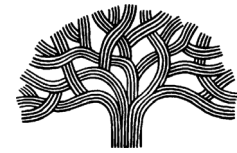


CITY OF OAKLAND



AGENDA

SPECIAL MEETING of the AFFORDABLE HOUSING & INFRASTRUCTURE (I-BOND) PUBLIC OVERSIGHT COMMITTEE

MEMBERSHIP

Ellen Wu, Chairperson
Daniel Swafford, Vice Chairperson
Tia Hicks, Member
Christopher Johnson, Member
Ali Schwartz, Member
Christa Brown, Member
Jason Gumataotao, Member

DATE: Monday, September 23, 2024
TIME: 5:00 pm – 7:00 pm
PLACE: Hearing Room 2, One Frank Ogawa Plaza, Oakland, CA 94612

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

To observe the meeting by video conference, please click on this link:

<https://zoom.us/j/93708957469?pwd=UXg1L09wcFJpY0JybStMcSs4dWZqUT09> at the noticed meeting time. Passcode: 948676

Instructions on how to join a meeting by video conference is available at:

<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Zoom-meeting>

To listen to the meeting by phone, please call the numbers below at the noticed meeting time:

Or One tap mobile:

+16699006833,,93708957469#,,,,*948676# US (San Jose)

+16694449171,,93708957469#,,,,*948676# US

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782
or +1 346 248 7799 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1
689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312
626 6799 or +1 360 209 5623

Webinar ID: 937 0895 7469

Passcode: 948676

International numbers available: <https://zoom.us/j/93708957469>

COMMENT:

To submit comments in advance of the meeting, please email sacker@oaklandca.gov

To comment you must attend the meeting in person at One Frank Ogawa Plaza, Oakland, CA 94612, Hearing Room 2

If you have any questions, please email Stephen Acker, Principal Budget & Management Analyst, at sacker@oaklandca.gov.

ORDER OF BUSINESS

- I. Roll Call and Determination of Quorum
- II. Public Comments
- III. Introduction of two new committee members:
 - a. Christa Brown
 - b. Jason Gumataotao
- IV. Approval of Draft Minutes from the Committee meeting of September 11, 2023, minutes (Exhibit A)
- V. Department Updates:
 - a. Department of Transportation (DoT): 5 year paving program update (Exhibit B)
 - b. Oakland Public Works (OPW): Progress report and Highlights of Measure KK/U projects (Exhibit C)
 - c. Housing and Community Development (HCD) interactive map demo and affordable housing construction update (Exhibit D)
- VI. Discussion of Next Steps
 - a. Identify if the committee will provide a separate annual report
 - b. Review of Committee Bylaws – (Exhibit E)
 - c. Discussion of committee focus and work

- d. Discussion of procedures to establish quorum in future meetings and discussion of City Attorney Frequently Asked Questions (FAQs) regarding in-person meetings for local legislative bodies under Brown Act (Exhibit F)
- e. Agenda items for next meeting

VII. Open Forum

VIII. Adjournment

EXHIBIT A

A COMMITTEE MEETING of the Affordable Housing & Infrastructure Bond (I-Bond) Public Oversight Committee (the “I-Bond Committee”) was held on September 11, 2023 at City Council Hearing Room 2.

1. Roll Call and Determination of Quorum:

Committee Members

Present: Ellen Wu, Chairperson
Daniel Swafford, Vice Chairperson
Christopher Johnson, Member
Anne Griffith, Member
Tia Hicks, Member
Ali Schwartz, Member

Absent: Baldomero Gonzalez, Member

Additional Attendees: Dawn Hort, Staff to Committee
Stephen Acker, Secretary to Committee

The meeting was called to order at 5:18 pm by Dawn Hort.

2. **PUBLIC COMMENTS:** No public comments.
3. **INTRODUCTION OF NEW COMMITTEE MEMBER ALI SCHWARTZ AND CITY STAFF STEPHEN ACKER.**
4. **APPROVAL OF DRAFT JANUARY 9, 2023 MINUTES.**
 - a. **MOTION:** Member Johnson made a motion to approve minutes; seconded by Member Griffith.

[GRIFFITH-Y / HICKS-Y / JOHNSON-Y / SCHWARTZ-Y / SWAFFORD-Y/ WU-Y]
(AYES: 6 / NOES: 0 / ABSTAIN: 0)

5. **APPROVAL OF REVISED MAY 2, 2022 MINUTES.**
 - a. **MOTION:** Member Griffith made a motion to approve the minutes; seconded by vice-chairperson Swafford

[GRIFFITH-Y / HICKS-Y / JOHNSON-Y / SCHWARTZ-Y / SWAFFORD-Y/ WU-Y]
(AYES: 6 / NOES: 0 / ABSTAIN: 0)

6. **CAPITAL IMPROVEMENT PROGRAM PROCESS AND BUDGET OVERVIEW**

Committee staff Stephen Acker presented a brief overview of CIP Prioritization Process and Budget based upon the CIP Budget presentation presented to and approved by Public Works and Transportation Committee on May 23, 2023.

7. DEPARTMENT UPDATE ON STATUS OF PRECTS & BUDGETS FOR MEASURE KK

- a. Sarah Fine, Project Management with the Department of Transportation, provided a high-level overview of DoT 5 year paving program implementation, pavement plan priorities and planning areas, street conditions and construction efforts amongst major and local streets, and several key issues that the Department has faced that have caused backlogs and delays. Most miles paved were done through piggy-backed efforts with existing utilities, not from proprietary DoT contracts. Key issues addressed included delays in construction contracts, delays in consultant professional services projects required to design new projects, in-house construction equipment malfunctions, and hiring/recruitment obstacles.

Committee Member Swafford inquired about how plan implementation would change in response to staff comments, how the pavement plan was developed across Council lines; Sarah Fine responded that the five-year plan would likely transition to a 6 or 7 year plan because of delays, and that Council's responses in 2022 to a pavement index were reflected in the 2022 – 2027 five year plan.

Committee Member Schwartz inquired about active contracts, and local meetings with utilities, and if DoT was regularly meeting with PGE and EMBUD (jointly) on a regular basis to coordinate utility work on citywide projects.

Committee Member Griffiths inquired about how the DoT defines project success factors from a community perspective, outside of miles paved, and how these successes are communicated to the greater community.

Committee Member Johnson inquired about funding shortfalls and how these affect all planning areas across the entire City of Oakland.

Chairperson Wu asked for further clarification regarding staffing challenges and contract administration obstacles, and called for a advertising of how streets pavement efforts are funded through Measure KK funds, and the need to do so with Measure U.

