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NOTICE OF BOARD MEETING

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**Board of Directors**

Director Anne Griffith  
Director Mark Tortorich  
Director Patricia Wells

In accordance with Article IV, Section 4.11, of the Bylaws of the Oakland Affordable Housing Preservation Initiatives, Inc., NOTICE IS HEREBY GIVEN that the **Special Meeting of the Board of Directors** will be held as follows:

**OAHPI BOARD OF DIRECTORS  
SPECIAL MEETING**

**PER THE BROWN ACT REQUIREMENTS**

**Thursday, September 29, 2022, 5:00 p.m.  
Tele-Conference**

**NOTE:** Pursuant to Assembly Bill No.361 [(Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021)] 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 a legislative body of a local agency holds a meeting during proclaimed state emergencies, and make public meetings 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.

**Join Zoom Meeting Online:**

<https://oakha-org.zoom.us/j/89766677229?pwd=UFZZdktvdFBqYnp6YXJOR2c4SXFZWz09>

**ID (access code): 897 6667 7229**

**Meeting Passcode: 627236**

**To participate by Telephone: 1 (699) 900-9128**

**ID (access code): 897 6667 7229**

**Meeting Passcode: 627236#**



**If you need special assistance to participate in the meeting, please contact OAHPI at (510) 874-1510 (English TTY 800-618-4781). Notification at least 48 hours prior to the meeting will enable OAHPI Board of Directors to make reasonable accommodations to ensure accessibility.**

**All public comment on action items will be taken at the public comment portion of the meeting. You may comment via zoom by “raising your hand” or by submitting an e-mail to [publiccomments@oakha.org](mailto:publiccomments@oakha.org) or call using the zoom participant number.**

- You may request to make a public comment by “raising your hand” through Zoom’s video conference or phone feature, as described below. Requests will be received only during the designated times in which to receive such requests and only for eligible Agenda items. Public comments will be subject to the appropriate time limit of three (3) minutes.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time of three (3) minutes, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: [https://support.zoom.us/hc/en-us/articles/205566129 - Raise-Hand-In-Webinar](https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar).
- To comment by phone, please call on one of the phone numbers listed below. You will be prompted to “Raise Your Hand” by pressing “\*9” to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time of three (3) minutes, you will then be re-muted. Please unmute yourself by pressing \*6. Instructions of how to raise your hand by phone are available at: [https://support.zoom.us/hc/en-us/articles/201362663 - Joining-a-meeting-by-phone](https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone).



**AGENDA**  
Special Meeting  
September 29, 2022, 5:00 p.m.

- I. Roll Call
- II. Recognition of people wishing to address the Directors.
- III. Old or Unfinished Business
- IV. Modifications to the Agenda  
*(Allows for any change in the order of business or the announcement of the postponement or continuation of agenda items.) The Board can only take action on items listed on this agenda unless a finding is made that an emergency exists or a need arose after agenda posting.*
- V. New Business
  - A. Resolution Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.
- VI. Adjournment

**OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES, INC.**

DocuSigned by:

*Patricia Wells*

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Patricia Wells, Executive Director on Behalf of  
Kris Warren, Secretary


**NEW BUSINESS**

**ITEM: V.A.**

**Oakland Affordable Housing Preservation Initiatives, Inc.  
MEMORANDUM**

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To: Board of Directors

From: Patricia Wells, Executive Director 

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

Date: September 29, 2022

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

Funding: No funding is required.

**Background:**

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

On March 29, 2022, The Board of Directors adopted Resolution Number 22-001 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On April 29, 2022, The Board of Directors adopted Resolution Number 22-005 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On May 27, 2022, The Board of Directors adopted Resolution Number 22-006 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

## Assembly Bill Number 361

Page 2 of 3

On June 30, 2022, The Board of Directors adopted Resolution Number 22-010 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On July 22, 2022, The Board of Directors adopted Resolution Number 22-012 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On August 25, 2022, The Board of Directors adopted Resolution Number 22-014 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

### **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." RAMP Housing, Inc. 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.

Assembly Bill Number 361

Page 3 of 3

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 Oakland, the continuing recommendations by the County of Alameda Health Officer of social distancing as a mechanism for preventing the spread of COVID-19, and the continued threats to health and safety posed by indoor public meetings, staff recommends the Board of 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.

**Recommended Action:**

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

Attachments:        Resolution

**THE BOARD OF DIRECTORS OF THE  
OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES**

On Motion of Director:

Seconded by Director:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**NUMBER:**

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

WHEREAS, the Oakland Affordable Housing Preservation Initiatives (OAHPI) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the OAHPI 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 OAHPI 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 OAHPI, specifically, on March 17, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19, and such declaration has not been lifted or rescinded; and

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

WHEREAS, the Board of 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 OAHPI that are likely to be beyond the control of services, personnel, equipment, and facilities of the OAHPI, and desires to ratify the proclamation of a state of emergency by the Governor of the State of California and ratify the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing; and

WHEREAS, Resolution 22-001 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, Resolution 22-005 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, Resolution 22-006 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, Resolution 22-010 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, Resolution 22-012 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, Resolution 22-014 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, as a consequence of the local emergency and state of emergency the Board of Directors 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE OAKLAND AFFORDABLE HOUSING PRESERVATION INITIATIVES:**

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

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

THAT, Section 3. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing. The Board hereby finds that state and local officials continue to recommend measures to promote social distancing. The Board further hereby ratifies the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing and finds that, as a result of the state of emergency, meeting in person would present imminent risk to the health or safety of attendees; and

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

THAT, Section 5. Remote Teleconference Meetings. The Housing Authority's Executive Director, and designee, and the Board of 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; and

THAT, Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution, or, (ii) such time as the Board of 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 OAHPI may continue to teleconference without compliance with Government Code section 54953(b)(3).

*I certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Board of Directors of the Oakland Affordable Housing Preservation Initiatives on September 29, 2022.*

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*Kris Warren, Secretary*

**ADOPTED: September 29, 2022**

**RESOLUTION NO.**