



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

AGENDA **REGULAR MEETING OF THE BOARD OF DIRECTORS**
DATE & TIME **Wednesday, November 16, 2022 - 7:01 PM**

LOCATION

Independence Plaza, 703 Atlantic Avenue, Alameda, CA

PUBLIC PARTICIPATION

Public access to this meeting is available as follows:

Join Zoom Meeting:

<https://us06web.zoom.us/j/81499349988?pwd=aE5KbzN6WThWa3ZGdDk0TmF4NnpuUT09>

Meeting ID: 814 9934 9988

Passcode: 931660

Persons wishing to address the Board of Directors are asked to submit comments for the public speaking portion of the Agenda as follows:

- Send an email with your comment(s) to jpolar@alamedahsg.org and vcooper@alamedahsg.org prior to or during the Board of Directors meeting
- Call and leave a message at (510) 871-7435.

When addressing the Board, on agenda items or business introduced by Directors, members of the public may speak for a maximum of three minutes per agenda item when the subject is before the Board.

Persons in need of special assistance to participate in the meetings of the Alameda Affordable Housing Corporation Board of Directors, please contact (510) 747-4325 (voice), TTY/TRS: 711, or jpolar@alamedahsg.org. Notification 48 hours prior to the meeting will enable the Alameda Affordable Housing Corporation Board of Directors to make reasonable arrangements to ensure accessibility or language assistance.

PLEDGE OF ALLEGIANCE

1. **ROLL CALL** - Board of Directors
2. **COMMISSIONER RECUSALS**
3. Public Comment (Non-Agenda)
4. **CONSENT CALENDER**

Consent Calendar items are considered routine and will be approved or accepted by one



motion unless a request for removal for discussion or explanation is received from the Board of Directors or a member of the public.

- 4.A. Approve Minutes of the Regular Board of Directors Meeting held October 19, 2022. **Page 3**
- 4.B. Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Report through June 2022. **Page 7**
- 4.C. Accept Monthly Report on Construction in Progress. **Page 30**
5. AGENDA
- 5.A. Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation 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. **Page 32**
6. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)
7. EXECUTIVE DIRECTOR'S COMMUNICATIONS
8. DIRECTORS COMMUNICATIONS, (Communications from the Directors)
9. ADJOURNMENT OF REGULAR MEETING

* * * Note * * *

Documents related to this agenda are available for public inspection and copying at the Alameda Affordable Housing Corporation office, 701 Atlantic Avenue, during normal business hours.

KNOW YOUR RIGHTS UNDER THE Ralph M. Brown Act: Government's duty is to serve the public, reaching its decisions in full view of the public. The Board of Directors exists to conduct the business of its constituents. Deliberations are conducted before the people and are open for the people's review.

In order to assist the Alameda Affordable Housing Corporation's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the Alameda Affordable Housing Corporation accommodate these individuals.





PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

**DRAFT MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY, OCTOBER 19, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL - Board of Directors

Chair Grob called the meeting to order at 8:21 p.m.

Present: Director Grob, Director Tamaoki,
Director Husby, Director Joseph-Brown
Director Kaufman, and Director Sidelnikov

Absent: Director Hadid

2. COMMISSIONER RECUSALS

None.

3. Public Comment (Non-Agenda)

None.

4. CONSENT CALENDER

Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Directors or a member of the public.

- *4.A. Approve Minutes of the Regular Board of Directors Meeting held June 15, 2022 and the Special Board of Directors Meeting held September 29, 2022.
 - *4.B. Accept Monthly Report on Construction in Progress.
 - *4.C. Authorize the Executive Director or designee to negotiate and execute a 3-year contract with a third party property manager in the amount not to exceed \$2,000,000 for third party management for the following properties: All AHHC owned properties.
- Items accepted or adopted are indicated by an asterisk.**



Director Husby, Director Joseph-Brown
Director Kaufman, and Director Sidelnikov

Absent 1 Director Hadid

- 5.B. Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation 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.

Director Husby moved to adopt the Resolution of the Board of Directors of the Alameda Affordable Housing Corporation 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 and Director Tamaoki seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes 6 Director Tamaoki, Director Grob,
Director Husby, Director Joseph-Brown
Director Kaufman, and Director Sidelnikov

Absent 1 Director Hadid

6. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)

None.

7. EXECUTIVE DIRECTOR'S COMMUNICATIONS

Ms. Cooper stated that staff is considering rescheduling the December meeting to take place on Thursday, December 15, 2022 and will reach out to the Directors for availability, and that staff will present the quarterly department reports during the November meeting.

8. DIRECTORS COMMUNICATIONS, (Communications from the Directors)

None.

9. ADJOURNMENT OF REGULAR MEETING

Director Grob adjourned the meeting at 8:34 p.m.



Vanessa M. Cooper
Secretary and Executive Director

Chair Grob, President
Board of Directors





PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Board of Directors

From: Stephanie Shipe, Director of Portfolio Management

Prepared By: Stephanie Shipe, Director of Portfolio Management

Date: November 16, 2022

Re: Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Report through June 2022.
4.B.

BACKGROUND

The Housing Authority of the City of Alameda (AHA) and the Alameda Affordable Housing Corporation (AAHC) holds a portfolio of its own affordable housing stock. The cumulative unit count is 537 units and of which 47% serves seniors and 53% serves families. Most of the units are supported by Section 8 Project Based Voucher and Housing Choice Voucher rental subsidy program and do not have hard debt.

Alameda Affordable Housing Corporation (AAHC) portfolio includes Anne B Diament Plaza (65 units), Independence Plaza (186 units), China Clipper Plaza (26 units), Eagle Village (36 units), Parrot Village (50 units), Esperanza (120 units), and Scattered Sites 2- Lincoln Willow (5 units), Stanford House (4 units), Pulte Homes (12 of 18 units).

The Housing Authority of the City of Alameda (AHA) portfolio includes Parrot Gardens (8 units) and Scattered Sites 1- Senior Condos (7 units), Mulberry Homes (4 units), Paru House (1 unit), Lincoln House (4 units), and Sherman House (9 units.)

The property management duties are contracted to the John Stewart Company, with the exception of Anne B Diament and Independence Plaza, which are managed by AHA. The resident services are contracted to LifeSTEPS.

DISCUSSION

This memo provides an overview of the AHA/ AAHC portfolio asset management year-to-date financial report through the month of June 2022. This report tracks performance per the budget and includes achievements, items of note, and upcoming events or changes. Please note the properties' fiscal year end is December, and the figures used in this report may



change and not match the audit.

Statements that apply to all properties:

Operating Revenue - Includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. A standard 3% Rent Increase was budgeted for on all units at all properties in the FY 21/22 Budget. Due to market conditions, HUD reduced the Fair Market Rent (FMR) for 2022 and so the payment standards for the section 8 voucher were reduced for new rentals and budgeted increases were not approved for existing voucher holders.

Tenant Receivables - Property Management and Resident Services assist residents with applying for the Emergency Rental Assistance Program (ERAP).

Operating Expense - Includes marketing, administrative, property management fees, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services.

Total Operating Income - Operating Revenue minus Operating Expense

Total Net Cash Flow will be distributed per the waterfall in accordance with the lender and regulatory agreements.

Anne B Diament Plaza (65 units)

-Operating Revenue is \$1,361,156, which is 3% (\$41,200) lower than budget

-Occupancy is 97% (1 vacant unit)

-Tenant Receivables are \$2,980 and Subsidy Receivables are \$6,083 which are due to new move-ins.

-Operating Expenses are \$905,106, which is 10% (34,356) lower than budget due to minimal turnover.

-Total Operating Income is \$456,050, which is 14% (\$98,951) higher than budget due to minimal unit turns and vacant maintenance positions due to retirements. These positions will not be refilled.

-Mandatory hard debt service and reserve deposit requirements are \$0

-Total Net Cash Flow is \$456,050

Independence Plaza (186 units)

-Operating Revenue is \$4,128,383, which is 8% (\$296,976) higher than budget due to increasing the number of housing choice vouchers at the property and increasing the rent limit to 70%.

-Occupancy is 99% (2 vacant units)

-Tenant Receivables are \$29,603 due to residents in legal and Subsidy Receivables are \$10,175 which are due to new move-ins and accounting errors, which have now been resolved..

-Operating Expenses are \$2,767,052, which is 2% (\$60,447) higher than budget

-Total Operating Income is \$1,361,331, which is 21% (\$236,530) higher than budget and is directly tied to the increase in revenue. These additional funds will help cover capital work planned in the following fiscal year.-Mandatory hard debt service and reserve deposit requirements are \$841,272 and Debt Service Coverage Ratio is 1.62

-Total Net Cash Flow is \$520,059

China Clipper Plaza (26 units)

-Operating Revenue is \$585,742, which is 13% (\$90,792) lower than budget; in addition to not receiving rent increases and reduced rents on turn over from the housing choice vouchers there was one long standing vacant unit used to temporarily house a resident while



repairs were being completed in their unit due to water damage.

