

**Minutes of the Special Meeting of the
Rent Review Advisory Committee
Monday July 23, 2018**

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 6:02 P.M.

Present were: Chair Cambra; Vice-Chair Sullivan-Sariñana; Members Friedman and Griffiths

Absent: Member Murray

Program staff: Grant Eshoo, Gregory Kats, Jennifer Kauffman, Janice Heredia

City Attorney staff: John Le

2. AGENDA CHANGES

a. None.

3. PUBLIC COMMENT, NON-AGENDA ITEMS, NO.1

a. None.

4. STAFF ANNOUNCEMENTS

a. Staff announced that several trainings for RRAC members would be given periodically throughout the next year, and that several other presenters had already been identified. Staff informed the Committee that additional details would be provided closer to the training dates.

5. CONSENT CALENDAR

a. None.

6. UNFINISHED BUSINESS

a. None.

7. NEW BUSINESS

7-A. A special meeting of the Rent Review Advisory Committee is being convened to allow a quorum of its members to participate in a meeting facilitation training.

Staff introduced the speaker, Stewart Levine, and the topic for the day's training: Meeting Management Skills.

Using a PowerPoint presentation, Mr. Levine began the training by asking the RRAC members to introduce themselves, say something about why they chose to be on this Committee, and provide their desired outcome for the day.

Each member introduced themselves and provided their answers. Member Griffiths mentioned wanting to improve RRAC meetings by making them more regular. Vice Chair Sullivan-Sariñana expressed a desire to help his community. Member Friedman provided that he feels like he makes a worthwhile contribution to the Committee and community by serving on the RRAC. He also said he hopes to learn new things by serving.

Chair Cambra said that he has been described as having an almost religious zeal for mediation and hopes to bring parties together. He said his desired outcome for the day was to receive affirmations for things the Committee does well and constructive criticism for areas where they could improve.

Mr. Levine introduced himself, informing the Committee that he has been a practicing attorney before pursuing work in mediation and divorce mediation. He said he had written two books: *The Book of Agreement* and *Collaboration 2.0*. He said he was providing the presentation on behalf of The Consulting Team, is an Alameda resident, and a concerned citizen about the housing situation in the region.

Mr. Levine asked the Committee members to rate their last meeting on a scale from one to ten, and include why they choose the number they did. He shared a quote with the members to consider, "Use your thinking speed wisely."

Member Friedman commented that he found the respectfulness of the Committee members to be a positive. He opined that a RRAC hearing was not a good forum for mediation because the meeting is very public, which can inhibit participants from fully participating.

Vice Chair Sullivan-Sariñana said he would rate the last meeting a 7/10, commenting that the Committee did a good job facilitating communication between landlord and tenant. He said that RRAC meetings often run long because members tend to be wordy, but that the reason for that was to share their thinking processes.

Member Griffiths gave last meeting a 6/10, noting both positives and areas for improvement. Mr. Levine asked the members if they thought it was good for parties to know how they came to a decision. Member Griffiths said that he thought it was a good thing, so that participants did not think the decisions were arbitrary.

Chair Cambra added that discussion of one's thought processes also served to allow members to understand what other members were thinking. He said he would rate three components of the last meeting: efficiency 5-7 out of 10; the mediation phase a 8-9 out of 10, and the recommendation phase an 8 out of 10. He said he would give the meeting a 7 out of 10 overall.

The members discussed their different perspectives.

Mr. Levine presented how listening, focusing, using agreements, problem solving and decision-making are important considerations for improving efficiency and complemented the Committee for their problem solving skills. He added that when it comes to efficiency, "Sometimes perfect is the enemy of good enough."

Mr. Levine provided the members with the acronym "ROAR: Roles, Outcome, Agenda, Rules" and suggested members focus on the agenda for each case that comes before them. He acknowledged that the rules are pretty clearly set out, and how to get to an outcome is the challenge.

Mr. Levine brought up the importance of agreements and suggested the members make a commitment to agree to stay on time and keep focused on agenda. Member Friedman responded that there were problems with rigidly adhering to time limits as each case was different, and that there were no formal rules limiting the amount of time the Committee could spend on any given matter. He stated that staff occasionally attempted to impose time limits on the Committee.

