

Commission Members

CHAIR ANNE GRIFFITH
VICE-CHAIR GREGORY D. HARTWIG
COMMISSIONER JANNY CASTILLO
COMMISSIONER LYNETTE JUNG LEE
COMMISSIONER BARBARA MONTGOMERY
COMMISSIONER MARK J. TORTORICH
COMMISSIONER WILLIAM J. MAYES

Executive Director

Patricia Wells

In accordance with Article III, Section 1 and 2, of the Oakland Housing Authority Bylaws, NOTICE IS HEREBY GIVEN that the **Special Meeting** of the Board of Commissioners has been called. The meeting will be held as follows:

HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA

Virtual Special Meeting

Monday, November 21, 2022 at 5:30 p.m.

Meeting Via Teleconference Pursuant to Assembly Bill 361 [(Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021]]

Join Zoom Meeting Online:

<https://oakha-org.zoom.us/j/85780925891?pwd=N3VGT0xPTUIDRG81b2lrS3Y3RFVCdz09>

Meeting ID (access code): 857 8092 5891 **Meeting Password:** 401814

Closed Caption – provided through the link

To participate by Telephone: 1 (669) 219-2599

Meeting ID (access code): 857 8092 5891 **Meeting Password:** 401814#

If you need special assistance to participate in the meetings of the Oakland Housing Authority Board of Commissioners, please contact (510) 874-1510 (TDD: 800-618-4781). Notification 48 hours prior to the meeting will enable the Oakland Housing Authority Board of Commissioners to make reasonable arrangements to ensure accessibility.

All public comment on action items will be taken at the public comment portion of the meeting. You may comment via zoom by “raising your hand” or by submitting an e-mail to publiccomments@oakha.org or call using the zoom participant number.

- You may request to make a public comment by “raising your hand” through Zoom’s video conference or phone feature, as described below. Requests will be received only during the designated times in which to receive such requests and only for eligible Agenda items. Public comments will be subject to the appropriate time limit of three (3) minutes.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time of three (3) minutes, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- To comment by phone, please call on one of the phone numbers listed below. You will be prompted to “Raise Your Hand” by pressing “*9” to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time of three (3) minutes, you will then be re-muted. Please unmute yourself by pressing *6. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.



AGENDA
Special Meeting
November 21, 2022, 5:30 pm

- I. Pledge of Allegiance
- II. Roll Call
- III. Approval of Minutes:
 - A. Approval of Minutes of the Regular Meeting of October 24, 2022
- IV. Recognition of people wishing to address the Commission
- V. Old or Unfinished Business
- VI. Modifications to the agenda
(Allows for any change in the order of business or the announcement of the postponement or continuation of agenda items.) The Board can only take action on items listed on this agenda unless a finding is made that an emergency exists.
- VII. Recess to Closed Session
 - A. **Purpose: Pursuant to Government Code Section 54957.6 – Labor Negotiations.**

Authority Designated Representatives: Drew Felder, Director of Human Resources, and Patricia Wells, Executive Director

Employee Organization(s): SEIU Local 1021, OPEIU Local 29, Alameda Building and Trades Council, and Unrepresented.
 - B. **Pursuant to Government Code § 54956.8 a conference with real property negotiators in regard to price and terms of payment:**

Property: 7007 MacArthur Boulevard, Oakland, CA 94605 (APN 39-3291-4)
6948 Foothill Boulevard, Oakland, CA 94605 (APN 39-3291-18)

Agency Negotiation: Patricia Wells, Executive Director; Tom Deloye, Chief Officer of Real Estate Development; Jonathan Young, Senior Development Program Manager; Isabel Brown, Legal Counsel

Negotiating Parties: Wings of Love Marantha Ministries, a California nonprofit public benefit corporation

Under Negotiation: Price and terms of payment.

VIII. New Business:

- A. Informational presentation on Assembly Bill 2449 pertaining to future Board of Commissioner meetings.
- B. Adopt a resolution authorizing the Executive Director to execute a Purchase and Sale Agreement, Lease Agreement, and all other documents required to purchase 7007 MacArthur Boulevard (APN 39-3291-4) and 6948 Foothill Boulevard (APN 39-3291-18) from Wings of Love Maranatha Ministries for a purchase price of \$2,325,000, with total expenditure including due diligence and closing costs not to exceed \$2,525,000; CEQA exempt.
- C. Consent Agenda:
Items on the Consent Agenda are considered routine and do not require separate discussion. If a Commissioner wishes to have discussion, or if a member of the public wishes to comment on any consent item, the item may be removed from the consent agenda and considered separately. Questions or clarifications may be considered by the Commission without removal from the Consent Agenda. The Consent Agenda is adopted in one motion.
 - 1. Adopt a resolution authorizing the Executive Director to Continue Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

IX. Adjournment of Public Session

Anne Griffith, Chair of the Commission

By _____
 Patricia Wells, Secretary

DocuSigned by:
 Patricia Wells

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**MINUTES OF THE SPECIAL MEETING
BOARD OF COMMISSIONERS
HOUSING AUTHORITY OF THE
CITY OF OAKLAND, CALIFORNIA**

[Meetings are recorded and are accessible through our website: www.oakha.org]

Monday, October 24, 2022

Regular Meeting

The Oakland Housing Authority Board of Commissioners convened a Regular Meeting via Zoom software platform online and via teleconference, providing access to the public and enabling submission of public comment by zoom, phone and/or by email.

Chair Anne Griffith presided and called the meeting to order at 6:02 p.m.

I. Pledge of Allegiance

II. Roll Call

Present 7 – Anne Griffith, Gregory Hartwig, Janny Castillo, Lynette Jung-Lee, Barbara Montgomery, Mark Tortorich, and William J. Mayes.

