



**PHONE:** (510) 747-4300  
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**TTY/TRS:** 711

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701 Atlantic Avenue • Alameda, California 94501-2161

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**AGENDA**                    **SPECIAL MEETING OF THE BOARD OF DIRECTORS**  
**DATE & TIME**           **Wednesday, January 11, 2023 - 7:01 PM**  
**LOCATION**

Independence Plaza, 703 Atlantic Avenue, Alameda, CA

Pursuant to Assembly Bill No.361 (Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021) codified at Government Code Section 54953 a local legislative body is authorized to hold public meetings remotely via teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when, among other requirements, a legislative body of a local agency holds a meeting during a proclaimed state emergency, and makes the public meeting accessible “via a call-in option or an internet-based service option” to all members of the public seeking to access and attend the meeting, offer public comment, and address the legislative body.

**PUBLIC PARTICIPATION** Public access to this meeting is available as follows:

Join Zoom Meeting:

<https://us06web.zoom.us/j/81499349988?pwd=aE5KbzN6WThWa3ZGdDk0TmF4NnpnUT09>

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](mailto:jpolar@alamedahsg.org) and [vcooper@alamedahsg.org](mailto: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](mailto: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 Special Board of Directors Meeting held December 15, 2022.
- 4.B. Accept Monthly Report on Construction in Progress.

5. AGENDA

- 5.A. Accept an Update on Incomes at Independence Plaza and Approve Proposed Rent Increases for March 2023.
- 5.B. Approve the Report on Results of 2022 Physical Needs Assessments (PNA) Studies.
- 5.C. Accept the report on the Substantial Recapitalization Plan for Independence Plaza and China Clipper Plaza.
- 5.D. 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.

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.





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**DRAFT MINUTES  
SPECIAL MEETING OF THE BOARD OF DIRECTORS  
THURSDAY, DECEMBER 15, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL - Board of Directors

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

Absent: Director Sidelnikov

2. COMMISSIONER RECUSALS

None.

3. Public Comment (Non-Agenda)

None.

4. Closed Session - 7:02 p.m. - Adjournment to Closed Session to Consider:

Director Grob called the meeting to order at 7:30 p.m. Vanessa Cooper, Executive Director stated that Closed Session would not be needed, and Director Grob moved to Agenda Item #9.

4.A. Pursuant to Government Code Section 54956.9(a)  
Conference with Legal counsel re existing litigation: Housing Authority of the City of Alameda v. Johnson, Alameda County Superior Court No. RG18-933615

5. Adjournment of Closed Session

Non applicable.



6. RECONVENE REGULAR MEETING

Non applicable.

7. Announcement of Action Taken in Closed Session, if any.

Non applicable.

8. Public Comment (Non-Agenda)

None.

9. 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.

- \*9.A. Approve Minutes of the Regular Board of Directors Meeting held November 16, 2022.
- \*9.B. Approve \$100,000 Increase in Short-term Housing Authority Loan and Authorize Executive Director to Sign Contract Increases for Additional Costs Up to \$1,950,000 for Independence Plaza Balcony Renovation.

**Items accepted or adopted are indicated by an asterisk.**

Director Husby moved to accept the Consent Calendar items and Director Joseph-Brown seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes	6	Director Grob, Director Tamaoki, Director Hadid, Director Husby, Director Joseph-Brown, and Director Kaufman
Absent	1	Director Sidelnikov

10. AGENDA

- 10.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.

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 Grob seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes	6	Director Grob, Director Tamaoki, Director Hadid, Director Husby, Director Joseph-Brown, and Director Kaufman
Absent	1	Director Sidelnikov

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

None

12. EXECUTIVE DIRECTOR'S COMMUNICATIONS

None.

13. DIRECTORS COMMUNICATIONS, (Communications from the Directors)

None.

14. CONTINUATION OF CLOSED SESSION OF AAHC BOARD OF DIRECTOR – IF NEEDED

Non applicable.

15. Announcement of Action Taken in Closed Session, if any.

Non applicable.

16. ADJOURNMENT OF REGULAR MEETING

Director Grob adjourned the meeting at 7:40 p.m.

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Vanessa M. Cooper  
Secretary and Executive Director

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Chair Grob, President  
Board of Directors





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To: Board of Directors  
From: Joseph Nagel, Construction Project Manager  
Prepared By: Joseph Nagel, Construction Project Manager  
Date: January 11, 2023  
Re: Accept Monthly Report on Construction in Progress.  
4.B.

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## **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) were approved and received on September 6, 2022. Balcony repair work began and as of December 28, 2022, repairs have been completed on 36 of 53 balconies and all 25 of the additional guardrails.

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 were additional documents required (detailed construction cost estimates, and an appraisal of the existing structure). The staff were able to provide a FEMA Flood Survey that showed the building was above the FEMA flood zone.

The permit for the 5th and final building (707) was approved by FEMA and the City of Alameda Building Department on December 20, 2022 and the repairs to the final 17 balconies have begun. We expect this scope of work to be complete by the end of February 2023.



## 2. 701 Office/Maintenance Garage Conversion

- a. Architect RFQ-The RFQ for a design architect was issued on September 19, 2022. Eight Architect Responses/ proposals were received for the conversion. Final Interviews will be conducted January 3-15, 2023 and we anticipate having an Architect chosen by January 16, 2023 .
- b. GC RFP- The RFP for a General Contractor is being drafted and this RFP is expected to be issued by May 1, 2023.

## 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. Approximately half of the replacements were delivered and installed by the first week of December 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 and the reports have been received. AAHC is currently reviewing the reports and we have provided a separate report (AAHC Meeting January 11, 2023 - Item 5.B.) with an overview of the findings and projections.