- Occupancy is 96% (1 vacant unit)
- Tenant Receivables are \$4,616 and Subsidy Receivables are -\$14,446 which are due accounting mistakes that are currently being resolved such as missing rent change notices.
- Operating Expenses are \$302,340, which is 12% (\$32,538) higher than budget which is directly related to the repairs needed in the unit that had extensive water damage.
- Total Operating Income is \$283,402, which is 30% (\$123,330) lower than budget
- Mandatory hard debt service and reserve deposit requirements are \$0
- Total Net Cash Flow is \$283,402

Eagle Village (36 units)

- Operating Revenue is \$1,083,297, which is 11% (\$127,803) lower than budget; this is directly related to rents and a long standing unit in legal and where no rent was collected.
- Occupancy is 100% (0 vacant unit)
- Tenant Receivables are \$16,293 and Subsidy Receivables are -\$31,961,446 which are due accounting mistakes that are currently being resolved such as missing rent change notices.
- Operating Expenses are \$488,684, which is 20% (\$80,423) higher than budget due to increased sewer expenses, replacement of all carbon monoxide/smoke detectors on the property, heating and plumbing repairs.
- Total Operating Income is \$594,614, which is 26% (\$208,226) lower than budget
- Mandatory hard debt service and reserve deposit requirements are \$438,446 and Debt Service Coverage Ratio is 3.81
- Total Net Cash Flow is \$438,446

Parrot Village (50 units)

- Operating Revenue is \$1,733,899, which is 9% (\$169,628) lower than budget; in addition to not receiving rent increases and reduced rents on turn over from the housing choice vouchers there were multiple units in legal due and long standing vacant units.
- Occupancy is 96% (2 vacant units)
- Tenant Receivables are \$166,152 which are due to residents and legal and residents who haven't paid rent and have been affected by COVID-19 and Subsidy Receivables are -\$374 which are due accounting mistakes that are currently being resolved such as missing rent change notices.
- Operating Expenses are \$722,677, which is 35% (\$189,184) higher than budget, which is primarily due to expenses related to an increase in trash, sewer and insurance costs as well as heating and plumbing issues on the property throughout the property. The plumbing issues have been addressed in the upcoming budget by planning to hydro-jet the lines twice a year.
- Total Operating Income is \$1,011,222, which is 26% (\$358,813) lower than budget, this is due a combination of lower income and increased expenses.
- Mandatory hard debt service and reserve deposit requirements are \$215,661 and Debt Service Coverage Ratio is 4.69
- Total Net Cash Flow is \$795,561

Parrot Gardens (8 units)

- Operating Revenue is \$197,466, which is 30% (\$84,380) lower than budget; this is primarily due to one long standing vacant unit that was converted into an office to serve as an onsite office for Parrot Gardens and Parrot Village.
- Occupancy is 100% (0 vacant unit)



- Tenant Receivables are \$547 and Subsidy Receivables are \$10,777 which are due accounting mistakes that are currently being resolved such as missing rent change notices.
- Operating Expenses are \$148,559, which is 8% (\$10,971) higher than budget, which is primarily due irrigation repairs needed throughout the property and landscape upgrades around the new office.
- Total Operating Income is \$48,907, which is 66% (\$95,351) lower than budget
- Mandatory hard debt service and reserve deposit requirements are \$0
- Total Net Cash Flow is \$48,907

Esperanza (120 units)

- Operating Revenue is \$4,199,859, which is 4% (\$177,625) higher than budget due to increases were approved in early 2021, prior to the 21/22 FY Budget beginning but after it was approved. This meant the property started with a higher income.
- Occupancy is 96% (5 vacant units)
- Tenant Receivables are \$55,375 and Subsidy Receivables are \$13,053 which are due accounting mistakes that are currently being resolved such as missing rent change notices.
- Operating Expenses are \$1,555,056, which is 20% (\$256,547) higher than budget which is primarily due to increased trash services needed due to dumping throughout property, plumbing expenses, security services needed, security upgrades throughout property to include camera, signage and bollard installation as well as appliance replacements.
- Total Operating Income is \$2,644,803, which is 3% (\$78,922) lower than budget
- Mandatory hard debt service and reserve deposit requirements are \$997,485 and Debt Service Coverage Ratio is 2.65
- Total Net Cash Flow is \$1,647,318

Scattered Sites (46 units)

- Operating Revenue is \$942,128, which is 20% (\$152,391) higher than budget; this is due to the additional units added by the Pulte Homes purchase. These units were not included in the budget due to the timing of the purchase.
- Occupancy is 96% (2 vacant units)
- Tenant Receivables are \$794 and Subsidy Receivables are \$4,011 which are due accounting mistakes that are currently being resolved such as missing rent change notices and abatements.
- Operating Expenses are \$421,750, which is 49% (\$140,226) higher than budget; this is partly due to the additional units added by the Pulte which includes HOA Fees for each unit, sewer fees which weren't accurately budgeted for, as well as increases to plumbing
- Total Operating Income is \$520,378, which is 2% (\$12,165) higher than budget
- Mandatory hard debt service and reserve deposit requirements are \$3,993 and Debt Service Coverage Ratio is 130.33
- Total Net Cash Flow is \$516,385

Overall, the portfolio is performing well and stabilized. Total Operating Revenue is \$14,231,931. Total Operating Expense is \$7,366,724. Total Operating Income is \$6,865,207. Total Net Cash Flow is \$4,650,628, which will be distributed per the seller carry notes and loan and regulatory agreements.

FISCAL IMPACT

None



CEQA

N/A

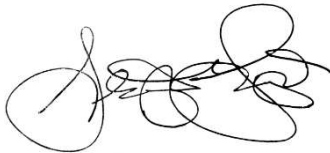
RECOMMENDATION

Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Report through June 2022.

ATTACHMENTS

1. AHA AAHC Portfolio Snapshot 2021-2022
2. AHA AAHC Portfolio Asset Management Fiscal Year To Date Financial Report Through the Month of June 2022

Respectfully submitted,



Stephanie Shipe, Director of Portfolio Management

AHA/AMC Portfolio Financial Performance 07/01/22-10/31/22	Anne B Diamond Senior			Independence Plaza Senior			China Clipper Plaza Family			Eagle Village Family			Parrot Village Family			50		
	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY
Rental Revenue	275,784	15,794	5,720%	4,485,822	(58,098)	-3,553%	8,488,233	180,842	226,570	45,728	25,282%	8,714,223	388,475	18,813	4,868%	407,388	18,813	4,868%
Subsidy Revenue	1,965,232	1,684,165	(100.87%)	17,075,200%	17,075,200%	17,075,200%	4,986,644	503,563	399,985	(109,580)	-21.333%	15,949,420	1,533,900	135,524	10.35%	1,315,234	(178,676)	-14.922%
Administrative and Marketing Fee	3,600	5,413	181.19%	100.00%	100.00%	100.00%	8,700,044	535	557	22	2.62%	1,580,450	200	200	126.00%	200	200	100.00%
Other Income	1,402,356	\$1,381,156	(2.9377%)	20,940,861	\$2,785,611	13.541%	22,928,555	\$676,534	\$665,742	(\$1,792)	-0.262%	22,528,555	\$1,903,828	\$173,389	0.77%	\$1,903,828	\$173,389	0.77%
Total Operating Revenue	4,683,952	433,992	9.270%	25,426,838	2,806,563	11.042%	51,137,432	\$1,183,466	\$1,172,584	(\$10,882)	-0.928%	\$22,637,425	\$190,203	(\$18,895)	-8.51%	\$190,203	(\$18,895)	-9.93%
Property Management Fee	248,960	199,924	80.33%	2,400,377	609,423	25.393%	2,413,011	23,853	19,044	(4,809)	-20.14%	1,832,641	20,005	39,345	2.15%	20,005	39,345	196.71%
Payroll, Benefits, Taxes	248,960	199,924	80.33%	2,400,377	609,423	25.393%	2,413,011	23,853	19,044	(4,809)	-20.14%	1,832,641	17,498	53,163	3.06%	17,498	53,163	304.23%
Operating and Maintenance	22,463	11,020	49.06%	1,708,000	251,135	14.706%	1,708,000	81,926	84,697	2,771	1.56%	1,708,000	127,486	10,638	0.62%	127,486	10,638	8.35%
Taxes and Insurance	22,463	11,020	49.06%	1,708,000	251,135	14.706%	1,708,000	81,926	84,697	2,771	1.56%	1,708,000	127,486	10,638	0.62%	127,486	10,638	8.35%
Resident Services	14,880	43,698	293.61%	8,722,811	238,895	2.762%	8,722,811	238,895	193,732	(45,163)	-5.18%	8,722,811	35,760	45,781	0.52%	35,760	45,781	128.01%
Total Operating Expense	\$1,040,555	\$95,106	9.181%	13,247,111	69,447	0.524%	13,247,111	\$288,892	\$302,340	(\$13,448)	-4.776%	11,628,474	\$53,483	(\$72,877)	-6.26%	\$53,483	(\$72,877)	-136.26%
Total Operating Income	\$3,643,397	\$308,996	8.444%	12,179,727	2,737,086	22.608%	38,890,321	\$894,574	\$870,244	(\$24,330)	-2.764%	11,000,000	\$137,720	(\$137,720)	-100%	\$137,720	(\$137,720)	-100%
Debt Service, Reserve Deposit	-	-	-	4,522,927	-	-	4,522,927	-	-	-	-	10,900,000	-	-	-	173,165	219,561	126.48%
Net cash flow	\$3,643,397	\$308,996	8.444%	12,179,727	2,737,086	22.608%	38,890,321	\$894,574	\$870,244	(\$24,330)	-2.764%	11,000,000	\$137,720	(\$137,720)	-100%	\$137,720	(\$137,720)	-100%
Debt Service Coverage Ratio	#DIV/0!	#DIV/0!	#DIV/0!	2.78602	0.9312	1.02886	0.02	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	178.90	6.1948	3.9075	2.0814	10.070	4.6889	46.57%
Operating Expense PUPY	\$ 15,447	\$ 13,925	1.52	8,851%	21,423	228.87	\$ 10,377	\$ 11,628	(\$1,251)	-12.059%	178.90	\$ 11,341	\$ 13,675	(\$2,334)	-16.699%	\$ 10,670	\$ 14,454	35.51%
Operating Expense PUPM	\$ 1,287	\$ 1,160	1.27	8.851%	19.07	228.87	\$ 865	\$ 989	(\$124)	-14.151%	14.91	\$ 945	\$ 1,131	(\$186)	-19.689%	\$ 889	\$ 1,204	34.93%