Amit Salwan, Division Manager of the Great Streets Division within the Department of Transportation, also provided an expenditure update on all DoT programs across all Measure KK funds (5330, 5332, 5335), as well as major capital projects update with projects to be completed with matching outside grants in both FY 2023 and FY 2024.

- b. Calvin Hao, Architect and Acting Division Manager, Project & Grant Management Division, Bureau of Design & Construction with Public Works, detailed project status and expenditures for Measure KK funded projects by bucket. Calvin mentioned several projects and status phases for each project, beginning with completed projects to those in design, construction, and those that have been reprogrammed. Calvin explained several of the barriers that the Department has faced in completing projects, due to vacancies and staffing shortages.

Committee Member Hicks questioned about how certain projects were delayed and how City staff responded; Calvin responded that certain projects could have an initial budget but that these project plans could be altered after a feasibility study or assessment.

Committee Member Johnson inquired about grant funding that would be used in addition to Measure KK projects; Calvin responded that several OPW projects require grant funding and a mix of other funds to complete project completion.

- c. Christia Katz-Mulvey, Development Services Manager for the Housing and Community Services Department, explained an overall funding overview, the Notice of Funding Availability (NoFA) Selection Process, and updates on Measure KK-Funded projects by type. Christia explained how many units were funded by income level, how many new units, acquisition and conversion units, rehabilitation and homekey units. Christia also explained NoFA selection process, and how projects are scored and considered for special criteria.

Interim Housing Director Emily Weinstein explained the City's efforts to implement an affordable housing overlay across the entire city to allow for easier by-right construction for affordable housing.

8. EXTENSION OF MEETING TO ADDITIONAL 10 MINUTES TO ALLOW FOR FINAL AGENDA ITEMS.

- a. **MOTION:** Member Johnson made a motion to approve to extend the meeting by 10 minutes to finish all agenda items; seconded by member Griffith

[GRIFFITH-Y / HICKS-Y / JOHNSON-Y / SCHWARTZ-Y / SWAFFORD-Y/ WU-Y]
(AYES: 6 / NOES: 0 / ABSTAIN: 0)

9. OVERVIEW OF MEASURE U – INCLUSION OF MEASURE U INTO OVERSIGHT COMMITTEE PER CMS 13742

- a. Staff member Stephen Acker explained how the committee oversight capacity expanded to include future Measure U bond proceeds, per CMS 13742.

Committee member Swafford questioned how Measure KK/Measure U projects would be communicated and presented to the Committee. Stephen Acker explained how the projects for each measure are separate, and that the Committee has discretion on how the projects are presented.

Committee member Johnson questioned the prioritization process for both Measures and Committee member Schwarz questioned if projects that received seed funding would continue to receive funding in future Measure U funding; staff confirmed that these issues would be considered and decided by the CIP prioritization process.

10. UPCOMING BOND ISSUANCE AND SOCIAL BONDS DESIGNATION

- a. Staff member Stephen Acker briefly summarized the portions of Measure U funds dedicated for affordable housing are to be designated as 'Social Bonds' per the frameworks outlined by the International Capital Markets Association (ICMA) voluntary social bonds designation framework, since these projects promote social sustainability efforts within the City.

11. OPEN FORUM/PUBLIC COMMENT

- a. Chairperson Wu explained that the committee will discuss Measure U projects in the next committee meeting and potential Bylaws updates.

- b. City staff explained that we are taking bond issuance items including projects to be funded with Measure U and Measure KK funds will be taken to Finance and Management Committee tomorrow [September 12, 2023].

12. ADJOURNMENT

- a. **MOTION:** Committee Member Johnson made a motion to adjourn the meeting; seconded by committee member Hicks.

[GRIFFITH-Y / HICKS-Y / JOHNSON-Y / SCHWARTZ-Y / SWAFFORD-Y/ WU-Y]
(AYES: 6 / NOES: 0 / ABSTAIN: 0)

Stephen Acker, Committee Secretary

Date

Draft

EXHIBIT B

Capital Improvement Program FY 23-25

Departments of Transportation and
Public Works
September 2024



The **Capital Improvement Plan (CIP)** helps us plan for the **FUTURE**.

It pays for large one-time

\$100,000+

IMPROVEMENTS with a long-term useful life of

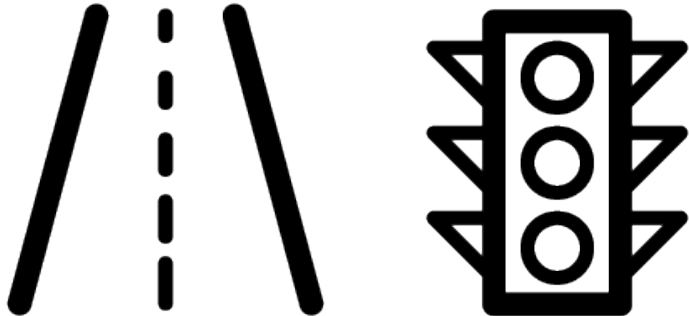
5+
years

To **IMPROVE** the City's public buildings, parks, and streets

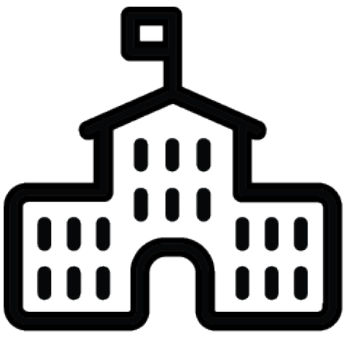
CAPITAL IMPROVEMENT PROGRAM ASSETS



Parks & Open
Space



Transportation



Building &
Facilities



Sanitary Sewer



Drainage & Watershed



Technology

HOW ARE CIP PROJECTS PRIORITIZED?



EQUITY Invest in priority communities (16 pts.)



HEALTH & SAFETY

Creates a safer and healthier community for everyone in the City of Oakland

16 pts.



EXISTING CONDITIONS

Addresses issues with City property and reduces future repair costs

13 pts.



ECONOMY

Helps local businesses thrive and improves access to economic opportunities

13 pts.



ENVIRONMENT

Prepares for climate change and improves air and water quality

11 pts.



REQUIRED WORK

Address and meets the City's codes and regulations

10 pts.



IMPROVEMENT

Builds or provides upgrades to city facilities (streets, sidewalks, libraries, etc.)

8 pts.



COLLABORATION

Driven by communities and/or involves community groups or other agencies

8 pts.



PROJECT READINESS

Some work has been planned and/or started

5 pts.

