



Housing Authority of the
County of Alameda

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**ADDENDUM TO THE REGULAR HOUSING COMMISSION AGENDA
Posted: October 8, 2021**

Housing Commission Meeting Agenda posted on: October 7, 2021

The following is an addendum to the Wednesday, October 13, 2021, Housing Commission meeting agenda:

UPDATED HACA AGENDA ITEM NO.: 2.

Action: Resolution 10-21 Approving the Implementation of Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953(e) (AB361)

HACA AGENDA ITEM NO.: 2.

TELECONFERENCING REQUIREMENTS

RESOLUTION NO. 10-21

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER
GOVERNMENT CODE SECTION 54953 (e) (AB 361)**

HOUSING AUTHORITY OF THE COUNT OF ALAMEDA

AGENDA STATEMENT

Meeting: October 13, 2021

Subject: Consideration to Approve Resolution to Implement
Teleconferencing Requirements Pursuant to Government Code
section 54953 (e) (AB 361)

Exhibits Attached: Resolution No. 10-21

Recommendation: Adopt Resolution

Financial Statement: None

BACKGROUND

On March 17, 2020, to address the need for public meetings during the present public health emergency caused by the COVID-19 virus, Governor Newsom issued Executive Order No. N-29-20, suspending the existing requirements and criteria under the Brown Act enabling public agencies to conduct their public agenda meetings by teleconference. On June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act’s teleconferencing requirements through September 30, 2021. Both these Executive Orders allowed public agencies to meet virtually without providing members of the public the right to access the locations from which members of the public agency’s elected officials participated in meetings, thereby eliminating the access requirements under the standard Brown Act teleconference requirements.

On September 16, 2021, Governor Newsom signed into law, Assembly Bill (“AB”) 361, amending Government Code section 54953 to provide authority and specific requirements for public agencies to continue to hold virtual meetings after September 30, 2021, during a proclaimed state of emergency and remain in compliance with the Brown Act (Gov. Code §§ 54950, *et seq.*).

However, on September 20, 2021, Governor Newsom issued Executive Order N-15-21, delaying the full application of AB 361 until October 1, 2021, allowing public agencies to continue to hold virtual meetings through September 30, 2021.

DISCUSSION and ANALYSIS

The new law enacted by AB 361 requires a notice requirement which provides members of the public instructions on how to access the public agency's virtual meetings enabling members of the public to communicate directly with the agency's elected body during the allotted public comment time. In contrast, the prior Executive Orders issued by Governor Newsome limited public comments to only comments submitted in advance of the meeting.

AB 361 also adds a procedural requirement requiring public agencies to adopt a resolution in advance of conducting any further virtual public meetings. Government Code section 54953(e) permits legislative bodies and public agencies to make decisions whether to hold virtual meetings at the time of the meeting and does not restrict it to one-time use. Additionally, AB 361 requires public agencies to adopt subsequent resolutions every 30 days to continue the use of virtual meetings.

Accordingly, if your Commission chooses to continue to conduct virtual meetings it may wait until the time of such meeting to adopt the resolution called for in Government Code section 54953 (e), provided that such resolution is the first item on the agenda and the resolution is approved by a simple majority. After the adoption of such resolution, your Commission may proceed with the rest of the public agenda.

Staff is recommending that your Commission approve the resolution implementing the teleconferencing requirements pursuant to Government Code section 54953(e) as amended by AB 361.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 10-21

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER
GOVERNMENT CODE SECTION 54953 (e) (AB 361)**

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconference rules set forth in the California Open Meeting law, Government Code section 54950, *et seq.* (the “Brown Act”), which provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, and;

WHEREAS, due to the seriousness of the current pandemic situation, the Housing Authority of the County of Alameda requires all employees to wear facial coverings indoors when not in a private office and remain socially distanced; and

WHEREAS, Government Code section 54953(e) requires that the public agency make additional findings every thirty (30) days to continue virtual meetings.

NOW, THEREFORE, BE IT RESOLVED:

1. All the above recitals are true and correct and are incorporated into this Resolution by this reference.
2. The Commission finds that state and local officials have imposed or recommended measures to promote social distancing.
3. The Commission therefore determines that it and its legislative body shall conduct their meetings virtually by teleconferencing in accordance with Government Code section 54953(e)
4. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Commission or pursuant to action by the Commission.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
RESOLUTION NO.: 10-21: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER
GOVERNMENT CODE SECTION 54953 (e) (AB 361)
OCTOBER 13, 2021**

PASSED, APPROVED AND ADOPTED by the Housing Commission of the Housing Authority of the County of Alameda on this 13th day of October 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

ATTEST:

Kurt Wiest
Housing Commission Secretary/Executive Director

Peggy McQuaid
Housing Commission Chairperson

Adopted: October 13, 2021