## 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





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To: Board of Directors  
From: Stephanie Shipe, Director of Portfolio Management

Prepared By: Stephanie Shipe, Director of Portfolio Management

Date: January 11, 2023

Re: Accept an Update on Incomes at Independence Plaza and Approve Proposed Rent Increases for March 2023.  
5.A.

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## **BACKGROUND**

Independence Plaza was built in 1990 using a HUD insured loan program and contributed to the affordable housing requirements of the City's Community Investment Commission (CIC) (former Redevelopment Agency) by restricting 65 of the 186 units to Very Low (50% Area Median Income (AMI) or below), Low (80% AMI or below), and Moderate Income (120% AMI or below) households through an Affordable Housing Agreement dated January 18, 1989 (Agreement) which is regulated by the State of California. Within this Agreement, 29 of the 65 units must serve very low-income households. The Agreement also requires the Housing Authority to file a plan to make 100% of the units affordable. A 1993 affordability plan included renting all of the units to 50% of AMI households. Along with the Agreement, the property benefits from a tax-increment operating subsidy (Subsidy) to support the operating budget of the property given reduced rental rates for affordability at 50% AMI. This Agreement, and the 80% AMI Housing Authority covenant are the only regulatory restrictions associated with the property. The Agreement has been amended twice (2004 and 2010), to extend the term to 2024 and 2026, respectively. In 2026, the Subsidy will expire. Housing Authority staff refinanced the mortgage in 2014 to secure a reduced interest rate and to align the mortgage terms with the Affordable Housing Agreement and Subsidy expiration. In June 2017, staff presented several scenarios about how to plan for financial self-sufficiency and mortgage maturity when the Subsidy expires, and only rental revenue is available for operations. If no changes were implemented, the property would fall off a financial cliff with a substantial shortfall each year after 2026 and would not have funds to complete necessary upgrades to keep the property in good condition.

Prior board memos on this topic can be found on the AHA website [www.alamedahsg.org](http://www.alamedahsg.org), or in the board packets of November 2017 and May 2018.

## **Rent Increases**





In 2014, staff implemented a simplified rent policy for new move-ins, including only the three rent categories identified in the Agreement: 50% AMI, 80% AMI, and 120% AMI. The 50% AMI and 80% AMI rent categories were identified as the “Affordable” units. At present, there are no new entrants into the 50% or 120% rent categories, and the top level has been capped at 80% AMI.

In 2016, staff completed a rent study and income certifications, which were presented to the Board in December of that year. This showed that there were significant variations in rental rates between households for the same income level and same unit size. Additionally, there was a limited connection between a household income and the rent paid. The property had little to no rent increases over the previous decade and the rents were (and remain) well below the affordable rents allowed by the State. In November 2017, staff proposed a 5% rent increase for existing households, the first rent increase since 2015.

This increase went into effect in February 2018, 2019 and again in 2020. No rent increases were implemented in 2021 due to the COVID pandemic. Note: A 3% rental increase for non-subsidized units was implemented in 2022.

### New Move-Ins Rents

Turnovers were anticipated to be an opportunity to raise rents without affecting an existing resident. The assumption was that turnover would average 10%/year, which has been consistent over the past 4+ years.

- In 2018, new move-ins were charged affordable rents at 60% AMI, and their incomes cannot exceed 80% of area median income.
- In 2022, new move-ins were charged affordable rents at 70% AMI, and their incomes cannot exceed 80% of the median income.
- The property now has a total of 49 tenant-based section 8 holders as residents (26% of the property).

The higher new move-in rent corresponds with the max rent that can be collected for voucher holders.

In 2020, the project received a project-based voucher award for 25 units that brings additional income to the property, while still allowing very low-income residents to continue to live affordably. The PBV contract added a 15 % increase in tenant revenue over 2020 and 2021. Overall, revenues have increased by 24% compared to the 15% increase predicted in 2018

### Expenses

Although the 2018 memo anticipated a \$100,000 annual shortfall each year after 2026, the revised projected annual shortfall after 2026 is \$220,000 if current operating expense trends continue, as reported to the Board in November 2021. This is due to inflation, increased property expenses and some rent increases that were not fully implemented as planned, especially during the peak of the COVID pandemic. In November 2021, staff brought an update to the refinancing strategy for Independence Plaza to the Board of Commissioners.

Staff are working on several areas to reduce costs including:

- Setting a firm deadline of July 1, 2023 to outsource property management to FPI, a third party property management company
- Use CIC funds to make essential repairs now before 2026, including the current balcony project and other key repairs



- A revised process to assess and if necessary, address cost allocation to the property post FY2024-5

**DISCUSSION**

Staff has reviewed the current rents and incomes of all residents at Independence Plaza. After careful review of all households, staff is recommending that income set asides are set for each unit so we can start tracking loss to lease (the difference between current rent and max rent for that income bracket) as well as allowing staff to start offering lower rent apartments at Independence Plaza to those in need.

Currently, every newly vacant unit is bumped up to the 80% AMI (Income Bracket) with a 70% AMI Rent Limit. This allows the property to reach a more balanced income approach over time as the current tenant income and rent is skewed to the lower end, which will not support refinancing in 2026.