III. Approval of Minutes:

A. Approval of Minutes of the Regular Meeting of September 26, 2022

Commissioner Hartwig moved to approve the minutes, which was seconded by Commissioner Jung-Lee. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

IV. Recognition of people wishing to address the Commission

Public comment opened at 6:05 pm and concluded at 6:31 pm. Eleven (11) individuals spoke during public comment regarding SEIU negotiation concerns.

Chair Griffith thanked the public for the information provided.

V. Old or Unfinished Business

There were no old or unfinished business items.

VI. Modifications to the agenda

(Allows for any change in the order of business or the announcement of the postponement or continuation of agenda items.) The Board can only take action on items listed on this agenda unless a finding is made that an emergency exists.

There were no modifications to the agenda.

VII. New Business:

- A. Adopt a resolution authorizing the Executive Director to allocate \$15 million in HCV reserves to support project proposals submitted by the City of Oakland in response to State Homekey Round III competition subject to clearance under the National Environmental Policy Act (NEPA).

Director of Leased Housing, Michelle Hasan, led the presentation on the request for Board support for the State Homekey Round III competition. Ms. Hasan provided background on the City of Oakland proposals for the 2022 Homekey program. The proposals include interim housing, supportive housing, and permanent housing applications. Ms. Hasan also reviewed the differences between Homekey II and Homekey III.

Having no further questions from the Commission, Vice-Chair Hartwig moved to approve the item, which was seconded by Commissioner Tortorich. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

- B. Adopt a resolution authorizing the Executive Director to (i) consider the environmental effects of the execution of a non-binding Term Sheet, Development and Loan Agreement, and award of Project-Based Vouchers for the development of affordable housing at the West Oakland BART Transit-Oriented Development, also referred to as Mandela Station Affordable, and (ii) adopt mitigation measures and findings regarding the project pursuant to the California Environmental Quality Act (CEQA).

Chief Officer of Real Estate Development, Tom Deloye, presented the item by providing background on the Mandela Station Affordable Units at West Oakland BART. Mr. Deloye added that if the development is approved, there will be more density in West Oakland, which will benefit Mandela Gateway as there will be retail storefront at the proposed location.

Mr. Deloye recommended adopting the California Environmental Quality Act (CEQA) findings related to Mandela Station Affordable. Mr. Deloye noted that the work has been completed related to the CEQA findings through the City of Oakland and, as the Oakland Housing Authority is the Responsible Entity for this project, it is recommended to adopt the City of Oakland's findings as our own.

Having no further questions from the Commission, Vice-Chair Hartwig moved to approve the item, which was seconded by Commissioner Mayes. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

- C. Adopt a resolution authorizing the Executive Director to execute a non-binding Term Sheet and, after receiving NEPA approval, execute agreements related to the financing and development of the Mandela Station Affordable development by providing one or more loans of MTW funds and a commitment of Project-Based Section 8 Vouchers.

Chief Officer of Real Estate Development, Tom Deloye, led the presentation on the non-binding MSA Term Sheet and authorization for the Executive Director to enter into Development and Loan agreements to effectuate the completion of the exclusive negotiating agreement stage two. Mr. Deloye noted the following: 1) OHA typically acquires or already owns partnership development land; 2) BART will not sell a MSA site; 3) After reviewing the ground lease “sandwich” structure, the development site was determined to be problematic; and 4) Alternative ownership interest and control structure proposed where OHA will be a Special Limited Partner in the development partnership and OHA’s regulatory agreement will be recorded on the land or leasehold interest.

Having no further questions from the Commission, Commissioner Jung-Lee moved to approve the item, which was seconded by Commissioner Hartwig. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

- D. Adopt a resolution authorizing the Executive Director to execute an Option Agreement, and, subject to NEPA approval, all other documents required to purchase 1600 Harrison Street, including, but not limited to a Purchase and Sale Agreement, from Carolanne Montgomery, Trustee, Trust One under Lee and Carolanne Montgomery Living Trust, Dated December 7, 2000, for \$3,300,000, as seller, with total expenditures including due diligence and closing costs not to exceed \$3,700,000.

Chief Officer of Real Estate Development, Tom Deloye, led the presentation noting that through earlier discussion the Board authorized the Executive Director to take actions for consideration of acquisition of 1600 Harrison Street and a letter of intent was issued to the seller. The seller counter offered, which was accepted by the Oakland Housing Authority. The option agreement would mirror the letter of intent coupled with the terms of a thirty-day real estate due diligence that OHA would undertake to protect the Agency.

Having no further questions from the Commission, Commissioner Tortorich moved to approve the item, which was seconded by Commissioner Jung-Lee. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

- E. Adopt a resolution authorizing the Executive Director to execute a three-year contract with two one-year option terms with Elegant Enterprise-Wide Solutions, Inc. for Information Technology-related services in a total amount not to exceed \$2,200,000.

Chief of Program and Finance Administration, Duane Hopkins introduced Director of Information Technology, Brandon White, who presented on the item. Mr. White provided an overview of the scope of service for the consultant services, which provided for hands-on, project support for windows, network, VMWare, and data base administration, business continuity implementation, and security consulting.

Having no further questions from the Commission, Commissioner Hartwig moved to approve the item, which was seconded by Commissioner Tortorich. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

- F. Adopt a resolution authorizing the Executive Director to execute a three-year contract with two one-year option terms with Urban Policy Development, LLC, dba UPD Consulting, in an amount not to exceed \$381,540.

Director of Policy Implementation and Compliance, Dominica Henderson presented on the item noting that the contract with Urban Policy Development, LLC, dba UPD Consulting, specializes in diversity, equity inclusion, and accessibility (DEI), which meets the Executive Director's strategic goals. Ms. Henderson noted that the goal is to guide the Authority to an action-oriented position that focuses on DEI and Accessibility. Additionally, the consultant would support the Authority's efforts to change DEI policies and to improve the Authority's outcome with internal programs in order to offer an inclusive and welcoming environment for individuals and families who are assisted by the Authority as well as for recruitment and retention of talent.