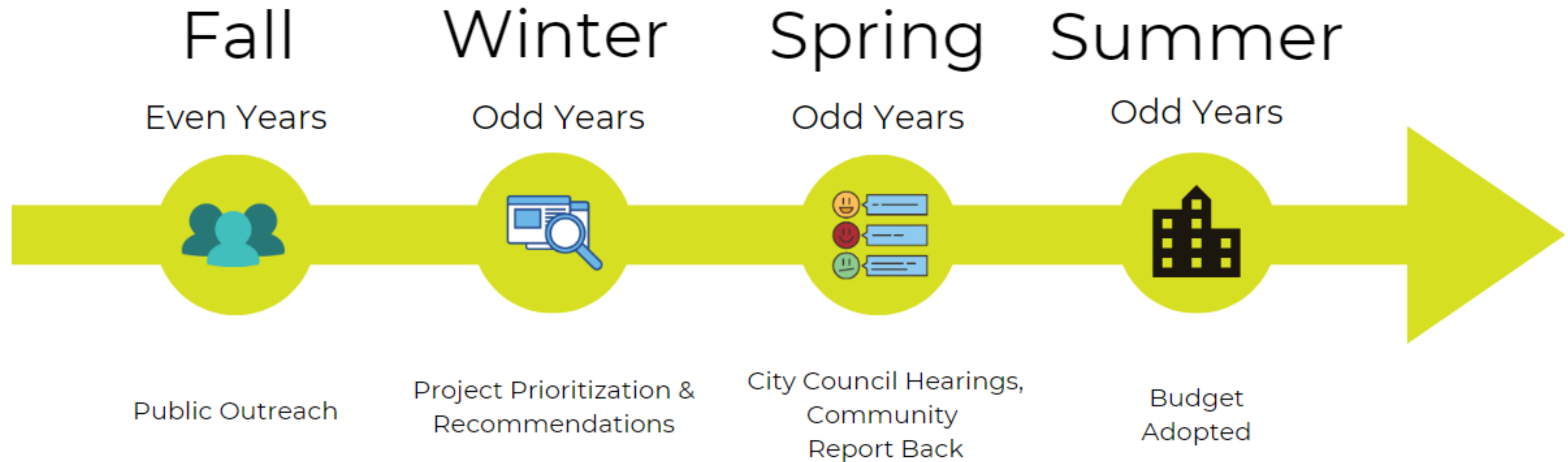
EQUITY is also considered by identifying projects that **address disparities within** the Health/Safety, Existing Conditions, Economy, Environment, Improvement and Collaboration factors. These subfactors vary within Capital Assets as appropriate.



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 **OAKLAND**
capital improvement program

CIP TWO-YEAR PROCESS

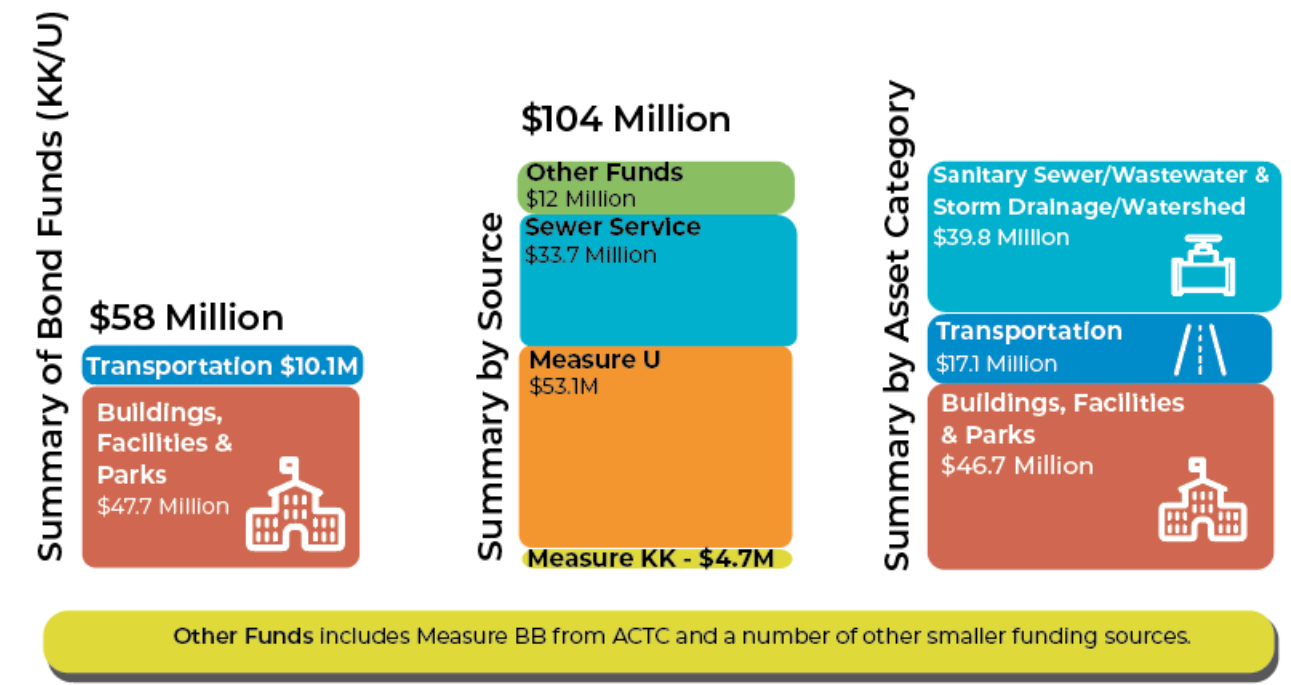
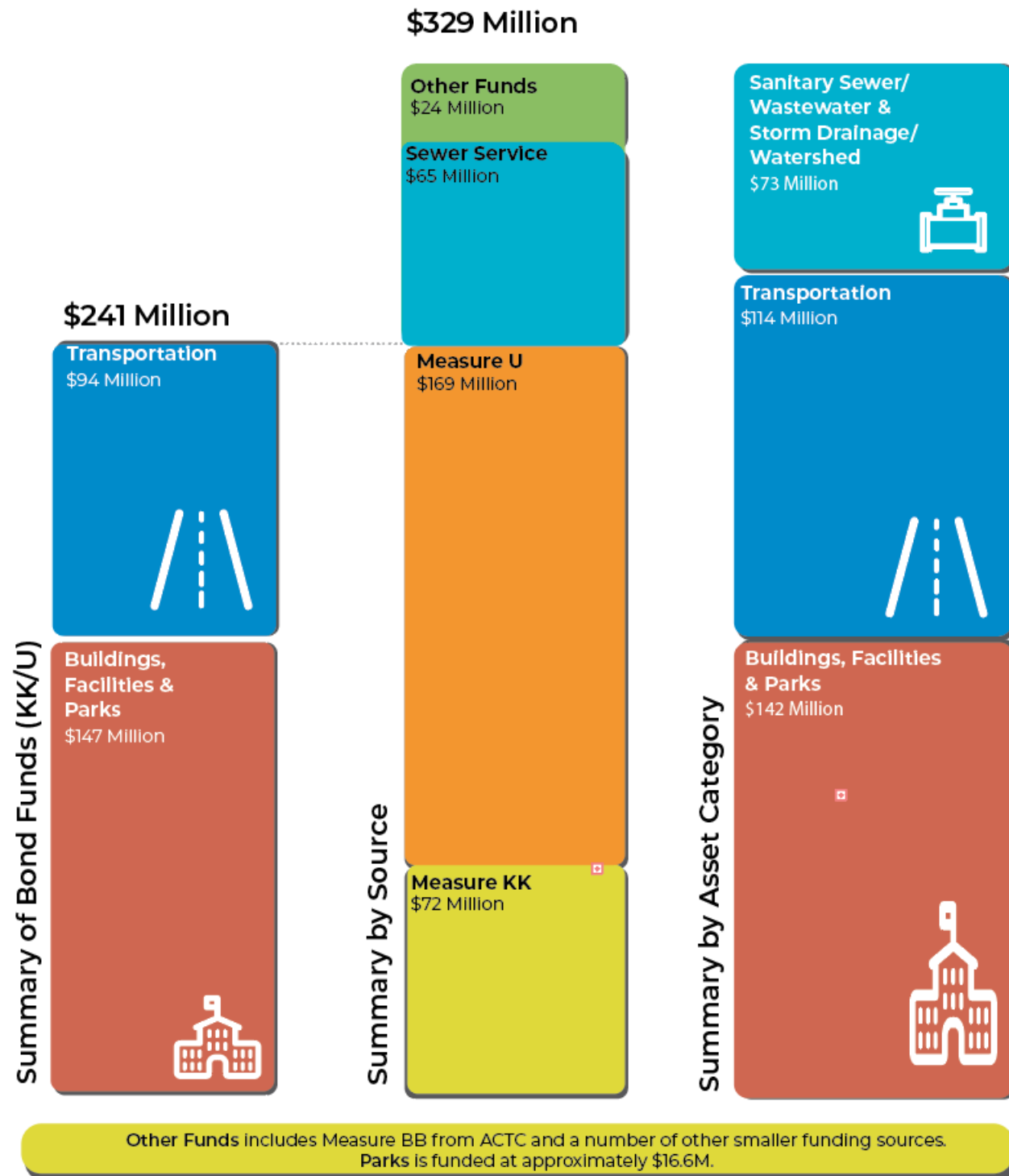