AHA/AMC Portfolio	Parrot Gardens			Lincoln Willow			Stanford House			Scattered Sites			46			57		
	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY	Actuals	Variance	PUPY
Rental Revenue	82,672	83,552	101.07%	10,444,000	876,078	8.39%	8,940	15,322	7,382%	5,324	7.887	123,749%	149,268	305,709	156,441	6,648	3,699,175	4,249,444
Subsidy Revenue	2,625,252	(32,380)	(1.234%)	14,022,500	3,139,975	22.35%	(1,120)	(5,998)	(43.309%)	(0,941)	(0.840)	(241.723%)	(68,086)	(7,423)	(10.762%)	(1,724)	(5,998)	(1.234%)
Administrative and Marketing Fee	281,846	\$197,466	70.09%	24,883,235	4,022,234	16.17%	1,066,755	\$5,298	48.99%	11,390%	54,363	563.36%	799,737	942,128	117.92%	20,481	1,483,698	1,655,060
Other Income	32,879	34,983	106.41%	4,372,833	101,078	2.31%	2,097	2,097	100.00%	1,344	17.12%	27,452%	58,883	76,405	129.93%	1,681	2,079,382	1,800,158
Property Management Fee	9,491	4,928	51.91%	6,159,616	125,448	2.04%	2,428	2,428	100.00%	2,348	2.306%	17,949%	34,608	39,146	112.84%	851	293,771	272,966
Payroll, Benefits, Taxes	21,460	21,016	97.93%	2,827,033	244,614	8.65%	5,728	4,875	(14.904%)	5,249	4,051	(22.823%)	93,168	72,218	(20.950%)	1,570	1,485,782	1,178,584
Operating and Maintenance	43,800	50,194	114.38%	6,274,237	453,984	7.24%	3,810	3,224	(15.376%)	4,003	14.33%	270,040%	39,842	104,190	261.73%	2,265	1,305,571	2,147,397
Taxes and Insurance	6,112	11,535	188.72%	1,441,932	122,004	8.46%	3,024	1,600	(47.000%)	2,874	2,012	(30.000%)	28,799	80,115	278.31%	1,742	325,838	584,744
Resident Services	3,960	3,626	91.57%	4,900,700	1,236,269	25.23%	991	580	(41.859%)	1,209	928	(23.252%)	14,625	8,982	(38.822%)	153	440,408	452,219
Debt Service, Reserve Deposit	191,885	\$148,897	77.60%	18,899,839	\$2,262,903	11.97%	\$ 16,866	\$15,336	(9.103%)	\$17,465	20.074	60.745%	\$28,124	\$42,170	149.88%	\$ 9,168	\$ 6,833,940	\$ 7,311,244
Net cash flow	\$144,258	\$48,907	33.90%	6,113,440	\$2,723,225	44.04%	\$ 36,432	\$33,659	92.11%	\$36,898	27.262	-26.145%	\$98,213	\$20,378	12.16%	\$23,395	\$ 7,478,803	\$ 6,820,706
Debt Service Coverage Ratio	#DIV/0!	#DIV/0!	#DIV/0!	1.372765	1.745736	97.485	748.251	42.8616%	8.31238	-	-	-	754	3,993	(3.259)	(43.5881%)	2,800,527	2,214,579
Operating Expense PUPY	\$ 144,258	\$ 48,907	33.90%	6,113,440	\$ 977,889	16.00%	\$ 36,432	\$ 33,659	92.11%	\$ 36,898	27.262	-26.145%	\$ 97,479	\$ 16,385	8.906	1.7549%	\$ 4,588,276	\$ 4,706,127
Operating Expense PUPM	\$ 17,199	\$ 18,570	(1.371)	7.9740%	285.69	199.27	\$ 3,773	\$ 3,067	23.01%	\$ 4,366	7.018	6.120	\$ 9,168	\$ 3,048	(49.8096%)	141	2,584	13.615
	\$ 1,433	\$ 1,847	(11.6)	1.9740%	23.81	16.61	\$ 314	\$ 256	23.39%	\$ 384	585	51.0	\$ 704	(254)	(36.1696%)	\$ 1,000	\$ 1,135	

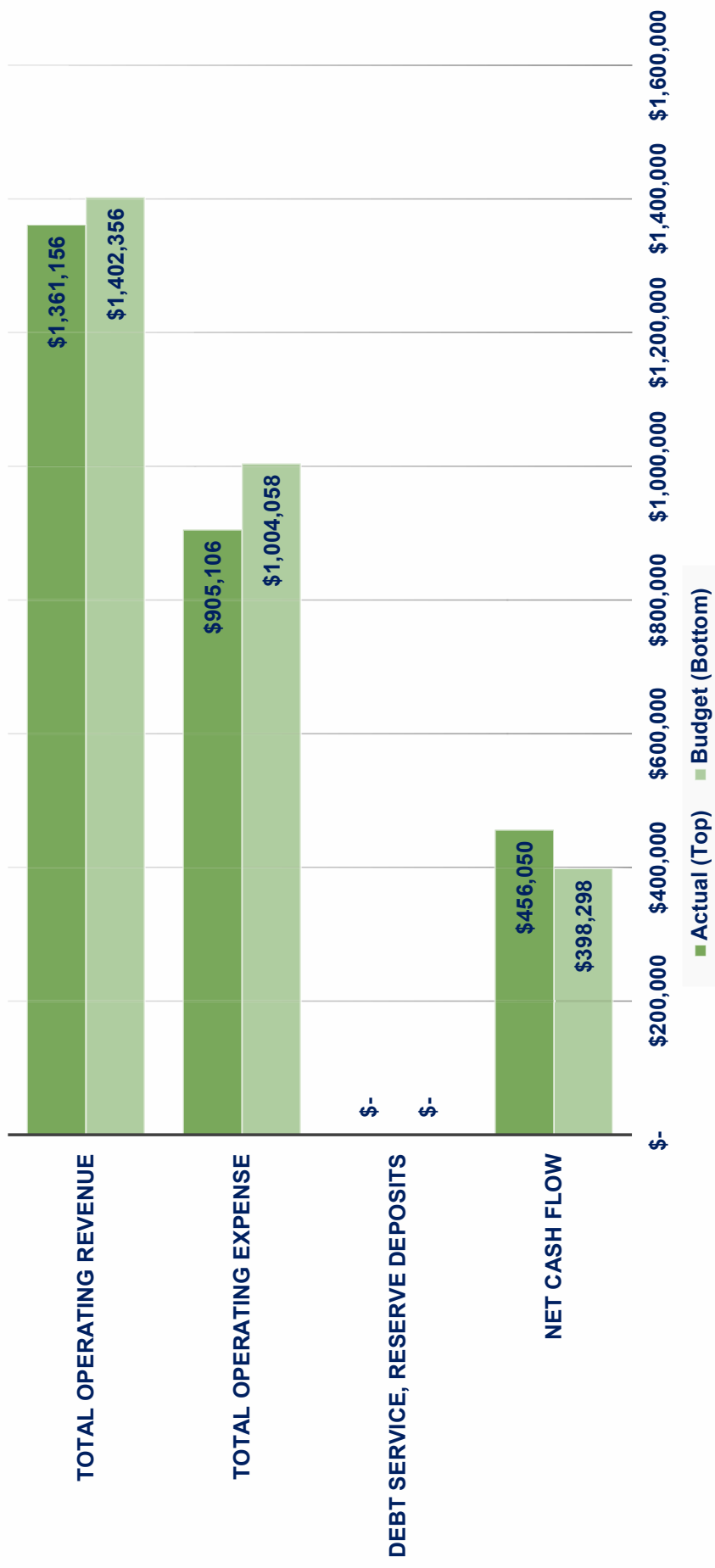
AHA/AAHC Portfolio Asset Management Fiscal Year-to-date June 2022

