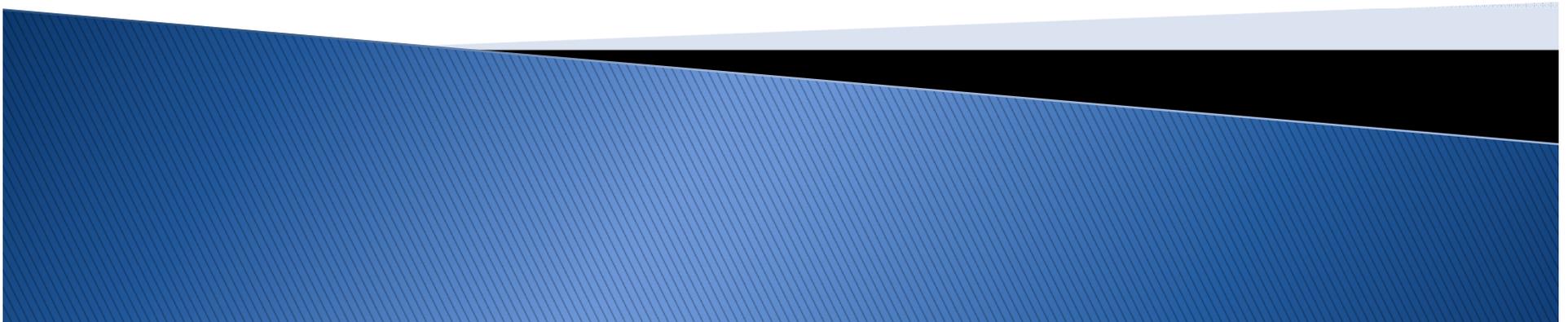


**Resolution Making Required Findings
Pursuant to the Government Code and
Directing the Rent Board to Continue to
Meet Via Videoconference and
Teleconference**

Charles Oshinuga, Staff Attorney
October 20, 2021, Regular Meeting of the
Richmond Rent Board



Overview

- Brown Act requires all meetings occur in public within the jurisdiction in which the legislative body was formed. It allowed for teleconference meetings but applied stringent restrictions
- Pandemic presented significant challenges with in-person meetings and delivering in-person services.
- To address the unique challenges presented by Covid-19, on March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies.

Overview

- Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public.
- City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020.
- Executive Order N-29-20 expired on September 30, 2021.

ASSEMBLY BILL 361

- Prior to the Expiration of Executive Order N-29-20, on September 16, 2021, Assembly Bill 361 (Rivas), was signed into law by Governor Newsom, amending a portion of the Brown Act
- AB 361, applies during the State of emergency, and permits policy/legislative bodies, such as the Board, to continue to hold virtual public meetings if the policy/legislative body finds the following:
 - Due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore the Board must continue to meet via videoconference and teleconference.
- AB 361 requires that the Board must review and ratify such a determination every thirty (30) days.

FINDINGS

- The pandemic appears to be far from over as Contra Costa County Community Transmission risk is currently categorized as “substantial” (That is one below the highest risk of transmission)
- Contra Costa County continues to take a number of steps in reducing transmission and deaths within the County. For instance, the County requires indoor mask wearing, vaccination for some forms of employments, and mandatory quarantining if one is exposed to Covid-19.
- The City of Richmond has taken the same precautionary steps, requiring social distancing, indoor mask wearing, and mandatory vaccination for employees.
- Despite its efforts, the City of Richmond has still experienced a substantial infection and death rate.

FINDINGS

- ▶ There are now over 13,800 confirmed cases of COVID-19 and at least 112 deaths in the City of Richmond. This number is far higher than Richmond's close neighbor Berkeley, which has around 5,500 confirmed cases and 33 deaths.
- As a result of the continued threat to public health posed by the spread of COVID-19, holding Board meetings in person would present imminent risks to the health and safety of the public and members of Board
- Board meetings cannot safely be held in person at this time.