Having no further questions from the Commission, Commissioner Hartwig moved to approve the item, which was seconded by Commissioner Mayes. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

- G. Consent Agenda:

Items on the Consent Agenda are considered routine and do not require separate discussion. If a Commissioner wishes to have discussion, or if a member of the public wishes to comment on any consent item, the item may be removed from the consent agenda and considered separately. Questions or clarifications may be considered by the Commission without removal from the Consent Agenda. The Consent Agenda is adopted in one motion.

1. Adopt a resolution authorizing the Executive Director to Continue Remote

Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

2. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 001 Unrepresented Group, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA).
3. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 002 Alameda Co Bldg Construct Unit, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA)
4. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 004 Loc 1021 SEIU MAINT Unit, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA).
5. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 005 Loc 1021 SEIU APA/HAR Unit, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA).
6. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 006 Loc 29 OPEIU Unit, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA)
7. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 701 Unrepresented ICMA RETR Group, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA)
8. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 702 Alameda Co Bldg ICMA RETR, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA)
9. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 704 Loc 1021 SEIU ICMA RETR Unit, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA)
10. Adopt a resolution authorizing the Executive Director to execute the Public Employees System (CalPERS) Resolution for the 706 Loc 29 OPEIU ICMA RETR Unit, Fixing the Authority's Contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA).

Having no further questions from the Commission, Commissioner Jung-Lee moved to approve the item, which was seconded by Commissioner

Tortorich. The motion passed by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

VIII. Written Communications Departments' Monthly Report.

Secretary Wells briefed the Commission on the Departmental Monthly Reports for the month of September 2022.

IX. Executive Director's report regarding matters of special interest to the Commission occurring since the last meeting of the Commission.

Secretary Wells briefed the Commission on the following topics:

- OHAPD Coffee with a Cop event
- Lockwood Gardens Community event
- Conservation Education & Outreach led by OHA's Resource Conservation Manager, Faustina Mututa
- Property Operations Trunk or Treat
- Mayor Libby Schaaf's Final state of the City Address
- Invitation to join Vice-President Kamala Harris at Fort Mason Center
- OPD Advisory on arrest made for homicide investigation
- EBALDC Letter – PHX Accelerator

Commissioner Mayes announced that the Resident Advisory Board would be doing a Halloween give-away of backpacks filled with goodies to over 500 children at 10 sites throughout the Oakland Housing Authority. Mr. Mayes noted that the event is in collaboration with the Family Community & Partnerships Department.

X. Reports of Commission Committees.

Secretary Wells noted that two Commission Committees met regarding Development, which helped move forward some of the action items shared in today's Board meeting.

XI. Announcements by Commissioners.

There were no additional announcements by Commissioners.

XII. Recess to Closed Session

A. **Purpose: Pursuant to Government Code Section 54957.6 – Labor Negotiations.**

Conference with Labor Negotiations.

Authority Designated Representatives: Drew Felder, Director of Human Resources, and Patricia Wells, Executive Director

Employee Organization(s): SEIU Local 1021, OPEIU Local 29, Alameda Building and Trades Council, and Unrepresented.

B. Purpose: Pursuant to Government Code § 54957 (a) - Threat to Public Services or Facilities

Consultation with: Oakland Housing Authority Police Department, Chief of Police, Alan Love, Drew Felder Director of Human Resources, and Patricia Wells, Executive Director.

The meeting recessed to closed session at 8:00pm

XIII. Adjournment of Public Session

Public Session resumed at 9:55pm. Chair Griffith noted there was nothing to report out from closed session. Being there no further business to discuss, a motion was made by Commissioner Hartwig to move to adjournment, which was seconded by Commissioner Jung-Lee. The motion carried by the following vote:

Ayes 7 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich, Mayes

Anne Griffith, Chair of the Commission


By _____
Patricia Wells, Secretary

ITEM: VIII.A.

Executive Office

Oakland Housing Authority MEMORANDUM

To: Board of Commissioners

From: Patricia Wells, Executive Director 

Subject: Informational presentation on Assembly Bill 2449 pertaining to future Board of Commissioner meetings.

Date: November 21, 2022

Purpose: This presentation provides an overview of the Governors end to the COVID State Emergency and Assembly Bill 2449, which pertains to future Board of Commissioner Meetings and Teleconference Procedures.

Funding: No funding is required for this item.

Background:

On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. Assembly Bill 2449 (“AB 2449” or the “Bill”) amends provisions of the Brown Act relating to remote participation by members of legislative bodies in meetings open to the public. The Bill addresses procedural challenges that members of local agencies have experienced while complying with the Brown Act in the wake of COVID-19 pandemic. More specifically, AB 2449 provides for alternative teleconference procedures by no longer requiring that remote meeting locations be identified or necessarily have them be open to the public. The sections below explain AB 2449’s requirements, benefits, and how it differs from the previous remote participation alternative, Assembly Bill 361 (“AB 361”).

AB 2449 Requirements: Just Cause and Emergency Circumstances

To take advantage of AB 2449’s benefits, (1) a majority of the members of the legislative body must participate in-person from the same location clearly identified in the agenda, which (2) must be within the boundaries of the agency’s jurisdiction and (3) must be open to the public. This means that only a minority of members may participate remotely for a planned meeting. Additionally, under AB 2449, an agency must prepare a two-way audiovisual platform online that gives remote participants the ability to interact via videoconference in real-time, and/or a live webcasting of the meeting with a two-way telephonic service that allows participants to dial-in and contribute verbally.

Assembly Bill 2449

Page 2 of 4

Any member opting to participate remotely must provide one of two specific reasons for doing so: (1) "just cause", or (2) emergency circumstances.