November 2022

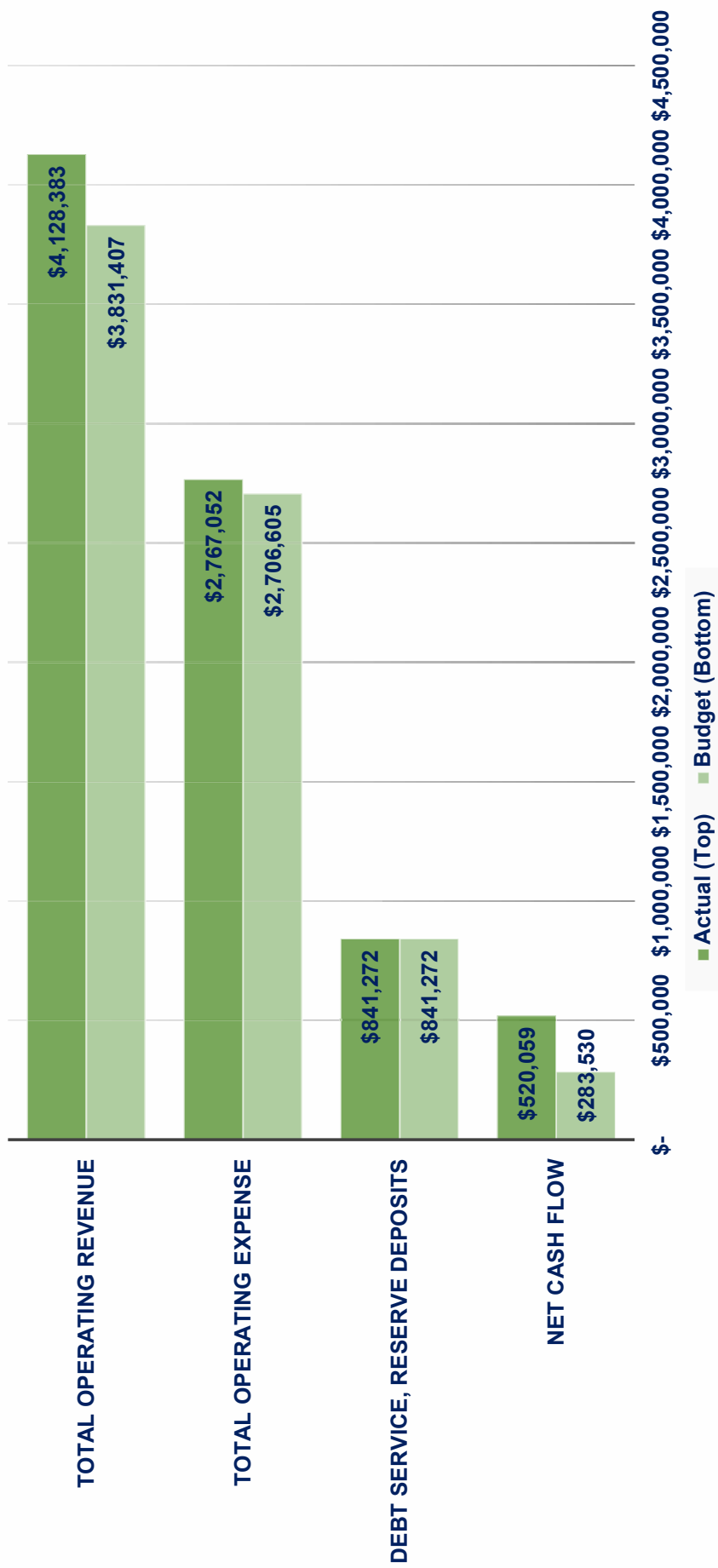
AHA/ AAHC PORTFOLIO

- Anne B Diamant Plaza
- Independence Plaza
- China Clipper Plaza
- Eagle Village
- Parrot Village
- Parrot Gardens
- Esperanza
- Scattered Sites
 - (Family Condos, Mulberry Condos, Paru House, Lincoln House, Sherman House, Lincoln Willow, Stanford House, Pulte Condos*)