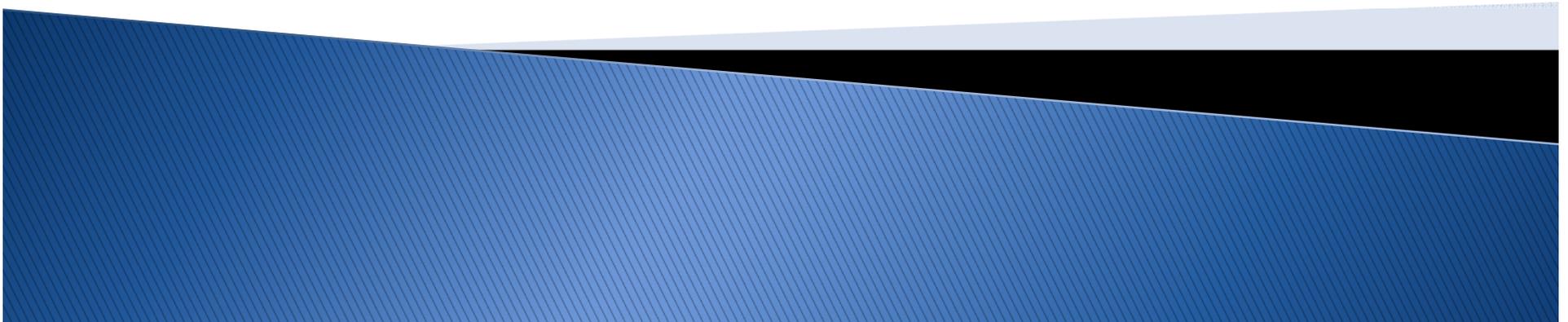
Recommended Action

- ▶ Given the continual presence and impact of Covid-19, the need to take adequate precautions to limit the spread of the virus and subsequent death, is greater now more than ever.
- ▶ As such, staff members recommend that the Board adopt Resolution 21-03, which makes the required findings pursuant to Government Code Section 54953(e)(3), and determines that based on the continued threat to public health and safety posed by the spread of COVID-19, the Board will continue to meet via videoconference and teleconference.

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RECORD RETENTION SCHEDULE

Charles Oshinuga, Staff Attorney
October 20, 2021, Regular Meeting of the
Richmond Rent Board



Overview

- ▶ Records are a basic tool of government administration. They provide information for planning and decision making, serve as the foundation for government accountability, and are subject to direct legal requirements. It is essential that records be retained as long as needed to meet legal and informational needs, and then be disposed appropriately.

Overview

- ▶ The City of Richmond has a Record Retention Schedule that governs the maintenance and destruction of records held by various departments. Currently, the Rent Board is not included in the City's Record Retention Schedule.
- ▶ The City's Retention policy currently explains that all City records are the property of the City and may not be destroyed, given away, sold, retained by officials and employees leaving City service, or otherwise disposed of in any way except in a manner consistent with a retention schedule approved by the City Attorney or other written documentation of approval by the City Attorney.

Overview

- ▶ With the lack of a Retention Schedule governing how documents may be destroyed, Rent Program staff members have simply not destroyed any documents. As imagined this has had an impact on staff members' ability to efficiently locate, organize, and store documents.
- ▶ To ensure compliance with the City's overall goal of Record maintenance and destruction, staff is seeking to establish its own Record Retention Schedule and integrate it into the City's overall policy framework.

Rationale

- ▶ The Rent Board has the ability to adopt its own Retention Schedule to address these issues.
- ▶ Pursuant to Richmond Municipal Code Section 11.100.060(m), to ensure the integrity and autonomy of the Rent Board, Measure L mandates the Rent Board “be an integral part of the government of the City [of Richmond]”, and establishes that the Rent Board “shall exercise its powers and duties under [Chapter 11.100] independent from the City Council, City Manager, and City Attorney, except by request of the [Rent] Board”.
- ▶ Consequently, the Rent Board functions as an independent agency, which operates independent from and is not subject to the City of Richmond City Council’s Resolutions and policies governing boards, commissions, and other local policy bodies. As such, the Rent Board may adopt its own Retention Schedule consistent with the principles espoused in California’s Government Code.

Rationale

- ▶ To avoid potential conflicts with existing schedules and to promote consistency within the City, it would be prudent for the Rent Board to exercise its power parallel to that of the City writ large and integrate its Retention Schedule within the City's overall Retention Schedule.
- ▶ Consequently, staff members seek to work with the City Attorney's Office to achieve full integration of any adopted Rent Board Retention Schedule within the City of Richmond's overall Retention Schedule and Policy framework.

Recommended Action

- ▶ ADOPT a Records Retention Schedule and DIRECT staff to work with the City Attorney's Office to have the Rent Board's Retention Schedule integrated into the City of Richmond' overall Record Retention Schedule.



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