

RAMP Housing, Inc.

A California NonProfit Public Benefit Corporation

NOTICE OF BOARD MEETING

Board of Directors

Director Anne Griffith
Director Mark Tortorich
Director Patricia Wells

In accordance with Article IV, Section 4.11, of the Bylaws of the Oakland Affordable Housing Preservation Initiatives, Inc., NOTICE IS HEREBY GIVEN that the **Regular Meeting of the Board of Directors** will be held as follows:

RAMP BOARD OF DIRECTORS REGULAR MEETING

**Tuesday, March 29, 2022, 6:00 p.m. or
Immediately at the conclusion of the OAHPI meeting**

Tele-Conference

NOTE: Pursuant to Assembly Bill No.361 [(Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021]] a local legislative body is authorized to hold public meetings remotely via teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during proclaimed state emergencies, and make public meetings accessible "via a call-in option or an internet-based service option" to all members of the public seeking to access and attend the meeting, offer public comment, and address the legislative body.

Join Zoom Meeting Online:

<https://oakha-org.zoom.us/j/99862723011?pwd=VThyZVRib3VaeTRDUnJSbHE5UkhyZz09>

ID (access code): 998 6272 3011

Meeting Passcode: 578215

To participate by Telephone: 1 (699) 900-9128

ID (access code): 998 6272 3011

Meeting Passcode: 578215#

If you need special assistance to participate in the meeting, please contact RAMP at (510) 874-1510 (English TTY 800-618-4781). Notification at least 48 hours prior to the meeting will enable RAMP Board of Directors to make reasonable accommodations 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.

RAMP Housing, Inc.

A California NonProfit Public Benefit Corporation

AGENDA

Regular Meeting

March 29, 2022, 6:00 p.m. or

Immediately after the OAHPI Meeting

- I. Roll Call
- II. Approval of Minutes
 - A. Approval of Minutes of the Regular Board Meeting of October 11, 2021
- III. Recognition of people wishing to address the Board of Directors
- IV. Old or Unfinished Business
- V. 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 or a need arose after agenda posting.
- VI. New Business
 - A. Discussion and possible adoption of resolution of the Board of Directors of the RAMP Housing, Inc. ratifying the proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and making findings authorizing continued remote teleconference meetings of the Board of Directors pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.
 - B. Consideration of a Resolution Authorizing a Write Off in the Amount of \$2,605.78 in Tenant Accounts Receivable, Subsidy Balances, and Other Charges Deemed Uncollectable at Oak Groves Senior Housing.
 - C. Consideration of a resolution authorizing the Executive Director to amend the architectural and engineering services contract with Okamoto-Saijo Architecture to increase the contract amount from \$1,260,105 to the amount up to, but not to exceed, \$1,292,155 for the Oak Groves senior housing rehabilitation project.

- D. Consideration of a resolution authorizing the Executive Director to amend the environmental consulting contract with Rincon Consultants, Inc. to increase the contract amount from \$1,093,619.50 to the amount up, to but not to exceed, \$1,350,589.50 for the Oak Groves senior housing rehabilitation project.

VII. Adjournment

RAMP HOUSING, INC.

DocuSigned by:

Duane Hopkins

EAE247F1E7F543A...

Duane Hopkins, Secretary

RAMP Housing, Inc.

A California NonProfit Public Benefit Corporation

DRAFT

MINUTES OF REGULAR MEETING BOARD OF DIRECTORS OF THE RAMP HOUSING, INC.

Monday, October 11, 2021

Regular Meeting

NOTE: *In accordance with Governor Newsom's issued Executive Order N-29-20, dated March 17, 2020, Suspending Brown Act Requirements for public meetings due to Coronavirus (COVID-19), a local legislative body is authorized to hold public meetings via teleconferencing and make public meetings accessible "telephonically or electronically" to all members of the public seeking to observe and to address the*

Yamilette Mendoza called the meeting to order at 6:25 p.m.

I. **Roll Call**

Present 3 - Director Griffith, Director Tortorich and Director Wells joined the meeting via teleconference.

II. **Approval of the Minutes for the Annual Meeting of June 21, 2021**

On approval of the minutes of the June 21, 2021 annual meeting moved by Director Wells, seconded by Director Tortorich. The motion carried by the following vote.

Ayes 3 – Griffith, Tortorich, Wells

III. **Recognition of people wishing to address the Board of Directors**

There were no persons wishing to address the Directors.

IV. **Old or Unfinished Business**

There was no old or unfinished business to address.

V. **Modifications to the Agenda**

There were no modifications to the Agenda.

VI. New Business

- A. Consideration of a resolution to approve the FY 2022 Annual Operating Budget for Oak Grove Senior Housing, L.P.

Anna Kaydanovskaya, Director of Asset Management, presented the FY 2022 Annual Operating Budget for Oak Grove Senior Housing, L.P. and a resolution for consideration to approve the FY 2022 Annual Operating Budget. It was noted that the budget was prepared by the John Stewart Company, which manages the property under contract, and reviewed by the Oakland Housing Authority Asset Management Department staff.

On approval of Item VI.A. moved by Director Tortorich, seconded by Director Griffith. The motion carried by the following vote.

Ayes 3 – Griffith, Tortorich, Wells

- B. Consideration of a resolution authorizing the Executive Director to execute an amendment to the unarmed security guard contract with A1 Protective Services, Inc. for the Oak Grove North and South Project to increase the contract amount from \$250,000 to a maximum contract fee of \$337,230.46.

Duane Hopkins presented this action item for consideration by the board. It was noted that the requested increase is to cover projected costs through December 2021 for additional security needed because of vandalism and theft issues at the property.

On approval of Item VI.B. moved by Director Wells, seconded by Director Griffith. The motion carried by the following vote.

Ayes 3 – Griffith, Tortorich, Wells

VII. Adjournment


There being no further business to come before the Board, the meeting was moved to adjourn by Director Wells and seconded by Director Griffith. The meeting adjourned at 6:34 p.m.

RAMP HOUSING, INC.

Duane Hopkins, Secretary

ITEM: VI.A.**RAMP Housing, Inc.
MEMORANDUM**

To: Board of Directors

From: Patricia Wells, Executive Director 

Subject: Discussion and Possible Adoption of Resolution of the Board of Directors of the RAMP Housing, Inc. Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361

Date: March 29, 2022

Purpose: This action will authorize continued remote teleconference meetings of the Board of Directors 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) that allowed 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.

Discussion:

Assembly Bill 361(Chapter 165, Statutes of 2021) (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 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.

AB 361 requires the following to continue to conduct teleconferenced meetings:

RAMP Assembly Bill Number 361

Page 2 of 3

1. Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting and provide public comment remotely.
2. The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to “address the legislative body directly.” RAMP Housing, Inc. does not have to provide an in-person option for the public to attend the meeting.
3. The meeting must be conducted “in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.”
4. If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved, even if this means stopping the meeting at that point and continuing all remaining items.
5. The Board of Directors cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.
6. Reasonable time for public comment must be provided. If the Board provides a timed public comment period, the public comment period must be left open until the time expires.
7. All votes must be taken by roll call.
8. The Board of Directors must approve a resolution making findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter to continue to conduct teleconference meetings under AB 361. The body must find it has reconsidered the circumstances of the state of emergency and either 1) the emergency continues to impact the ability to meet safely in person, or 2) State or local officials continue to impose or recommend social distancing.

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 Directors adopt the proposed Resolution making the findings required to initially invoke AB 361.

The procedures currently set up for Board of Directors' 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 Directors to adopt a new resolution making required findings every 30 days.

RAMP Assembly Bill Number 361

Page 3 of 3

Recommended Action

It is recommended that the Board of Directors adopt a resolution ratifying the proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and making findings authorizing continued remote teleconference meetings of the Board of Directors pursuant to Brown Act provisions, as amended by Assembly Bill Number 361

Attachment: Assembly Bill 361
 Resolution



California LEGISLATIVE INFORMATION

[Home](#) [Bill Information](#) [California Law](#) [Publications](#) [Other Resources](#) [My Subscriptions](#) [My Favorites](#)

AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

SHARE THIS:



Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) 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 contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. 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. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency

holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) 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.