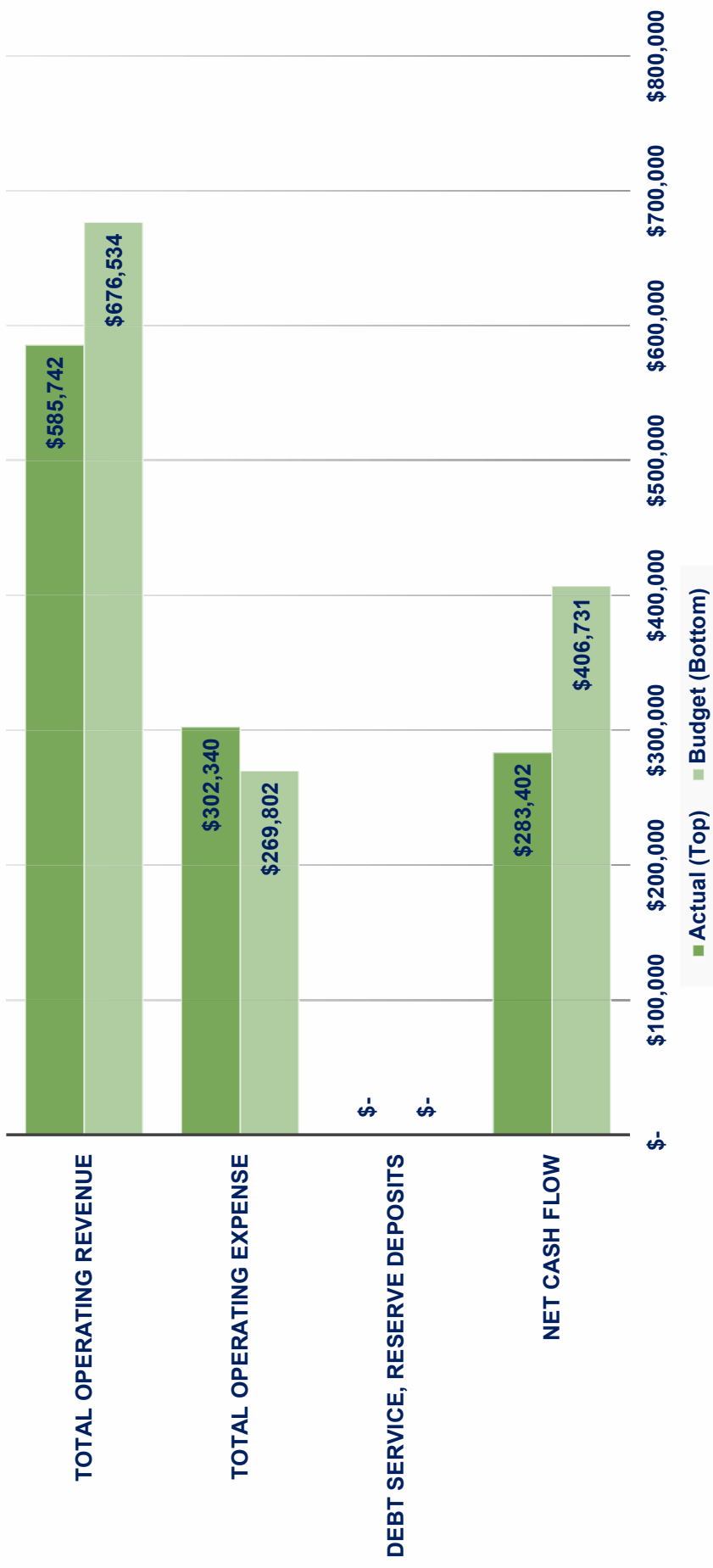
Anne B Diamant Plaza - 65 Unit Senior



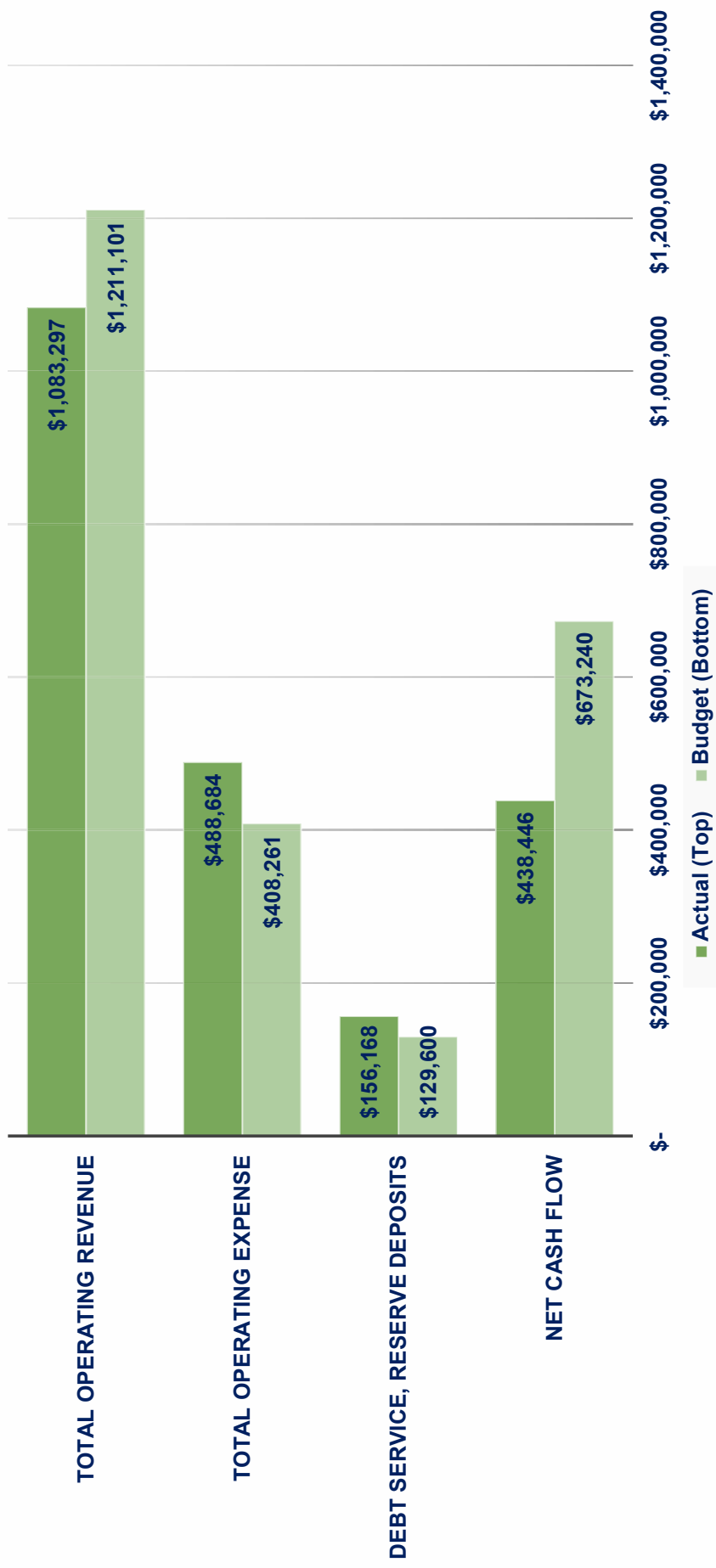
Independence Plaza – 186 Unit Senior



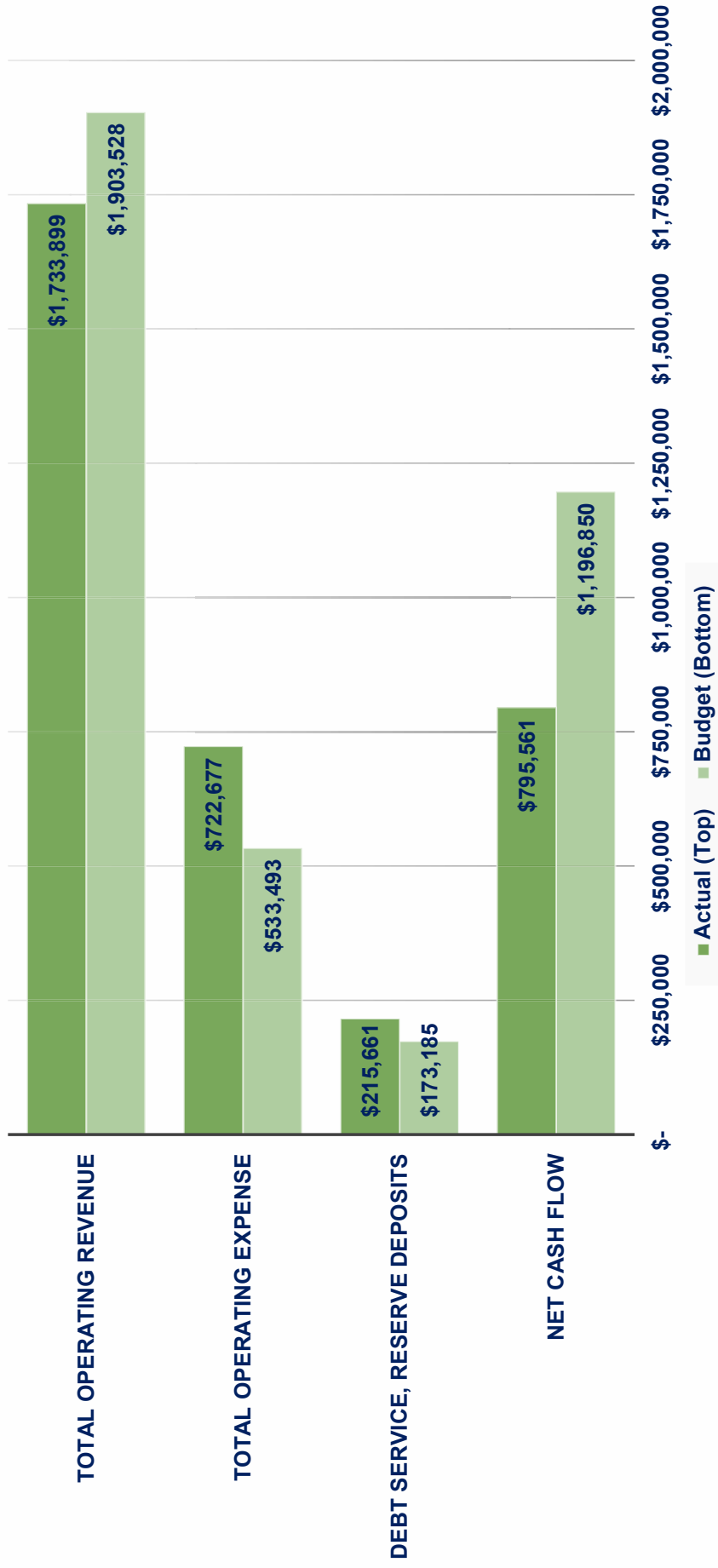
China Clipper Plaza – 26 Unit Family



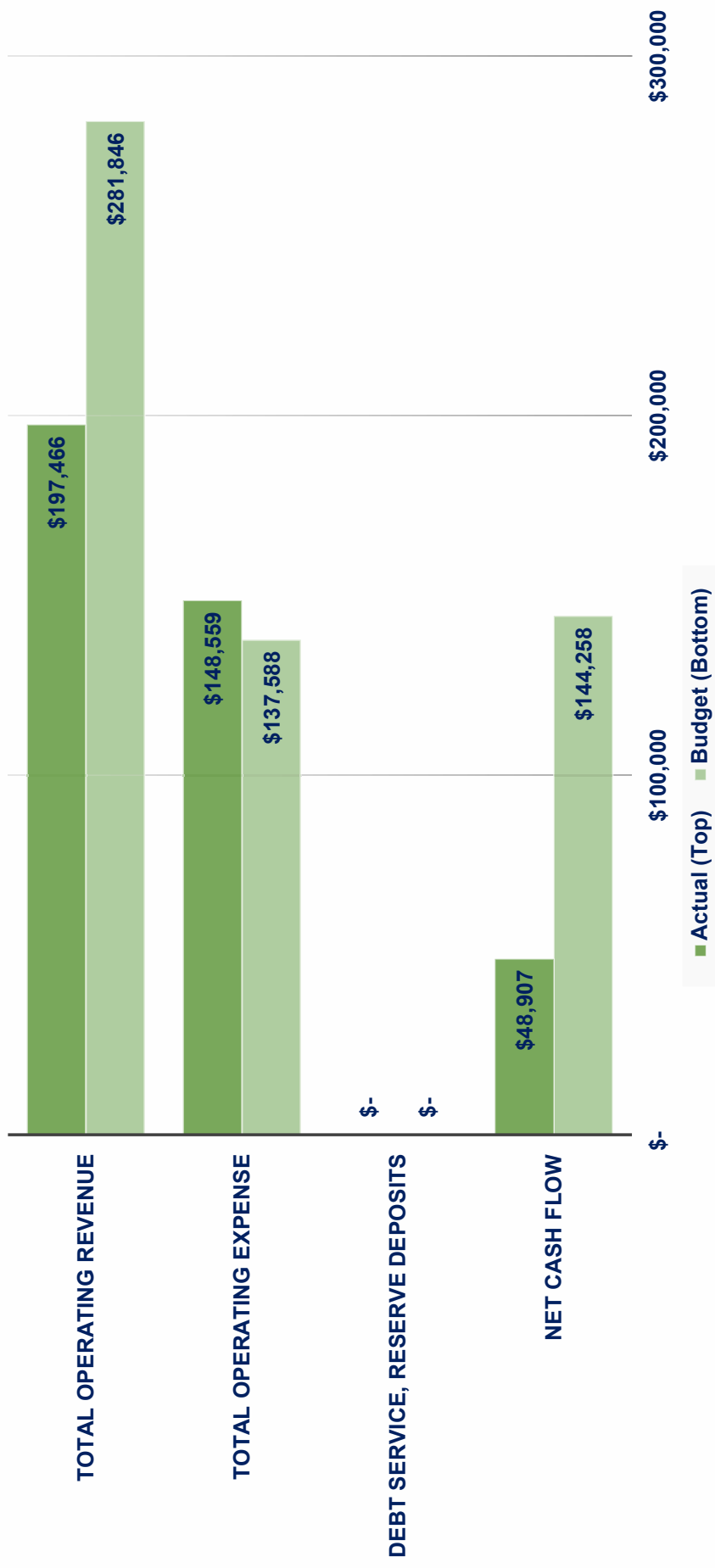
Eagle Village – 36 Unit Family



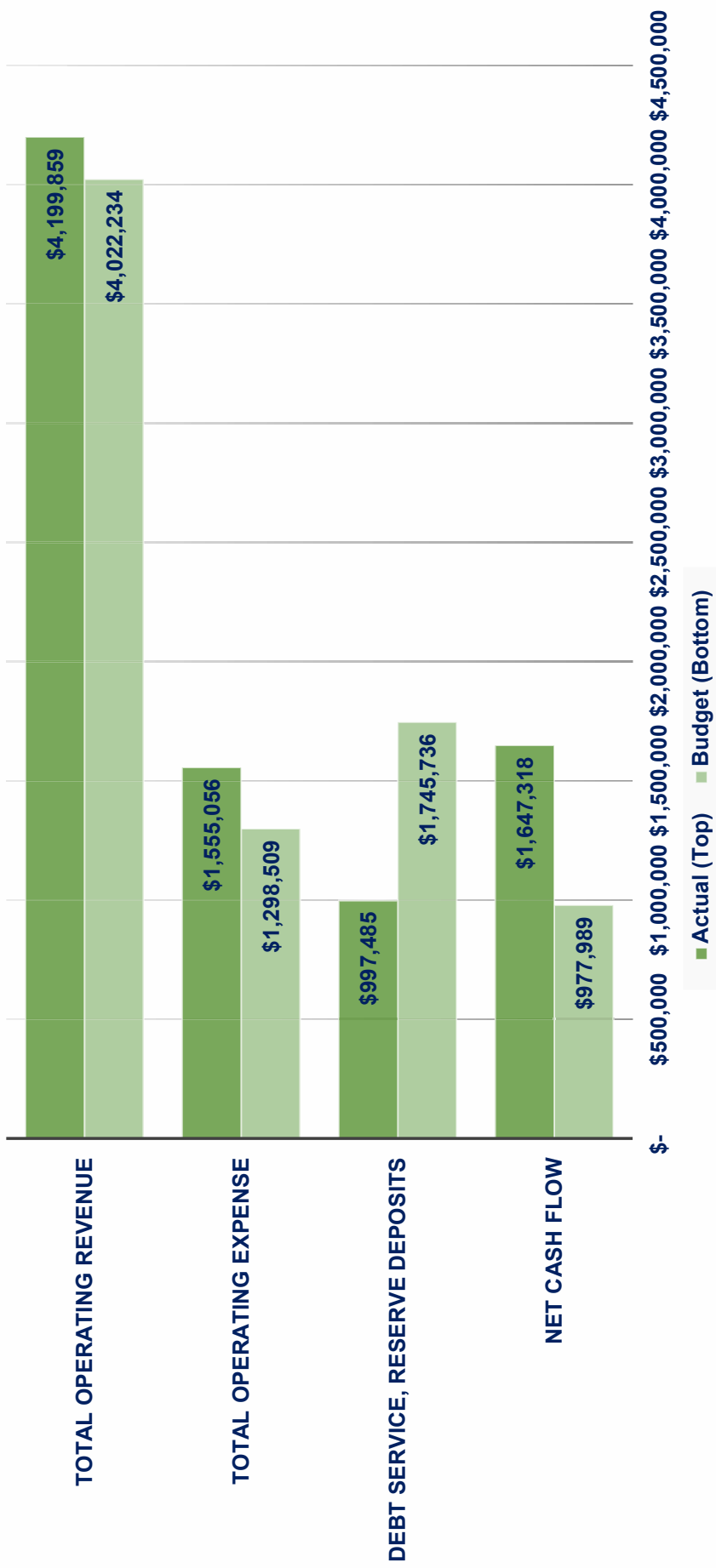
Parrot Village - 50 Unit Family



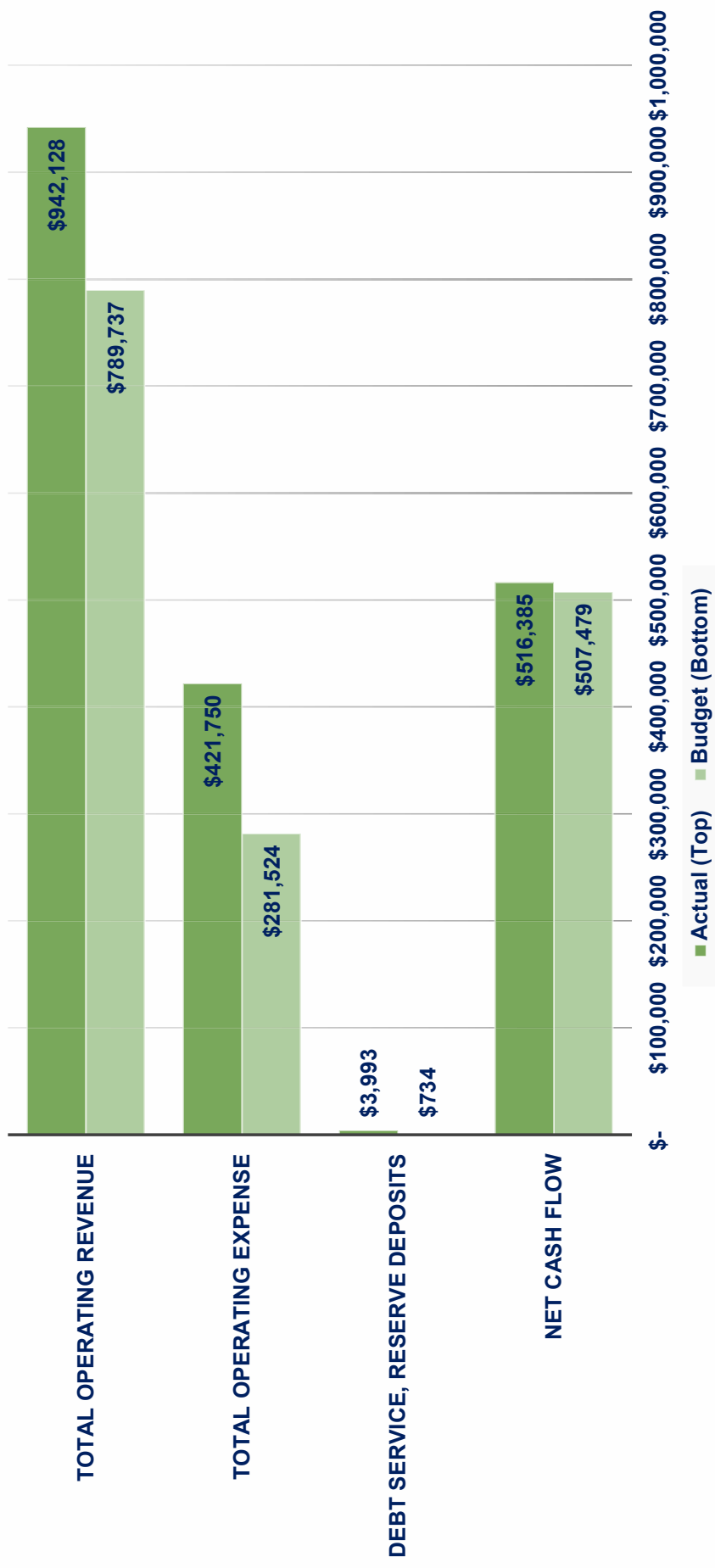
Parrot Gardens - 8 Unit Family



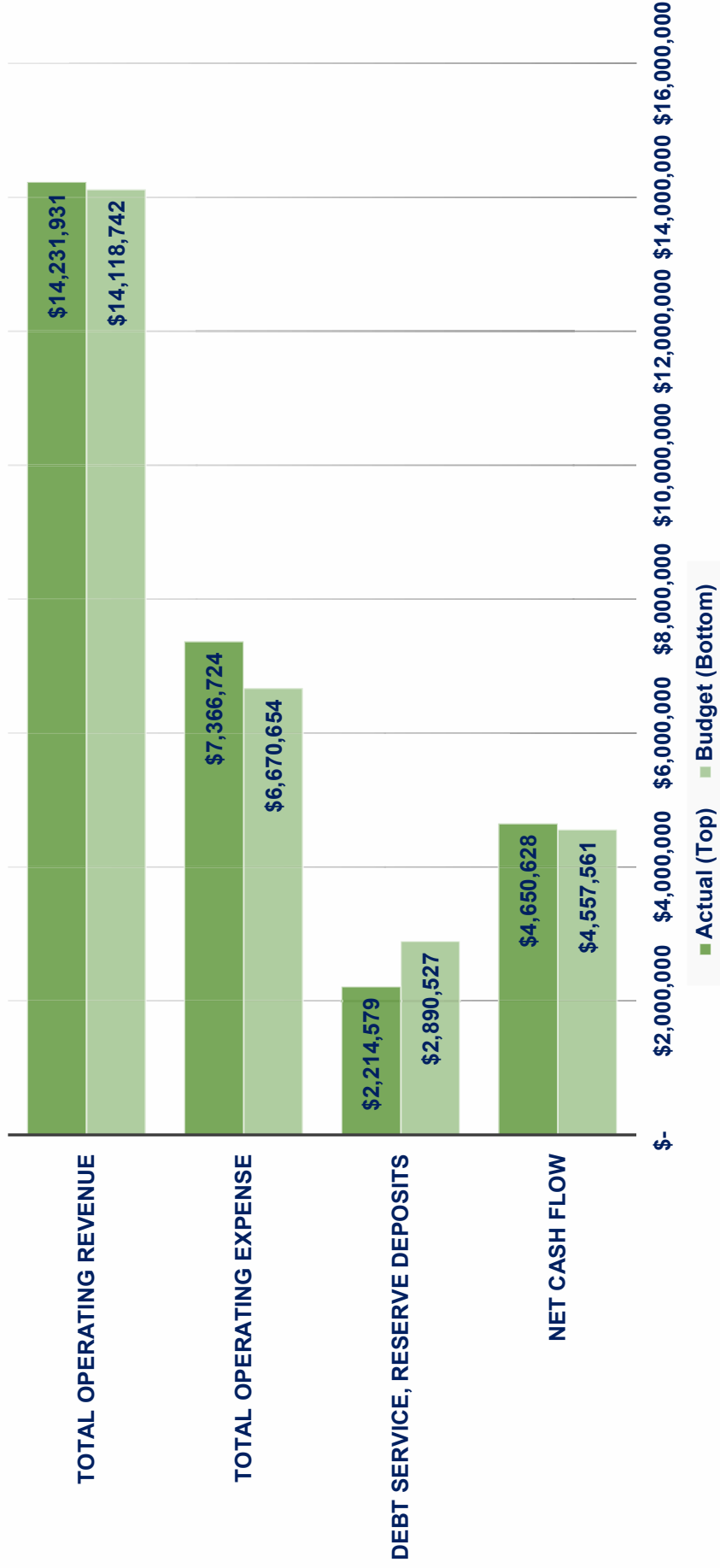
Esperanza – 120 Unit Family



Scattered Sites - 46 Unit Family



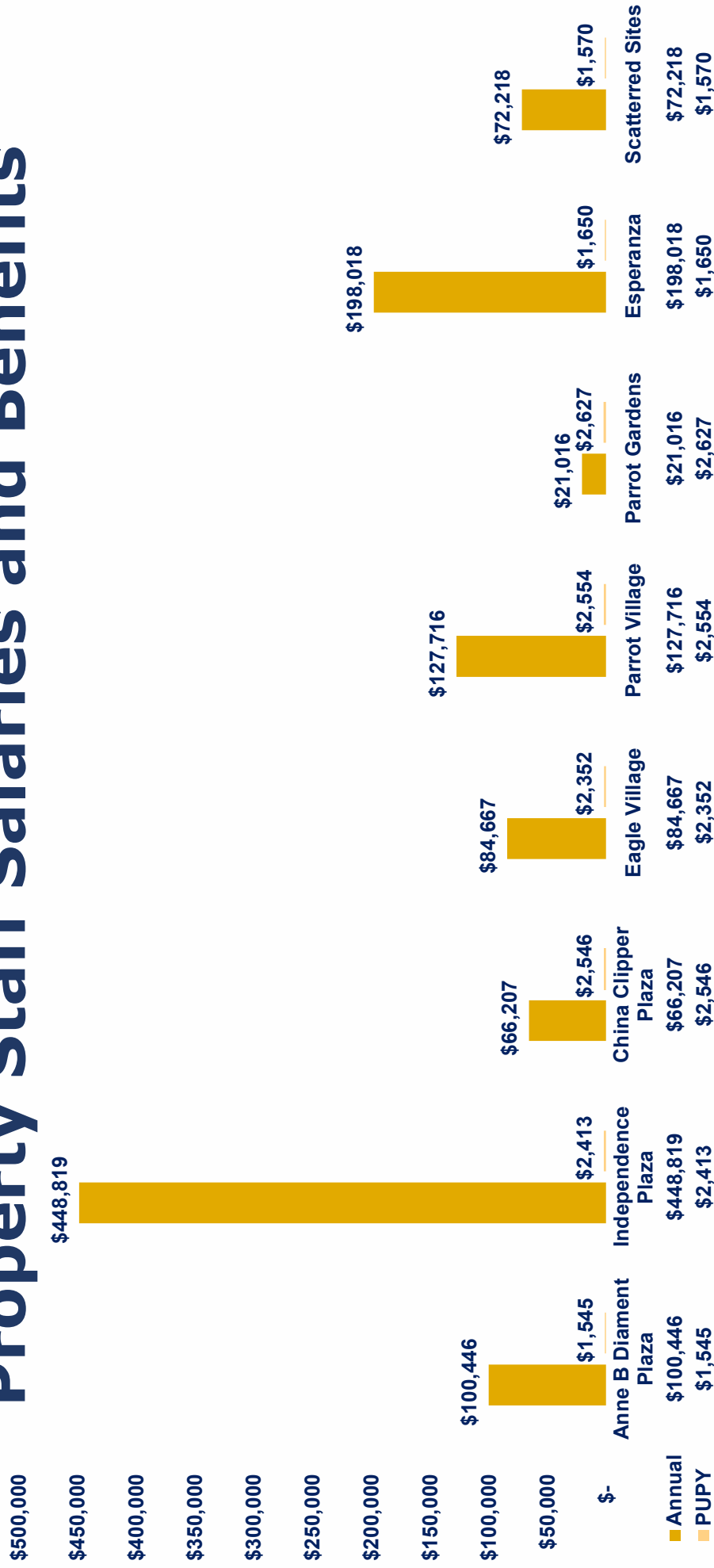
Portfolio Performance



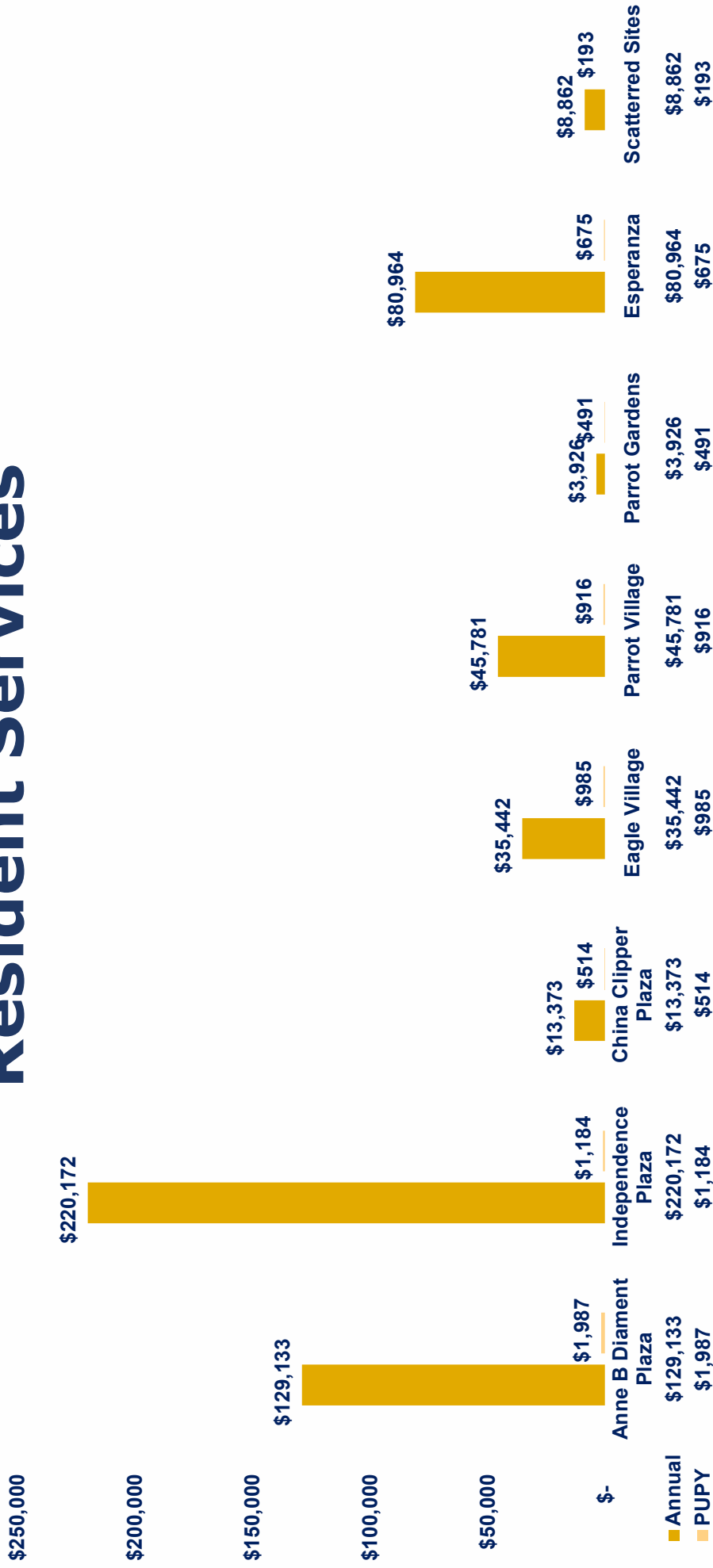
Property Management Fees



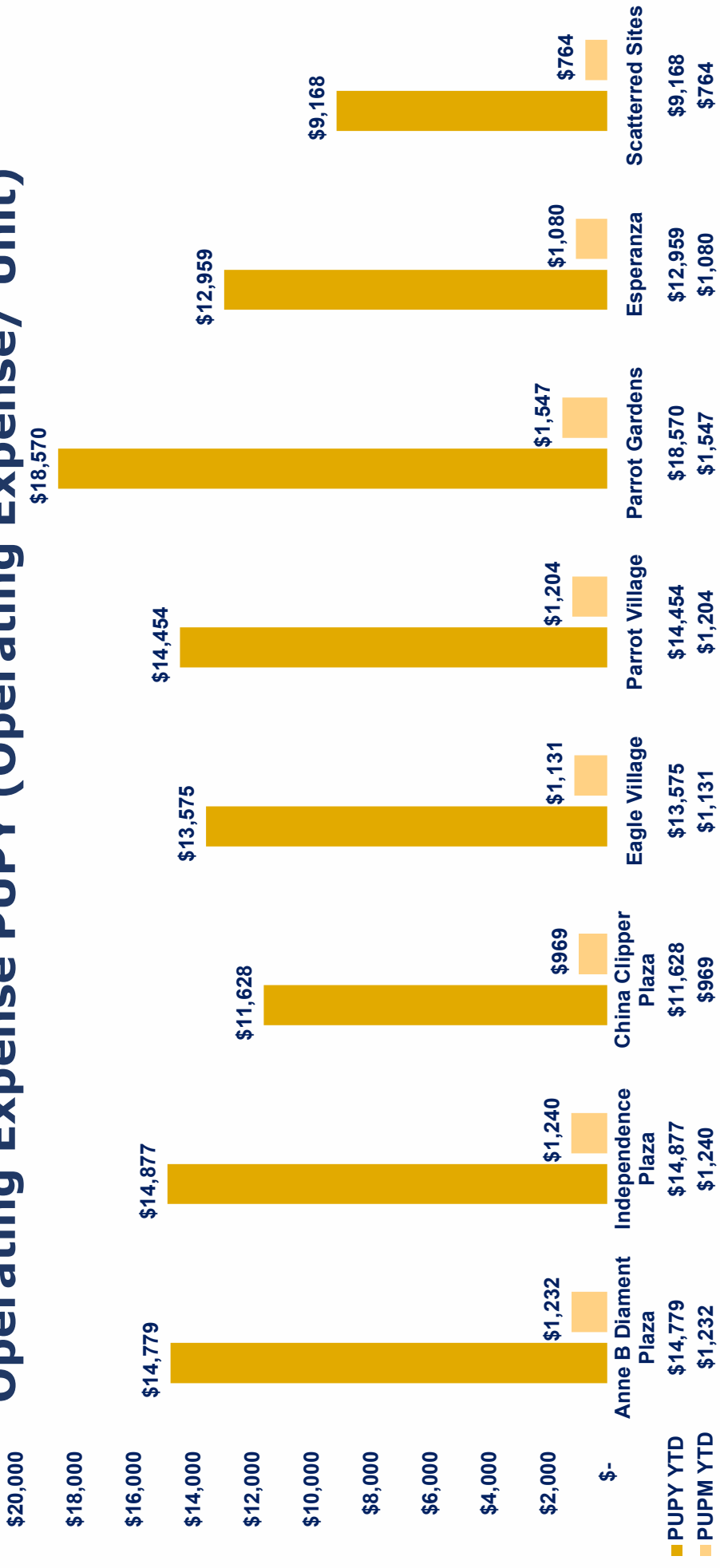
Property Staff Salaries and Benefits



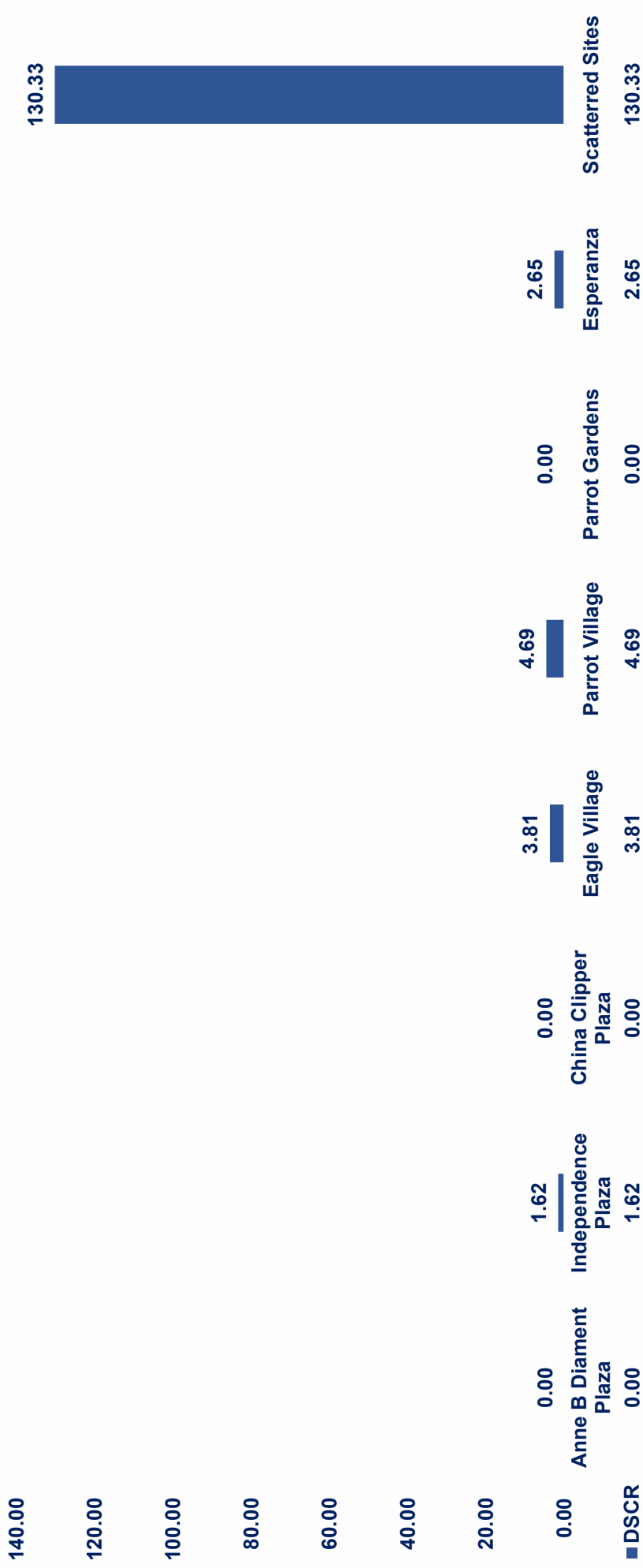
Resident Services



Operating Expense PUPY (Operating Expense/ Unit)



Debt Service Coverage Ratio (Total Operating Income/ Debt Service)



Thank You!



Housing Authority
of the
City of Alameda

www.alamedahsg.org



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Board of Directors

From: Joseph Nagel, Construction Project Manager

Prepared By: Joseph Nagel, Construction Project Manager

Date: November 16, 2022

Re: Accept Monthly Report on Construction in Progress.
4.C.

BACKGROUND

There were a number of costs and planned portfolio projects described in the Reserve Policy and other approvals from the May 2022 Housing Authority of the City of Alameda (AHA) Board of Commissioners meeting. Because of the large number of items currently underway, staff will provide a periodic update on Construction In Progress (CIP) activities.

DISCUSSION

1. Independence Plaza-

The Board approved up to \$1,850,000 in funds to complete the Independence Plaza balcony and guardrail repairs are awaiting final approval of the permits from the building department. Permit applications were submitted electronically to the building department on June 16, 2022 for all five (5) buildings (703, 705, 707, 709, 711) and four (4) have been approved and received. Balcony repair work has begun and as of November 2nd, repairs have been completed on 27 of 53 balconies.