- Oakland currently has **over 100** in-progress funded/partially funded capital projects
- Over the past three budget cycles, community members and staff have identified an additional **284** capital project ideas that are currently unfunded (over \$2 billion of need)
- Upcoming budget cycle will focus on delivering existing projects
- Development of the [General Plan Infrastructure and Facilities Element](#) starting fall 2024 will support longer-term capital planning

CIP FUNDING & MIDCYCLE BUDGET ADJUSTMENTS

Funding Amounts (FY 23-25) – Biennial Budget (June 2023)

Funding Amounts (FY 23-25) – Midcycle Budget (June 2023)





2022 5-Year Paving Plan Status Report

Measure KK Oversight Committee
September 2024

Today's Presentation

Background & 5YP Overview

- Last MKK Oversight Committee presentation: September 2023
- 2022 5YP adopted by City Council in Dec 2021, began in July 2022

Progress Report

- What's been paved since July 2023
- FY25 impacted by budget cut

5YP Priorities

Local Streets

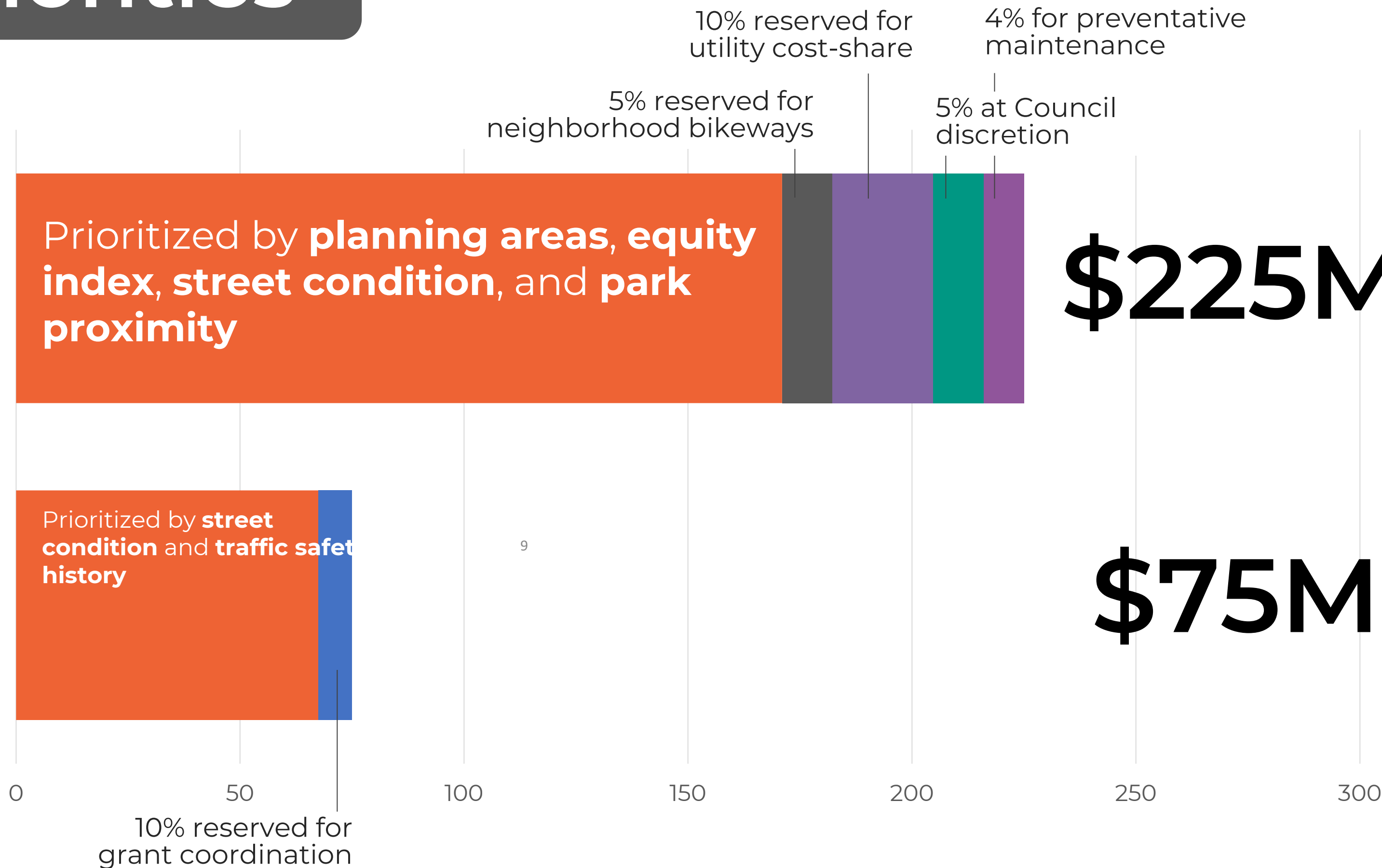
Prioritized by **planning areas, equity index, street condition, and park proximity**