(7) 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.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state

body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code 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. 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 subdivisions (d) and (e). 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) (1) 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) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

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

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency 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 which prevents members of the public from offering public comments using the call-in option or internet-based service option, the 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 which prevents the public agency 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(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.

(G) (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) For the purposes of this subdivision, "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).

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

SEC. 3.1. Section 54953 of the Government Code 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 in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(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. 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 subdivisions (d) and (e). 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) (1) 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) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

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

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency 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 which prevents members of the public from offering public comments using the call-in option or internet-based service option, the 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 which prevents the public agency 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(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.

(G) (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) For the purposes of this subdivision, "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).

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

SEC. 4. 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, 2024.

SEC. 4.1. 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, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(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, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add 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 during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit 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:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) 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 hotel 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. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

**THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.**

On Motion of Director:

Seconded by Director:

And approved by the following vote:

AYES:

NAYS

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER:

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAMP HOUSING, INC
RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE
GOVERNOR OF THE STATE OF CALIFORNIA ON MARCH 4, 2021, AND MAKING
FINDINGS AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS
OF THE BOARD OF DIRECTORS PURSUANT TO BROWN ACT PROVISIONS, AS
AMENDED BY ASSEMBLY BILL NO. 361**

WHEREAS, the RAMP Housing, Inc. ("RAMP") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the RAMP Housing, Inc.'s Board of Directors 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 RAMP Housing, Inc.'s Board of Directors 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 RAMP Housing, Inc., 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 Directors 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 Directors' meeting, and the COVID-19 pandemic has caused conditions of peril to the safety of persons within the jurisdiction of the RAMP Housing, Inc. that are likely to be beyond the control of services, personnel, equipment, and facilities of the RAMP Housing, Inc., 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, as a consequence of the local emergency and state of emergency the Board of Directors 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 Directors 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 DIRECTORS OF RAMP HOUSING, INC.:**

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 Directors and members of the public to meet safely in person; and

THAT, Section 5. Remote Teleconference Meetings. The RAMP Housing, Inc.'s Executive Director, and designee, and the Board of Directors 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 Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of RAMP Housing, Inc. 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 Board of Directors of RAMP Housing, Inc. on March 29, 2022.

Duane Hopkins, Secretary

ADOPTED:


RESOLUTION NO.

Write-Off Request
Page 1 of 1

ITEM: IV.B.

RAMP Housing, Inc.
MEMORANDUM

To: Board of Directors

From: Patricia Wells, Executive Director 

Subject: Consideration of a Resolution Authorizing a Write-Off in the Amount of \$2,605.78 in Tenant Accounts Receivable, Subsidy Balances, and Other Charges Deemed Uncollectable at Oak Groves Senior Housing.

Date: March 29, 2022

Purpose: This memorandum forwards for the Board's consideration a resolution authorizing the write-off of \$2,605.78 in tenant accounts receivable, subsidy balances, and other charges deemed uncollectable for former tenants of Oak Groves Senior Housing.

Funding: No expenditure is required. The write off of \$2,605.78 states that this past due account should not be counted as an asset or potential income by the Oak Groves Senior Housing.

Background

Annually, the property management staff at Oak Groves Senior Housing review tenant files for account receivables, subsidy balances, and other charges eligible for a write-off. During the most recent review a balance of \$2,605.78 consisting of former tenants' uncollected rents and other charges incurred as part of the vacate process, has been deemed uncollectable. A summary of these accounts is included in the attached report.

Best practices of Generally Accepted Accounting Principles (GAAP) recommend that a write-off of Tenant Account Receivables should occur on an annual basis. The proposed action will bring write-offs current through January 31, 2022.

Proposed Action

Staff recommends that the Board of Directors adopt the attached resolution to write-off \$2,605.78 of tenant accounts receivable, subsidy balances, and other charges deemed uncollectable.

Attachments: Oak Groves Senior Housing Write-Off Balances
Resolution

| Apt Nbr | Description of Balance | Monthly Rent | Monthly Subsidy | Rent Balance | Subsidy Balance | Other Balance | Total Balance | Reason for Vacate/Balance |
|----------|------------------------|--------------|-----------------|--------------|-----------------|---------------|---------------|---------------------------|
| 172A-216 | Subsidy | \$220.00 | \$1,659.00 | \$0.00 | \$1,124.00 | \$0.00 | \$1,124.00 | Deceased |
| 172A-409 | Utility - Electricity | \$240.00 | \$0.00 | \$0.00 | \$0.00 | \$39.78 | \$39.78 | Deceased |
| 172A-412 | Rent - Tenant | \$366.00 | \$0.00 | \$388.00 | \$0.00 | \$266.00 | \$614.00 | Deceased |
| 172A-513 | Garbage | \$95.00 | \$0.00 | \$0.00 | \$0.00 | \$70.00 | \$70.00 | Deceased |
| 171A-211 | Rent - Tenant | \$216.00 | \$0.00 | \$756.00 | \$0.00 | \$756.00 | \$756.00 | Deceased |
| 171A-308 | Rent - Tenant | \$58.00 | \$0.00 | \$2.00 | \$0.00 | \$0.00 | \$2.00 | Deceased |
| | | | | | Total Balance | | \$2,605.78 | |

**THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.**

On Motion of Director:

Seconded by Director:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**RESOLUTION AUTHORIZING A WRITE-OFF IN THE AMOUNT OF \$2,605.78 IN
TENANT ACCOUNTS RECEIVABLES, SUBSIDY BALANCES, AND OTHER
CHARGES DEEMED UNCOLLECTABLE AT OAK GROVES SENIOR HOUSING**

WHEREAS, annually, the property management staff at Oak Groves Senior Housing reviews tenant files for account receivables, subsidy balances, and other charges eligible for a write off; and

WHEREAS, during the most recent review a balance of \$2,605.78 consisting of former tenants' uncollected rents and other charges incurred as part of the vacate process, has been deemed uncollectable; and

WHEREAS, best practices of Generally Accepted Accounting Principles (GAAP) recommend that a write-off of Tenant Account Receivables should occur on an annual basis; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.:**

THAT, the Board of Directors authorizes the write off of \$2,605.78 of tenant account receivables, subsidy balances, and other charges deemed uncollectable at Oak Grove Senior Housing; and

THAT, the Secretary on behalf of RAMP Housing, Inc., is hereby authorized to take all actions necessary to implement the foregoing resolution.

*I certify that the foregoing resolution is a full, true and
correct copy of a resolution passed by the
Board of Directors of RAMP Housing, Inc. on March 29, 2022.*

Duane Hopkins, Secretary

ADOPTED:

RESOLUTION NO.

OSA Budget Increase

Page 1 of 3

ITEM: VI.C.

RAMP Housing, Inc.
MEMORANDUM

To: Board of Directors

From: Patricia Wells, Executive Director 

Subject: Consideration of a resolution authorizing the Executive Director to amend the architectural and engineering services contract with Okamoto-Saijo Architecture to increase the contract amount by \$32,050 thereby increasing the total contract from \$1,260,105 up to, but not to exceed, \$1,292,155 for the Oak Groves Senior Housing rehabilitation project.

Date: March 29, 2022

Purpose: This action will increase the Okamoto-Saijo Architecture contract by \$32,050 thereby increasing the total contract from \$1,260,105 up to, but not to exceed, \$1,292,155.

Funding: The source of funding to cover the increased fee of \$32,050 is the U.S. Bank construction loan. The project is over 99% complete and there is approximately \$500,000 in project contingency available.

Background

On July 25, 2016, the Oakland Housing Authority (OHA) Board of Commissioners approved Resolution 4696 authorizing the execution of an architecture & engineering (A&E) services agreement with Okamoto-Saijo Architecture (OSA) for an amount not to exceed \$891,700 to provide A&E services to substantially rehabilitate Oak Grove North and South.

On April 9, 2018, the OHA Board of Commissioners approved Resolution 4801 authorizing the Executive Director to amend the A&E agreement with OSA to increase the contract amount from \$891,700 to \$920,300 to add value engineering work to the scope and also authorizing the Executive Director to further modify the agreement scope and/or increase the contract amount by up to 20%, for a maximum amount of \$1,104,360, if needed.

On March 18, 2019, the Executive Director approved a subsequent amendment to OSA's agreement to increase the scope and budget to revise the site work plan to encapsulate lead contaminated soil. This increased the budget to \$1,024,105 and covered additional anticipated pre-construction work through mid-May 2019.