The current AMI allocation based on residents' current income is:

	Non-Voucher Holders				Voucher Holders	
	< 30%	50%	60%	> 80%	< 50%	TOTAL
1 Bedroom	45	23	9	17	65	159
2 Bedroom	1	7	4	5	9	26
<b>TOTAL</b>	<b>46</b>	<b>30</b>	<b>13</b>	<b>22</b>	<b>74</b>	<b>185*</b>

*\*There is one additional unit which is a manager's unit, not included in this mix.*

The current rent ranges for residents in the following income brackets are:

	Current Rent Ranges				
	< 30%	50%	60%	> 80%	Voucher Rents
1 Bedroom	\$460-\$1347	\$482-\$1798	\$1,050-\$1798	\$833-\$1,818	\$1,541-\$1,818
2 Bedroom	\$472-1,616	\$1,166-\$1,762	\$991-\$1,401	\$1,556-\$1,849	\$1,849

AHA recommends the following target income mixing to be achieved over time, through attrition (Those with a voucher are scattered throughout this mix):

	30%	50%	60%	80%	TOTAL
1 Bedroom	34	38	57	30	159
2 Bedroom	1	8	11	6	26
<b>TOTAL</b>	<b>35</b>	<b>46</b>	<b>68</b>	<b>36</b>	<b>185*</b>

The corresponding max TCAC rents are:



	TCAC Max RENTS				
	30%	50%	60%	70%*	80%
1 Bedroom	\$746	\$1,282	\$1,550	\$1,818	\$2,086
2 Bedroom	\$893	\$1,536	\$1,858	\$2,179	\$2,501

*NOTE: 70% rent charged with 80% AMI Max*

The following allocation would generate approximately \$263,663/mo income (compared with \$218,244 currently) if everyone was at the AMI Max Rent as of 12/2022 but does not include subsidy overhang (which can't be leveraged). This would be a 17% increase to the current property income based on the AMI set-aside alone. This is unlikely to be achieved soon because the rents are so far from the TCAC max.

Creating this range of established AMI limits not only increases the property's income, it would also allow current residents whose income decreases overtime to apply (i.e. be added to an interest list) to move to a unit with a lower AMI Rent Set-Aside and give prospects the chance to secure a lower rent unit when they become available, which further serves AHA's mission.

### Rent Increase Proposals

**Proposal 1:** Minimum Annual rent increases of 3.5% for 2023, 2024 and 2025 for all tenants up to the TCAC maximum rent for their assigned income range

AHA is proposing that all households receive a minimum of a 3.5% rent increase. Regular, consistent rent increases are necessary to be able to finance the property in 2026 and to avoid the need for larger increases in the future. It is important to set a rent increase plan for at least 3 years so that the current and new residents understand what is planned.

If approved, this would increase income by approximately \$7,639/mo and increases for tenants range from \$9 to \$65 a month for rent.

**Proposal 2:** Additional Annual Rent Increases dependent on rent burden for 2023, 2024 and 2025

For those households that have a rent burden of 29% or less a tiered structure is proposed to gradually align rents with income levels. HUD recommends a 30-40% rent burden for tenants.

Additional Rent Increase Rate	Rent Burden
1.5%	26% - 29%
4.5%	16% - 25%
5.5%	10% - 15%

If approved, this would increase income by an additional \$1,992/mo and increases range from \$29 to \$129 a month for rent.

These tiered rent increases would continue until the unit reaches their TCAC maximum rent for



their income designation. At that point, their annual increase would equal the change in the amount of the new TCAC rent cap, which is typically between 2-5% each year.

Number of non-subsidized residents with the proposed increase rate:

TOTAL Rent Increase Rate	Rent Burden	1 BED	2 BED	Total
3.5 %	> 30%	51	10	<b>61</b>
5 %	26% - 29%	13	1	<b>14</b>
7 %	16% - 25%	22	5	<b>27</b>
8%	10% - 15%	6	1	<b>7</b>
	TOTAL	<b>92</b>	<b>17</b>	<b>109</b>

*\*All residents with a HCV/PBV Voucher will be increased to the 70% Rent Max or higher as permitted by HCV. But the tenant portion would remain 30% of adjusted income.*

**Proposal 3:** Over-Income Households move to the 80% TCAC rent

Currently there are 5 households whose income is greater than 80% AMI. AHA staff recommends immediately moving those households into the highest income bracket and allow rent to be gradually increased up to the 80% AMI Limit at the highest rent increase rate .

For all scenarios, as previously approved by the Board, if the household’s income were to be reduced, rent would not be lowered. The resident would have to apply and be added to an interest list for a unit with a lower set-aside and income qualify using tax credit income qualification guidelines once an available unit comes available. This is a standard method used by TCAC projects to adjust rent burden as incomes change in accordance with fair housing. AHA has previously used this method at IP.

Implementing the following proposals would allow Independence Plaza to reach financial solvency by 2026. Please see the attached proforma budget with 2.5% average increase assumption.

**FISCAL IMPACT**

The proposed 2023 increases will result in an additional approx \$9,631/month as of March 2023 (\$115,572 annually).

**CEQA**

Not applicable.

**RECOMMENDATION**

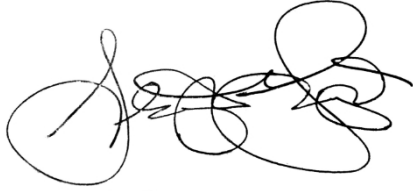
Accept an Update on incomes at Independence Plaza and Approve Proposed rent increases for February 2023.

**ATTACHMENTS**

1. IP Proforma w Proposed AMI Structure



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephanie Shipe', written in a cursive style.