The Bill defines "just cause" as (1) childcare or caregiving need of a child, parent, grandparent, sibling, spouse or domestic partner; (2) contagious illness that prevents a member from attending in person; (3) a need related to a physical or mental disability; (4) travel while on official business of the legislative body or another state or local agency. The member planning on participating remotely must notify the legislative body at the earliest opportunity possible—including at the start of meeting which they intend to attend remotely—of their need accompanied with a general description of the relevant "just cause" for remote participation. Additionally, "just cause" reasons for participating remotely cannot be used by any member for more than two meetings in a calendar year if the agency meets fewer than ten times annually.

"Emergency circumstances" is defined as a physical or family medical emergency that prevents a member from attending in person. As opposed to the "just cause" option for remote participation, this alternative requires that the member request the legislative's body approval to participate remotely. If there is insufficient time to include the request on the posted agenda for the meeting for which the request is made, the legislative body can act to address the request at the beginning of the meeting in accordance with existing law.

Under both scenarios, the following requirements also apply:

1. Any member participating remotely shall do so through both audio and video technology.
2. Remote members must publicly disclose at the meeting, prior to any action, whether any other individuals 18 years or older are present in the room with the member at the remote location, and the general nature of the member's relationship with such individuals.
3. AB 2449 does not apply for any member participating solely by teleconference from a location for a period of more than 3 consecutive months, or 20% of the regular meetings for the agency within a calendar year.

AB 2449 Benefits Compared to AB 361

AB 2449 is meant to adopt the benefits of teleconferencing in a post-pandemic world while addressing some obstacles created by its predecessor, AB 361. Hence, unlike AB 361, AB 2449 does not require a legislative body to make specified findings within 30 days of the first teleconference meeting pursuant to the provisions and continue to make those findings every 30 days thereafter to continue to meet under its procedures. AB 2449 is not limited in its application to when a state of emergency has been declared. However, AB 2449 also contains a sunset clause that means these new provisions are set to expire on January 1, 2026. Otherwise, AB 2449's benefits are similar

Assembly Bill 2449

Page 3 of 4

to AB 361 in the sense that it allows members to participate remotely without meeting traditional agenda posting requirements at those remote locations or requiring them to be accessible to the public.

Attachments: Attachment A - Chart summarizing AB2449
 Assembly Bill 2449
 Governor Newsom to End the COVID-19 State of Emergency

ATTACHMENT A

Assembly Bill 2449

Page 4 of 4

AB 2449	
Teleconference Meeting Requirements	<p>(1) Majority of members must participate in-person from the same location identified in the agenda.</p> <p>(2) The physical location is within the boundaries of the agency's jurisdiction.</p> <p>(3) The physical location must be open to the public</p> <p>(4) Majority vote approval for remote participation of members</p> <hr/> <p>For individual members:</p> <ul style="list-style-type: none"> - Notify the legislative body at the earliest opportunity possible, including the start of a regular meeting. - Include a brief (need not exceed 20 words) description of circumstances relating to need to appear remotely.
Technological Requirements	<ul style="list-style-type: none"> - Public visual and audio observation of in person meeting by two-way audiovisual platform or two-way telephonic service and live webcasting + participation via call-in, internet service, or in-person comment - Remote participant must use audiovisual service
Reasoning Requirements	<p>(1) Just Cause¹ does not require approval</p> <p>(2) Emergency Circumstances² requires approval</p>
Limitations	<ul style="list-style-type: none"> - A member cannot participate remotely more than twice for "just cause" reasons, nor for "emergency" reasons if the body regularly meets fewer than 10 times annually. - Otherwise, a member cannot participate remotely for more than 3 consecutive months or 20% of regular meeting within a calendar year.
Main Benefits	<ul style="list-style-type: none"> - No state of emergency declaration required. - No 30 days findings requirement. - No prior notification or approval. - No required posting of remote locations
Expiration	January 1, 2026

¹ "Just Cause" exists in limited instances requiring a member to participate remotely, including: (1) caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (2) contagious illness prevents attendance, (3) a need related to physical or mental disability not otherwise accommodated; or (4) traveling on official business of the legislative body or another state agency.

² "Emergency Circumstances" are defined as a physical or family medical emergency that prevents a member from attending in person.



Assembly Bill No. 2449

CHAPTER 285

An act to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception,

the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. Section 54953 of the Government Code, as amended by Section 3 of Chapter 165 of the Statutes of 2021, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items

during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency

exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear

remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) “State of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as added by Section 4 of Chapter 165 of the Statutes of 2021, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding

shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows

any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items

during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2026.

SEC. 4. Section 54954.2 of the Government Code is amended to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the

regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to

the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 54954.2 is added to the Government Code, to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency’s Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are

also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall become operative January 1, 2026.

SEC. 6. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hospital room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 7. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

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Governor Newsom to End the COVID-19 State of Emergency

Published: Oct 17, 2022

California's pandemic response saved tens of thousands of lives, protected the economy, distributed nation-leading financial assistance and built up an unprecedented public health infrastructure

The SMARTER Plan will maintain California's operational preparedness to support communities and quickly respond to outbreaks

SACRAMENTO – Today, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, charting the path to phasing out one of the most effective and necessary tools that California has used to combat COVID-19. This timeline gives the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing state and local partners the time needed to prepare for this phaseout and set themselves up for success afterwards.

With hospitalizations and deaths dramatically reduced due to the state's vaccination and public health efforts, California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation. As the State of Emergency is phased out, the SMARTER Plan continues to guide California's strategy to best protect people from COVID-19.

[SMARTER Plan progress update](#)

"Throughout the pandemic, we've been guided by the science and data – moving quickly and strategically to save lives. The State of Emergency was an effective and necessary tool that we utilized to protect our state, and we wouldn't have gotten to this point without it," said Governor Newsom. "With the operational preparedness that we've built up and the measures that we'll continue to employ moving forward, California is ready to phase out this tool."

