



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

701 Atlantic Avenue • Alameda, California 94501-2161

AGENDA **REGULAR MEETING OF THE BOARD OF DIRECTORS**
DATE & TIME **Wednesday, February 16, 2022 - 7:01 PM**
 Closed Session 7:02 PM

LOCATION

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/89822835206?pwd=K1d1Qng1TIBsY01uWIRHaEx2U3JSdz09>

Meeting ID:898 2283 5206

Passcode:023235

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

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

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

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



PLEDGE OF ALLEGIANCE

1. ROLL CALL - Board of Directors
2. DIRECTOR RECUSALS
3. Public Comment (Non-Agenda)
4. Closed Session - 7:02 p.m. - Adjournment to Closed Session to Consider:
 - 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. RG18933615
5. 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.

- 5.A. Approve Minutes of the Alameda Affordable Housing Corporation Meetings held on January 12, 2022 and January 19, 2022. **Page 4**
- 5.B. Approve Chapter 8 Property Acquisitions (70-153-31, 73-420-32) and Authorize the Executive Director, or her Designee, to Negotiate and Execute Purchase Documents. **Page 9**
- 5.C. Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Financial Report through the Month of December 2021. **Page 14**
6. AGENDA
 - 6.A. Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361. **Page 38**
7. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)
8. EXECUTIVE DIRECTOR'S COMMUNICATIONS
9. DIRECTORS COMMUNICATIONS, (Communications from the Directors)
10. 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
ALAMEDA AFFORDABLE HOUSING CORPORATION
SPECIAL MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY, JANUARY 12, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL - Board of Directors

Present: Director Grob, Director Tamaoki,
Director Mun, Director Rickard, and Director Sidelnikov

Absent: Director Hadid, and Director Kay

2. COMMISSIONER RECUSALS

None.

3. Public Comment (Non-Agenda)

None.

4. AGENDA

- 4.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 Grob 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 Sidelnikov seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.



**Yes 5 Director Grob, Director Tamaoki, Director Mun
Director Rickard, and Director Sidelnikov**

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

None.

6. EXECUTIVE DIRECTOR'S COMMUNICATIONS

None.

7. DIRECTORS COMMUNICATIONS, (Communications from the Directors)

None.

8. ADJOURNMENT OF REGULAR MEETING

Director Grob adjourned the meeting at 6:53 p.m.

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, President
Board of Directors





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**DRAFT MINUTES
ALAMEDA AFFORDABLE HOUSING CORPORATION
REGULAR MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY, JANUARY 19, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL - Board of Directors

Present: Director Grob, Director Tamaoki, Director Kay
Director Mun, Director Rickard, and Director Sidelnikov

Absent: Director Hadid

2. DIRECTOR 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 approximately 7:51 p.m. and announced that the Board would adjourn to Closed Session.

4.A. Conference with Legal Counsel-Anticipated Litigation: Exposure to litigation pursuant to subdivision (D)(2) of Government Code Section 54956.9:
One potential case.

Chair Grob adjourned Closed Session at approximately 7:56 p.m. and announced that the Board discussed item 4.A.

5. 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.



- *5.A. Approve Minutes of the Alameda Affordable Housing Corporation Meeting held on December 15, 2021.

Item accepted or adopted is indicated by an asterisk.

Director Tamaoki moved to approve the Consent Calendar item and Director Rickard seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes	4	Director Grob, Director Tamaoki, Director Kay Director Mun, Director Rickard, and Director Sidelnikov
Abstention	2	Director Kay and Director Sidelnikov

6. AGENDA

- 6.A. Accept the Update Report on the 2800 Fifth Street BMR Purchase of Eighteen Units; Ratify the Regulatory Agreement with the City; and Direct the Executive Director to Execute an Amended and Restated Promissory Note for a Loan from the Housing Authority to AAHC from \$3,500,000 to \$3,750,000.

Sylvia Martinez, Director of Housing Development stated that this item is in response to the acceptance of agenda item 10.B of the January 9, 2022 the Alameda Housing Authority (AHA) Board of Commissioners Meeting. The reserve policy approved by the AHA Board of Commissioners in the fall of 2021, contemplated for this increase in the loan amount, therefore the funding is available for the modified loan amount of \$3,750,000.

Director Sidelnikov moved to accept the Update Report on the 2800 Fifth Street BMR Purchase of Eighteen Units; Ratify the Regulatory Agreement with the City; and Direct the Executive Director to Execute an Amended and Restated Promissory Note for a Loan from the Housing Authority to AAHC from \$3,500,000 to \$3,750,000, and Director Tamaoki seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously

Yes	6	Director Grob, Director Tamaoki, Director Kay Director Mun, Director Rickard, and Director Sidelnikov
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- 6.B. Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

Director Sidelnikov 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 Kay seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes 6 Director Grob, Director Tamaoki, Director Kay
Director Mun, Director Rickard,
and Director Sidelnikov

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

None.

8. EXECUTIVE DIRECTOR'S COMMUNICATIONS

None.

9. DIRECTORS COMMUNICATIONS, (Communications from the Directors)

None.

10. ADJOURNMENT OF REGULAR MEETING

Director Grob adjourned the meeting at approximately 8:00 p.m.

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, President
Board of Directors





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To: Board of Directors

From: Sylvia Martinez, Director of Housing Development

Prepared By: Sylvia Martinez, Director of Housing Development

Date: February 16, 2022

Re: Approve Chapter 8 Property Acquisitions (70-153-31, 73-420-32) and Authorize the Executive Director, or her Designee, to Negotiate and Execute Purchase Documents.
5.B.

BACKGROUND

Every January, the Housing Authority receives notice of Alameda properties listed with delinquent taxes for five or more years and approved by the Board of Supervisors for sale at Public Auction. An objection to auction is allowed under Chapter 8, Part 6 Division 1 of the County Tax Sale Procedure Manual. This provision, also known as an Agreement Sale, allows government entities and nonprofits to purchase tax-defaulted properties for public use outside of the auction process. Low-income housing is a qualifying use. The Housing Authority is not a taxing entity and cannot object on its own behalf. However, it has used its nonprofit partner, the Alameda Affordable Housing Corporation, to lodge these objections in the past. The Board approved pursuit of such opportunities in 2018 and in 2020, although none have resulted in a purchase to date. The Chapter 8 process is slow because of the extensive noticing requirements and approval process by the County Board of Supervisors, both of which protect the homeowner and the purchaser.

DISCUSSION

There are two viable properties on the January 2022 notice which are summarized in the attachments, and site maps and locations are provided.

Because of the short lead time to file an objection (first week of February), staff has filed objections and an interest to purchase. This filing is a placeholder only and does not obligate the Corporation to continue with the sale. Staff has requested title information and has searched building records (which are minimal for both properties). Both buildings are over 50 years old, which may require historic review for physical changes if proposed.



FISCAL IMPACT

The anticipated purchase prices are described in the attachments, for a total of approximately \$350,000. These funds need to be made available under the Reserve Policy. Staff recommends utilizing the remaining \$350,000 uncommitted in the Production component of the Reserve Policy approved in October 2021. This action will exhaust the Production component until new funds are identified.

In the past, staff has proposed a 30-year, zero interest loan from the Housing Authority to be paid back through residual receipts from the property and recorded against the property for collateral. Additionally, where appropriate, a Housing Authority regulatory agreement restricting the property to households at or below 80% AMI will be recorded. Once purchased, staff can apply for CDBG Rehabilitation funds to complete physical repairs to the property, as needed, for habitability as affordable housing or community services.

Note, the properties could ultimately be owned by either AHA or AAHC. Rental properties that are owned by AAHC can more easily host residents using Housing Choice Voucher, but a property that is used for other purposes can receive a property tax exemption more easily if it is owned by the Housing Authority.

CEQA

N/A

RECOMMENDATION

Approve Chapter 8 Property Acquisitions (70-153-31, 73-420-32) and Authorize the Executive Director, or her Designee, to Negotiate and Execute Purchase Documents.