Alameda Affordable Housing Corporation (AAHC) was notified that one of the buildings, building 707, is located within the FEMA Special Flood Hazard Area (SFHA). Due to this building being located within the FEMA SFHA, there would be additional documents required (detailed construction cost estimates, and an appraisal of the existing structure). Staff was able to provide a FEMA Flood Survey that showed the building was above the FEMA flood zone. The building department has also requested additional information and detailed plans for this repair. AAHC has contracted with Peoples Associates Structural Engineers, the same firm that provided the structural peer review, to provide any needed additional documentation required by the city building department and assist in expediting the permit process.



2. 701 Office/Maintenance Garage Conversion

- a. Architect RFQ-The RFQ for a design architect was issued on September 19th, 2022. RFI questions were received from 11 firms by the October 21, 2022, deadline and the answers to the RFI questions were issued on October 27th. Final RFQ responses are due on November 14th, 2022.
- b. GC RFP- The RFP for a General Contractor is being drafted. We expect that this RFP will be issued by December 1st, 2022.

3. Tilden Commons – Security & Readiness for AHA Maintenance

At the recently acquired AUSD property at 2615 Eagle Ave., smoke detectors, security alarms and cameras have been installed to properly secure the property. AAHC is currently working with the security system vendor to provide replacement smoke detectors. The smoke detectors originally installed were defective and caused false alarms. We expect the replacements to be delivered and installed by November 2022 as the vendor is facing supply chain issues. When the replacement smoke detectors are installed and operational, the maintenance staff is expected to move in.

4. Physical Needs Assessments