On December 20, 2019, as a part of the construction closing, the A&E Agreement between OHA and OSA was assigned to Oak Grove Senior Housing, L.P.

OSA Budget Increase

Page 2 of 3

On February 9, 2021, the RAMP Board approved Resolution 21-001 authorizing the Executive Director to amend OSA's agreement to increase the contract amount from \$1,024,105 to \$1,241,105. The amendment was needed due to the extended preconstruction period, which was caused by delays associated with characterizing environmental site conditions and obtaining approval for Corrective Action Implementation Plans from Alameda County Department of Environmental Health, COVID-related inefficiencies, and unforeseen building conditions discovered at Oak Grove North during construction.

On June 21, 2021, the RAMP Board approved Resolution 21-004 authorizing the Executive Director to amend the contract amount from \$1,241,105 to a maximum contract fee of \$1,260,105. The amendment was needed as a result of the discovery of extensive dry rot and termite and beetle infestation. Therefore, the architect and structural engineer needed to: review existing plywood sheathing conditions; review and design for damaged structural beams; review and coordinate repairs for damaged wall framing members; review the pest control company report and develop further investigation and repair scope for items listed in the report; and review and design for reconstruction at impacted locations;

The original A&E contract was negotiated for construction administration services for a 24-month construction period encompassing both Oak Grove North and South properties beginning in December 2019. However, due to delays caused by unforeseen issues such as the COVID pandemic, the recent winter rain storm that caused extensive water damage to the building, the additional environmental testing required by Alameda County Department of Environmental Health, supply chain disruptions, etc., construction will continue into March 2022. Therefore, OSA is being asked to provide construction administrative services in January, February and March of 2022.

Those services include but are not limited to the following:

- Participating in weekly OAC meetings;
- Participating in weekly Client conference call meetings, including responding to change order request questions by the construction manager consultant;
- Reviewing and signing contractor pay requests;
- Conducting weekly site visits to review construction progress and issue Field Memos, when appropriate;
- Previous water testing;
- Responding to contractor Requests for Information and additional submittals;
- Reviewing completed work and issuing punch lists, including coordinating review of MEP and site work with project consultants - EdesignC, Inc. and Merrill Morris Partners, respectively;
- Issuing Notices of Substantial Completion; and
- Reviewing Project Closeout documents by contractor for Oak Grove South.

Estimated costs for these additional services by month are:

| | |
|---------------|----------|
| January 2022 | \$10,800 |
| February 2022 | \$9,200 |

OSA Budget Increase

Page 3 of 3

| | |
|--------------------------------------|-----------------|
| March 2022 | \$6,000 |
| Water testing | \$6,050 |
| Total Allowance not to Exceed | \$32,050 |

Recommended Action

Staff recommends that the Board of Directors adopt the attached resolution authorizing the Executive Director to amend the agreement for architectural and engineering services with Okamoto-Saijo Architecture for the rehabilitation of the Oak Grove senior housing project to increase the contract by \$32,050 thereby increasing total contract from \$1,260,105 up to, but not to exceed, \$1,292,155.

Attachment: OHA Resolution 4869 & 4801
 RAMP Resolution 21-001 & 21-004
 Resolution

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

On Motion of Commissioner: Anne Griffith

Seconded by Commissioner: Lynette Jung-Lee

and approved by the following vote:

AYES: Commissioners Griffith, Jung-Lee, Hartwig, Montgomery, Castillo, Griggs-Murphy

NAYS: 0

ABSTAIN: 0

ABSENT: 0

EXCUSED: Marlene Hurd

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER: 4869

**APPROVING THE SUBSTITUTION OF RAMP HOUSING INC. FOR OAKLAND
AFFORDABLE HOUSING PRESERVATION INITIATIVES AS THE SOLE MEMBER
OF RHI OAK GROVES GP LLC AND THAT THE BOARD OF COMMISSIONERS
APPROVE AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE LAND
USE COVENANTS WITH THE ALAMEDA COUNTY DEPARTMENT OF
ENVIRONMENTAL HEALTH FOR OAK GROVE NORTH AND
OAK GROVE SOUTH**

WHEREAS, on September 24, 2018, the Oakland Housing Authority ("Authority") Board of Commissioners passed Resolution No. 4838 authorizing the formation of a new nonprofit development corporation, RAMP Housing Inc. ("RAMP"), to participate in development activities; and

WHEREAS, on September 24, 2018, the Authority Board of Commissioners passed Resolution No. 4837 authorizing the formation of the Partnership and agreeing to serve as the initial limited partner through OHA Development LLC; and

WHEREAS, on February 11, 2019, the Authority passed Resolution No. 4848 authorizing the ground lease and financing with the Partnership for the development of the project.

WHEREAS, OAHPI is currently the sole initial member of RHI Oak Groves GP LLC, a California limited liability company, the general partner (the "General Partner") of Oak Groves Senior Housing, LP (the "Partnership"); and

WHEREAS, it was the intent to replace OAHPI as the sole member of the General Partner with RAMP at the permanent closing for Oak Groves after receipt of RAMP's 501(c)(3) tax exempt status which was not expected to be approved in time for the construction closing ; and

WHEREAS, RAMP's 501(c)(3) status has subsequently been approved in time for the construction closing; and

WHEREAS, RAMP can now be substituted for OAHPI as the sole member of the General Partner at the construction closing; and

WHEREAS, RAMP will also replace OAHPI as the developer and guarantor in the project; and

WHEREAS, as part of the rehabilitation work, environmental investigations at the Oak Groves sites were undertaken resulting in the discovery of contaminants and vapor in the soils around and under the buildings; and

WHEREAS; the regulatory thresholds for acceptable levels of the contaminants became significantly more stringent as of January 2019; and

WHEREAS, the project must now conform to the new regulatory standards; and

WHEREAS, Alameda County Department of Environmental Health ("County") is requiring that certain environmental mitigation measures be undertaken to help ensure the health and safety of the public and property; and

WHEREAS, the County is also requiring the development of a Site Management Plan to ensure compliance with requirements for the long-term management of the site based on the environmental conditions; and

WHEREAS, certain restrictions related to these environmental conditions will be developed in a Land Use Covenant (LUC) outlining all ongoing mitigation requirements at the sites; and

WHEREAS, the LUC must be executed by the Authority as owner of the land and will bind the Authority and the Partnership to the conditions set forth therein; and

WHEREAS, the LUC must be recorded on the land and will impose certain restrictions on the future development, use, and conveyance of the properties; and

WHEREAS, the LUC will be recorded on or before the closing of the permanent financing.


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

THAT, the Board of Commissioners approves the substitution of RAMP Housing Inc. for Oakland Affordable Housing Preservation Initiatives as the sole member of RHI Oak Groves GP LLC, the General Partner of the Partnership; and

THAT, the Executive Director is hereby authorized to execute and record the Land Use Covenant in the form required by the Alameda County Department of Environmental Health; and

THAT, the Executive Director, on behalf of the Oakland Housing Authority, is hereby authorized to take all actions necessary to implement the foregoing resolution.