ATTACHMENTS

1. Attach 1 Summary of Tax Defaulted properties

Respectfully submitted,



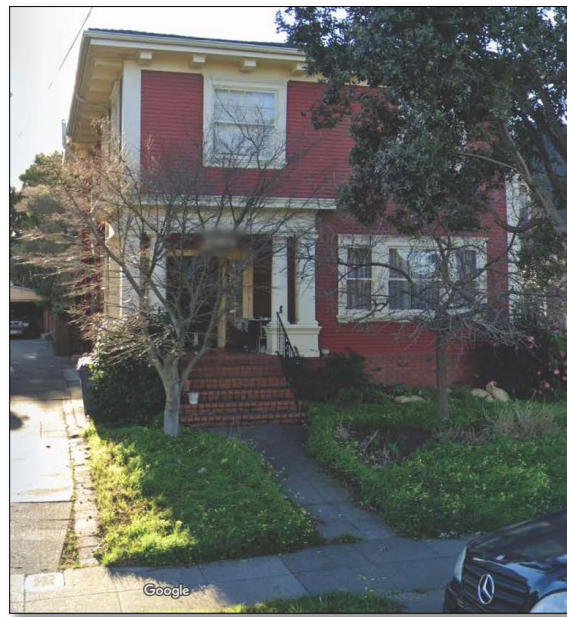
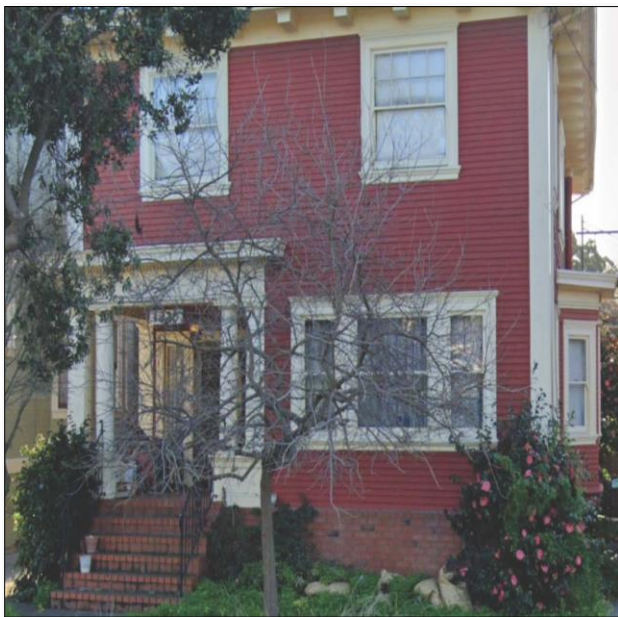
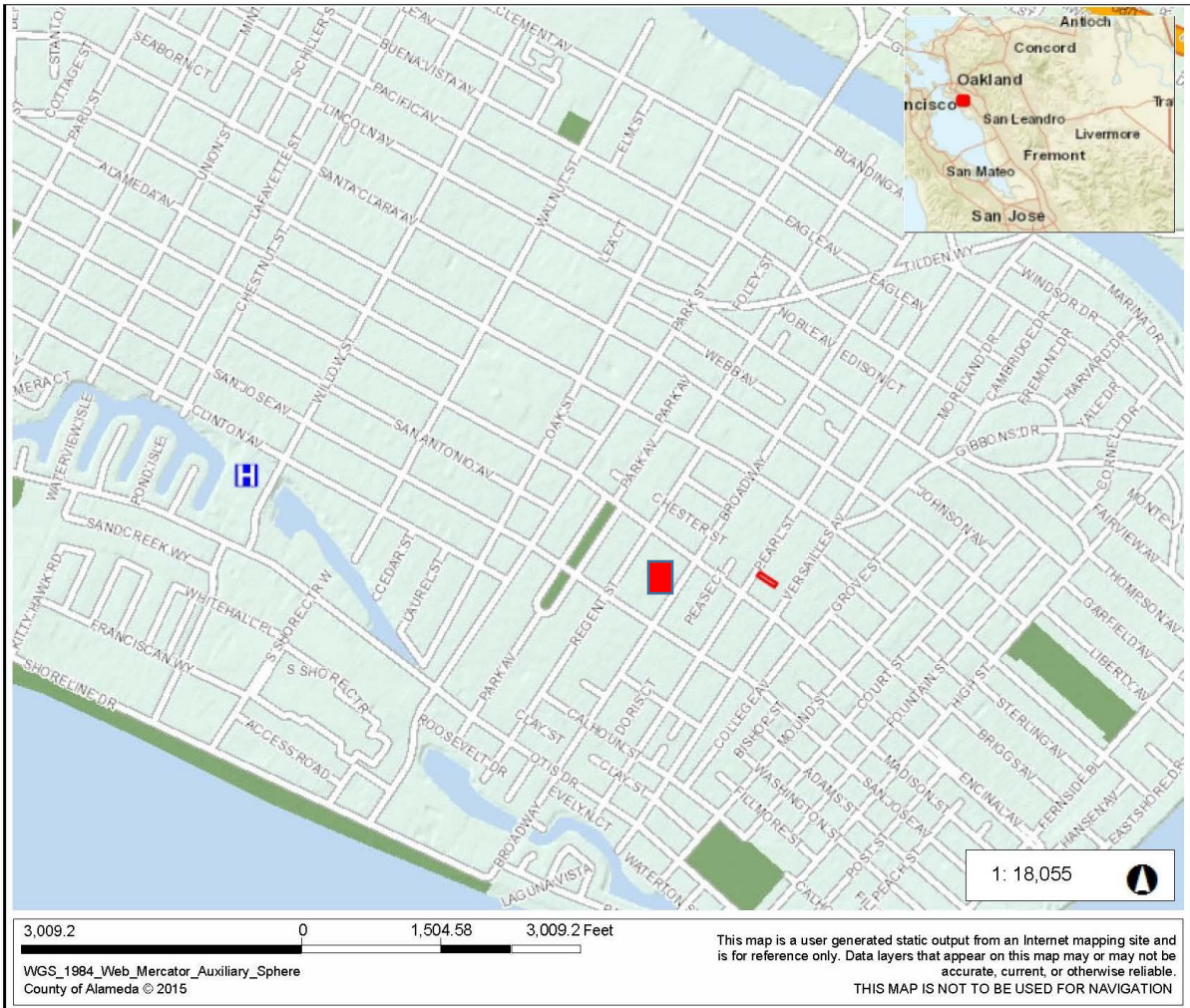
Sylvia Martinez, Director of Housing Development



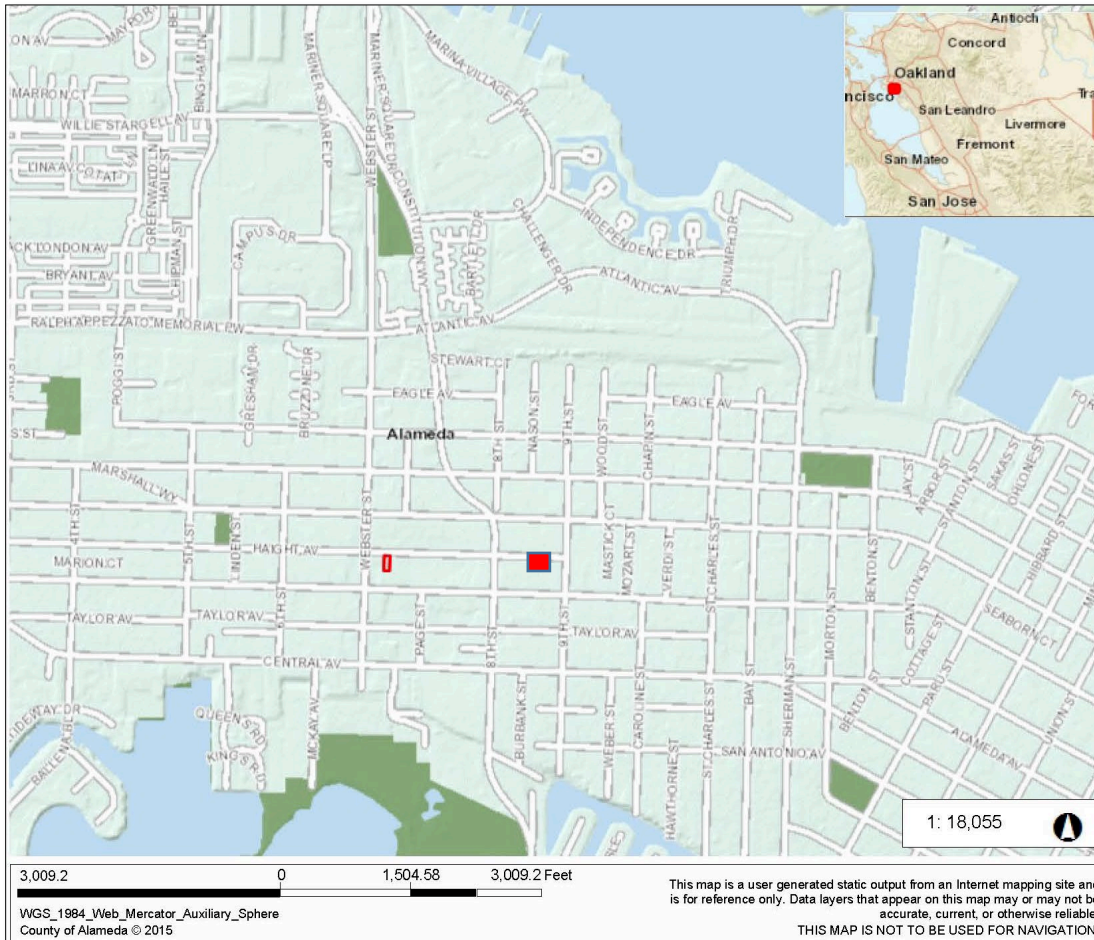
Attach 1 Summary of Tax Defaulted properties - 2022

Tax default properties - 2022						
Address	Tax default/ Acquisition Price (est. 2x taxes)	Assessed value	Year Built/ Last Transfer	Historic	Land Area	Bldg area
1320 Pearl Street 70-153-31	\$22,974/\$45,000	\$105,099	1900/2004	Yes	.15 ac	2423 sf
710 Haight Street 73-420-32	\$147,114/\$294,228	\$883,694	1968/2006	Yes	.15 ac	5186 sf

1320 PEARL ST ALAMEDA CA 94501



710 Haight Ave, Alameda, Ca 94501





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To: Board of Directors

From: Cheley Quiambao, Asset Manager

Prepared By: Cheley Quiambao, Asset Manager

Date: February 16, 2022

Re: Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Financial Report through the Month of December 2021.
5.C.