Stephanie Shipe, Director of Portfolio Management

Average Increase	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%				
	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>2030</b>	<b>2031</b>	<b>2032</b>				
GPR	2,617,540	3,271,925	4,089,907	5,112,383	6,390,479	7,988,099	9,985,124	12,481,405	15,601,756	19,502,195	24,377,744				
Vac	(52,351)	(65,439)	(81,798)	(102,248)	(127,810)	(159,762)	(199,702)	(249,628)	(312,035)	(390,044)	(487,555)				
Other Inc	13,088	16,360	20,450	25,562	31,952	39,940	49,926	62,407	78,009	97,511	121,889				
EGI	2,578,277	3,222,846	4,028,558	5,035,698	6,294,622	7,868,278	9,835,347	12,294,184	15,367,730	19,209,662	24,012,077				
Oper Cost	2,915,124	3,031,729	3,152,998	3,279,118	3,410,283	3,546,694	3,688,562	3,836,104	3,989,548	4,149,130	4,315,096				
NOI	(336,847)	191,118	875,560	1,756,580	2,884,339	4,321,583	6,146,785	8,458,079	11,378,181	15,060,532	19,696,982				
Hard Debt	777,096	777,096	777,096	777,096	777,096	-	-	-	-	-	-				
Reserve	64,176	64,176	64,176	64,176	64,176	-	-	-	-	-	-				
NCF-Ops	(1,178,119)	(650,154)	34,288	915,308	2,043,067	4,321,583	6,146,785	8,458,079	11,378,181	15,060,532	19,696,982				
Capital	950,000	950,000	950,000												
Draw CIC	1,735,705	2,886,976	2,001,203	2,000,000	998,496										
Net Cash	(392,414)	1,286,822	1,085,491	2,915,308	3,041,563	4,321,583	6,146,785	8,458,079	11,378,181	15,060,532	19,696,982				
Balance	7,886,675	4,999,699	2,998,496	998,496	-										



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To: Board of Directors  
From: Joseph Nagel, Construction Project Manager  
Prepared By: Joseph Nagel, Construction Project Manager  
Date: January 11, 2023  
Re: Approve the Report on Results of 2022 Physical Needs Assessments (PNA) Studies.  
5.B.

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## **BACKGROUND**

As owner-operators, Alameda Affordable Housing Corporation (AAHC) and its affiliate, the Housing Authority of the City of Alameda (AHA), periodically undergo a third party review of the physical needs at its properties. Since the majority of properties are owned by AHA this memo is being brought to the AAHC board. The last assessment was done in 2016, with updates in 2017, after a previous analysis in 2011. The estimated funding for physical needs from those assessments ranged from \$17M to \$24M for the 20-year period.

In March 2022, as part of AHA/AAHC's due diligence to assess and project short and long term expenditures for the capital needs of its portfolio of properties, staff contracted with the consulting firm of Physical Property Analysis to conduct Physical Needs Assessments on each of the properties within the portfolio. The assessments and reports have been completed and include projections for years 1-20 as well as separate, Life Safety, Immediate Needs, and Deferred Maintenance line items. The 20 year estimated total funding needs are approximately \$26.3M. A summary is attached.

It should be noted that the three LIHTC properties owned by Island City Development (ICD) were excluded, as Littlejohn and Everett Commons are less than five years old, and Rosefield Village was under construction and renovation at the time. Shinsei Gardens property (where AHA owns the land and holds the right of first refusal) was included because an ownership transfer is contemplated in the near future. The newly purchased condos at Pulte were also not included.

## **DISCUSSION**

AHA/AAHC is also assessing the findings of the reports for years 1-20 to proactively budget for any anticipated repairs/renovations.



Related reports on three particular projects with high needs (China Clipper, Independence Plaza (IP), and Esperanza) are provided separately and with additional detail.

Staff anticipates returning to the Board with a proposed timeline and estimated cost/scope of work for IP, China Clipper, and Esperanza as well as the rest of the portfolio with impacts to the available Reserve Policy funds in August 2023. In the meantime, staff have initiated remediation of the items noted as Life-Safety issues, some of which have already been completed, and will be prioritizing the remediation of the Immediate Needs and Deferred Maintenance items in partnership with in-house and third party property management.

In addition, staff anticipates the completion of a seismic review, as well as findings from a Section 504 Report (another assessment that focuses on accessibility issues), later in 2023 that will continue to inform the need for physical upgrades throughout the portfolio.

### **FISCAL IMPACT**

The report findings anticipate approximately \$280,000 in Life Safety needs across the portfolio, as well as \$300,000 in Immediate Needs and \$1.2M in Deferred Maintenance. It is anticipated that funding for these costs will come from either property-specific reserves or from the Preservation set-aside from the adopted 2022 AHA Reserve Policy, which set aside \$9M for such purposes. If Reserve Policy funds are used, AHA will return to the AHA Board requesting that a soft loan be recorded on the properties.

In addition, the report also projects an anticipated average annual expenditure of \$1.4M per year over the next 10 years across the portfolio. It should be noted that the properties make repairs and upgrade unit interiors as the residents leave and new residents arrive on a yearly basis, so some of the work is done as part of the property budgets or out of property specific reserves.

### **CEQA**

None

### **RECOMMENDATION**

Accept the Report on the Results of the 2022 Physical Needs Assessments (PNA's) studies.

### **ATTACHMENTS**

1. Book1

Respectfully submitted,



Joseph Nagel, Construction Project Manager











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701 Atlantic Avenue • Alameda, California 94501-2161

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To: Board of Directors  
From: Allyson Ujimori, Senior Project Manager  
Prepared By: Allyson Ujimori, Senior Project Manager

Date: January 11, 2023

Re: Accept the report on the Substantial Recapitalization Plan for Independence Plaza and China Clipper Plaza.  
5.C.