*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 May 13, 2019.*



Eric Johnson, Secretary / Executive Director

ADOPTED: May 13, 2019

RESOLUTION NO. 4869

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

On Motion of Commissioner: Anne Griffith

Seconded by Commissioner: Barbara Montgomery

and approved by the following vote:

AYES: Commissioners Griffith, Montgomery, Hartwig, Castillo, Jung-Lee

NAYS:

ABSTAIN:

ABSENT:

EXCUSED: Commissioners Hurd and Griggs-Murphy

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER: 4801

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND
THE ARCHITECTURE & ENGINEERING SERVICES CONTRACT WITH
OKAMOTO SAIJO ARCHITECTS (OSA) FOR THE REHABILITATION OF
OAK GROVE NORTH AND OAK GROVE SOUTH TO INCREASE THE
CONTRACT AMOUNT BY \$28,600, FROM \$891,700 TO \$920,300, AND
AUTHORIZING THE EXECUTIVE DIRECTOR TO FURTHER MODIFY THE
CONTRACT SCOPE AND/OR INCREASE THE CONTRACT AMOUNT BY
UP TO 20%, FOR A MAXIMUM OF AMOUNT OF \$1,104,360, IF NEEDED**

WHEREAS, on July 25, 2016 (Resolution #4696), the Board authorized the Executive Director to execute a contract with Okamoto Saijo Architects (OSA contract) in an amount up to \$891,700 to provide as needed architecture and engineering (A&E) services to substantially rehabilitate Oak Grove North and Oak Grove South; and

WHEREAS, the OSA contract was executed in July 2016; and

WHEREAS, the OSA contract identified a scope of work and schedule that reflected a rehabilitation project funded entirely with OHA MTW funds; and

WHEREAS, after the schematic design phase was completed, the general contractor, BBI Construction, Inc., consulted with its subcontractors and developed an initial cost estimate for the proposed rehabilitation; and

WHEREAS, due to an increased demand for construction materials and labor as a result of the construction boom in the Bay Area, the initial cost estimate for the rehabilitation was \$35,000,000, significantly higher than the project budget of \$18,000,000; and

WHEREAS, an extensive value engineering (VE) process not originally included in the OSA contract fee was conducted to modify and reduce the rehabilitation scope of work, leading to project delays; and

WHEREAS, the A&E fees for design-related services in the OSA contract have been depleted as a result of the VE process and the longer than anticipated project timeline; and

WHEREAS, during the VE process, the OHA submitted a Section 18 application to HUD for the disposition of three senior developments, including Oak Grove North and Oak Grove South; and

WHEREAS, if the disposition application is approved, Oak Grove tenants will receive Section 8 Vouchers, the public housing deed restrictions will be removed, and OHA will have increased flexibility to leverage MTW funding by applying for 4% tax exempt bonds and Low Income Housing Tax Credits (LIHTC); and

WHEREAS, if the disposition application is approved, there will be a need for additional A&E work associated with applying for LIHTC that is not included in the OSA contract; and

WHEREAS, to help better anticipate potential constructability issues, staff is planning to create a mockup unit to expose any unseen issues such as plumbing or electrical problems before major work begins; and

WHEREAS, the added A&E services due to the extended timeline, value engineering, use of LIHTC, and design and construction management of a mockup unit will cost \$28,600; and

WHEREAS, it is possible that future modifications and increases to the A&E contract may be necessary.


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

THAT, the Board of Commissioners authorizes the Executive Director to amend the architecture and engineering services contract with Okamoto Saijo Architects (OSA) for the rehabilitation of Oak Grove North and Oak Grove South to modify the scope and increase the contract amount by \$28,600, from \$891,700 to \$920,300, and authorizes

the Executive Director to further modify the OSA contract scope and/or increase the OSA contract amount in the future by up to 20% of the amended amount, up to a maximum of \$1,104,360, if needed, without additional approval from the Board; and

THAT, the Executive Director, on behalf of the Oakland Housing Authority, is hereby authorized to take all actions necessary to implement the foregoing resolution.

*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 April 9, 2018.*


Eric Johnson, Secretary / Executive Director

ADOPTED: April 9, 2018

RESOLUTION NO. 4801

**THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.**

On Motion of Director: Tortorich

Seconded by Director: Wells

And approved by the following vote:

AYES: Griffith, Tortorich, Wells

NAYS

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER: 21-001

**AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ARCHITECTURAL
AND ENGINEERING SERVICES CONTRACT WITH OKAMOTO-SAIJO
ARCHITECTURE TO INCREASE THE CONTRACT AMOUNT FROM \$1,024,105 TO
\$1,241,105 FOR THE OAK GROVES SENIOR HOUSING REHABILITATION
PROJECT**

WHEREAS, on July 25, 2016, the Oakland Housing Authority (OHA) Board of Commissioners approved Resolution 4696 authorizing the execution of an architecture & engineering (A&E) services agreement with Okamoto-Saijo Architecture (OSA) for an amount not to exceed \$891,700 to provide A&E services to substantially rehabilitate Oak Groves North and South; and

WHEREAS, on April 9, 2018, the OHA Board of Commissioners approved Resolution 4801 authorizing the Executive Director to amend the A&E Agreement with OSA to increase the contract amount from \$891,700 to \$920,300 to add value engineering work to the scope and also authorizing the Executive Director to further modify the Agreement scope and/or increase the amount by up to 20%, for a maximum amount of \$1,104,360, if needed; and

WHEREAS, on March 18, 2019, the Executive Director approved a subsequent amendment to OSA's Agreement to increase the scope and budget to revise the site work plan to encapsulate lead contaminated soil which increased the budget to \$1,024,105 and covered additional anticipated pre-construction work through mid-May 2019; and

WHEREAS, on December 20, 2019, at the construction closing, the OSA Agreement was assigned to Oak Grove Senior Housing, LP; and

WHEREAS, staff is requesting a further increase to the construction administration budget for the Oak Grove A&E Agreement to cover additional costs associated with increases in the A&E scope of work; and

WHEREAS, between May 2019 and December 2019, OSA performed pre-construction services during which time the architect completed multiple reviews of the contractor qualifications and exclusions, assisted with negotiations on building envelop systems, reviewed project submittals, incorporated corrective implementation plans for both Oak Grove North and South into the plans, and the amount billed for these A&E services was \$43,400; and

WHEREAS, construction on Oak Grove North began in January 2020 and shortly thereafter, as a result of COVID 19, construction activity paused in order to facilitate the relocation of all residents and to develop safety protocols; and

WHEREAS, the pandemic delayed the project and, as a result, the project team accelerated the schedule to meet project deadlines; and

WHEREAS, the acceleration had an impact on the quality of the submittals and requests for information (RFIs) creating additional work and urgency for the A&E team to complete their submittal reviews; and

WHEREAS, construction meetings that typically occur onsite were held by telephone creating communication inefficiencies and this, along with other COVID-related complications on Oak Grove North, added an estimated additional \$44,000 to the architect's scope of work; and

WHEREAS, unforeseen building conditions discovered during construction at Oak Grove North included the fact that the building had not been built per the plans and extensive dry rot was discovered in certain areas that required additional surveying and consideration by the architect and engineer; and

WHEREAS, the architect documented that 75 RFI's, out of approximately 200, and 17 ASI's, out of 44, have been attributed to the discovered conditions resulting in additional costs of approximately \$50,500; and

WHEREAS, the rehabilitation of Oak Grove South started at the end of January 2021 and will be complete by December 2021; and

WHEREAS, because the pandemic will likely persist throughout the construction period and Oak Grove South was designed and built by the same design and construction team as Oak Grove North, it is expected that similar complications resulting from unforeseen construction conditions and COVID-related complications will persist; and

WHEREAS, the architect will be conducting onsite surveys of every unit now that the building has been vacated, surveying and documenting substandard exterior conditions, and preparing ASI's for changes to the scope of work to try to mitigate potential problems going forward; and

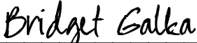
WHEREAS, the anticipated budget for additional construction administration work on Oak Grove South is \$55,000 through to completion of the project.

**NOW, THEREFORE, BE IT RESOLVED BY
THE BOARD OF DIRECTORS OF RAMP HOUSING, INC.**

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to amend the architectural and engineering services contract with Okamoto-Saijo Architecture to increase the contract amount from \$1,024,105 to \$1,241,105 for the Oak Groves senior housing rehabilitation project; and

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to take all actions necessary to implement the foregoing resolution and to execute all documents that she may deem necessary in order to make effect the purposes of this Resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of
RAMP Housing, Inc. on February 9, 2021.*

DocuSigned by:

5879982FBBB2430
Bridget Galka, Secretary

ADOPTED: February 9, 2021

RESOLUTION NO. 21-001

**THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.**

On Motion of Director: Griffith

Seconded by Director: Tortorich

And approved by the following vote:

AYES: Director Tortorich, Director Griffith, Director Wells

NAYS

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER: 21-004

**AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ARCHITECTURAL
AND ENGINEERING SERVICES CONTRACT WITH OKAMOTO-SAIJO
ARCHITECTURE TO INCREASE THE CONTRACT AMOUNT FROM \$1,241,105 TO
A MAXIMUM CONTRACT FEE OF \$1,260,105 FOR THE OAK GROVES SENIOR
HOUSING REHABILITATION PROJECT**