BACKGROUND

The Housing Authority of the City of Alameda (AHA) and the Alameda Affordable Housing Corporation (AAHC) holds a portfolio of its own affordable housing stock.

The cumulative unit count is 525 units, of which 49% serve seniors and 51% serve families. Most units are supported by either Section 8 Project Based Voucher or Housing Choice Voucher rental subsidies and do not have hard debt.

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

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

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

DISCUSSION

This memo provides an overview AHA/ AAHC portfolio asset management fiscal year to date financial report through the month of December 2021. This report tracks performance per the budget and includes achievements, items of note, and upcoming events or changes.



AAHC PROPERTIES

Anne B Diament Plaza (65 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$682,552, which is 2.76% lower than budget because the budget assumed higher rents than payment standards. The variance will carry on for the rest of the year.
- Operating Expense includes marketing, administrative, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$428,333, which is 17.22% lower than budget, and is at \$6,590 Per Unit Per Year or \$549 Per Unit Per Month. The primary cause of the variance is unspent budget for administrative, utilities, operating and maintenance, and staffing.
- Total Operating Income is \$254,219, which is 38.36% higher than budget.
- The mandatory hard debt service and the reserve deposits requirement is \$0.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$254,219, which will be distributed per the seller carry note.
- Staff reinspected the balconies and found minor deficiencies. Repairs are anticipated later in the year.
- No other extraordinary events have occurred to report at this time.

Independence Plaza (186 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$2,024,893, which is 5.7% higher than budget.
- Operating Expense includes marketing, administrative, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$1,251,522, which is 7.52% lower than budget, and is at \$6,729 Per Unit Per Year or \$561 Per Unit Per Month. The primary cause of the variance is unspent budget for administrative, utilities, staffing, and resident services .
- Total Operating Income is \$773,371, which is 37.5% higher than budget.
- The mandatory hard debt service and reserve deposits requirement is \$420,636 and Debt Service Coverage Ratio is 1.84.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$352,735, which will be distributed per the seller carry note.
- The \$1.6 million CIC funding from the City of Alameda has been received for the full fiscal year.
- Staff started inspection of the balconies in 2019, though repairs were put on hold due to covid. Staff picked up reinspection of 100% of the units, since the hiring of the Construction Manager. Priority scope of work is being finalized.

China Clipper Plaza (26 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$289,642, which is 14.38% lower than budget. This is because of high vacancy loss due to difficulty filing vacancies and because the Section 8 PBV approved rents were lower than payment standard due to not meeting rent reasonableness.
- Operating Expense includes marketing, administrative, property management fee, salaries



and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$137,284, which is 1.69% higher than budget, and is at \$5,280 Per Unit Per Year or \$440 Per Unit Per Month.

- Total Operating Income is \$152,359, which is 25% lower than budget.
- The mandatory hard debt service and the reserve deposits requirement is \$0.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$152,359, which will be distributed per the seller carry note.
- No extraordinary events have occurred to report at this time .

Eagle Village (36 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$513,478, which is 15.2% lower than budget. This is because the Section 8 PBV approved rents were lower than payment standard due to rent reasonableness and high vacancy loss.
- Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$175,139, which is 15.69% lower than budget, and is at \$4,865 Per Unit Per Year or \$405 Per Unit Per Month. The primary cause of the variance is unspent budget for administrative, utilities, taxes and insurance, and resident services .
- Total Operating Income is \$244,949, which is 11.25% lower than budget.
- The mandatory hard debt service and reserve deposits requirement is \$93,960 and Debt Service Coverage Ratio is 3.62.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$244,949, which will be distributed per the seller carry note.
- No extraordinary events have occurred to report at this time.

Parrot Village (50 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$821,360, which is 13.7% lower than budget. This is because the Section 8 PBV approved rents were lower than payment standard due to rent reasonableness.
- Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$260,764, which is 2.28% lower than budget, and is at \$5,215 Per Unit Per Year or \$435 Per Unit Per Month.
- Total Operating Income is \$560,596, which is 18.15% higher than budget.
- The mandatory hard debt service and reserve deposits requirement is \$129,708 and Debt Service Coverage Ratio is 4.32.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$430,888, which will be distributed per the seller carry note.
- No extraordinary events have occurred to report at this time.

Esperanza (120 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$2,082,314, which is 3.54% higher than budget.
- Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$747,905, which is 15.18% higher than budget, and is



at \$6,233 Per Unit Per Year or \$519 Per Unit Per Month. The primary cause of the variance is \$139,847 of cameras, unit turnover, flooring, plumbing, water heater, window work that will be reclassified to Capital Improvements.

-Total Operating Income is \$1,334,409, which is 2% lower than budget.

-The mandatory hard debt service and reserve deposits requirement is \$512,173 and Debt Service Coverage Ratio is 2.61.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$822,236, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time .

Scattered Sites 2 (9 units)

-Lincoln Willow (5 units) and Stanford House (4 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$104,331, which is 4.86% lower than budget.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$43,410, which is 19.48% higher than budget, and is at \$4,823 Per Unit Per Year or \$402 Per Unit Per Month. The primary cause of the variance is repairs contracts- stucco repair, leak and ceiling repair, and diverter work.

-Total Operating Income is \$60,921, which is 16.92% lower than budget.

-The mandatory hard debt service and the reserve deposits requirement is \$0.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$60,921, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time.

AHA PROPERTIES

Parrot Gardens (8 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$92,491, which is 34.37% lower than budget. This is because of high vacancy loss and the Section 8 PBV approved rents were lower than payment standard due to rent reasonableness.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$66,199, which is 3.9% lower than budget, and is at \$8,275 Per Unit Per Year or \$690 Per Unit Per Month.

-Total Operating Income is \$26,292, which is 63.5% lower than budget.

-The mandatory hard debt service and the reserve deposits requirement is \$0.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$26,292, which will be distributed per the lender and regulatory agreements.

-One unit has been vacant since December 2020 and staff has been exploring different ideas to market and/ or utilize the unit. For example, converting the third bedroom to a bonus room because it is small and has no closet, adding a washer and dryer hook up, and utilizing the unit as a Manager's office.

-No other extraordinary events have occurred to report at this time .

Scattered Sites 1 (25 units)

-Senior Condos (7 units), Mulberry Homes (4 units), Paru House (1 unit), Lincoln House (4



units), and Sherman House (9 units.)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$321,345, which is 12.29% higher than budget.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$118,003, which is 12.91% higher than budget, and is at \$4,720 Per Unit Per Year or \$393 Per Unit Per Month. The primary cause of the variance is the prepaid HOA fees for the full year, which should even out at the end of the year.

-Total Operating Income is \$203,342, which is 11.93% higher than budget.

-The mandatory hard debt service and reserve deposits requirement is \$3,204 and Debt Service Coverage Ratio is 63.46.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$200,138, which will be distributed per the lender and regulatory agreements.

-No extraordinary events have occurred to report at this time.

Overall, the portfolio is performing well and stabilized. Total Operating Revenue is \$6,932,406. Total Operating Expense is \$3,228,558. Total Operating Income is \$3,703,848. Total Net Cash Flow is \$2,544,737, which will be distributed per the seller carry notes and loan and regulatory agreements.

FISCAL IMPACT

None.

CEQA

N/A

RECOMMENDATION

Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Financial Report through the Month of December 2021.

