvenienced parties wishing to have their appeals heard, and have caused delays the Rent Board being able to conduct other business; and

**WHEREAS**, the availability of alternate members to attend Rent Board meetings in the absence of regular members would greatly reduce the quorum problems, reduce inconvenience to the public and staff, and eliminate needless delays in conducting the work of the Rent Board; now therefore, be it

**RESOLVED**, that an amendment to Section 8.22.040(A) of the Oakland Municipal Code (Rent Adjustment Ordinance) is approved to read as follows:

## 8.22.040 Composition and Functions of the Board.

### A. Composition

1. Members. The Board shall consist of seven regular members appointed pursuant to Section 601 of the Charter. The Board shall be comprised of two residential rental property owners, two tenants, and three persons who are neither tenants nor residential rental property owners. The Board shall also have an alternate member for each regular member appointed pursuant to Section 601 of the Charter. An alternate member may act as a regular member at Board meetings in the absence of the corresponding regular Board member.
2. Appointment. A Board member is deemed appointed after confirmation by the City Council and upon taking the oath of office.
3. All Board members serve without compensation.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

#### **PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-


ABSTENTION-

ATTEST:

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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CITY OF OAKLAND CLERK  
OAKLAND

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Approved as to Form and Legality

## OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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### **Ordinance Amending the Rent Adjustment Ordinance (OMC Chapter 8.22) To Add Three Alternate Members to the Housing Residential Rent and Relocation Board.**

**WHEREAS**, the Rent Adjustment Program regulations require that for a quorum of the Housing, Residential Rent and Relocation Board that at least one of each of the classes of Rent Board members (landlord, tenant, and neutral) be present when a matter first comes before the Board;

**WHEREAS**, this "supermajority" quorum requirement creates an impediment to the Rent Board conducting business. Since January 2005, eight Board meetings were cancelled due to the lack of a supermajority. These cancellations have been the major cause in delays in deciding pending appeals, have inconvenienced parties wishing to have their appeals heard, and have caused serious delays in the conduct of other Rent Board business;

**WHEREAS**, the availability of alternate members to attend Rent Board meetings in the absence of regular members would greatly reduce the quorum problems, reduce inconvenience to the public and staff, and eliminate needless delays in conducting the work of the Rent Board; now therefore, be it

**RESOLVED**, that an amendment to Section 8.22.040(A) of the Oakland Municipal Code (Rent Adjustment Ordinance) is approved to read as follows:

## **8.22.040 Composition and Functions of the Board.**

### **A. Composition**

1. Members. The Board shall consist of seven regular members appointed pursuant to Section 601 of the Charter. The Board shall be comprised of two residential rental property owners, two tenants, and three persons who are neither tenants nor residential rental property owners. The Board shall also have three alternate members, one residential rental property owner, one tenant and one person who is neither a tenant nor residential rental property owner appointed pursuant to Section 601 of the Charter. An alternate member may act at Board meetings in the absence of a regular Board member of the same category.

2. Appointment. A Board member is deemed appointed after confirmation by the City Council and upon taking the oath of office.

3. All Board members serve without compensation.

IN COUNCIL, OAKLAND, CALIFORNIA, , 2005

### **PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California