To maintain California's COVID-19 laboratory testing and therapeutics treatment capacity, the Newsom Administration will be seeking two statutory changes immediately upon the Legislature's return: 1) The continued ability of nurses to dispense COVID-19 therapeutics; and 2) The continued ability of laboratory workers to solely process COVID-19 tests.

"California's response to the COVID-19 pandemic has prepared us for whatever comes next. As we move into this next phase, the infrastructure and processes we've invested in and built up will provide us the tools to manage any ups and downs in the future," said Secretary of the California Health & Human Services Agency, Dr. Mark Ghaly. "While the threat of this virus is still real, our preparedness and collective work have helped turn this once crisis emergency into a manageable situation."

Throughout the pandemic, Governor Newsom, the Legislature and state agencies have been guided by the science and data to best protect Californians and save lives – with a focus on those facing the greatest social and health inequities – remaining nimble to adapt mitigation efforts along the way as we learned more about COVID-19. The state's efforts to support Californians resulted in:

- Administration of 81 million vaccinations, distribution of a billion units of PPE throughout the state and processing of 186 million tests.
- Allocation of billions of dollars to support hospitals, community organizations, frontline workers, schools and more throughout the pandemic.
- The nation's largest stimulus programs to support people hardest hit by the pandemic – \$18.5 billion for direct payments to Californians, \$8 billion for rent relief, \$10 billion for small business grants and tax relief, \$2.8 billion to help with overdue utility bills, and more.

California's pandemic response efforts have saved tens of thousands of lives, kept people out of the hospital and protected the economy:

- California's [death rate](#) is the lowest amongst large states. If California had Texas' death rate, 27,000 more people would have died here. If California had Florida's rate, that figure jumps to approximately 56,000 more deaths.
- In only the first ten months of vaccines being available, a study showed that California's efforts [saved 20,000 lives](#), kept 73,000 people out of the hospital and prevented 1.5 million infections.
- California's actions during the pandemic protected the economy and the state continues to lead the nation in creating jobs and new business starts:
 - "['Lockdown' states like California did better economically than 'looser' states like Florida, new COVID data shows](#)," with **California's economy having contracted less** than such states – economic output shrank 3.5% on average for the U.S., compared with 2.8% for California.
 - Since February 2021, **California has created 1,628,300 new jobs** – over 16% of the nation's jobs, by far more than any other state. By comparison, Texas created 1,133,200 jobs (11.3% of the nation's) and Florida created 787,600 jobs (7.9% of the nation's) in that same timeframe.
 - Since the beginning of 2019, data from the [Bureau of Labor Statistics](#) shows that **over 569,000 businesses started in California**, by far more than any other state.

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ITEM: VIII.B.

Executive Office

Oakland Housing Authority MEMORANDUM

To: Board of Commissioners

From: Patricia Wells, Executive Director 

Subject: Adopt a resolution authorizing the Executive Director to execute a Purchase and Sale Agreement, Lease Agreement, and all other documents required to purchase 7007 MacArthur Boulevard (APN 39-3291-4) and 6948 Foothill Boulevard (APN 39-3291-18) from Wings of Love Maranatha Ministries for a purchase price of \$2,325,000, with total expenditure including due diligence and closing costs not to exceed \$2,525,000; CEQA exempt.

Date: November 21, 2022

Purpose: Adopt a resolution authorizing the Executive Director to execute a Purchase and Sale Agreement, Lease Agreement, and all other documents required to purchase 7007 MacArthur Boulevard (APN 39-3291-4) and 6948 Foothill Boulevard (APN 39-3291-18) from Wings of Love Maranatha Ministries for a purchase price of \$2,325,000, with total expenditure including due diligence and closing costs not to exceed \$2,525,000; CEQA exempt.

Funding: This action will require an allocation of up to \$2,525,000 in nonfederal funds reserves FY 2023 Authority Budget.

Background

The Wings of Love Maranatha Ministries (Seller), a California nonprofit religious corporation, approached the Oakland Housing Authority (Authority) to determine the Authority's interest in purchasing two adjacent properties it owns: 7007 MacArthur Boulevard (APN 39-3291-4) and 6948 Foothill Boulevard (APN 39-3291-18). 7007 MacArthur Boulevard and 6948 Foothill Boulevard are referred to collectively as the Wings of Love Properties.

7007 MacArthur Boulevard is a 10,038 square foot parcel improved with a two-story, 7,245 square foot church building. 7007 MacArthur Boulevard includes three parking stalls. The Wings of Love Maranatha Ministries holds church services and conducts other activities in the church building. 6948 Foothill Boulevard is a 10,800 square foot parcel with a 4,459 square foot community center/school building and eight parking spaces. This property is leased to the nonprofit organization OCCUR, which operates the David E. Glover Emerging Technology Center. The David E. Glover Emerging Technology Center provides technology and digital literacy classes to adults and youth.

Wings of Love Properties Acquisition Page 3 of 3

The Wings of Love Properties are located between two parts of the 65-unit Foothill Family Apartments affordable housing property, as shown in the map below. The Authority has a strong interest in Foothill Family Apartments. The Authority and its nonprofit affiliate Oakland Housing Initiatives (OHI) acquired and developed Foothill Family Apartments as a component of the Coliseum Gardens HOPE VI redevelopment project. The Authority owns the land at the Foothill Family Apartments site. The land is ground leased to Foothill Family Apartments, LP, a limited partnership that developed Foothill Family Apartments using Low-Income Tax Credit equity and other financing. OHI is the General Partner of Foothill Family Apartments, LP. In 2017, the Authority acquired the interest of the tax credit investor and became the Limited Partner in Foothill Family Apartments, LP, holding a 99.9% interest in the partnership.