ATTACHMENTS

1. AHA AAHC Portfolio Snapshot 1221
2. AHA AAHC Portfolio Asset Management Fiscal Year To Date Financial Report Through the Month of December 2021

Respectfully submitted,

Cheley Quiambao

Cheley Quiambao, Asset Manager



AHA/ AAHC Portfolio Financial Performance
07/01/2021-12/31/2021

	Anne B Diamant		Independence Plaza		China Clipper Plaza		Eagle Village		Parrot Village		Esperanza		Scattered Sites 2 (AAHC)		Parrot Gardens		Scattered Sites 1 (AHA)		AHA/ AAHC Portfolio	
	Senior Budget	Actuals	65 Senior Budget	186 Actuals	26 Family Budget	Actuals	36 Family Budget	Actuals	50 Family Budget	Actuals	120 Family Budget	Actuals	9 Family Budget	Actuals	8 Family Budget	Actuals	25 Family Budget	Actuals	Budget	Actuals
Rental Revenue	137,892	141,691	816,644	786,023	90,422	117,790	145,387	145,631	194,243	195,104	439,040	508,224	12,474	23,209	41,338	46,311	62,160	81,725	1,939,600	2,045,708
Subsidy Revenue	583,116	537,849	396,180	429,409	254,481	195,300	472,526	401,754	776,954	638,572	1,631,928	1,630,126	98,467	90,860	102,464	72,204	229,327	238,958	4,545,443	4,235,032
Vacancy Loss	(21,630)	-	(36,385)	-	(6,902)	(23,984)	(12,362)	(34,034)	(19,426)	(12,316)	(59,850)	(66,735)	(2,223)	(9,738)	(2,878)	(26,024)	(5,833)	(215)	(167,489)	(173,046)
Other Income	1,800	3,012	739,264	809,462	271	536	-	127	-	-	-	10,699	943	-	-	-	514	877	742,791	824,713
Total Operating Revenue	\$ 701,178	\$ 682,552	\$ 1,915,704	\$ 2,024,893	\$ 338,272	\$ 289,642	\$ 605,551	\$ 513,478	\$ 951,772	\$ 821,360	\$ 2,011,118	\$ 2,082,314	\$ 109,661	\$ 104,331	\$ 140,924	\$ 92,491	\$ 286,168	\$ 321,345	\$ 7,060,346	\$ 6,932,406
Administrative and Marketing	80,899	69,704	639,104	514,740	21,945	22,016	23,489	20,170	17,590	19,403	50,564	38,611	3,440	3,571	17,635	20,066	24,742	35,465	879,409	743,745
Property Management Fee	-	-	-	-	11,729	9,351	18,541	15,212	32,052	24,580	62,528	62,512	4,776	4,527	4,751	2,338	12,544	13,844	146,921	132,364
Payroll, Benefits, Taxes	263,230	196,763	304,712	226,695	25,469	24,424	35,306	31,912	47,661	44,026	101,407	92,041	10,977	8,925	8,135	7,374	29,019	24,577	825,916	656,738
Utilities	49,183	37,587	129,852	99,581	11,153	12,040	24,012	17,830	37,502	35,362	86,284	64,263	1,226	3,112	9,945	11,130	5,463	11,451	354,621	292,356
Operating and Maintenance	66,264	54,383	125,568	176,125	42,900	53,539	65,620	72,325	90,267	107,428	226,564	380,511	7,613	18,156	21,930	17,513	12,199	17,202	659,124	897,161
Taxes and Insurance	11,232	11,427	34,575	139,934	15,705	11,624	17,122	7,834	23,889	11,067	82,321	68,945	5,898	3,611	4,512	5,692	15,262	10,014	210,518	270,148
Resident services	46,627	58,469	119,492	94,448	6,106	4,290	20,170	9,855	17,880	18,899	39,683	41,022	2,200	1,507	1,980	2,087	5,279	5,449	259,417	236,027
Total Operating Expense	\$ 517,435	\$ 428,333	\$ 1,353,303	\$ 1,251,522	\$ 135,006	\$ 137,284	\$ 204,261	\$ 175,139	\$ 266,841	\$ 260,764	\$ 649,351	\$ 747,905	\$ 36,331	\$ 43,410	\$ 68,888	\$ 66,199	\$ 104,509	\$ 118,003	\$ 3,335,925	\$ 3,228,558
Total Operating Income	\$ 183,743	\$ 254,219	\$ 562,401	\$ 773,371	\$ 203,265	\$ 152,359	\$ 401,290	\$ 338,339	\$ 684,931	\$ 560,596	\$ 1,361,767	\$ 1,334,409	\$ 73,330	\$ 60,921	\$ 72,036	\$ 26,292	\$ 181,658	\$ 203,342	\$ 3,724,421	\$ 3,703,848
Debt Service, Reserve Depos	-	-	420,636	420,636	-	-	125,280	93,390	125,280	129,708	872,874	512,173	-	-	-	-	368	3,204	1,544,438	1,159,111
Net cash flow	\$ 183,743	\$ 254,219	\$ 141,765	\$ 352,735	\$ 203,265	\$ 152,359	\$ 276,010	\$ 244,949	\$ 559,651	\$ 430,888	\$ 488,893	\$ 822,236	\$ 73,330	\$ 60,921	\$ 72,036	\$ 26,292	\$ 181,290	\$ 200,138	\$ 2,179,983	\$ 2,544,737
Debt Service Coverage Ratio	#DIV/0!	#DIV/0!	1.3370	1.8386	#DIV/0!	#DIV/0!	3.2031	3.6229	5.4672	4.3220	1.5601	2.6054	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	493.6366	63.4619	2.4115	3.1954
Operating Expense PUPY	\$ 7,961	\$ 6,590	\$ 7,276	\$ 6,729	\$ 5,193	\$ 5,280	\$ 5,674	\$ 4,865	\$ 5,337	\$ 5,215	\$ 5,411	\$ 6,233	\$ 4,037	\$ 4,823	\$ 8,611	\$ 8,275	\$ 4,180	\$ 4,720	\$ 6,354	\$ 6,150
Operating Expense PUPM	\$ 663	\$ 549	\$ 606	\$ 561	\$ 433	\$ 440	\$ 473	\$ 405	\$ 445	\$ 435	\$ 451	\$ 519	\$ 336	\$ 402	\$ 718	\$ 690	\$ 348	\$ 393	\$ 530	\$ 512

AHA/ AAHC PORTFOLIO ASSET MANAGEMENT FISCAL YEAR- TO- DATE THROUGH THE MONTH OF DECEMBER 2021

**PREPARED BY
CHELEY QUIAMBAO
ASSET MANAGER**

AHA/ AAHC PORTFOLIO

AAHC

Anne B Diament Plaza

Independence Plaza

China Clipper Plaza

Eagle Village

Parrot Village

Esperanza

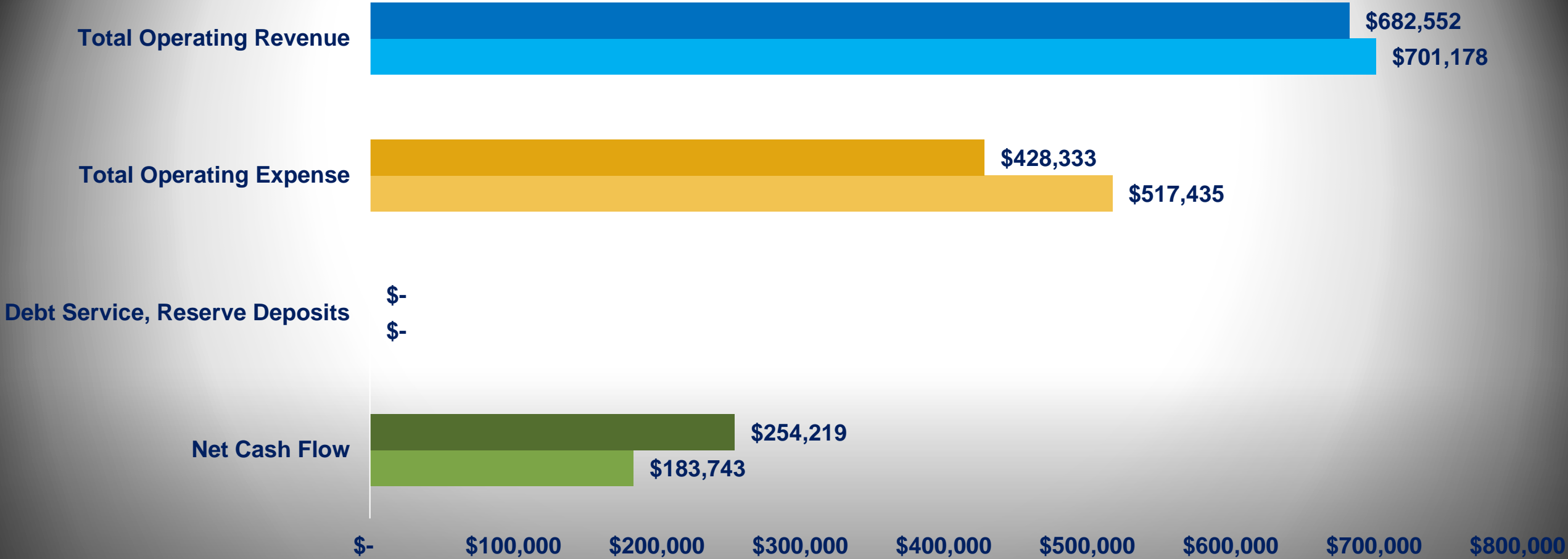
Scattered Sites 2 (Lincoln Willow, Stanford House, Pulte Homes*)

AHA

Parrot Gardens

Scattered Sites 1 (Senior Condos, Mulberry Homes, Paru House, Lincoln House, Sherman House)

Anne B Diament Plaza 65 Senior



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$254,219	\$-	\$428,333	\$682,552
Budget (Bottom)	\$183,743	\$-	\$517,435	\$701,178