Vice Chair Sullivan-Sariñana said that he understood the reasons for adhering to a time limit, as it would ensure fairness that each set of parties would get equal time.

Chair Cambra said he agreed with the principle of equity, but sometimes members need extra time to get information out of the parties.

Member Griffiths said he would not mind codifying a 45-minute per case rule in the Committee's bylaws, if it allowed the possibility of extensions.

Program staff added that equity was one issue, but time was also a valuable tool the Committee can use to move the hearings forward.

City Attorney staff added that while the Rent Stabilization Ordinance is silent on the issue of time limits, it was worth noting that the City Council recognized the importance of time management and imposed time limits on themselves. He said he believes Member Griffith's proposal to add a time limit to the bylaws should be considered.

Member Friedman responded that he believes the Committee should have a non-rigid time limit and have a discussion and on it before voting it into the bylaws.

Chair Cambra said the Committee could agendaize a time for discussion on a time limit for the next meeting.

City Attorney staff added that the Committee could include a "suspension of the rules" option along with the rule for cases where additional time may be needed.

Mr. Levine presented the importance of separating rolls and duties to improve meeting efficiency, such as by designating a timekeeper to track time limits. He said the roll of the timekeeper should be to monitor the meeting time, time each agenda item, and gives periodic alerts when approaching time limits.

Chair Cambra replied that he was the timekeeper as well as Chair and he uses cards to notify parties of impending time limits.

Mr. Levine suggested that the roll be designated to someone other than the Chair, to ensure that one person was not taking on too much. Vice Chair Sullivan-Sariñana said that he could take on the role of timekeeper.

Member Friedman expressed a desire to discuss whether time was a problem the Committee needed to address. Member Griffiths replied that staff had already brought up reasons, e.g., for purposes of equity. Mr. Levine added that timekeeping also functioned to ensure all the cases scheduled at any given meeting could be addressed.

Member Griffiths opined that the problem the Committee runs into with time management lies in the middle of the discussions during a case, which seem to often go overtime. He recognized that the Committee did not treat all cases the same, as when there were multiple cases on an agenda, the Committee moved them along faster than when there were fewer cases.

Vice Chair Sullivan-Sariñana acknowledged that one of the inherent weaknesses of the City's rent review process was the uncertainty that comes with each case, as every case was different and had to be treated on a case-by-case basis. He said he believes having a time limit would be fine as long as they had the ability to extend it.

Mr. Levine emphasized the importance of urgency, saying that there had to be a certain amount of urgency to keep the hearing moving along. He asked each member to write a personal, measurable goal that will improve meeting efficiency.

Chair Cambra shared that if the Committee were able to better perceive when parties are not likely to come to an agreement, it could improve speed and efficiency. Member Friedman and Vice Chair Sullivan-Sariñana suggested various ways of informing the parties they had a limited amount of time to come to an agreement to encourage them to try to resolve matters faster.

Chair Griffiths suggested reducing repetitive comments, and Vice Chair Sullivan-Sariñana responded that restating comments have value. Member Griffiths replied that the Committee could work on finding a middle ground.

Mr. Levine asked if the training stopped right now, what would be the take away for each member.

Member Griffiths replied that the Committee's process has a lot of room for improvement and the members should not be resistant to improving it. Member Friedman said he would like to improve listening and focusing skills.

Me. Levine presented a sample RRAC case timeline with time limits on each part of the review process and the members discussed. Mr. Levine suggested having a pre-printed list of questions that Committee members could use to move case discussions along more efficiently. Member Friedman replied that having a pre-printed list of questions was interesting but was not something that the Committee had considered before. He expressed frustration that mediation was part of the RRAC review process, as the parties had an opportunity to mediate prior to the hearing with program staff.

Member Griffiths replied that the mediation format of the RRAC hearing process had value as it produced many mutual agreements between the parties. He added that Committee members sometimes treated binding and nonbinding cases differently, and were quicker to come to a conclusion when the case was binding. He said they may want to try to encourage parties to come to agreements themselves especially where the Committee's decision is nonbinding.