AAHC has contracted with the consulting firm PPA (Physical Property Analysis LLC) to conduct PNA's (Physical Needs Assessments) on the portfolio of properties. All of the assessments have been completed. We have received 4 of the 26 reports and expect the remaining reports by the end of November.

FISCAL IMPACT

The Board has approved these costs from the Construction in Progress section of the 2022 Reserves Policy (May 2022 BOC).

CEQA

None.

RECOMMENDATION

Accept Monthly Report on Construction in Progress.

ATTACHMENTS

None

Respectfully submitted,



Joseph Nagel, Construction Project Manager





PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Board of Directors

From: Vanessa Cooper, Executive Director

Prepared By: Vanessa Cooper, Executive Director

Date: November 16, 2022

Re: Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation 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.
5.A.

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:



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.” The Alameda Affordable Housing Corporation 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 Alameda, 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.

FISCAL IMPACT

None.

CEQA

N/A

RECOMMENDATION



Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation 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.

ATTACHMENTS

1. DRAFT RESOLUTION No. 2022-012- AB 361 (11.16.22)
2. AB 361.pdf 2021

Respectfully submitted,



Vanessa Cooper, Executive Director



ALAMEDA AFFORDABLE HOUSING CORPORATION

Resolution No. 2022-012

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ALAMEDA AFFORDABLE HOUSING CORPORATION 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 Alameda Affordable Housing Corporation ("AAHC") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the AAHC'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 AAHC'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 AAHC which includes the City of Alameda, 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