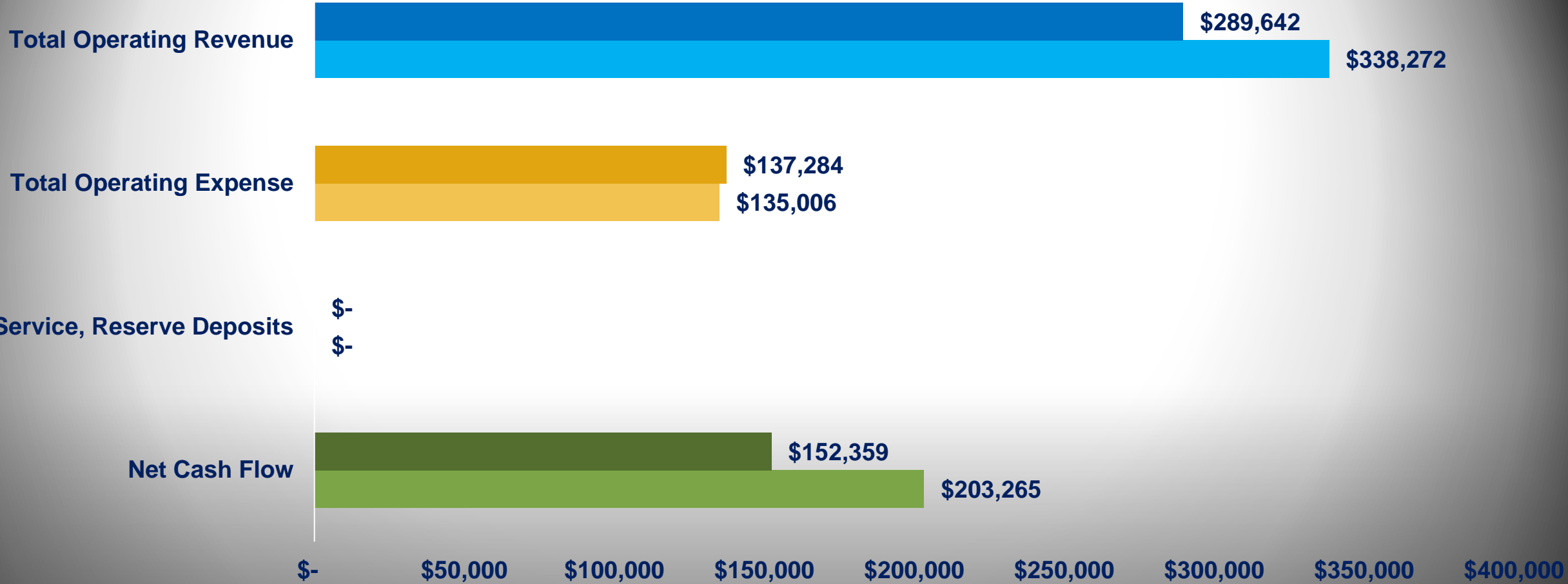
Independence Plaza 186 Senior



\$- \$500,000 \$1,000,000 \$1,500,000 \$2,000,000 \$2,500,000

	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$352,735	\$420,636	\$1,251,522	\$2,024,893
Budget (Bottom)	\$141,765	\$420,636	\$1,353,303	\$1,915,704

China Clipper Plaza 26 Family



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$152,359	\$-	\$137,284	\$289,642
Budget (Bottom)	\$203,265	\$-	\$135,006	\$338,272

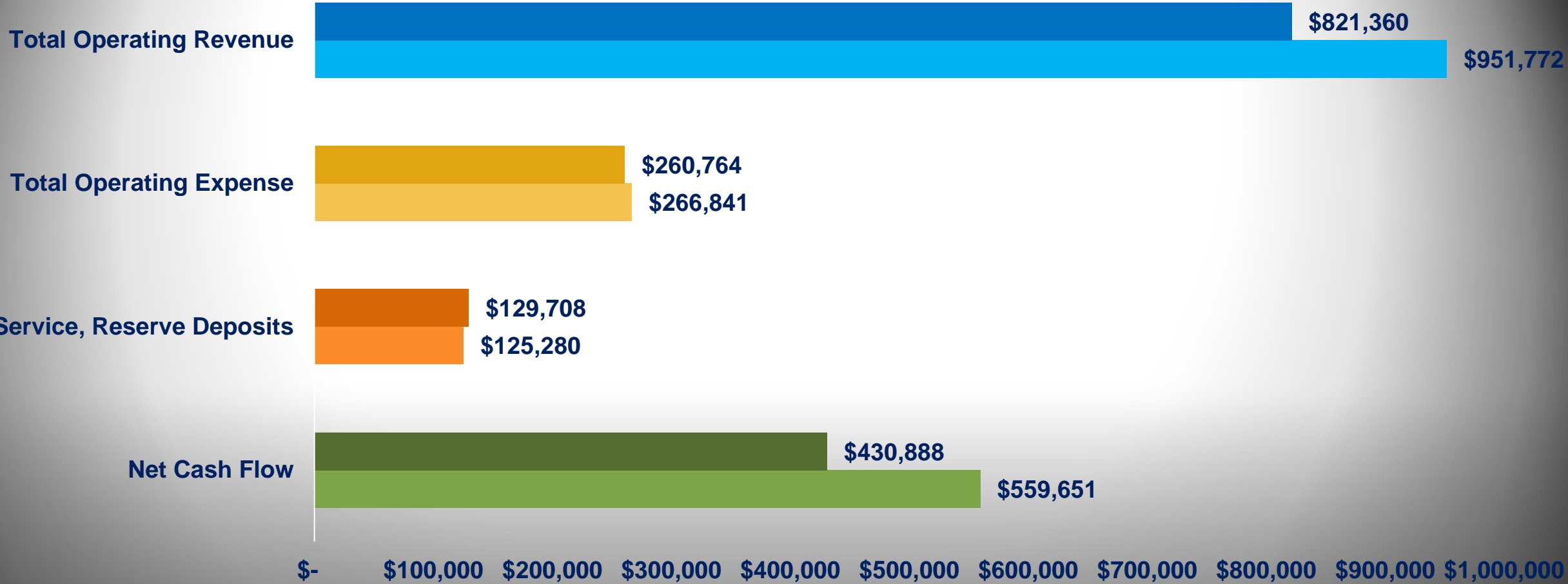
Eagle Village 36 Family



\$- \$100,000 \$200,000 \$300,000 \$400,000 \$500,000 \$600,000 \$700,000

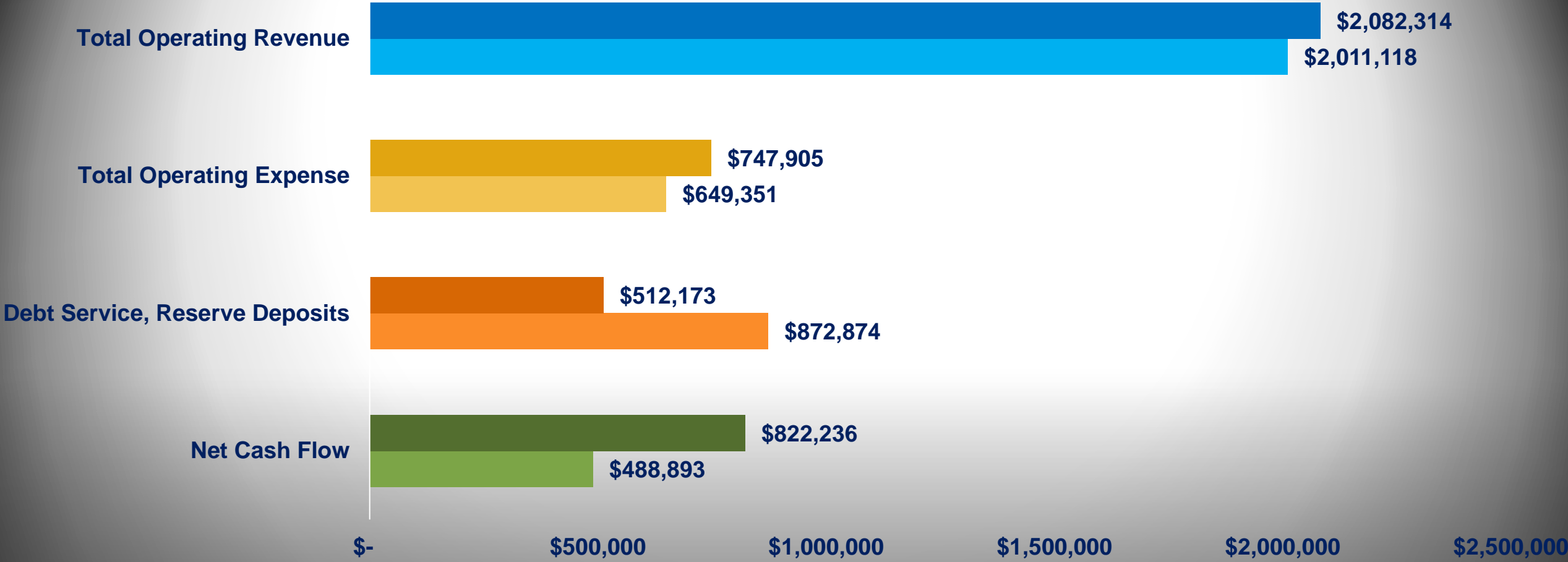
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$244,949	\$93,390	\$175,139	\$513,478
Budget (Bottom)	\$276,010	\$125,280	\$204,261	\$605,551

