



101-0072021-002

Agenda Item **No. 5(d)**
Meeting of December 7, 2021

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Sally Oerth, Interim 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

London N. Breed
MAYOR

Sally Oerth
INTERIM
EXECUTIVE DIRECTOR

Miguel Bustos
CHAIR

Mara Rosales
Bivett Brackett
Efrem Bycer
Dr. Carolyn Ransom-Scott
COMMISSIONERS

📍 One S. Van Ness Ave.
5th Floor
San Francisco, CA
94103

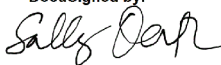
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use of teleconferenced meetings. AB 361 also required that the governmental body renew on a monthly basis the authorization to meet remotely and make additional findings in future resolutions that it “has reconsidered the circumstances of the state of emergency” 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 November 2, 2021, the Commission made, by Resolution No. 38-2021, the required findings under AB 361 to meet remotely and directed the Commission Secretary to include on future agendas appropriate resolutions to authorize remote meetings during the state of emergency. Accompanying this memorandum is a proposed resolution addressing the findings that the Commission will need to make to continue meeting remotely.

(Originated by Jim Morales, General Counsel and Deputy Director)

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Sally Oerth

Interim Executive Director