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## **BACKGROUND**

As owner-operators, the Housing Authority of the City of Alameda (AHA) and its affiliate, the Alameda Affordable Housing Corporation (AAHC), periodically undergo a third-party review of the physical needs at its properties. Since most properties are owned by AAHC, this memo is being brought to the Board.

Staff is responsible for strategies to recapitalize AHA's existing portfolio to bring needed maintenance to its properties. The last assessment was done in 2021, when staff presented the AHA Reserves Policy and identified construction in progress (CIP) work of the existing portfolio at an amount more than \$10 million. As a part of its recapitalization strategy, Independence Plaza (IP), China Clipper Plaza (CC), and Esperanza Apartments are top priorities given their financial position, building condition, and/or size of the property. Independence Plaza and China Clipper Plaza are the subject of this Board Report. A separate report on Esperanza Plaza will be presented in February 2023.

Independence Plaza was built in 1990 and includes 186 homes for seniors (including one manager unit). The over four-acre property contains five buildings that range from two to three stories, along with ample community spaces and landscaping. The property is owned by the Alameda Affordable Housing Corporation (AAHC) and is managed by the Housing Authority of the City of Alameda (AHA). Generally, the property is still in good condition. However, after over 30 years of operations, there is some expected wear that needs to be addressed. Earlier this year, staff commenced substantial balcony replacement and repair tasks, which will be completed in early 2023. While the balcony repairs are nearing completion, there are other improvements that need to be addressed over the next few years to keep the property in excellent shape. Some examples of anticipated work include repairs and painting of exterior siding, removing the outdoor trellises which have wood rot, fire alarm system replacement, accessibility upgrades in the common areas, minor landscaping



improvements, heating ventilation and cooling system repairs/replacement, and the replacement of unit interior finishes. Furthermore, IP has been the subject of ongoing conversations regarding a financial strategy after the expiration of its tax-increment operating subsidy at the end of 2026. Recapitalizing the property provides potential opportunities to both physically and financially improve the property.

China Clipper was built in 1964 and includes 26 homes for renters in Alameda, including one manager unit. The property is approximately a half-acre, and is a three-story, wood-framed building. These range from studios to 3-bedroom units. The property was acquired in 1998, is owned by AAHC, and is now operated by FPI Management. In the past several years, CC has undergone some functional and cosmetic changes, such as painting, new flooring, and roofing. The swimming pool was also removed. However, given that the property is approaching 60 years old and was not developed by AHA, staff propose additional work to address leaking windows, where possible ADA accessibility, deferred repairs and waterproofing issues on exterior walkways and staircases, conversion of the three-bedroom unit to a two-bedroom unit to provide an onsite manager's office, common area updates to flooring, mailboxes, and elevator, electrical and water heating updates, and updated unit interior furnishings. This property has had a history of higher vacancy rates due to the age and location of the building, and the goal of the proposed improvements is to keep the property in good condition so that it can continue to be a desirable affordable housing asset within the City.

## **DISCUSSION**

To best understand property needs, the staff obtained Physical Needs Assessment reports (PNAs) on the subject properties. These reports, provided by an independent third party, evaluate immediate and eventual work spanning 20 years. Staff used these reports to inform the scope and cost of work needed at each property. Additionally, staff gathered scope informed by high priority items from a separate report commissioned by AHA that focuses on recommending accessibility upgrades (Section 504 Report), financing program requirements (only applicable to tax credit scenarios), and input from internal staff who work closely with the properties. Staff note that the Section 504 Report is in process and not completed, so staff had to interpret some of the report while evaluating the scope of work. Generally, staff prioritize work relating to life-safety, accessibility, and urgency.

Scope is generally categorized into two categories: Minimum and Syndication scopes. The Minimum Scope includes addressing life-safety, some accessibility, some common area improvements, and replacement of interior furnishings in one-quarter of the units. The Syndication Scope includes a more robust list, including the items in the Minimum Scope, landscape and irrigation improvements, additional replacements of the property's original finishes and appliances, and additional measures that would go towards meeting funding requirements.

### **Paying for Renovation:**

Unlike market rate properties that can raise rents before and/or after property improvements, AAHC's portfolio cannot assume rent increases will cover or recoup the costs. As a result, improvements must be funded through other means. Some typical funding strategies include:

1. Property reserves - Cash is collected over time to fund needed property repairs and improvements, including unit turnover activities and emergency repairs. These types of



- property reserves can be held by the owner, and they can also be required and held by lenders. Currently, CC has a small owner-held reserve in the amount of \$26,000. IP has two reserves: 1) owner-held, these funds have been used for the balcony repairs; and 2) bank-held reserves, most of which will go towards the cost of the balcony repairs.
2. Mortgage Refinance - The property takes on debt or refinances existing debt to generate funds that can be used for renovations. This technique leverages property cash flow to provide a one-time cash infusion to the property. The property would then carry a monthly debt payment. Currently, CC does not have a mortgage. IP has a mortgage, with a debt service payment of approximately \$70,000 per month that will mature in July 2026.
  3. Tax Credit Syndication – In situations where the property renovation needs are substantial, developers typically consider a tax credit syndication because the property can access additional sources, beyond a mortgage. The property would seek an award for tax credits that are sold to investors. The proceeds from these tax credits would then be used to fund property improvements. There are two tax credit funding programs: a) 4% tax credits and tax-exempt bonds, or b) 9% tax credits. Currently, tax-exempt bonds and 9% tax credits are extremely competitive, and the State of California is not emphasizing renovation projects.
  4. Use of Preservation Funds from the AHA Reserve Policy - In May 2022, staff recommended that identified funds be set aside for the purpose of preserving AHA's existing portfolio. These funds could be used for IP, CC, and Esperanza as a one-time investment in the properties. Per the October 2021 Reserve Policy Report, AHA will annually review net proceeds and the Board can determine additional allocations back to the Preservation Fund, if additional funding is available. Staff would need to confer with auditors, but these investments may be set-up as soft loans to the subject properties.
  5. Defer Maintenance & Renovations – Should the conditions not be suitable for any of the strategies listed above, there is the ability to defer some maintenance and renovations until a later date. Only high priority maintenance would occur on a case-by-case basis and would be funded through the property's budget. However, large-scale rehabilitation would be on hold until the funding options presented above are more feasible. This strategy is more feasible with IP, which is a large project with a few more years of capitalized operating subsidy to rely upon (approximately \$5 million available, if approved by the City and State, until the end of 2026, per the City's Recognized Obligation Payment Schedule), whereas CC has a very limited budget or cash flow to rely upon and larger per unit needs.