WHEREAS, on July 25, 2016, the Oakland Housing Authority (OHA) Board of Commissioners approved Resolution 4696 authorizing the execution of an architecture & engineering (A&E) services agreement with Okamoto-Saijo Architecture (OSA) for an amount not to exceed \$891,700 to provide A&E services to substantially rehabilitate Oak Groves North and South; and

WHEREAS, on April 9, 2018, the OHA Board of Commissioners approved Resolution 4801 authorizing the Executive Director to amend the A&E Agreement with OSA to increase the contract amount from \$891,700 to \$920,300 to add value engineering work to the scope and also authorizing the Executive Director to further modify the Agreement scope and/or increase the contract amount by up to 20%, for a maximum amount of \$1,104,360, if needed; and

WHEREAS, on March 18, 2019, the Executive Director approved a subsequent amendment to OSA's agreement to increase the scope and budget to revise the site work plan to encapsulate lead contaminated soil which increased the budget to \$1,024,105 and covered additional anticipated pre-construction work through mid-May 2019; and

WHEREAS, on December 20, 2019, at the construction closing, the OSA agreement was assigned to Oak Grove Senior Housing, L.P.; and

WHEREAS, on February 9, 2021, the RAMP Board of Directors approved Resolution 21-001 authorizing the Executive Director to amend OSA's agreement to increase the contract amount from \$1,024,105 to \$1,241,105 for: an extended preconstruction period caused by delays associated with characterizing environmental site conditions and obtaining approval for Corrective Action Implementation Plans from Alameda County Department of Environmental Health; COVID-related inefficiencies; and unforeseen building conditions discovered at Oak Grove North during construction; and

WHEREAS, during the architect's survey of the interior and exterior of Oak Grove South, extensive dry rot and termite and beetle infestation was discovered; and

WHEREAS, as a result of the discovery, the architect and structural engineer will need to: review existing plywood sheathing conditions; review and design for damaged structural beams; review and coordinate repairs for damaged wall framing members; review the pest control company report and develop further investigation and repair scope for items listed in the report; and review and design for reconstruction at impacted locations; and

WHEREAS, the additional work for the architect and structural engineer will be a budget allowance of \$19,000 charged on a Time & Materials (T&M) basis.

**NOW, THEREFORE, BE IT RESOLVED BY
THE BOARD OF DIRECTORS OF RAMP HOUSING, INC.**

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to amend the architectural and engineering services contract with Okamoto-Saijo Architecture to increase the contract amount from \$1,241,105 to a maximum contract fee of \$1,260,105 for the Oak Groves Senior Housing rehabilitation project; and

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to take all actions necessary to implement the foregoing resolution and to execute all documents that she may deem necessary in order to make effect the purposes of this Resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of
RAMP Housing, Inc. on June 21, 2021.*

DocuSigned by:

EAE247E1F7F543A
Duane Hopkins, Secretary

ADOPTED: June 21, 2021

RESOLUTION NO. 21-004

**THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.**

On Motion of Director:

Seconded by Director:

And approved by the following vote:

AYES:

NAYS

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ARCHITECTURAL
AND ENGINEERING SERVICES CONTRACT WITH OKAMOTO-SAIJO
ARCHITECTURE TO INCREASE THE CONTRACT BY \$32,050 THEREBY
INCREASING TOTAL CONTRACT FROM \$1,260,105 UP TO, BUT NOT TO EXCEED,
\$1,292,155 FOR THE OAK GROVES SENIOR HOUSING REHABILITATION
PROJECT**

WHEREAS, on July 25, 2016, the Oakland Housing Authority (OHA) Board of Commissioners approved Resolution 4696 authorizing the execution of an architecture & engineering (A&E) services agreement with Okamoto-Saijo Architecture (OSA) for an amount not to exceed \$891,700 to provide A&E services to substantially rehabilitate Oak Groves North and South; and

WHEREAS, on April 9, 2018, the OHA Board of Commissioners approved Resolution 4801 authorizing the Executive Director to amend the A&E Agreement with OSA to increase the contract amount from \$891,700 to \$920,300 to add value engineering work to the scope and also authorizing the Executive Director to further modify the Agreement scope and/or increase the contract amount by up to 20%, for a maximum amount of \$1,104,360, if needed; and

WHEREAS, on March 18, 2019, the Executive Director approved a subsequent amendment to OSA's agreement to increase the scope and budget to revise the site work plan to encapsulate lead contaminated soil which increased the budget to \$1,024,105 and covered additional anticipated pre-construction work through mid-May 2019; and

WHEREAS, on December 20, 2019, at the construction closing, the OSA agreement was assigned to Oak Grove Senior Housing, L.P.; and

WHEREAS, on February 9, 2021, the RAMP Board of Directors approved Resolution 21-001 authorizing the Executive Director to amend OSA's agreement to increase the contract amount from \$1,024,105 to \$1,241,105 for: an extended preconstruction period caused by delays associated with characterizing environmental site conditions and obtaining approval for corrective action implementation plans from Alameda County Department of Environmental Health; COVID-related inefficiencies; and unforeseen building conditions discovered at Oak Grove North during construction; and

WHEREAS, on June 21, 2021, the RAMP Board of Directors approved Resolution 21-004 authorizing the Executive Director to amend OSA's agreement to increase the contract amount from \$1,241,105 to \$1,260,105 to review existing plywood sheathing conditions; review and design for damaged structural beams; review and coordinate repairs for damaged wall framing members; review the pest control company report and develop further investigation and repair scope for items listed in the report; and review and design for reconstruction at impacted locations; and

WHEREAS, staff is requesting a further increase to the construction administration budget for the Oak Grove A&E agreement to cover construction administration for three months beyond the original twenty-four month construction period, due to delays caused by unforeseen issues such as the COVID pandemic, the recent winter rain storm that caused extensive water damage to the building, the additional testing required by Alameda County Department of Environmental Health, supply chain disruptions, etc.; and

WHEREAS, the additional work will include: participating in weekly OAC meetings, attending weekly Client conference call meetings, reviewing and signing contractor pay requests, conducting weekly site visits to review construction progress and issuing Field Memos, previous water testing, responding to contractor Requests for Information and additional submittals, reviewing completed work and issuing punch lists, including coordinating review of MEP and site work with project consultants, EdesignC, Inc. and Merrill Morris Partners, issuing Notices of Substantial Completion, and reviewing Project Closeout documents by contractor for Oak Grove South; and

WHEREAS, the additional work for the architect and structural engineer will be a budget allowance of \$32,050 charged on a Time & Materials (T&M) basis.

**NOW, THEREFORE, BE IT RESOLVED BY
THE BOARD OF DIRECTORS OF RAMP HOUSING, INC.**

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to amend the architectural and engineering services contract with Okamoto-Saijo Architecture to increase the contract by \$32,050 thereby increasing the total contract from \$1,260,105

up to, but not to exceed, \$1,292,155 for the Oak Groves Senior Housing rehabilitation project; and

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to take all actions necessary to implement the foregoing resolution and to execute all documents deemed necessary in order to make effect the purposes of this Resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of
RAMP Housing, Inc. on March 29, 2022*

Duane Hopkins, Secretary

ADOPTED:

RESOLUTION NO.

Rincon Budget Increase
Page 1 of 4

ITEM: VI.D

RAMP Housing, Inc.
MEMORANDUM

To: Board of Directors

From: Patricia Wells, Executive Director

^{DS}
PW

Subject: Consideration of a resolution authorizing the Executive Director to execute an amendment to the environmental consulting contract with Rincon Consultants Inc. for the Oak Grove North and South Project to increase the contract amount by \$256,970 from \$1,093,619.50 up to, but not to exceed, \$1,350,589.50.

Date: March 29, 2022

Purpose: This action will establish a contract fee up to, but not to exceed, \$1,350,589.50 for the environmental consulting contract with Rincon Consultants Inc. for the Oak Grove North and South Project.

Funding: If approved, the Executive Director will be authorized to amend the contract with Rincon by increasing it \$256,970 up to, but not to exceed, \$1,350,589.50. The project is over 99% complete and there is over \$500,000 in project contingency available to cover the increase.

Background:

The Authority facilitated a competitive procurement for environmental consulting services in 2016. Rincon submitted a proposal and is on the Authority's list of qualified environmental consultants.