Parrot Village 50 Family



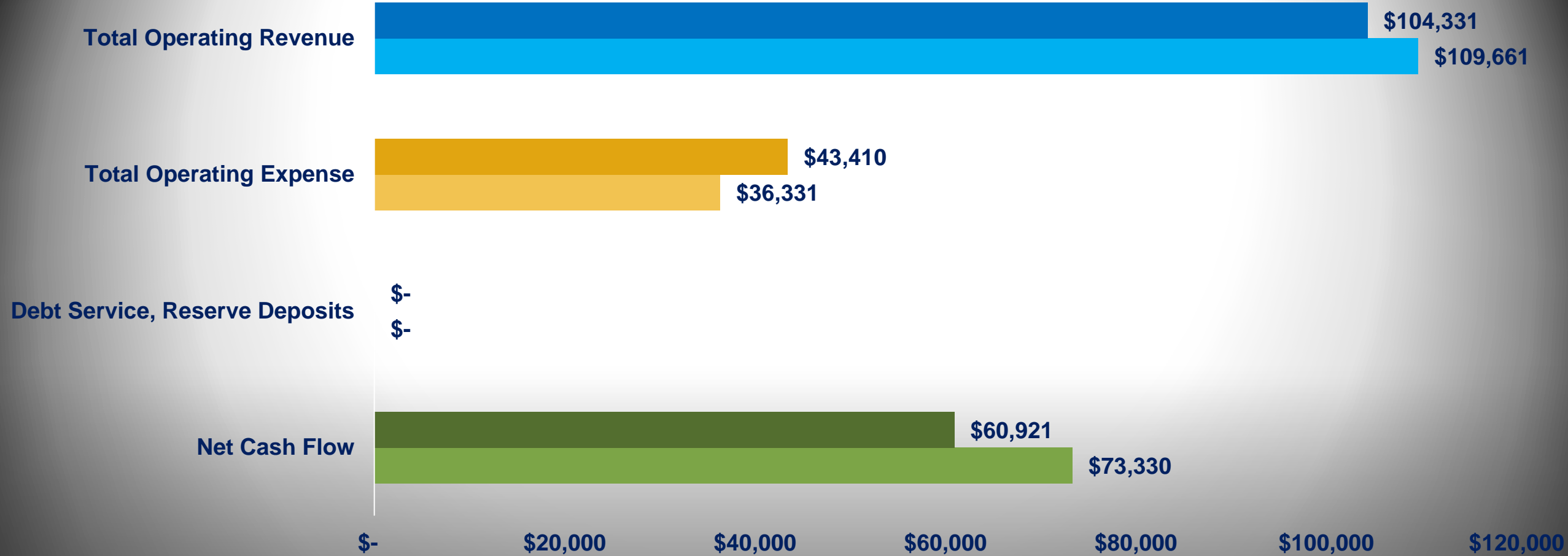
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$430,888	\$129,708	\$260,764	\$821,360
Budget (Bottom)	\$559,651	\$125,280	\$266,841	\$951,772

Esperanza 120 Family



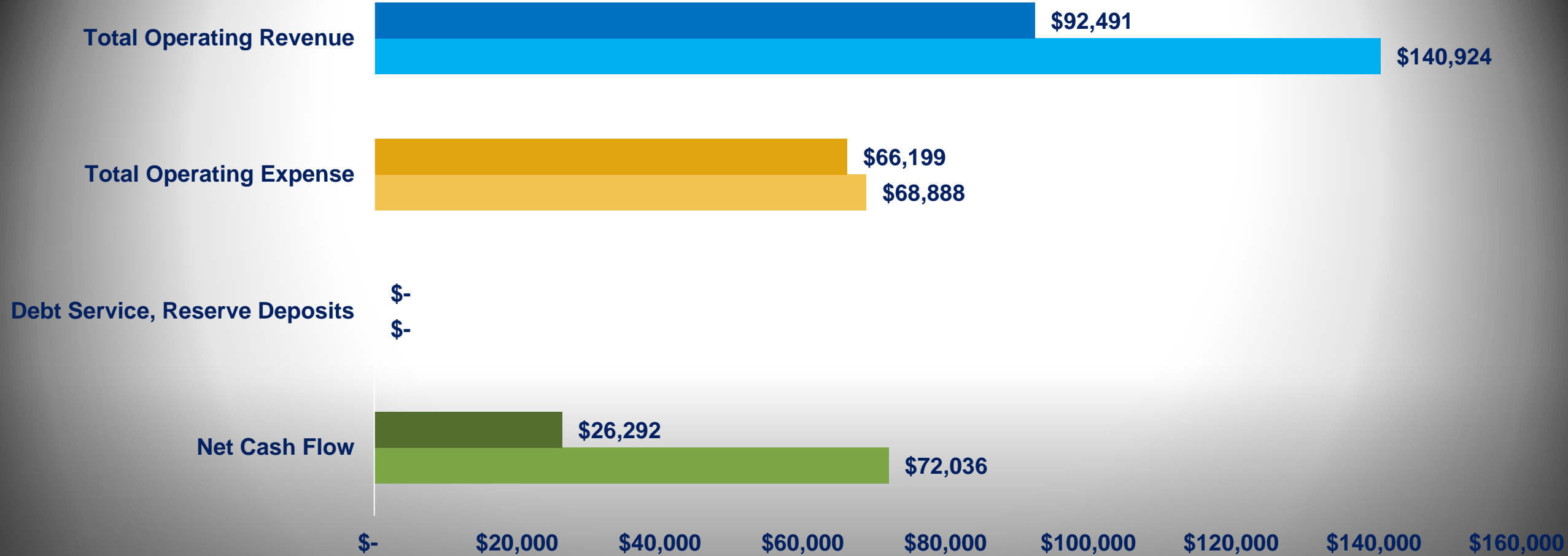
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$822,236	\$512,173	\$747,905	\$2,082,314
Budget (Bottom)	\$488,893	\$872,874	\$649,351	\$2,011,118

Scattered Sites 2 (AAHC) 9 Family



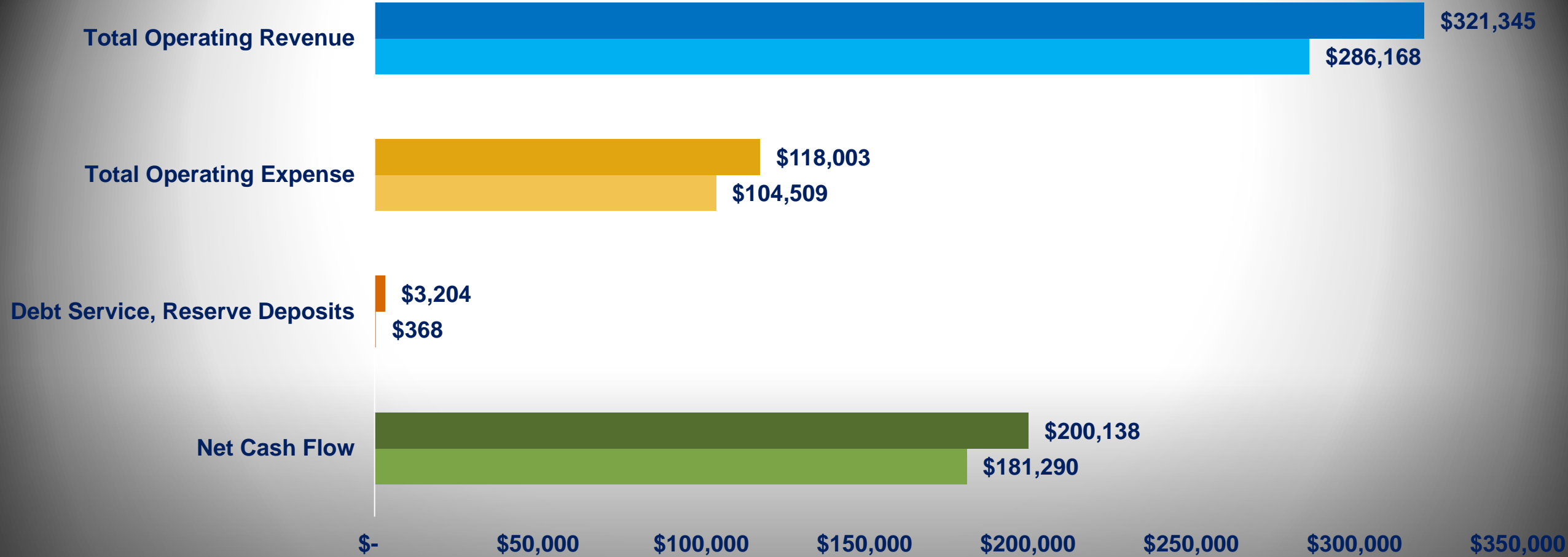
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$60,921	\$-	\$43,410	\$104,331
Budget (Bottom)	\$73,330	\$-	\$36,331	\$109,661

Parrot Gardens 8 Family



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$26,292	\$-	\$66,199	\$92,491
Budget (Bottom)	\$72,036	\$-	\$68,888	\$140,924

Scattered Sites 1 (AHA) 25 Family/ Senior



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$200,138	\$3,204	\$118,003	\$321,345
Budget (Bottom)	\$181,290	\$368	\$104,509	\$286,168