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 17, 2020, in response to the COVID-19 pandemic, the City Council of the City of Alameda, declared a local emergency as set forth in Ordinance No. 3267; 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 AAHC that are likely to be beyond the control of services, personnel, equipment, and facilities of the AAHC, and desires to ratify the proclamation of a local emergency by the City of Alameda, 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 does hereby find that the Board of Directors of the AAHC 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; and

WHEREAS, when holding teleconferenced meetings under abbreviated teleconferencing procedures permitted under the Brown Act, the AAHC will ensure access for the public by complying with all requirements set forth in Government Code section 54953(e), including, but not limited to, giving notice of the meeting and posting agendas, 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.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ALAMEDA AFFORDABLE HOUSING CORPORATION DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. Reconsideration. The Board hereby reconsiders the circumstances of the state of emergency.

Section 3. Ratification of the City of Alameda's Proclamation of a Local Emergency. The Board hereby ratifies the City of Alameda's proclamation of a Local Emergency as set forth in Ordinance No. 3267 adopted on March 17, 2020.

Section 4. 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.

Section 5. 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, 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.

Section 6. Remote Teleconference Meetings. The AAHC'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.

Section 7. 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 the AAHC may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED AND ADOPTED by the Board of Directors of the Alameda Affordable Housing Corporation this 16th day of November, 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Vanessa M. Cooper, Secretary
Board of Directors

Carly Grob, President
Board of Directors

Adopted: November 16, 2022

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.

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.

O