In September 2018, the Authority contracted with Rincon to complete an Environmental Phase I report for Oak Grove North and South (OGN and OGS). The Phase I indicated that both sites had been gas stations prior to their construction in 1982. In order to evaluate potential impacts that may be associated with the gas stations a Phase II Environmental Site Assessment (Phase II) was required.

OAHPI's amended and restated procurement policy states that OAHPI may negotiate a contract with a vendor who is competitively selected through an Authority procurement process without having to undergo a duplicate competitive selection process and that OAHPI board approval is required for procurement actions that result in a contract that exceeds \$100,000.

Rincon Budget Increase

Page 2 of 4

Board Authorization History

On April 11, 2019, the OAHPI Board of Directors passed Resolution 19-002 authorizing the Executive Director to amend the Oak Groves environmental services contract with Rincon Consultants Inc. (Rincon) to an amount in excess of \$100,000.

On May 31, 2019 the OAHPI Board passed Resolution 19-005 amending Resolution 19-002 to establish a maximum authorization not-to-exceed \$500,000 for environmental consulting services with Rincon for the Oak Groves Project.

On October 22, 2019, the OAHPI Board passed Resolution 19-009 authorizing the Executive Director to amend the contract with Rincon up to a maximum contract fee of \$1,000,000 without seeking further board approval.

On December 20, 2019, as a part of the construction closing, the environmental consulting agreement between OAHPI and Rincon was assigned and assumed by Oak Grove Senior Housing, L.P. (OGSH, LP). RAMP Housing, Inc., through RHI Oak Groves GP, LLC, is the Managing General Partner of OGSH, LP.

On June 21, 2021, the RAMP Board of Directors passed Resolution 21-003 to establish a maximum authorization not-to-exceed \$1,093,619.50 for environmental consulting services with Rincon for the Oak Groves Project.

Contract History

On December 20, 2018, OAHPI executed an agreement for \$37,276 with Rincon for the Phase II. The Phase II identified levels of hazardous materials and petroleum products that required referral to an environmental regulatory agency for review and consideration. The Phase I and II reports were provided to the Alameda County Department of Environmental Health (ACDEH). ACDEH determined that environmental conditions at the site justified regulatory oversight and further assessment to address gaps in data and determine corrective actions. ACDEH opened site clean-up cases for both OGN and OGS and OHA executed Voluntary Remedial Action Agreements (VRAA) with ACDEH in March 2019. In order to complete the data gap assessments, define and implement corrective action implementation plans required by ACDEH the agreement with Rincon has been amended twelve times and the total contract fee has increased to \$1,093,619.50, as follows:

First Amendment, January 14, 2019

\$ 1,337

Additional soil matrix analyses for soil off-haul waste characterization.

Second Amendment, February 26, 2019

\$24,481

Supplemental Phase II environmental assessment completed to confirm initial results.

Third Amendment, March 24, 2019

\$22,000

After confirmation of the initial results, the Project was referred to ACDEH. This amendment covered the cost to complete additional data gap assessment requested by ACDEH.

Rincon Budget Increase

Page 3 of 4

Fourth Amendment, April 24, 2019**\$45,147**

Preparation of Corrective Action Plans (CAPs) (both properties) for public review and comment, Soil and Groundwater Mitigation Plans (both sites), and completion of Indoor Air Surveys (sampling equipment and coordination)

Fifth Amendment, May 6, 2019**\$192,341**

Geophysical Survey to determine whether there are underground storage tanks in the area of the former gas stations (both properties), two Rounds of Sub-Slab Vapor Surveys, Data Gap Assessment (both properties), Preparation of Corrective Action Implementation Plans (CAIPs) including preparation of Vapor Mitigation System (both properties) and Vapor Extraction System (OGS only) design documents, Health & Safety Plan Update, Indoor Air Sampling (oversight and field costs), National Environmental Policy Act (NEPA) Re-evaluation Report

Sixth Amendment, May 9, 2019**\$13,100**

Update the Phase I ESA Report per lender requirements, Three Day Rush Sample Costs for Data Gap Assessment (soil and soil vapor samples)

Seventh Amendment, June 10, 2019**\$38,966**

Pre-field activities, Potholing for Preliminary Anomaly Assessment at OGN, UST Cleanout, Coordination with County staff, and preparation of findings report

Eighth Amendment, July 25, 2019**\$43,736**

Pre-field activities, Drilling and Groundwater Sampling, project management and reporting

Ninth Amendment, August 13, 2019**\$25,175**

Pre-field activities, Additional Drilling and Groundwater Sampling as required by ACDEH, project management and reporting

Tenth Amendment, September 11, 2019**\$53,716**

Indoor Air Work Plan preparation, Soil Gas Sampling, and Indoor Air Sampling (One Quarter - OGN/OGS)

Eleventh Amendment, January 22, 2020**\$398,250**

Install three groundwater monitoring wells (OGS), complete at least one year of groundwater monitoring – 4 quarters (OGS), installation and post-installation testing of a Soil Vapor Extraction System (OGS), construction inspection, testing and reporting for the Vapor Mitigation System and the application of a protective coating on the foundation slab (OGS), up to an additional 3 quarters of temporal sampling for Indoor Air and Sub-slab Vapors and preparation of construction completion reports for the CAIPs and Soil and Groundwater Mitigation Plans for review and approval of ACDEH.

The fees associated with the Eleventh Amendment were an estimate of the cost to complete the work identified in the CAIPs and transition both buildings from corrective action implementation to long-term monitoring.

Rincon Budget Increase
Page 4 of 4

Twelfth Amendment, June 29, 2021

\$198,072

Complete additional tasks that were not included in the existing scope of work but that are being required by ACDEH for both Oak Grove North and Oak Grove South, and includes the Bay Area Air Quality Management District permit fee for the SVE system.

Additional ACDEH Requirements - Amendment 13:

In December 2021, while seeking ACDEH clearance to re-occupy OGS, ACDEH required Rincon to complete tasks and prepare submittals not identified in the OGS CAIP. Since the tasks were not identified in the CAIP, they were not included in previous amendments. Rincon has developed the scope of work and cost estimate for a Thirteenth Amendment to complete the new ACDEH requirements and submittals for OGS. Rincon's estimate to complete ACDEH required added tasks, submittals and monitoring, including a 13% (\$30,335) contingency, is \$256,970. The Thirteenth Amendment will increase the total contract fee by this amount from \$1,093,619.50 up to, but not to exceed, \$1,350,589.50.

Therefore, staff is seeking the approval of the RAMP Board to authorize the Executive Director to execute amendments to the Rincon contract up to, but not to exceed \$1,350,589.50.

Recommended Action:

Staff recommends that the Board of Directors adopt the attached resolution authorizing the Executive Director to execute amendments to the environmental consulting services contract with Rincon for the Oak Grove North and South Project to increase the contract amount by \$256,970 from \$1,093,619.50 up to, but not to exceed \$1,350,589.50.

Attachment: OAHPI Resolution 19-002, 19-005, and 19-009
RAMP Resolution 21-003
Resolution

**THE BOARD OF DIRECTORS OF
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES**

On Motion of Director: Griffith

Seconded by Director: Johnson

And approved by the following vote:

AYES: Griffith, Johnson

NAYS

ABSTAIN:

EXCUSED: Griggs-Murphy

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER: 19-002

**AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ENVIRONMENTAL
CONSULTING CONTRACT WITH RINCON CONSULTANTS INC. FOR THE OAK
GROVES NORTH AND SOUTH PROJECT**

WHEREAS, Rincon Consultants Inc. (Rincon) submitted a proposal in response to Oakland Housing Authority (the "Authority") procurement RFP 16-019 for environmental consultants; and

WHEREAS, Rincon's proposal scored the highest and the firm was placed on the Authority's list of qualified environmental consultants; and

WHEREAS, the Authority contracted with Rincon to complete an Environmental Phase I report for Oak Grove North and South (OGN and OGS); and

WHEREAS, the results of the Phase I identified environmental conditions that warranted the completion of a Phase II Environmental Site Assessment (Phase II); and

WHEREAS, OAHPI executed an agreement for \$37,276 with Rincon for the Phase II; and

WHEREAS, the Phase II results identified a need to complete further testing and refer the project to Alameda County Department of Environmental Health (ACDEH); and

