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Commission Members

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

Executive Director

Patricia Wells

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

HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA

SPECIAL MEETING

Wednesday, November 24, 2021 at 12:00 p.m.

Tele-Conference

NOTE: Pursuant to the Governor's 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 legislative body.

Join Zoom Meeting Online:

<https://oakha-org.zoom.us/j/97222650525?pwd=TDBnSXViaVVUMXBBd1NQVVJxYWJIZz09>

Meeting ID (access code): 972 2265 0525 **Meeting Password:** 431823

Closed Caption – provided through the link

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

Meeting ID (access code): 972 2265 0525 **Meeting Password:** 431823#

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If you need special assistance to participate in the meetings of the Oakland Housing Authority Board of Commissioners, please contact (510) 874-1517 (TDD: 510-832-0633). Notification 48 hours prior to the meeting will enable the Oakland Housing Authority Board of Commissioners to make reasonable arrangements to ensure accessibility.

All public comment on action items will be taken at the public comment portion of the meeting. You may comment via zoom by "raising your hand" or by submitting an e-mail to publiccomments@oakha.org or leave a voicemail at: 510-874-1510 before 11:30AM

- 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.

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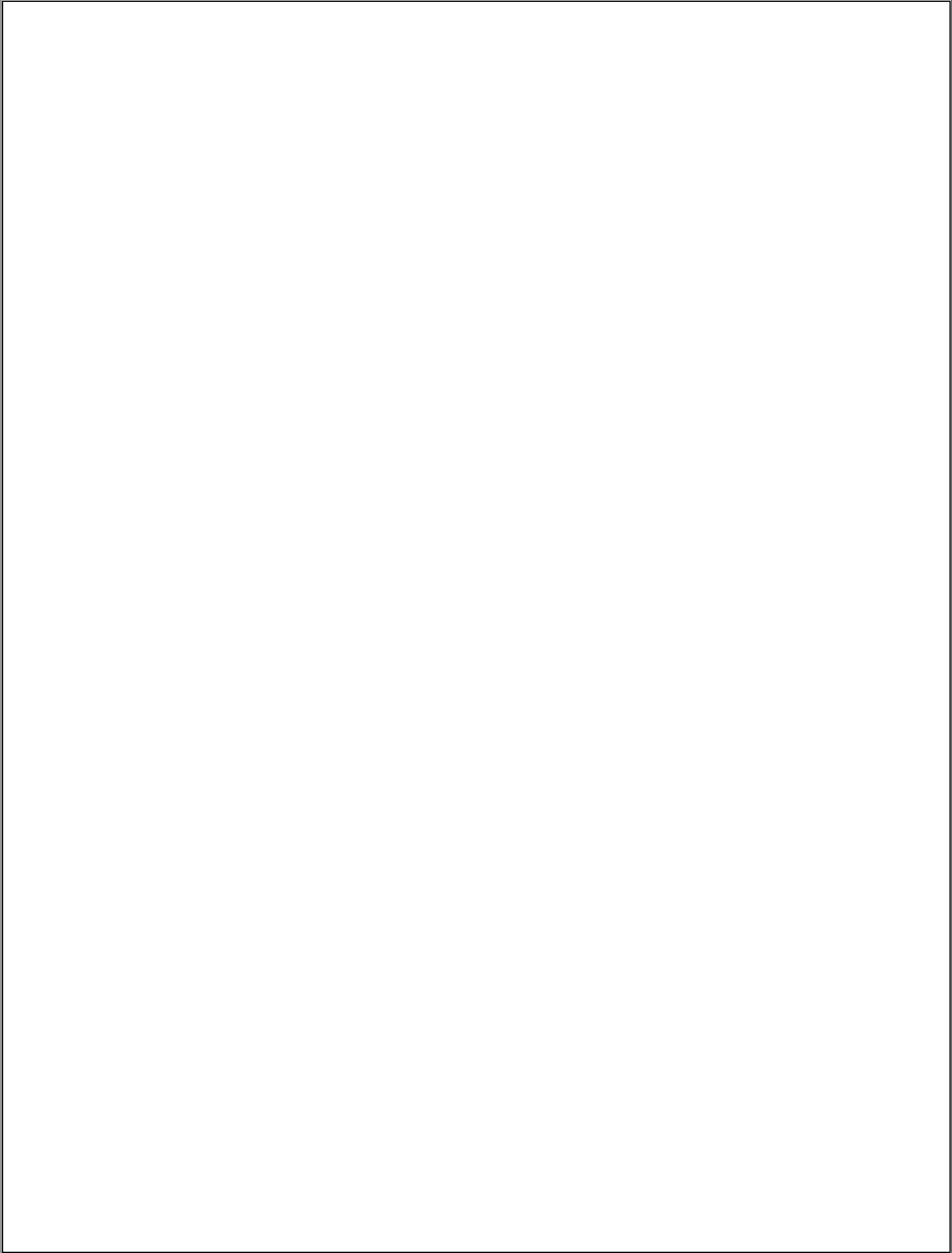


AGENDA
Special Meeting
November 24, 2021
12:00 pm

- I. Pledge of Allegiance
- II. Roll Call
- III. Recognition of people wishing to address the Commission
- 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.
- VI. New Business
 - A. Adoption of A Resolution Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361

Gregory D. Hartwig, Chair of the Commission

By 
Secretary/Executive Director



ITEM: VI.A.

Executive Office
Oakland Housing Authority MEMORANDUM

To: Board of Commissioners

From: Patricia Wells, Executive Director

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

Date: November 24, 2021

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

Funding: No funding is required.

Background:

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

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.

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

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

Recommendation:

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

Attachments: Resolution

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

On Motion of Commissioner:

Seconded by Commissioner:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THAT, Section 3. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing.

The Board hereby finds that state and local officials continue to recommend measures to promote social distancing. The Board further hereby ratifies the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing and finds that, as a result of the state of emergency, meeting in person would present imminent risk to the health or safety of attendees; and

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

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

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

I hereby certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Commissioners of the Housing Authority Of the City of Oakland, California on November 24, 2021.

Secretary

ADOPTED: November 24, 2021

RESOLUTION NO.