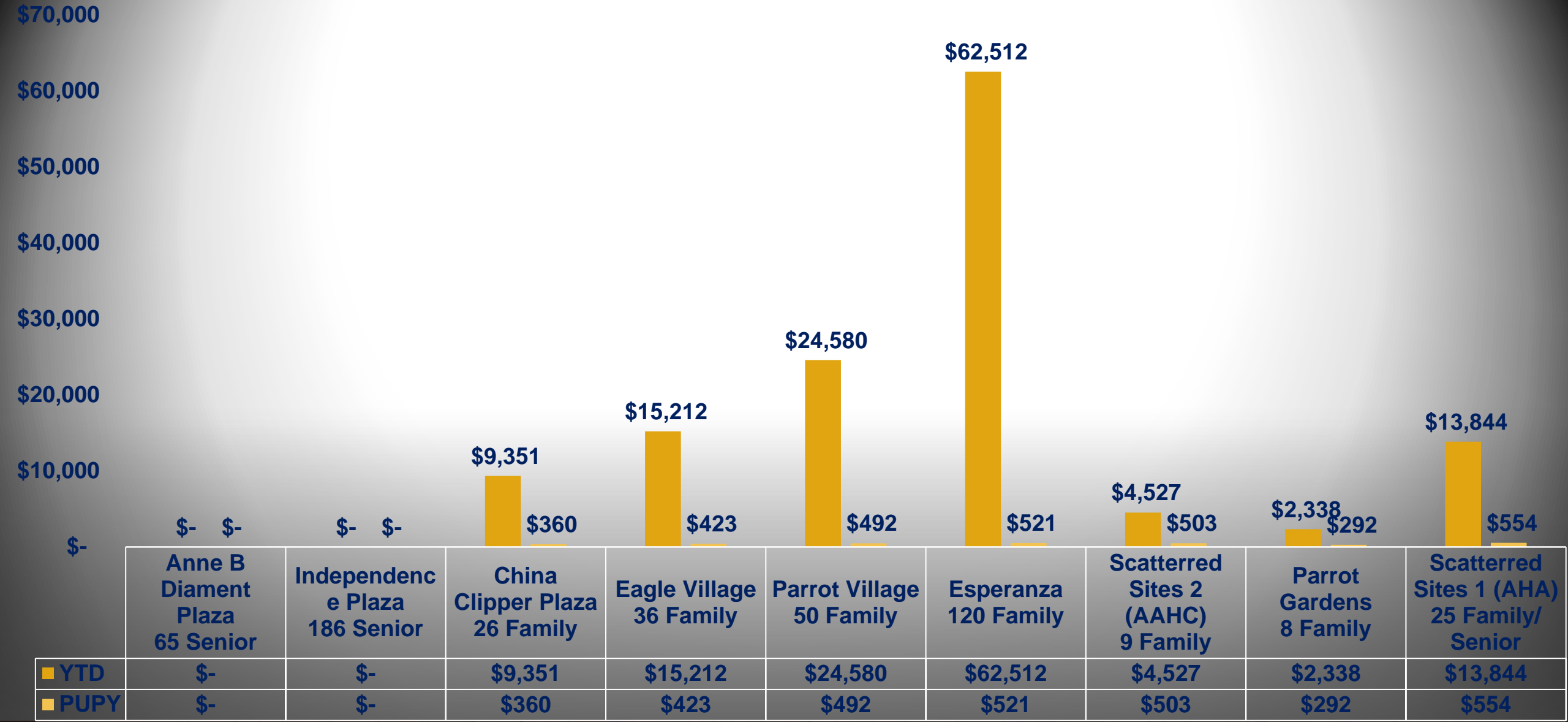
Portfolio Performance



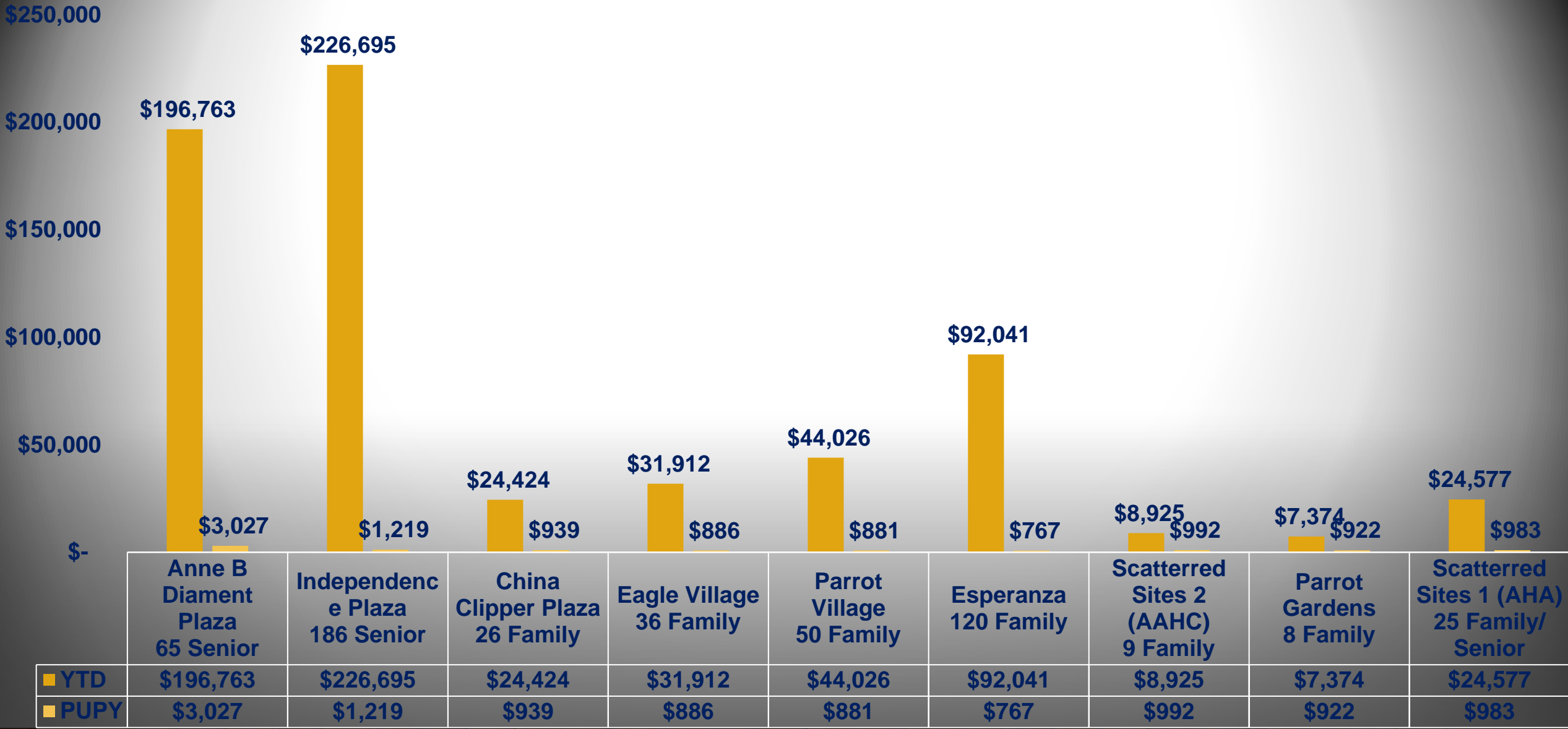
\$- \$1,000,000 \$2,000,000 \$3,000,000 \$4,000,000 \$5,000,000 \$6,000,000 \$7,000,000 \$8,000,000

	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$2,544,737	\$1,159,111	\$3,228,558	\$6,932,406
Budget (Bottom)	\$2,179,983	\$1,544,438	\$3,335,925	\$7,060,346