WHEREAS, amendments to the contract were executed to cover supplemental testing and respond to ACDEH requests for additional information; and

WHEREAS, the total contract fee is currently \$85,089.50; and

WHEREAS, the contract will require additional amendments that will raise the contract fee over \$100,000; and

WHEREAS, OAHPI's Amended and Restated Procurement Policy board approval is required for procurement actions that result in a contract over \$100,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES:**

That Eric Johnson, Executive Director of the Corporation, shall be authorized to amend the environmental consulting contract with Rincon for Oak Grove North and South and increase the total fee for the contract above \$100,000 and to take any and all further actions on behalf of the Corporation consistent with this resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of Oakland Affordable Housing
Preservation Initiatives.*



Eric Johnson, Executive Director

ADOPTED: April 11, 2019

RESOLUTION NO. 19-002

**THE BOARD OF DIRECTORS OF
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES**

On Motion of Director: Eric Johnson

Seconded by Director: Anne Griffith

And approved by the following vote:

AYES: Johnson, Griffith

NAYS

ABSTAIN:

EXCUSED: Donna Griggs-Murphy

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER: 19-005

**AMENDING BOARD RESOLUTION #19-002 TO ESTABLISH A MAXIMUM
AUTHORIZATION NOT TO EXCEED \$500,000 FOR AS-NEEDED
ENVIRONMENTAL CONSULTING SERVICES WITH RINCON CONSULTANTS INC.
FOR THE OAK GROVES NORTH AND SOUTH PROJECT**

WHEREAS, on April 11, 2019 the OAHPI Board of Directors passed Resolution 19-002 authorizing the Executive Director to amend the Oak Groves environmental services contract with Rincon Consultants Inc. (Rincon) to increase the total fee for the contract above \$100,000; and

WHEREAS, as of May 9, 2019 the total contract fee for the agreement with Rincon is \$335,680; and

WHEREAS, the current scope of work for the contract does not include additional sampling that may be required, but has not yet been requested, by Alameda County Department of Environmental Health (ACDEH) that will result in additional fees for Rincon to prepare the project close-out reports; and


WHEREAS, funding is available in the OAHPI FY2019 and FY2020 Budgets line item #5510-00-000, Capital Outlay, and at the construction closing the contract will be assigned to Oak Groves Senior Housing LP and funding from the Oak Groves development budget will be used to reimburse OAHPI for fees paid to Rincon for environmental consulting services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES:**

THAT, the Board Resolution #19-002 is hereby amended to establish a maximum authorization not to exceed \$500,000 for as-needed environmental consulting services with Rincon Consultants Inc. for the Oak Groves North and South Project.

FURTHER RESOLVED, that the OAHPI Executive Director is authorized to enter into one or more contract amendments with Rincon Consultants, Inc. for such environmental consulting services on the Oak Groves North and South Project up to such maximum authorized amount.

I hereby certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Board of Directors of Oakland Affordable Housing Preservation Initiatives on May 31, 2019



Eric Johnson, Executive Director

ADOPTED: May 31, 2019

RESOLUTION NO. 19-005

**THE BOARD OF DIRECTORS OF
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES**

On Motion of Director: Wells

Seconded by Director: Griffith

And approved by the following vote:

AYES: Wells, Griffith, Tortorich

NAYS

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER: 19-009

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MAXIMUM NOT-TO-
EXCEED AMOUNT OF \$1,000,000 FOR AS-NEEDED ENVIRONMENTAL
CONSULTING SERVICES WITH RINCON CONSULTANTS INC. FOR THE OAK
GROVES NORTH AND SOUTH DISPOSITION AND REHABILITATION PROJECT**

WHEREAS, Rincon Consultants Inc. (Rincon) submitted a proposal in response to Oakland Housing Authority (the "Authority") procurement RFP 16-019 for environmental consultants; and

WHEREAS, Rincon's proposal scored the highest and the firm was placed on the Authority's list of qualified environmental consultants; and

WHEREAS, the Authority contracted with Rincon to complete an Environmental Phase I report for Oak Grove North and South (OGN and OGS); and

WHEREAS, the results of the Phase I identified environmental conditions that warranted the completion of a Phase II Environmental Site Assessment (Phase II); and

WHEREAS, OAHPI's amended and restated procurement policy states that OAHPI may negotiate a contract with a vendor who has been competitively selected through an Authority procurement process without having to undergo a duplicate competitive selection process and that OAHPI board approval is required for procurement actions that result in a contract that exceeds \$100,000; and

WHEREAS, OAHPI executed an agreement for \$37,276 with Rincon for the Phase II; and

WHEREAS, the Phase II results identified a need to complete further testing and refer the project to Alameda County Department of Environmental Health (ACDEH); and

WHEREAS, on April 11, 2019 the OAHPI board of directors passed resolution 19-002 authorizing the Executive Director to amend the Oak Groves environmental services contract with Rincon Consultants Inc. (Rincon) in excess of \$100,000; and

WHEREAS, on May 31, 2019 the board passed Resolution 19-005 amending resolution 19-002 to establish a maximum authorization not-to-exceed \$500,000 for as-needed environmental consulting services with Rincon for the Oak Groves North and South Project; and

WHEREAS, there have been ten amendments to the Rincon agreement as needed to complete data gap assessments and define corrective action implementation plans for both Oak Grove North and South as required by ACDEH; and

WHEREAS, the total contract fee for the Rincon contract is currently \$493,643.50; and

WHEREAS, while significant progress has been made characterizing the extent of the environmental issues in soil, sub-slab soil vapor and groundwater at Oak Grove North and South and defining corrective action implementation plans for each site now that the Project is transitioning to the construction phase additional services from Rincon are needed; and

WHEREAS, based on the Corrective Action Implementation and Soil and Groundwater Mitigation Plans the following additional services will be needed from Rincon:

- Install three groundwater monitoring wells (Oak Grove South).
- Complete at least one year of groundwater monitoring – 4 quarters (Oak Grove South). Rincon needs to facilitate the tests and compile the results for review and consideration of ACDEH after each testing event.
- Installation and post-installation testing of a Soil Vapor Extraction System (Oak Grove South).
- Construction inspection, testing and reporting for the Vapor Mitigation System (Oak Grove South and North) and the application of a protective coating on the foundation slab (Oak Grove South).
- Up to an additional 3 quarters of temporal sampling for Indoor Air and Sub-slab Vapors.
- Preparation of construction completion reports for the Corrective Action Implementation Plans and Soil and Groundwater Mitigation Plans for review and approval of ACDEH; and

WHEREAS, the contract will require additional amendments that will raise the contract fee over \$500,000; and

WHEREAS, OAHPI Resolution 19-005 requires board approval for the Executive Director to authorize amendments to the Rincon agreement in excess of \$500,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES:**

That the Executive Director is authorized to amend the environmental consulting contract with Rincon for Oak Grove North and South and increase the total fee up to a maximum of \$1,000,000 without seeking further board approval and to take any and all further actions on behalf of the Corporation consistent with this resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of Oakland Affordable Housing
Preservation Initiatives on October 22, 2019.*



Patricia Wells, Executive Director

ADOPTED: October 22, 2019

RESOLUTION NO. 19-009

**THE BOARD OF DIRECTORS OF
RAMP Housing, Inc.**

On Motion of Director: Tortorich

Seconded by Director: Griffith

And approved by the following vote:

AYES: Director Tortorich, Director Griffith, Director Wells

NAYS:

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER: 21-003

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN
AMENDMENT TO THE ENVIRONMENTAL CONSULTING CONTRACT
WITH RINCON CONSULTANTS INC. TO INCREASE THE CONTRACT
AMOUNT FROM \$895,547.50 TO A MAXIMUM CONTRACT FEE OF \$1,093,619.50
FOR THE OAK GROVES REHABILITATION PROJECT**

WHEREAS, Rincon Consultants Inc. (Rincon) submitted a proposal in response to Oakland Housing Authority (the "Authority") procurement RFP 16-019 for environmental consultants; and

WHEREAS, Rincon's proposal scored the highest and the firm was placed on the Authority's list of qualified environmental consultants; and

WHEREAS, the Authority contracted with Rincon to complete an Environmental Phase I report for Oak Grove North and South (OGN and OGS); and