\$225M

Major Streets

Prioritized by **street condition and traffic safety history**

\$75M



Plan Funding

Takeaway:

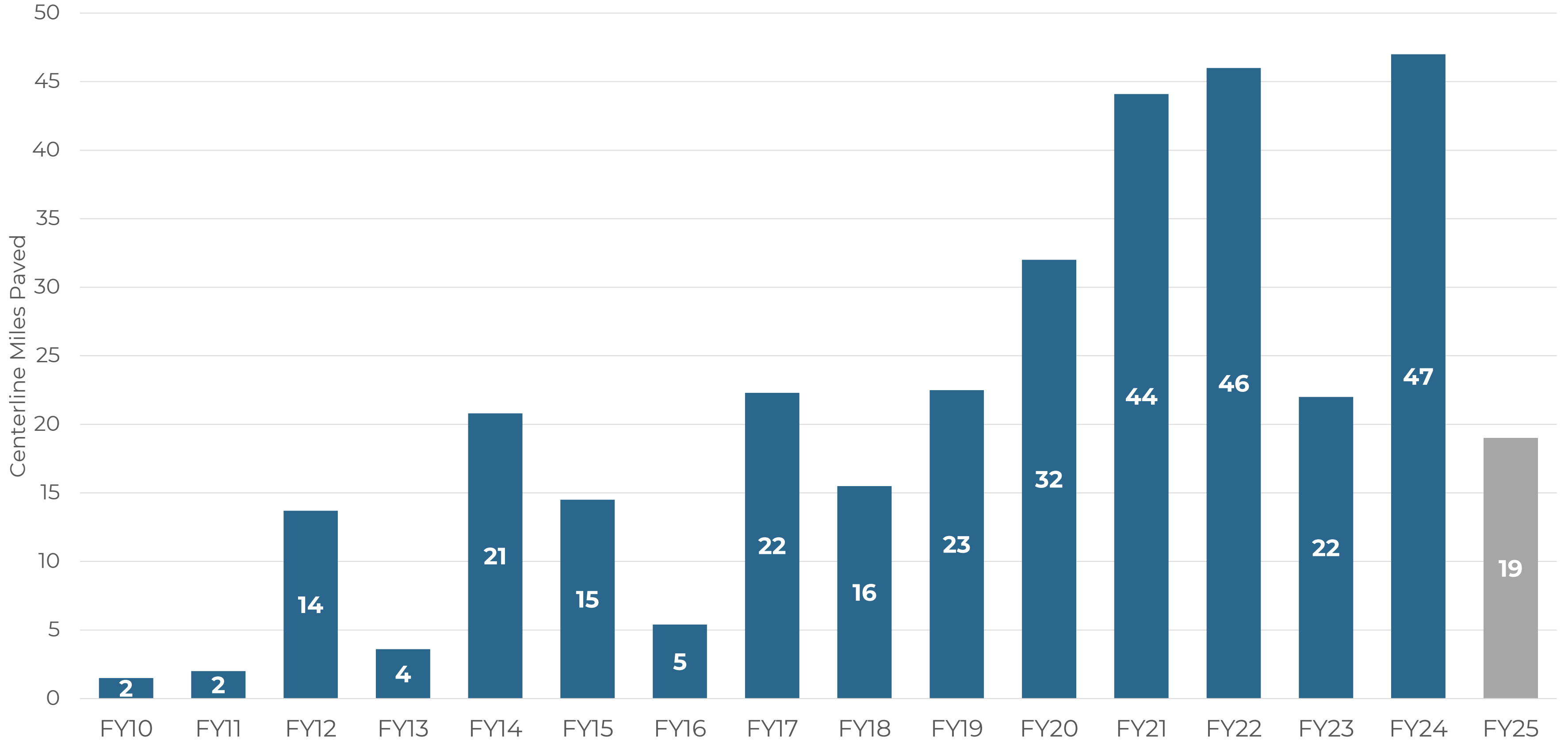
- Mid-cycle adjusted Paving CIP from \$51M to \$6.75M
- No projects to begin after Fall 2024



Past & Projected Mileage

Takeaway:

- No new projects, no new mileage



FY24 – Best Year Yet

	3YP Annual Average	FY23 Total	FY24 Total
Improved Curb Ramps	425	102	1058
High Visibility Crosswalks	969	348	883
Sidewalk Repair (Sq Ft)	45,000	21,977	106,944
Miles Paved	40.9	22.3	47.0

Typical Issues Have Been Resolved

- **Vacancies**

- Design team is 100% staffed
- In-house construction has filled most vacancies

- **Contract/Contractor Availability**

- Multiple open contracts ready for construction
- New contracts for 2024-2025 season are awaiting advertisement
- Still residual delays for new contract processing
- Consultant and contractor availability under L/SLBE requirements

- **In-house construction**

- New asphalt supply contract awarded
- Loss of one local concrete supplier
- New machine being procured

Primary FY25 Issue Is Funding

	FY23	FY24	FY25
As Adopted	\$57.5	\$24.0	\$51.75
Expenditures	\$27.4	\$53.9	
As Amended in FY25 Mid-Cycle			\$6.75
Cash Available Until Next Bond Sale			\$0.00

FY25 Forecast

- **With current funding, no paving after October 2024**
 - Budget shortfall impacts in-house crews, contract paving, future design projects
 - No new projects initiated after September 2024.
 - Existing FY25 budget (\$6.75M) not available until next bond sale.
 - 40+ miles of work will be delayed to FY26.
- **If funding restored:**
 - DOT otherwise on track for a 50+ mile year
 - Includes multiple protected bikeway projects, neighborhood bike route improvements, and pedestrian safety improvement projects, along with typical local streets rehabilitation and utility coordination paving.
 - Would include 1000s of curb ramps and sidewalk replacements.