### Financial Analysis

For both properties, staff evaluated the feasibility of each of the five funding mechanisms described in this report's Background section. Additionally, staff explored multiple scenarios for the mortgage and tax credit strategies, where income and/or expenses were modified to allow for financing to be feasible or to generate additional proceeds. The goal of the financial analysis is to establish which funding strategies could be used to fund the needed improvements.

Further discussion about the financial analysis for each property is provided below.



*Independence Plaza*

Staff evaluated several scenarios for a traditional mortgage refinance and a 4% tax credit syndication. For the mortgage scenarios, staff used current property income and expense assumptions, along with typical underwriting standards. Unfortunately, absent the current tax-increment operating subsidy (CIC funds), which expire in 2026, and with typical underwriting criteria, the property’s income is too low, and expenses are too high to leverage a mortgage to cover even the minimum construction scope, design, relocation, permitting, and financing costs. Staff evaluated ways to increase income (including increasing the number of PBVs up to 50) and/or decrease expenses, but although these will increase over all income to the property, this is not sufficient to borrow against, in part because of the limited ability to raise rents to the payment standard quickly, and the constraints of operating a large older property. Although there are 25 Project Based vouchers, the property also receives a substantial amount of income from Housing Choice Vouchers, which a traditional lender will not underwrite (because it is possible that the tenant could leave and take that voucher elsewhere). It is possible that when the property is converted to third party management, some operational expenses may be realized. In any event, the existing loan cannot be refinanced until it matures in 2026, so staff will continue to monitor refinancing as a potential option ahead of 2026.

Staff evaluated a 4% tax credit strategy given the property’s renovation scope is large and requires additional funding sources beyond a mortgage. The 4% program is allocated through a non-competitive process; however, it must be paired with tax-exempt bond program, which over the last two years has become competitive. Under a 4% tax credit strategy, similar operating conditions made it difficult to sustain a mortgage. Furthermore, the tax-exempt bond program has reduced the availability of bonds for rehab projects, which has created a state-wide slow-down of these types of projects at this time. This financing strategy may be more viable if the California Debt Limit Allocation Committee’s regulations become more available to rehab projects and should be re-evaluated in the future as it is a mechanism to do more substantial work at the property.

A memo in the same packet, from Stephanie Shipe, discusses that the property is not up-to-date on rent levels charged per the approved rent schedule. New tenants are being charged the 70% TCAC rent. The tables below shows that there is a large discrepancy between the current rents charges to long-term tenants and the 2022 TCAC rents.

The current AMI allocation based on residents’ *current* income is:

Household AMI	Non-Voucher Households				Households w/ Vouchers	TOTAL
	<30%	50%	60%	>80%		
1 Bedroom	45	23	9	17	65	<b>159</b>
2 Bedroom	1	7	4	5	9	<b>26</b>
<b>TOTAL</b>	<b>46</b>	<b>30</b>	<b>13</b>	<b>22</b>	<b>74</b>	<b>185*</b>

\*Does not include manager unit.



The current rent ranges paid by IP tenants by income disclosed by tenants are:

<b>Rents</b>					
	<30%	50%	60%	>80%	Voucher Rents
1 Bedroom	\$460-1,347	\$482-1,798	\$1,050-1,798	\$833-1,818	\$1,541-1,818
2 Bedroom	\$472-1,616	\$1,166-1,762	\$991-1,401	\$1,556-1,849	\$1,849

The 2022 TCAC Rents (minus utility allowance):

<b>2022 TCAC Rents (minus utility allowance)</b>				
	30%	50%	60%	70%
1 Bedroom	\$746	\$1,282	\$1,550	\$1,818
2 Bedroom	\$893	\$1,536	\$1,858	\$2,197

As far as property reserves, IP has two and neither are sufficient to pay for the needed improvements and renovations. One that is property-specific and another that is required by the bank. The balcony work that was approved earlier this year, used all of the property reserves and half of the bank-held reserves. Of the bank-held reserves, \$248,000 remains and staff is planning to keep the reserves with the property for future operations and potential emergencies.

As a fourth option, the property improvements could be funded by the Preservation funds from AHA’s Reserve Policy. This strategy allows AHA to fund completion of the Minimum Scope (or a portion thereof), which is estimated to be \$2.2 million. This strategy allows staff to implement the work as soon as possible. Staff will confer with the auditor to explore the possibility of structuring the funds as a soft loan. Repayment of this soft loan from net new cash flow is unlikely, absent a future refinance of the property. Given the existing debt, the loan would be subordinate to the bank loan and, given the short term of that loan, requesting formal recording on title might be more costly than it is worth.