Mr. Levine brought the discussion back to the importance of agreements and consequences for not sticking to agreements. As an example of a consequence of not adhering to time limits, he posited that the consequence could be, "having to hire me again." He praised the Committee for approaching the cases from a place of inquiry rather than judgment. He discussed listening strategies and praised the Committee for their listening skills. He reflected on the importance of approaching each case from an unbiased perspective.

Member Friedman replied that there were some instances when he found it difficult to be neutral, e.g., when landlords say they need additional rental income for retirement. He asked if it was permissible for members to express their values.

Vice Chair Sullivan-Sariñana responded that everyone needs to feel they are getting a fair hearing. He acknowledged that everyone brings some biases, but what was of paramount importance was for attendees to feel they are heard.

Member Cambra expressed the importance of recognizing the concerns of the parties regardless of the any subjective biases. He added that the perspectives each Committee member brings was important, as long as they didn't act as advocates for either party.

Mr. Levine recapped that recognizing biases allows one to reduce their impact on decision-making.

In discussing additional efficiency strategies, Vice Chair Sullivan-Sariñana expressed a need for Committee members to interrupt more, especially when parties bring up matters not directly related to the rent increase. Chair Cambra acknowledged that interrupting could be difficult in general, he would personally find it difficult, and sometimes venting can be a valuable part of the process.

Mr. Levine asked if Vice Chair Sullivan-Sariñana, as timekeeper, could be the one who interrupts, and the Committee discussed. Mr. Levine pointed out the importance of being mindful of the way one interrupts: tone of voice, phrasing, etc. He summarized the process of hearing a case: 1. Getting the facts out on the table, 2. Allowing parties to discuss their concerns and frustrations, 3. Seeing if a mutually-agreeable resolution seems likely, and 4. If such a resolution seems unlikely, making a decision.

Mr. Levine summarized the training: members embraced the importance of timekeeping, efficiency, and urgency, and will have a discussion about codifying it into the Committee's bylaws.

Member Friedman said he thought the Committee members should have been consulted about what the training covered.

Chair Cambra said the training made him recognize how well Committee members discussed issues among themselves, and said he found the presentation helpful.

7-B. Discuss content for letter from RRAC to City Council to be submitted with annual report.

Program staff introduced background for this agenda item: during a previous RRAC meeting, Committee members asked to submit feedback to City Council in a letter that may be submitted to the City Council at the same time as the annual program report.

Member Friedman asked staff if the Committee could form a sub-committee to draft a letter. Program staff replied that suggestions and draft letters may be sent to staff over email and staff could combine members' letters into a single letter and send it back to Committee members for approval.

Member Friedman said he believes staff is doing a good job managing the program.

City Attorney staff stated that the requirement for the program's annual report is built into Ordinance 3148 and the purpose of the report is to advise the City Council on how the Ordinance is working.

Vice Chair Sullivan-Sariñana requested that the Committee needed to clarify if they in fact wanted to write a letter, and requested Committee members recognize that the Committee's charge is narrow, i.e., reviewing and rendering decisions on rent increases.

City Attorney staff notified members that a letter from RRAC members may be more effective next year, as the City Council was not hearing substantive changes to Ordinance 3148 this year, but may be next year.

Committee members discussed options about what they might want to write, such as inviting City Council members to attend a RRAC meeting, and expressed options about what they might want to include.

Chair Cambra stated that he would want the letter to include both qualitative feedback and quantitative feedback.

City Attorney staff suggested that one member should draft something for the others to review, add to, and sign.

Member Griffiths said that he would not sign a letter that did more than invite to City Council members to attend a RRAC hearing and complement staff.

Chair Cambra said that each member should submit their own letter if they wanted.

8. PUBLIC COMMENT, NON-AGENDA ITEMS, NO. 2.

- a. None.

9. MATTERS INITIATED

Program staff informed the Committee that there were a large number of cases scheduled for review in August and that two RRAC hearings had been scheduled to review them, one on August 6 and the second on August 20.

10. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

RRAC Secretary
Grant Eshoo

Approved by the Rent Review Advisory Committee on August 29, 2018