The Authority also provided a \$2.4 million HOPE VI loan to finance the acquisition and development of Foothill Family Apartments. This loan is repaid with a share of the residual receipts generated by Foothill Family Apartments. In addition, Foothill Family Apartments includes 21 Public Housing units and 11 units with Project-Based Section 8 Vouchers.

Strategic Value of the Property Acquisition

Given the Authority's interest in Foothill Family Apartments, it would be beneficial for the Authority to purchase the adjacent Wings of Love Properties. The purchase will allow the Authority to control the property that is between Site B and C of Foothill Family Apartments. The Authority anticipates leasing the properties back to their current users for a term mutually agreeable to the parties. The Authority's ownership of the properties would give it control to determine future tenants or other uses of the properties. Ownership of the Wings of Love Properties gives the Authority the ability to prevent uses of the properties that may be incompatible with the ongoing operation of Foothill Family Apartments. The possibility of an incompatible adjacent use is of particular concern for the 6948 Foothill Boulevard property, which is located on a commercial corridor directly across the street from the Eastmont Town Center. Redevelopment projects are in the planning stages for multiple other sites along this corridor.

Wings of Love Properties Acquisition
Page 3 of 3

Due Diligence

The proposed acquisition of the property will be conditioned upon satisfactory due diligence investigations including a Phase I Environmental Site Assessment, title review, survey, and, building inspections. The Authority will have a 30-day period to conduct due diligence activities. Procurement of due diligence consultants has already been completed, and the Authority's legal counsel has reviewed a preliminary title report.

Appraisal

The Authority commissioned an appraisal of the Wings of Love Properties from a certified real estate appraiser in August of 2022. The appraisal's opinion was that the market value of 7007 MacArthur Boulevard is \$1,050,000 and the value of 6948 Foothill Boulevard is \$1,275,000. The combined appraised value of the two Wings of Love Properties is \$2,325,000.

Purchase and Sale Agreement

The Authority and the Seller have negotiated a tentative agreement on terms for the purchase of the properties. A non-binding Letter of Intent has been executed to memorialize these terms. If the Board of Commissioners approves the purchase, the parties will execute a binding Purchase and Sale Agreement.

Highlights of the terms of the purchase include the following:

- Purchase Price: Appraised value of two million three hundred twenty-five thousand dollars (\$2,325,000) for the two properties.
- Non-Refundable Deposit: \$50,000 due upon execution of the Purchase and Sale Agreement.
- The Deposit shall be applied towards the Purchase Price, provided the Authority completes the purchase of the property.
- Church Leaseback: The Authority will lease 7007 MacArthur Boulevard back to the Seller for a six-month period, with two, three-month options exercisable by the tenant, for a rent of \$2,400 per month.
- OCCUR Lease: The Authority will continue the current lease with OCCUR for the 6948 Foothill Boulevard property. There are approximately three years remaining on OCCUR's lease. The rent for 6948 Foothill Boulevard is \$3,000 per month. Extension of the lease will be subject to lessor and lessee discussions.

Staff have projected that due diligence and closing costs will not exceed \$200,000, making the total requested authorized expenditure for the acquisition, due diligence and closing a not to exceed amount of \$2,525,000.

Source of Funds

The Authority is proposing to use nonfederal funds for the purchase of the Wings of Love Properties. Nonfederal funds are earned from sources other than the Federal Government. These include developer fee, administrative fees earned from development projects, and

Wings of Love Properties Acquisition
Page 3 of 3

repayment of loans to development projects. The Authority has sufficient nonfederal funds to pay for the acquisition of the Wings of Love Properties.

Recommendation

Adopt a resolution authorizing the Executive Director to execute a Purchase and Sale Agreement, Lease Agreement, and all other documents required to purchase 7007 MacArthur Boulevard (APN 39-3291-4) and 6948 Foothill Boulevard (APN 39-3291-18) from Wings of Love Maranatha Ministries for a purchase price of \$2,325,000, with total expenditure including due diligence and closing costs not to exceed \$2,525,000; CEQA exempt.

Attachments: Resolution

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner:

Seconded by Commissioner:

and approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PURCHASE AND SALE AGREEMENT, LEASE AGREEMENT, AND ALL OTHER DOCUMENTS REQUIRED TO PURCHASE 7007 MACARTHUR BOULEVARD (APN 39-3291-4) AND 6948 FOOTHILL BOULEVARD (APN 39-3291-18) FROM WINGS OF LOVE MARANATHA MINISTRIES FOR A PURCHASE PRICE OF \$2,325,000, WITH TOTAL EXPENDITURE INCLUDING DUE DILIGENCE AND CLOSING COSTS NOT TO EXCEED \$2,525,000; CEQA EXEMPT

WHEREAS, the Housing Authority of the City of Oakland ("Authority") is a public entity, corporate and politic, organized and existing under the Housing Authorities law (commencing at Section 34200 of the California Health and Safety Code), and authorized to transact business and exercise the powers of a housing authority; and

WHEREAS, pursuant to Health and Safety Code Section 34315 a housing authority may purchase any real property or interest in real property; and

WHEREAS, 7007 MacArthur Boulevard, Oakland, CA, also known as Assessor's Parcel No. 39-3291-4, as described in the legal description attached hereto as Exhibit A and incorporated herein by this reference is a 10,038 square foot parcel improved with a two-story, 7,245 square foot church building, currently owned by Wings of Love Maranatha Ministries, a California nonprofit religious corporation ("Seller"); and

WHEREAS, 6948 Foothill Boulevard, Oakland, CA, also known as Assessor's Parcel No. 39-3291-18, as described in the legal description attached hereto as Exhibit A and incorporated herein by this reference is a 10,800 square foot parcel with a 4,459 square foot community center/school building and eight parking spaces, the Seller; and

WHEREAS, 7007 MacArthur Boulevard and 6948 Foothill Boulevard are collectively referred to herein as the “Properties”; and

WHEREAS, the Properties are located between two parts of the 65-unit Foothill Family Apartments affordable housing property; and

