



Berkeley Housing Authority

1936 University Ave., Suite 150, Berkeley, CA 94704
Telephone: (510) 981 5470 Fax: (510) 981 5480

Item 7A
NEW BUSINESS
October 27, 2022

Office of the Executive Director

To: Honorable Chair and Members of the Berkeley Housing Authority Board

From: Jesy Yturralde, Finance Manager

Subject: Appointing Interim Executive Director/Secretary of the Berkeley Housing Authority and Ratification and Approval of All Prior Actions Taken

RECOMMENDATION

Approve a Resolution appointing Jhaila R. Brown, of Goldfarb and Lipman LLP, as Interim BHA Executive Director/BHA Board Secretary starting October 27, 2022 and authorizing the Interim BHA Executive Director to enter into service agreements with Public Housing Authority experts within the approved budget, as needed and ratification and approval of all prior actions taken. Ms. Brown will be compensated through the existing contract for legal services between BHA and Goldfarb and Lipman LLP, dated July 1, 2019, as amended, with a termination date of June 30, 2024, if all options are exercised.

Appoint Jesy Yturralde as Secretary Pro Tem until the Interim Executive Director/Secretary is appointed by the Board at which time the Interim Executive Director shall become BHA's Secretary.

BACKGROUND

On October 11, 2022, Rachel Gonzales-Levine, BHA's Acting Executive Director, informed the Board that she was resigning from her position with BHA effective October 22, 2022, and seeking work with a new employer. Although Ms. Gonzales-Levine was performing in a temporary capacity until a permanent Executive Director was selected, her sudden departure was unexpected. To ensure consistency with BHA operations, including, but not limited to engagement with participants, community members, the U.S. Department of Housing and Urban Development (HUD), and external stakeholders, staff recommends BHA appoint Jhaila R. Brown, existing General Counsel, as the Interim Executive Director, until a candidate is appointed by the Board to fulfill the position permanently.

On August 22, 2022, BHA announced the recruitment for a BHA Executive Director. BHA has engaged a third-party recruiter to assist with the process and hopes to announce a permanent Executive Director soon.

DISCUSSION

Since the departure of Ms. Gonzales-Levine was unexpected, and since BHA is undergoing an active recruitment for the Executive Director position, staff believes it is in the best interest of BHA to recommend Ms. Brown for the Interim Executive Director position. She has taken the lead in

running BHA since Ms. Gonzales-Levine's departure on October 22, 2022 by serving as the de facto Executive Director concurrent with her role as General Counsel.

As Interim Executive Director, Ms. Brown will maintain her role as BHA's General Counsel.

Pursuant to the Bylaws of the Berkeley Housing Authority, the Executive Director shall also serve as the Secretary of BHA. Due to the resignation of the Acting Executive Director, the BHA Secretary position is vacant.

Pursuant to the BHA Bylaws the Secretary, among other responsibilities, shall be custodian of the records of BHA, shall attend the meetings of the BHA, shall act as Secretary of the meetings of BHA, and record all votes, shall keep a record of the proceedings of BHA, and shall perform all other duties incident to that office. Pursuant to the Bylaws, in the event a rule of order is not contained therein, such rule of order shall be determined by "Roberts Rule's of Order." The Bylaws are not clear as to how to fill the vacant Secretary position when the Executive Director position is also vacant. Pursuant to Roberts Rule's of Order, the Board can appoint a Secretary Pro Tem (i.e. temporary secretary) until the position is filled.

Staff recommends that the Board of Commissioners appoint Jesy Yturalde as Secretary Pro Tem until the Interim Executive Director/Secretary is appointed by the Board at which time the Interim Executive Director shall become BHA's Secretary.

FINANCIAL IMPLICATIONS

This position is budgeted.

CONTACT PERSON

Jesy Yturalde, Finance Manager, 981-5488

Attachments:

1. Resolution

BERKELEY HOUSING AUTHORITY
RESOLUTION 22- _____

APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR/SECRETARY OF THE
BERKELEY HOUSING AUTHORITY AND RATIFICATION AND APPROVAL OF
ALL PRIOR ACTIONS TAKEN

WHEREAS, Rachel Gonzales-Levine, the Housing Authority of the City of Berkeley's ("Authority") Acting Executive Director, resigned from her position on October 22, 2022;

WHEREAS, the Board of Commissioners ("Board") deems it to be in the best interest of the Authority to appoint a new Interim Executive Director/Secretary to serve until the Board appoints a new permanent Executive Director/Secretary;

WHEREAS, the Board deems it in the best interest of the Authority to appoint the Authority's General Counsel, Jhaila R. Brown, of Goldfarb and Lipman LLP, as Interim Executive Director/Secretary due to her professional experience and knowledge base in housing authority programs and operations; and

WHEREAS, the Board deems it in the best interest of the Authority to ratify and approve any actions taken by Jhaila R. Brown that have already occurred.

NOW THEREFORE, BE IT RESOLVED, that Jhaila R. Brown, of Goldfarb and Lipman LLP, is hereby appointed as the Interim Executive Director/Secretary of the Berkeley Housing Authority effective October 27, 2022;

BE IT FURTHER RESOLVED, that Jhaila R. Brown shall also continue to serve as General Counsel to the Authority while serving as Interim Executive Director;

BE IT FURTHER RESOLVED, that Jhaila R. Brown shall be authorized to execute forms required by the U.S. Department of Housing and Urban Development ("HUD"), including, but not limited to Housing Assistance Payments Contracts, and such other agreements necessary and required for the administration and operation of the Authority and its affordable housing programs;

BE IT FURTHER RESOLVED, that Jhaila R. Brown shall be authorized to enter into agreements on behalf of the Authority up to the maximum amount of \$10,000; and

BE IT FURTHER RESOLVED, that any and all actions taken by Jhaila R. Brown prior to the adoption of this resolution are hereby ratified and approved.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on October 27, 2022, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: _____
Jesusa Yturralde, Secretary Pro Tem