Lastly, IP can continue property maintenance and repairs on a limited, as-needed basis. This scope would include items that fall under life-safety. The work would be paid for through the property operations, until staff are able to identify a feasible way to recapitalize the property with more funding sources. Additionally, staff anticipate that approximately \$1.2 million may be available in CIC Funds between now and 2026. However, these funds are subject to city and state approval and are allocated annually. If the \$1.2 million is allocated to the property, staff recommends doing a smaller version of the Minimum Scope that would include: life-safety, accessibility, common area improvements.

Please see Attachment 1 for a breakdown of anticipated costs for the Life-Safety, Minimum, and Syndication Scopes.

*China Clipper*

As with IP, staff evaluated the feasibility of a traditional mortgage refinance as well as a 9% tax credit scenario. For the mortgage scenarios, staff used current property income and



expense assumptions, along with typical underwriting standards. For these scenarios, staff explored ways to decrease expenses and increase income. In one scenario, the property was able to leverage a small mortgage. However, given the small size of the property and recent vacancy trends, staff believe it is unlikely a bank would lend the needed funds.

For a tax credit scenario, China Clipper was modeled as a 9% development, which is a program that yields more tax credit proceeds than the 4% program. The 9% program enables developers access to more funding and given the amount of renovation work that is needed at CC, this program would be more appropriate. Since CC only has 26 units, it may need to be paired with another AHA new construction, like Tilden Commons, to be competitive. Under a 9% scattered sites scenario, the property could leverage debt and utilize State Tax Credits; however, given the competitive nature of the program, the project would need a substantial amount of soft funds as a loan from AHA to be competitive. At this time, there are not many soft funding sources available, and staff does not recommend the property pursue this strategy at this time.

China Clipper's property reserves are minimal, at \$26,000 total. Staff advises that these reserve funds remain available for normal operations and emergency repairs.

Like IP, the property improvements could be funded by a one-time contribution by AHA that would be funded by the Preservation funds from the Reserve Policy. This strategy allows AHA to fund the completion of the Minimum Scope (or a portion thereof), which is estimated to be \$1.9 million. This strategy allows staff to implement the work as soon as possible. Staff will consult with auditors to explore the possibility of structuring the investment as a recorded soft loan. Substantial repayment of this soft loan from net new cash flow is unlikely absent a future refinance of the property. CC currently has no mortgage, but has a City HOME loan, which is already subordinated to an existing acquisition loan from AHA.

Lastly, the option to postpone improvements and renovations at China Clipper is also possible; however, not advised given the property's age and higher vacancy rate. Unlike IP and Esperanza, CC is a much smaller property, and it does not have the same financing opportunities that could fund the needed work. Staff propose that at the very least, all life-safety improvements be completed, which staff estimate to be approximately \$913,000.

Please see Attachment 1 for a breakdown of anticipated costs for the Life-Safety, Minimum, and Syndication Scopes.

### *Staff Considerations*

1. Per the 2021-2026 Reserve Policy, \$9 million was allocated to fund renovations of the existing portfolio, as well as the remodel of the AHA maintenance yard into additional office space. While IP and CC were determined to be high-need properties, AHA must consider the other properties as well, including Esperanza, which is a much larger property that will impact the use of available funds. As a result, staff present a couple of possible paths forward, pending analysis of Esperanza:
2. Request and expend all available CIC funds between now and 2026 for IP to the extent permitted by the state. Set a \$5 million spending cap for the work done at CC, IP, and Esperanza and streamline the minimum scope of the most critical items. This cap may mean reducing the Minimum Scopes contemplated in some of the strategies





- above and targeting high priority/immediate items first. Accessibility upgrades and unit refurbishment would be deferred over time and paid for through each property's operating budget and possible refinance within the next five years; or
3. Set a \$5 million spending cap and prioritize China Clipper – CC does not have many financing options, given its size and the current funding climate. However, it is only 25 affordable units of the 840 units AHA owns. Staff can prioritize implementing the Minimum Scope at this property, and improve operations by the creation of an onsite office and conversion of the three-bedroom unit (which has been very difficult to rent). Some critical items at Esperanza and IP may be covered. However, generally, maintenance at these properties would be deferred over time through each property's operating budget and a potential recapitalization within the next five years.

*Related Points of Concern:*

- Temporary relocation – Temporary relocation may be required to accomplish the proposed scope of work. In the anticipated costs, staff assumed that up to 25% of the households from each property may need to be temporarily relocated. Staff budgeted the costs of each relocated household including a hotel stay, food costs via a per diem, and moving costs. Staff anticipates that these households may be temporarily relocated for approximately five days.
- Construction costs – Construction costs are high and continue to rise in the Bay Area. Staff is tracking cost trends and holding healthy contingencies for escalation in the estimates. Staff is also planning to begin working with architects and design consultants later this year, pending approval by the Board of predevelopment expenses, and will eventually bring on a third-party construction manager and contractor to price the expected work.
- Ongoing property needs – The proposed Minimum scope discussed in staff's considerations covers work that needs to happen in the next three years. The PNAs evaluate the property needs over the next twenty years. While there is currently a challenging financial landscape (high mortgage rates, limited soft funding, and limited tax credits and bonds available for rehab projects), this may not always be the case. Staff will continue to monitor the financing landscape and track property needs.

*Next Steps:*

1. Consult with auditor's regarding ability to structure AHA investments in property renovations as soft loans.
2. Evaluate Esperanza's construction scope and the property's ability to leverage additional financing to fund improvements and provide a similar memo to the Board in February 2023.
3. Seismic scope is not included in this analysis. Although seismic scope is not anticipated to be extensive, AHA plans to procure seismic evaluations for its portfolio by mid-2023.
4. Staff is proposing a rehabilitation and acquisition ad hoc committee which would meet approximately every month from February until August to provide feedback and input.
5. Present a proposed timeline and estimated cost/scope of work for IP, CC, and Esperanza and impacts on the available Reserve Policy funds in August 2023.