WHEREAS, the Authority has a strong interest in Foothill Family Apartments; and

WHEREAS, the Authority and its nonprofit affiliate Oakland Housing Initiatives (“OHI”) acquired Foothill Family Apartments as a component of the Coliseum Gardens HOPE VI redevelopment project; and

WHEREAS, the Authority owns the land at the Foothill Family Apartments site; and

WHEREAS, the land is ground leased to Foothill Family Apartments, LP, a limited partnership that developed Foothill Family Apartments using Low-Income Tax Credit equity and other financing; and

WHEREAS, OHI is the General Partner of Foothill Family Apartments, LP; and

WHEREAS, in 2017, the Authority acquired the interest of the tax credit investor and became the Limited Partner in Foothill Family Apartments, LP, and the Authority now owns a 99.9% interest in the partnership; and

WHEREAS, the Authority provided a \$2.4 million HOPE VI loan to finance the acquisition and development of Foothill Family Apartments; and

WHEREAS, this loan is repaid with a share of the residual receipts generated by Foothill Family Apartments; and

WHEREAS, Foothill Family Apartments includes 21 Public Housing units and 11 units with Project-Based Section 8 vouchers; and

WHEREAS, given the Authority’s interest in Foothill Family Apartments, it would be beneficial for the Authority to purchase the Properties; and

WHEREAS, the Authority anticipates leasing the properties back to their current users for a term mutually agreeable to the parties; and

WHEREAS, the Authority’s ownership of the Properties would give it control to determine future tenants or other uses of the adjacent Properties; and

WHEREAS, ownership of the Wings of Love Properties gives the Authority the ability to prevent uses of the properties that may be incompatible with the ongoing operation of Foothill Family Apartments; and

WHEREAS, the proposed acquisition of the Properties will be conditioned upon satisfactory due diligence investigations including a Phase I Environmental Site Assessment, title review, survey, and, building inspections; and

WHEREAS, the Authority commissioned an appraisal of the Properties from a certified real estate appraiser in August of 2022; and

WHEREAS, the appraisal's opinion was that the market value of 7007 MacArthur Boulevard is \$1,050,000 and the value of 6948 Foothill Boulevard is \$1,275,000, with a combined appraised value of the two Wings of Love Properties of \$2,325,000; and

WHEREAS, the Authority and the Seller have negotiated a tentative agreement on terms for the purchase of the properties, and the Authority and Seller have executed a non-binding Letter of Intent to memorialize these terms; and

WHEREAS, upon acquisition of the Property the Authority intends that the Property be maintained for its current use consistent with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, and any further development of the Property would be conditioned upon prior completion of any CEQA environmental review that is required under the circumstances of such development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA:

THAT, that the foregoing recitals are true and correct and are incorporated herein by reference, and, together with information provided by the Housing Authority staff, form the basis for the approvals and determinations set forth below; and

THAT, the purchase of the Property is categorically exempt under CEQA Guidelines Section 15301 as consisting of the operation of an existing structure involving no expansion of use, and any further development of the Property will be conditioned upon prior completion of any CEQA environmental review that is required under the circumstances of such development; and

THAT, the Board of Commissioners authorizes the Executive Director to negotiate and execute a Purchase and Sale Agreement for the purchase of the fee simple interest in 7007 MacArthur Boulevard, Oakland, CA, also known as Assessor's Parcel No. 39-3291-4, and 6948 Foothill Boulevard, Oakland, CA, also known as Assessor's Parcel No. 39-3291-18, as described in the legal description attached hereto as Exhibit A and incorporated herein by this reference ("Properties") for a combined purchase price not to exceed \$2,325,000; and

THAT, the Board of Commissioners authorizes the expenditure of an amount not to exceed \$200,000 for due diligence and closing costs related to the acquisition of the Properties; and

THAT, the Board of Commissioners authorizes an allocation of up to \$2,525,000 of nonfederal funds reserves to pay the Property's purchase price in the amount of \$2,325,000 and due diligence and closing costs in the amount of \$200,000; and

THAT, the Board of Commissioners authorizes the Executive Director to enter into a Lease Agreement with the Seller to lease back the 7007 MacArthur Boulevard property for a period of up to twelve months for a rent of \$2,400 per month; and

THAT, the Board of Commissioners authorizes the Executive Director to assume the current Lease Agreement between the Seller and OCCUR for the 6948 Foothill Boulevard property or to execute a new lease with OCCUR incorporating the major provisions of the current Lease Agreement; and

THAT, the Executive Director is authorized to negotiate and execute additional documents, including but not limited to, a certificate of acceptance, with the advice of legal counsel, and to take all actions necessary and appropriate to implement the foregoing resolution and complete the purchase of the Property in accordance with the terms established herein.

I certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Commissioners of the Housing Authority of the City of Oakland, California on November 21, 2022.

Secretary

ADOPTED:

RESOLUTION NO.

EXHIBIT A

LEGAL DESCRIPTION

7007 MacArthur Boulevard

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Lots 16, 17, 18 and 19, Block 25, Electric Loop Tract, filed April 15, 1914, in Book 28 of Maps, Page 65, Alameda County Records.

APN: 039-3291-004

6948 Foothill Boulevard

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Lots 37, 38, 39 and 40, Block 25, Electric Loop Tract, filed April 15, 1914, in Book 28 of Maps, Page 65, Alameda County Records.


APN: 039-3291-018

CONSENT AGENDA ITEMS

ITEM: VIII.C.

**Executive Office
Oakland Housing Authority MEMORANDUM**

To: Board of Commissioners

From: Patricia Wells, Executive Director 

Subject: Resolution Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

Date: November 21, 2022

Purpose: This action will authorize continued remote teleconference meetings of the Board of Commissioners pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

Funding: No funding is required.