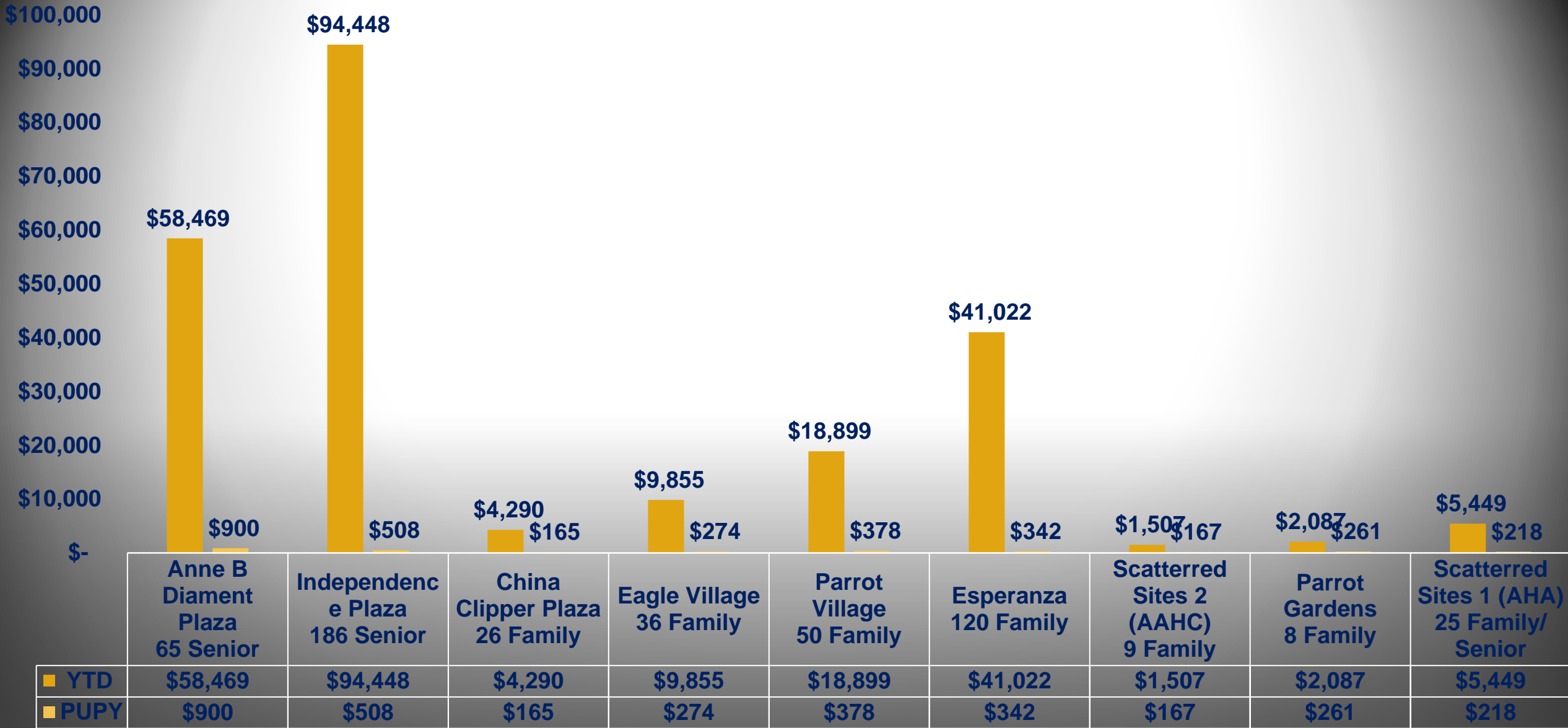
Property Management Fees



Property Staff Salaries and Benefits



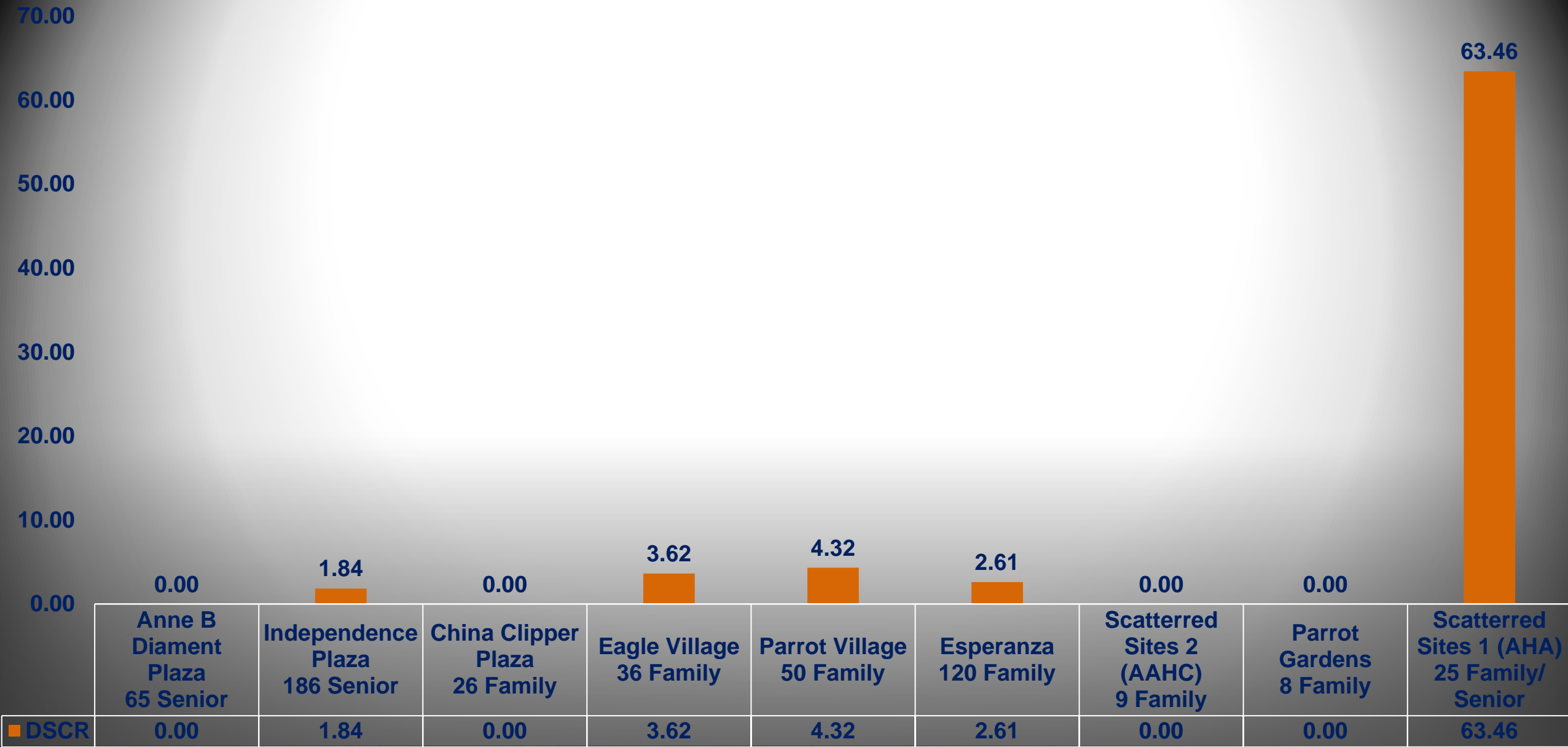
Resident Services



Operating Expense PUPY (Operating Expense/ Unit)



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



Thank you!



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

701 Atlantic Avenue • Alameda, California 94501-2161

To: Board of Directors

From: Vanessa Cooper, Executive Director

Prepared By: Vanessa Cooper, Executive Director

Date: February 16, 2022

Re: Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.
6.A.

BACKGROUND

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings via teleconferencing expired on September 30, 2021.

DISCUSSION

Assembly Bill 361(Chapter 165, Statutes of 2021) (AB 361) was signed into law by the Governor on September 16, 2021, and went into effect immediately. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021 expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on state or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 will sunset on January 1, 2024.

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



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

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

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

FISCAL IMPACT

None.

CEQA

N/A

RECOMMENDATION



Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

ATTACHMENTS

1. DRAFT RESOLUTION No. 2022-003 - AB 361 (02.16.22)
2. AB 361.pdf 2021

Respectfully submitted,



Vanessa Cooper, Executive Director

ALAMEDA AFFORDABLE HOUSING CORPORATION

Resolution No. 2022-003

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

WHEREAS, the Alameda Affordable Housing Corporation ("AAHC") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

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

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

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

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

WHEREAS, such conditions now exist within the jurisdiction of the AAHC which includes the City of Alameda, specifically, on March 17, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, as a result of the COVID-19 pandemic the California Department of Health and the Health Officer of the County of Alameda continue to recommend measures to promote social distancing. Additionally, On March 17, 2020, in response to the COVID-19 pandemic, the City Council of the City of Alameda, declared a local emergency as set forth in Ordinance No. 3267; and

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

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

WHEREAS, when holding teleconferenced meetings under abbreviated teleconferencing procedures permitted under the Brown Act, the AAHC will ensure access for the public by complying with all requirements set forth in Government Code section 54953(e), including, but not limited to, giving notice of the meeting and posting agendas, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

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

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

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

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

Section 4. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing. The Board hereby finds that state and local officials continue to recommend measures to

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

Section 5. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, and hereby finds that the state of emergency continues to directly impact the ability of the Board of Directors and members of the public to meet safely in person.

Section 6. Remote Teleconference Meetings. The AAHC's Executive Director, and designee, and the Board of Directors are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continued teleconferencing and conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 7. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution, or, (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of the AAHC may continue to teleconference without compliance with Government Code section 54953(b)(3).

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

AYES:

NOES:

ABSETENTIONS:

ABSENT:

ATTEST:

Vanessa M. Cooper, Secretary
Board of Directors

Carly Grob, President
Board of Directors

Adopted: February 16, 2022

Assembly Bill No. 361

CHAPTER 165

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

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

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

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

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

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

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

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

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

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

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

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

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

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

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

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

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

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

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

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

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

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

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

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

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

SEC. 3. Section 54953 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

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

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

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

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

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

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

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

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

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

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

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

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

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

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

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

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

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

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

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

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

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

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

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

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

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

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

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

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

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

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

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

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

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

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

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

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

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

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

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

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

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