**FISCAL IMPACT**

As proposed, AHA may make a one-time investment and/or soft loans to IP, CC, and Esperanza, funded through the Preservation funds set aside by the Reserve Policy. Given the nature of the Preservation funds, staff will need to confer with the auditor to see if the funds may be structured as a soft loan, with residual receipts repayment. Should staff be able to structure the funds as a soft loan, the properties will likely not be able to repay the loans.

Per the October 2021 Report, staff will annually report when proceeds are available, and the Board can direct staff to replenish the AHA Preservation funds as appropriate.

**CEQA**

This item is not applicable to CEQA.

**RECOMMENDATION**

Accept the Report on the Substantial Recapitalization Plan for Independence Plaza and China Clipper Plaza.

**ATTACHMENTS**

1. Item 5.C Attachment 1 final

Respectfully submitted,



Allyson Ujimori, Senior Project Manager

**ATTACHMENT 1**  
Breakdown of Minimal & Syndication Scopes & Costs for IP & CC

INDEPENDENCE PLAZA

	<b>Life-Safety Scope</b>	<b>Minimum Scope</b>	<b>Syndication Scope</b>
Life-Safety*	\$175,000	\$175,000	\$175,000
Accessibility**	\$0	\$313,600	\$413,600
Common Area Needs	\$0	\$376,250	\$795,590
Landscaping & Exterior Building Maintenance	\$0	\$0	\$2,519,170
Unit Interiors	\$0	***\$258,825	\$3,213,300
Green Building Allowance	\$0	\$0	\$650,000
Total Hard Costs	\$175,000	\$1,123,675	\$7,766,660
Hard Cost Contingency <sup>4</sup>	\$47,250	\$303,392	\$2,096,998
GC Costs <sup>5</sup>	\$31,115	\$199,789	\$1,380,912
Soft Costs <sup>6</sup>	\$26,600	\$509,792	\$8,723,538
Soft Cost Contingency	\$2,660	\$50,979	\$359,254
Capitalized Reserves	\$0	\$0	\$1,298,988
Developer Fee	\$0	\$0	\$800,000
<b>TOTAL</b>	<b>\$282,625</b>	<b>\$2,187,628</b>	<b>\$22,426,350</b>
Per unit	\$1,519	\$11,761	\$120,572

\*Some Health & Safety renovations also occur in Common Areas and Landscaping & Exterior Building Maintenance.

\*\*Minimum Scope does not include TCAC accessibility requirements that go beyond CA Building Code.

\*\*\*25% of units will be renovated

<sup>4</sup> Total Contingency = 27%, which includes industry standard of 15%, plus an added 12% for cost escalation

<sup>5</sup> Industry standard of 14%.

<sup>6</sup> Soft costs for Life-Safety Scope include permitting and prevailing wage monitor. The Minimum Scope soft costs include design costs, prevailing wage monitoring, construction manager, permitting, and temporary relocation. For Syndication Scope, it also includes financing and legal costs.

CHINA CLIPPER

	Life-Safety Scope	Minimum Scope	Syndication Scope
Life-Safety*	\$393,500	\$393,500	\$393,500
Accessibility**	\$0	\$377,000	\$444,796
Common Area Needs	\$0	\$97,008	\$278,875
Landscaping & Exterior Building Maintenance	\$0	\$0	\$286,300
Unit Interiors	\$0	***\$122,375	\$548,500
Green Building Allowance	\$0	\$0	\$375,000
Total Hard Costs	\$393,500	\$989,883	\$2,452,946
Hard Cost Contingency <sup>4</sup>	\$106,245	\$267,268	\$662,295
GC Costs <sup>5</sup>	\$69,964	\$176,001	\$436,134
Soft Costs <sup>6</sup>	\$311,764	\$415,685	\$2,929,077
Soft Cost Contingency	\$31,176	\$41,569	\$292,908
Capitalized Reserves	\$0	\$0	\$205,774
Developer Fee	\$0	\$0	\$1,450,551
<b>TOTAL</b>	<b>\$912,649</b>	<b>\$1,890,406</b>	<b>\$8,429,685</b>
Per unit	\$35,102	\$72,708	\$324,219

\*Some Health & Safety Improvements also occur in Common Areas and Landscaping & Exterior Building Maintenance.

\*\*Minimum Scope does not include TCAC accessibility requirements that go beyond CA Building Code.

\*\*\*25% of units will be renovated

<sup>4</sup> Total Contingency = 27%, which includes industry standard of 15%, plus an added 12% for cost escalation

<sup>5</sup> Industry standard of 14%.

<sup>6</sup> Soft costs for Life-Safety and Minimum Scopes include design costs, prevailing wage monitoring, construction manager, permitting, and temporary relocation. For Syndication Scope, it also includes financing and legal costs.





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To: Board of Directors  
From: Vanessa Cooper, Executive Director  
Prepared By: Vanessa Cooper, Executive Director

Date: January 11, 2023

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.D.

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## **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. 2022-014- AB 361 (01.11.23)
2. AB361 - Print

Respectfully submitted,



Vanessa Cooper, Executive Director

ALAMEDA AFFORDABLE HOUSING CORPORATION

*Resolution No. 2022-014*

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 11th day of January, 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

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Vanessa M. Cooper, Secretary  
Board of Directors

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Carly Grob, President  
Board of Directors

Adopted: January 11, 2023

## 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.

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