I-Bond Public Oversight Committee

Oakland Public Works

September 23, 2024



EXHIBIT C

MEASURE KK

- \$600M Affordable Housing & Infrastructure Bond (Nov. 2016)
- \$150M for Facilities Projects
 - Fire - \$40M
 - Police - \$40M
 - Libraries - \$15M
 - Parks, Recreation and Senior Facilities (OPRYD & DHS) - \$35M
 - Water, energy, and seismic improvements - \$20M
- Funding released in five tranches
 - August 2017
 - February 2020
 - February 2022
 - October 2023
 - TBD

MEASURE U

- \$850M Affordable Housing & Infrastructure Bond (Nov. 2022)
- \$210M for Facilities Projects, unspecified by project type
- Ballot language initially anticipated “raising approximately \$85M annually” for 10 years

PROGRESS REPORT & HIGHLIGHTS:

10 new projects have been completed in the past year!



Elmhurst Branch Library



Allendale Rec Center Tot Lot

PROGRESS REPORT & : recently completed



Holly Mini Park

PROGRESS REPORT & HIGHLIGHTS :

4 new projects have started construction in the past year!



Mosswood Rec Center

PROGRESS REPORT & HIGHLIGHTS :

in construction...



Main Library Renovation

I-BOND FUNDED PROJECTS STATUS:

Parks Recreation & Youth Development + Human Services

Project #	Park, Recreation, Youth Development & Human Services	Status
1003434	DIMOND PARK - LIONS POOL RPR	Completed
1003446	TASSAFARONGA GYM REPAIR	Completed
1003447	BALLFIELD WIRING HAZARD MIT	Completed
1003450	RAINBOW EXP & ADDITION	Completed
1003442	HEAD START BROOKFIELD UPGR	Completed
1003443	Head Start Arroyo Viejo Remodel	Completed
1003444	Headstart Playground replacement (Manzanita, Arroyo, Brookfield)	Completed
1003445	Head Start Renovation Manzanita Rec Center	Completed
1004977	Dimond Park - Tennis Courts	Completed
1004866	Holly Mini Park	Completed
1004979	Public Restrooms - Concordia & Madison Parks	Completed
1004980	Madison Park Irrigation Upgrade/Repair	Completed
1004981	Allendale Rec. Ctr. Tot Lot	Completed
1004982	Joaquin Miller Park Cascade - fountain repairs	Completed
1003625	Mosswood Community Center	Construction
1004851	Digital Arts & Culinary Academy Ph. 2 Renov	Construction
1004984	Downtown Oakland Senior Center	Construction
1004865	West Oakland Senior Ctr. Renovation	Construction
1001412	Caldecott Trailhead Improvements	Design
1004857	Lincoln Rec. Ctr. Expansion/Renov.	Design
1004849	Brookdale Rec. Ctr. Expansion	Design
1004978	East Oakland Sport Center - Outdoor Pool	Design
1004984	Downtown Oakland Senior Center Upgrades (Ex)	Design
1004857	Lincoln Recreation Center Expansion/Renovation*(Ex)	Design
1004848	Arroyo Viejo Rec. Ctr.	Planning
1004863	San Antonio Park Master Plan	Planning
1004863	San Antonio Park Playground	Planning
1004852	East Oakland Senior Ctr Renovation	Planning
1004855	Head Start Ctr. Renov. - Tassafaronga	Planning
1005871	Verdese Carter Park*	Planning



I-BOND FUNDED PROJECTS STATUS:

Library

Project #	Library	Status
1004853	Elmhurst Br. Library Renov/Remodel	Completed
1003451	Main Library Improvements (combined with Ph. 2)	Construction
1004859	Main Library - Ph. 2 renovation	Construction
1003440	Brookfield Library Phase 1	Design
1004850	Brookfield Br. Library Phase 2	Design
1004864	West Oakland Br. Library Improvements (Ph 2)	Design
1005845	AAMLO Preservation of African American Collections & Energy Updates	Design
1005858	New Piedmont Branch Library (Formerly OUSD CDC)*	Planning
1004856	Hoover Br. Library - Feasib Study	Planning
1004858	Main Library - New facility feasibility study	Planning
1005856	Melrose Branch Library Zero Net Energy & Historic Foundation Upgrade	On-Hold
1004983	Oakland Tool Lending Library	On-Hold

I-BOND FUNDED PROJECTS STATUS:

Police

Project #	Police	Status
1001654	PAB FEASBLTY STDY 5612-C473320	Completed
1005862	PAB - Replace ATS & Emergency Generators	Completed
1005859	OPD Improvements to County Side of PAB	Construction
1005848/1005849	PAB (2 projects merged per Reso)	Planning
1005860	PAB - Improvements (projects merged)	Pre-Planning
1007059	OPD Crime Lab	Pre-Planning
1005847	Eastmont Police Station Security Improvements	Pre-Planning

I-BOND FUNDED PROJECTS STATUS:

Fire

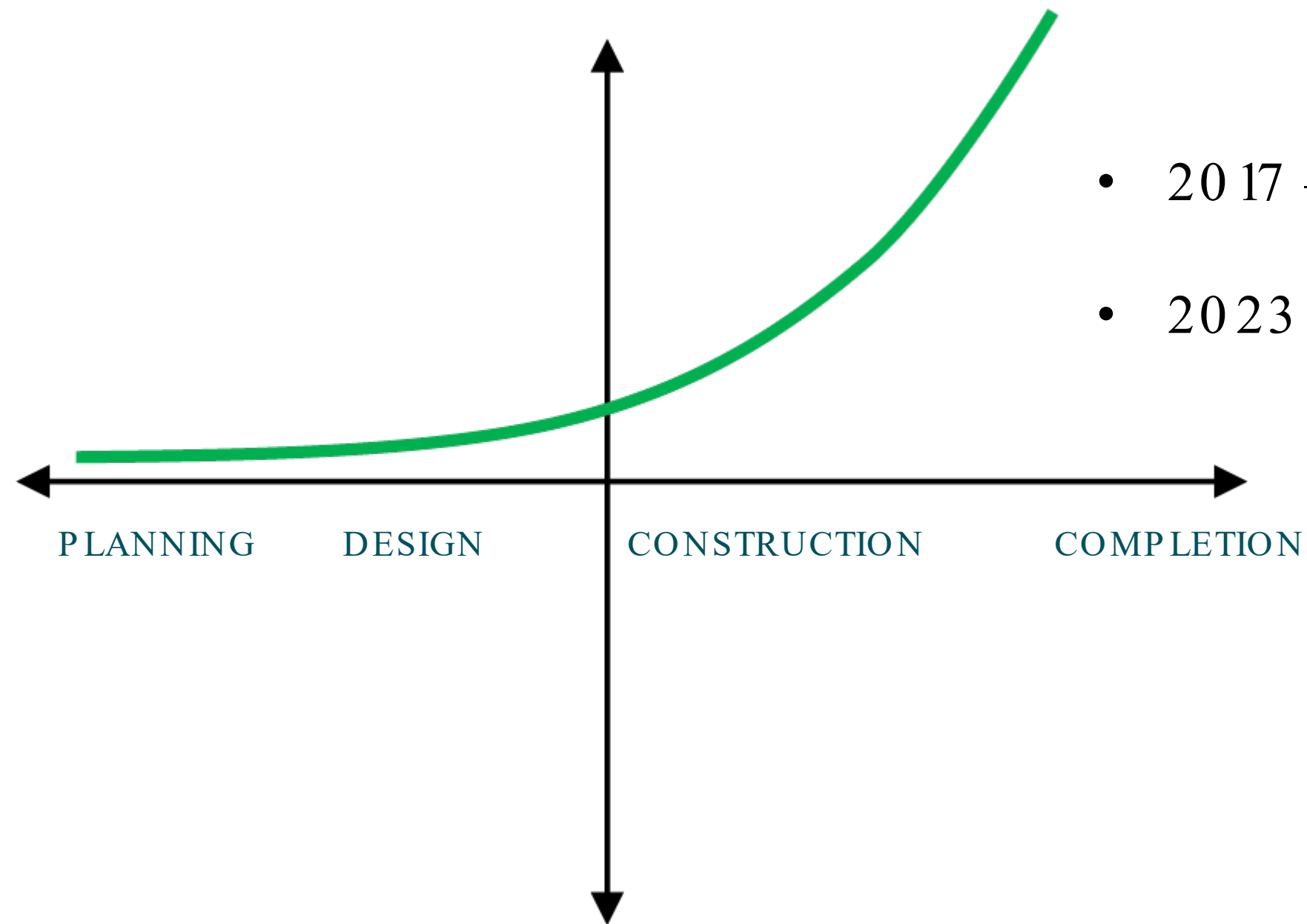
Project #	Fire	Status
1003436	OFD APRON & HARDSCAPE REP SIX STA	Completed
1003437	OFD ROOF ASSESSMENT & REPLACE.	Completed
1003438	OFD TELESCOPIC APPARATUS DOOR REP	Completed
1003439	FIRE STATIONS CW RENOVATIONS	Construction
1003435	New Fire Station 4	Design
1004854	FS #29 New Station & Training Complex	Design
1005852	Fire Station #7 - Structural Assessment	Pre-Planning
1005850	Fire Station #20 - Repaving	Pre-Planning
1005851	Fire Station #6 - Building Shell Repair	Pre-Planning
1005853	Fire Stations #13, #15, #17 HVAC Replacement	Pre-Planning

I-BOND FUNDED PROJECTS STATUS:

Water, Energy & Seismic Improvement

Project #	Water, Energy & Seismic Improv.	Status
1003449	A SHELTER - REP HVAC & ENERGY	Completed
1004861	Museum Collection Center Seismic Improvements	Completed
1003448	H ROBINSON CTR - AIR COND RPL	Completed
1003448	Henry Robinson MSC - HVAC Replacement (ex)	Construction
1003449	Oakland Animal Shelter HVAC & EMS Replacement (Ex)	Construction
1004862	Oakland Animal Serv. Ctr. - Floor replacement/drainage improvt	Construction
1003440	Brookfield Branch Library Improvements (Ex)	Design
1004852	East Oakland Senior Center Improvements (Ex)	Design
1004865	West Oakland Senior Center Improvements(Ex)	Design
1005872	West Oakland Resilience Hub - 3 Facilities Study	Planning
1005865	Tassafaronga Recreation Center Upgrades	Planning
1005866	Willie Keyes Recreation Center Improvements	Planning

PROJECT PROGRESS: Ramp-up of productivity over time



- 2017 – 2023, 6 YEARS, 13 PROJECTS COMPLETE
- 2023 – 2024, 1 YEAR, 10 PROJECTS COMPLETE

COMING SOON!*

8 Projects anticipated to start construction in the next year

Project	
1005845	AAMLO Preserv & Energy Update
1005866	Willie Keyes Rec Center Improvements
1003440	Brookfield Library Improvements
1005782	MLK Library Bike Workshop
1005329	Tyrone Carney Park Renovation
1004978	East Oakland Sports Center - Phase 2
1004857	Lincoln Square Recreation Center Renovation/Expansion
1005330	Sobrante Mini Park Renovation (Prop. 68)

*pending available funding for construction

Thank You

Oakland Housing & Community Development

EXHIBIT D



CITY OF
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Update on Affordable Housing Programs, Projects and Expenditures

Measure KK/U
September 2024



HCD Mission

The Housing and Community Development Department (HCD) is dedicated to improving Oakland's neighborhoods and to ensuring all Oaklanders have safe and affordable housing.