Background:

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) for legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings via teleconferencing expired on September 30, 2021. On October 25, 2021 through Resolution Number 4997 and in compliance with Assembly Bill 361 (Chapter 165, Statutes of 2021) (AB 361), the Board of Commissioners ratified the proclamation of a state of emergency and made findings, which authorized continued remote teleconference meetings.

On November 24, 2021, The Board of Commissioners adopted Resolution Number 5009 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On December 6, 2021, The Board of Commissioners adopted Resolution Number 5020, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On December 27, 2021, The Board of Commissioners adopted Resolution Number 5022, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

Assembly Bill Number 361

Page 2 of 3

On January 24, 2022, The Board of Commissioners adopted Resolution Number 5033, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On February 28, 2022, The Board of Commissioners adopted Resolution Number 5034, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On March 21, 2022, The Board of Commissioners adopted Resolution Number 5051, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On April 25, 2022, The Board of Commissioners adopted Resolution Number 5056, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On May 23, 2022, The Board of Commissioners adopted Resolution Number 5079, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On June 27, 2022, The Board of Commissioners adopted Resolution Number 5090, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On July 25, 2022, The Board of Commissioners adopted Resolution Number 5095, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On August 22, 2022, The Board of Commissioners adopted Resolution Number 5099, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On September 26, 2022, The Board of Commissioners adopted Resolution Number 5107, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On October 24, 2022, The Board of Commissioners adopted Resolution Number 5114, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021 expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on state or local officials imposing or

Assembly Bill Number 361

Page 3 of 3

recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 will sunset on January 1, 2024.

In light of AB 361, the continuing COVID-19 State of Emergency declared by the Governor, the continuing Local Emergency declared by the City of Oakland, the continuing recommendations by the County of Alameda Health Officer of social distancing as a mechanism for preventing the spread of COVID-19, and the continued threats to health and safety posed by indoor public meetings, staff recommends the Board of Commissioners adopt the proposed Resolution making the findings required to initially invoke AB 361.

The procedures currently set up for Board of Commissioners' meetings, which provide public attendance and comment through a call-in or internet-based service option, satisfy the requirements of AB 361. The Executive Director, or designee, will work with the Board to ensure that meeting procedures for all teleconferenced meetings comply with AB 361. Continued reliance will require the Board of Commissioners to adopt a new resolution making required findings every 30 days.

Recommendation:

It is recommended that the Board of Commissioners adopt a resolution making findings authorizing continued remote teleconference meetings of the Board of Commissioners pursuant to Brown Act provisions, as amended by Assembly Bill Number 361.

Attachments: Resolution

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner:

Seconded by Commissioner:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**RESOLUTION MAKING FINDINGS AUTHORIZING CONTINUED REMOTE
TELECONFERENCE MEETINGS OF THE BOARD OF COMMISSIONERS
PURSUANT TO BROWN ACT PROVISIONS, AS AMENDED BY ASSEMBLY BILL
NO. 361**

WHEREAS, the Housing Authority of the City of Oakland ("Housing Authority") is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the Housing Authority's Board of Commissioners are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Housing Authority's Board of Commissioners conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist within the jurisdiction of the Housing Authority, specifically, on March 17, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19, and such declaration has not been lifted or rescinded; and

WHEREAS, as a result of the COVID-19 pandemic the California Department of Health and the Health Officer of the County of Alameda continue to recommend measures to promote social distancing. Additionally, On March 9, 2020, in response to the COVID-19 pandemic, the City Council of the City of Oakland declared a local emergency as set forth in Resolution No. 898075 C.M.S., which remains in full force and effect to date; and

WHEREAS, the Board of Commissioners does hereby find that the COVID-19 pandemic has caused, and will continue to cause, imminent risk to the health and safety of attendees meeting in person for a Board of Commissioners' meeting, and the COVID-19 pandemic has caused conditions of peril to the safety of persons within the jurisdiction of the Housing Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Housing Authority, and desires to ratify the proclamation of a state of emergency by the Governor of the State of California and ratify the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing; and

WHEREAS, Resolution 4997 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on November 24, 2021, Resolution 5009 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on December 06, 2021, Resolution 5020 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on December 27, 2021, Resolution 5022 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on January 24, 2022, Resolution 5033 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on February 28, 2022, Resolution 5034 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on March 21, 2022, Resolution 5051 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on April 25, 2022, Resolution 5056 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on May 23, 2022, Resolution 5079 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on June 27, 2022, Resolution 5090 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on July 25, 2022, Resolution 5095 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on August 22, 2022, Resolution 5099 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on September 26, 2022, Resolution 5107 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on October 24, 2022, Resolution 5114 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, as a consequence of the local emergency and state of emergency the Board of Commissioners shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board of Commissioners shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA:

THAT, Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference; and

THAT, Section 2. Reconsideration. The Board hereby reconsiders the circumstances of the state of emergency; and

THAT, Section 3. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing. The Board hereby finds that state and local officials continue to recommend measures to promote social distancing. The Board further hereby ratifies the California Department of Health and the Health Officer of the County of Alameda's recommended measures to

promote social distancing and finds that, as a result of the state of emergency, meeting in person would present imminent risk to the health or safety of attendees; and

THAT, Section 4. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, which declaration has not been lifted or rescinded, and hereby finds that the state of emergency continues to directly impact the ability of the Board of Commissioners and members of the public to meet safely in person; and

THAT, Section 5. Remote Teleconference Meetings. The Housing Authority's Executive Director, and designee, and the Board of Commissioners are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continued teleconferencing and conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and

THAT, Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution, or, (ii) such time as the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Commissioners of the Housing Authority may continue to teleconference without compliance with Government Code section 54953(b)(3).

I hereby certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Commissioners of the Housing Authority of the City of Oakland, California on November 21, 2022.

Secretary

ADOPTED: November 21, 2022

RESOLUTION NO.