



101-0232022-002

Agenda Item **No. 5(b)**
Meeting of December 6, 2022

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Thor Kaslofsky, Executive Director

SUBJECT: Authorizing the continuation of teleconferenced meetings and making findings in support thereof under California Government Code Section 54953(e)

EXECUTIVE SUMMARY

The State Legislature recently adopted, and the Governor signed, urgency legislation (Assembly Bill No. 361) that requires the Successor Agency Commission (“Commission”) to make certain findings if it continues to meet remotely during the existing pandemic-related state of emergency.

Staff recommends that the Commission make the findings in the resolution accompanying this memorandum and authorize the continuation of Commission meetings by teleconferencing.

DISCUSSION

Under the Brown Act, Cal. Health & Safety Code §§ 54950 et seq., the Commission must conduct public meetings in person and provide an opportunity for members of the public to attend and participate in the meetings. In March 2020, Governor Newsom declared a state of emergency because of the COVID-19 pandemic and issued numerous executive orders to protect the public health. This state of emergency remains in effect.

On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 (AB 361), codified in part at California Government Code Section 54953 (e), an urgency statute that became effective immediately upon the Governor’s signature. AB 361 amended the Brown Act to allow local governmental bodies to continue meeting remotely during a state of emergency, provided that the local body make certain findings to justify the continued use of teleconferenced meetings. AB 361 also required that the governmental body renew on a monthly basis the authorization to meet remotely and make additional findings in future resolutions that it “has reconsidered the circumstances of the state of emergency”

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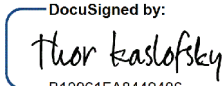
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and that either “the state of emergency continues to directly impact the ability of the members to meet safely in person” or that “state or local officials continue to impose or recommend measures to promote social distancing.” Cal. Health & Safety Code § 54953 (e) (3) (B).

On October 5, 2021, the Commission initially made, by Resolution No. 34-2021, the findings required under AB 361 to meet remotely, namely that, among other things, a proclaimed state of emergency exists and that state and local officials imposed or recommended measures to promote social distancing. Subsequently, the Commission made, by Resolution Nos. 38-2021 (Nov. 2, 2021), 43-2021 (Dec. 7, 2021), 01-2022 (January 10, 2022), 03-2022 (February 14, 2022), 04-2022 (March 15, 2022), 10-2022 (April 19, 2022), 16-2022 (June 21, 2022), 24-2022 (August 2, 2022), 27-2022 (September 20, 2022), and 35-2022 (October 18, 2022) the required findings under AB 361 to continue meeting remotely and directed the Commission Secretary to include on future agendas appropriate resolutions to authorize remote meetings during the state of emergency. To continue meeting remotely, AB 361 requires the Commission to reconsider the circumstances of the state of emergency and find that the state of emergency continues to directly impact the ability of the members to meet safely in person or that state/local officials continue to impose or recommend measures to promote social distancing. Given that the state-wide state of emergency continues to exist and a recently-updated, local health order continues to recommend social distancing and requires other safety measures, staff has prepared a proposed resolution that provides the necessary findings to allow the Commission to continue meeting remotely.

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Thor Kaslofsky
Executive Director