WHEREAS, the results of the Phase I identified environmental conditions that warranted the completion of a Phase II Environmental Site Assessment (Phase II); and

WHEREAS, OAHPI's amended and restated procurement policy states that OAHPI may negotiate a contract with a vendor who has been competitively selected through an Authority procurement process without having to undergo a duplicate competitive selection process and that OAHPI board approval is required for procurement actions that result in a contract that exceeds \$100,000; and

WHEREAS, OAHPI executed an agreement for \$37,276 with Rincon for the Phase II; and

WHEREAS, the Phase II results identified a need to complete further testing and refer the project to Alameda County Department of Environmental Health (ACDEH); and

WHEREAS, on April 11, 2019 the OAHPI board of directors passed resolution 19-002 authorizing the Executive Director to amend the Oak Groves environmental services contract with Rincon in excess of \$100,000; and

WHEREAS, on May 31, 2019 the board passed Resolution 19-005 amending resolution 19-002 to establish a maximum authorization not-to-exceed \$500,000 for as-needed environmental consulting services with Rincon for the Oak Groves North and South Project; and

WHEREAS, on October 22, 2019, the OAHPI board passed Resolution 19-009 authorizing the Executive Director to amend the contract with Rincon up to a maximum contract fee of \$1,000,000 without seeking further board approval; and

WHEREAS, on December 20, 2019, as a part of the construction closing, the environmental consulting agreement between OAHPI and Rincon was assigned and assumed by Oak Grove Senior Housing, L.P. (OGSH, LP); and

WHEREAS, RAMP Housing, Inc., through RHI Oak Groves GP, LLC, is the Managing General Partner of OGSH, LP.

WHEREAS, the agreement with Rincon has been amended eleven times and the total contract fee is currently \$895,547.50; and

WHEREAS, the fees and scope of work included in the Eleventh Amendment represented an estimate of the cost to complete the work identified in the Corrective Action Implementation Plans (CAIPs) and transition both buildings from corrective action implementation to long-term monitoring; and

WHEREAS, in December 2020, while obtaining ACDEH clearance to re-occupy OGN, ACDEH required Rincon to complete tasks and prepare submittals not identified in the CAIP; and

WHEREAS, the additional tasks were not identified in the CAIP and they were not included in the contract; and

WHEREAS, Rincon developed a scope of work and cost estimate for a Twelfth Amendment to complete the new ACDEH requirements and submittals for both OGN and OGS; and

WHEREAS, in addition to an increase in the scope of work, Rincon paid the Bay Area Air Quality District SVE Permit Fee (\$12,263) on behalf of the Project; and

WHEREAS, the cost for the permit is included in the Twelfth Amendment; and

WHEREAS, Rincon's estimate to complete ACDEH required added tasks, submittals and reimbursement for the BAAQMD SVE permit, including a 25% (\$25,836) contingency, is \$198,072; and

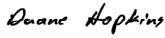
WHEREAS, the Twelfth Amendment will increase the total contract fee from \$895,547.50 to \$1,093,619.50.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.:**

THAT, the Executive Director of RAMP Housing, Inc., shall be authorized to amend the environmental consulting contract with Rincon for Oak Grove North and South and increase the contract amount from \$895,547.50 to a maximum contract fee of \$1,093,619.50; and

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to take all actions necessary to implement the foregoing resolution and to execute all documents that she may deem necessary in order to effect the purposes of this Resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of RAMP Housing, Inc.*

DocuSigned by:

EAE247F1F7F843A...
Duane Hopkins, Secretary

ADOPTED: June 21, 2021

RESOLUTION NO. 21-003

**THE BOARD OF DIRECTORS OF
RAMP Housing, Inc.**

On Motion of Director:

Seconded by Director:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER:

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN
AMENDMENT TO THE ENVIRONMENTAL CONSULTING CONTRACT
WITH RINCON CONSULTANTS INC. TO INCREASE THE CONTRACT
AMOUNT BY \$256,970 FROM \$1,093,619.50 UP TO, BUT NOT TO EXCEED,
\$1,350,589.50 FOR THE OAK GROVES REHABILITATION PROJECT**

WHEREAS, Rincon Consultants Inc. (Rincon) submitted a proposal in response to Oakland Housing Authority (the "Authority") procurement RFP 16-019 for environmental consultants; and

WHEREAS, Rincon's proposal scored the highest and the firm was placed on the Authority's list of qualified environmental consultants; and

WHEREAS, the Authority contracted with Rincon to complete an Environmental Phase I report for Oak Grove North and South (OGN and OGS); and

WHEREAS, the results of the Phase I identified environmental conditions that warranted the completion of a Phase II Environmental Site Assessment (Phase II); and

WHEREAS, OAHPI's amended and restated procurement policy states that OAHPI may negotiate a contract with a vendor who has been competitively selected through an Authority procurement process without having to undergo a duplicate competitive selection process and that OAHPI Board approval is required for procurement actions that result in a contract that exceeds \$100,000; and

WHEREAS, OAHPI executed an agreement for \$37,276 with Rincon for the Phase II; and

WHEREAS, the Phase II results identified a need to complete further testing and refer the project to Alameda County Department of Environmental Health (ACDEH); and

WHEREAS, on April 11, 2019 the OAHPI Board of Directors passed resolution 19-002 authorizing the Executive Director to amend the Oak Groves environmental services contract with Rincon in excess of \$100,000; and

WHEREAS, on May 31, 2019 the Board passed Resolution 19-005 amending Resolution 19-002 to establish a maximum authorization not-to-exceed \$500,000 for as-needed environmental consulting services with Rincon for the Oak Groves North and South Project; and

WHEREAS, on October 22, 2019, the OAHPI Board passed Resolution 19-009 authorizing the Executive Director to amend the contract with Rincon up to a maximum contract fee of \$1,000,000 without seeking further board approval; and

WHEREAS, on December 20, 2019, as a part of the construction closing, the environmental consulting agreement between OAHPI and Rincon was assigned and assumed by Oak Grove Senior Housing, L.P. (OGSH, LP); and

WHEREAS, RAMP Housing, Inc., through RHI Oak Groves GP, LLC, is the Managing General Partner of OGSH, LP.; and

WHEREAS, on June 21, 2021, the RAMP Board passed Resolution 21-003 authorizing the Executive Director to amend the contract with Rincon up to a maximum contract fee of \$1,093,619.50 without seeking further Board approval; and

WHEREAS, the agreement with Rincon has been amended twelve times and the total contract fee is currently \$1,093,619.50; and

WHEREAS, the fees and scope of work included in the previous (Twelfth) Amendment represent an estimate of the cost to complete the tasks not included in the existing scope of work but which were being required by ACDEH, and for payment of the Bay Area Quality Management District permit fee for the Soil Vapor Extraction system; and

WHEREAS, in December 2021, while obtaining ACDEH clearance to re-occupy OGS, ACDEH required Rincon to complete additional tasks, prepare submittals and conduct monitoring not identified in the Corrective Action Implementation Plan (CAIP) ; and

WHEREAS, the additional tasks not identified in the CAIP were not included in the contract; and

WHEREAS, Rincon has developed a scope of work and cost estimate for the Thirteenth Amendment to complete the new ACDEH required tasks, prepare the submittals and conduct the monitoring for OGS; and

WHEREAS, Rincon's estimate to complete ACDEH required added tasks, submittals and monitoring, including a 13% (\$30,335) contingency, is \$256,970; and

WHEREAS, the Thirteenth Amendment will increase the total contract fee by \$256,970 from \$1,093,619.50 up to, but not to exceed, \$1,350,589.50.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
RAMP HOUSING, INC.:**

THAT, the Executive Director of RAMP Housing, Inc., shall be authorized to amend the environmental consulting contract with Rincon for Oak Grove North and South and increase the contract amount by \$256,970 from \$1,093,619.50 up to, but not to exceed, \$1,350,589.50; and

THAT, the Executive Director of RAMP Housing, Inc., is hereby authorized to take all actions necessary to implement the foregoing resolution and to execute all documents that she may deem necessary in order to effect the purposes of this Resolution.

*I hereby certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Board of Directors of RAMP Housing, Inc.*

Duane Hopkins, Secretary

ADOPTED:

RESOLUTION NO.