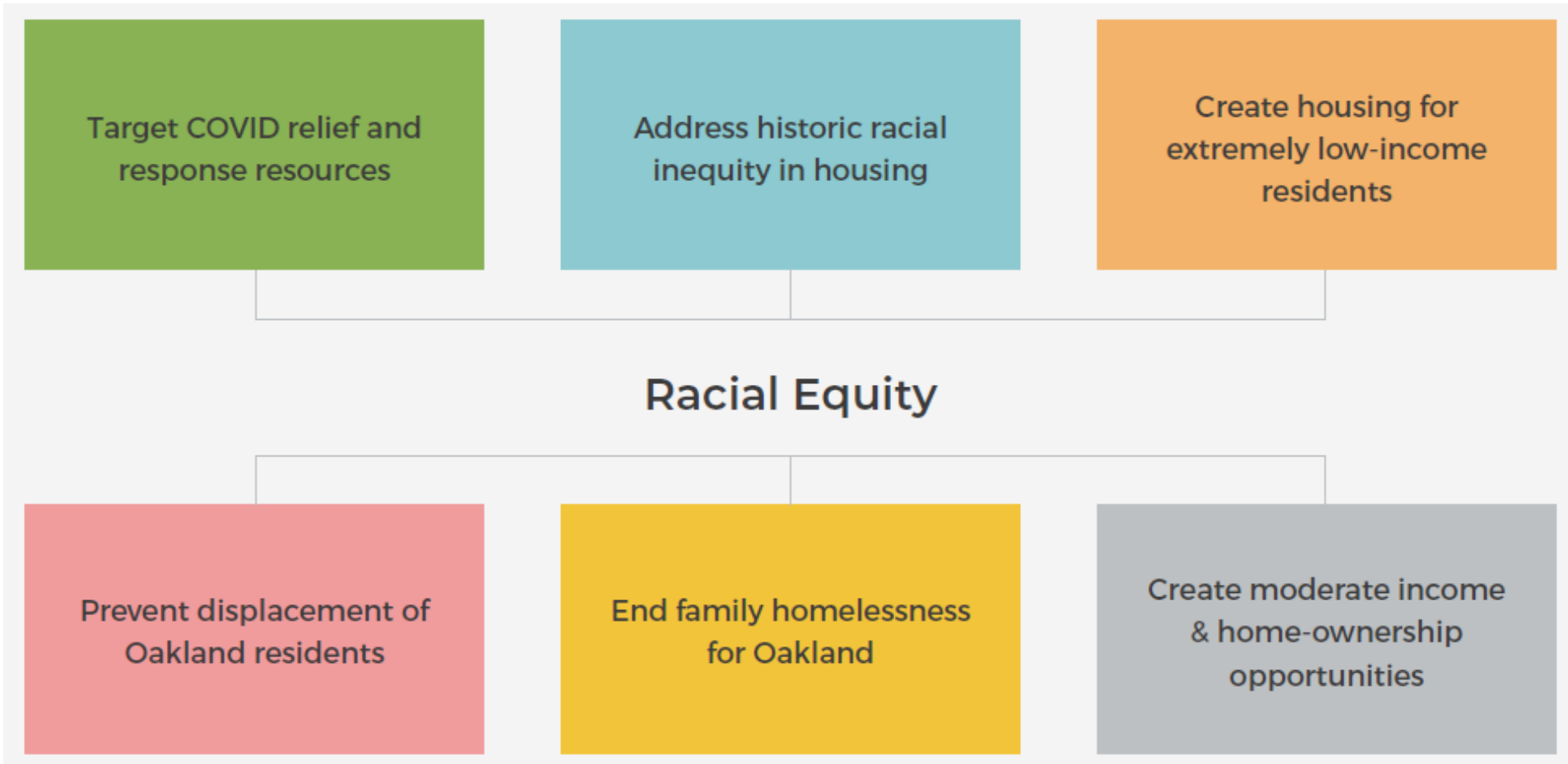
Protection

Preservation

Production

HCD Priorities

The City of Oakland's housing interventions must:



Affordable Housing Funding – Measure KK As of August 2025

Total Funding for Housing (Tranches 1 & 2)	\$100,000,000
Funds Expended	\$79,568,955
Funds Committed/Encumbered	\$20,431,045
Uncommitted Balance Remaining	\$0

Affordable Housing Funding – Measure U As of August 2025

Total Funding for Housing (Tranches 1 & 2)*	\$198,400,039
Funds Expended	\$10,159,438
Funds Committed/Encumbered	\$188,240,601
Uncommitted Balance Remaining	\$0

* Total Measure U Bonding Authorization for Affordable Housing: \$350 million

Affordable Housing Projections

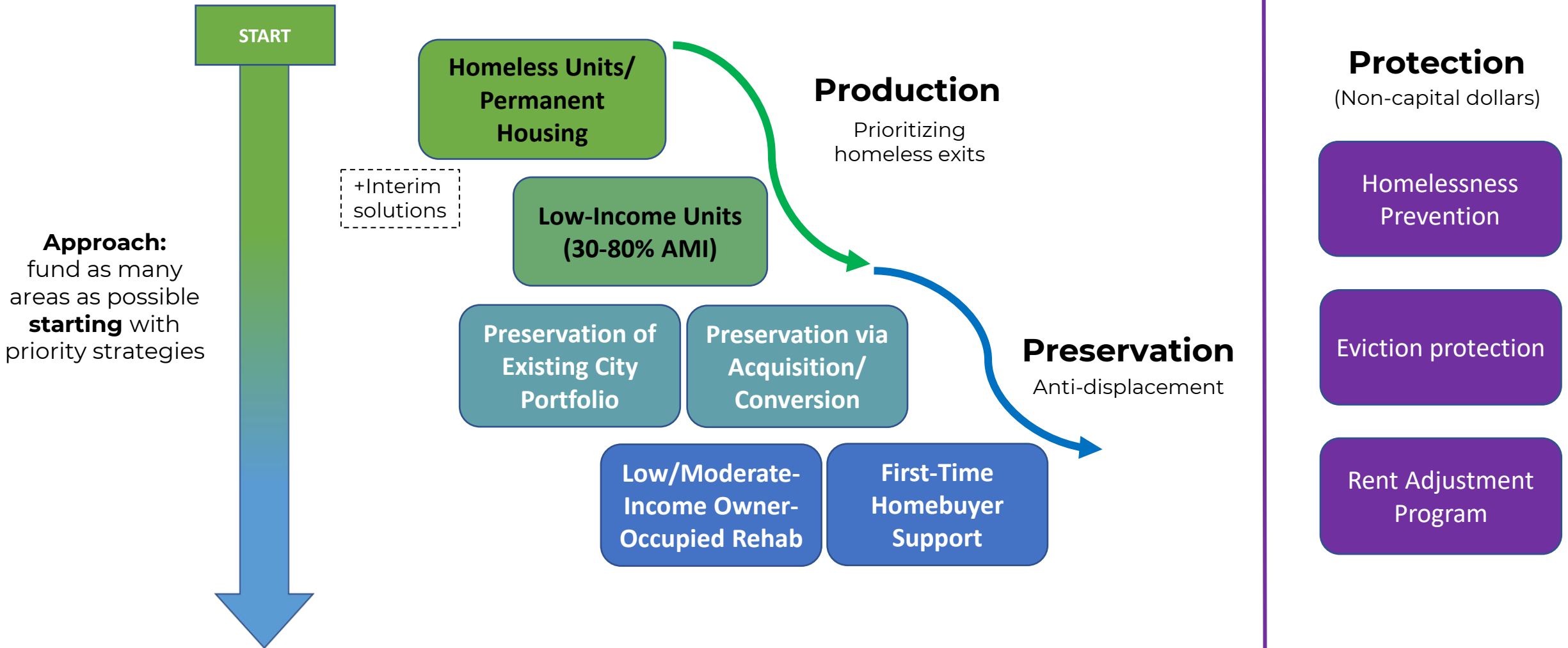
FY 2023/24-2030/31

Program Type	Measure U Funding	Local Capital Dollars	Total Funding	%of Total	Number of Units
Permanent Homeless Units (0-30% AMI)*	\$55.0 M	\$34.4 M	\$150.2 M	29%	447
Low-Income Units (30-80% AMI)	\$193.9 M	\$36.4 M	\$230.2 M	45%	1,151
Preservation via Acquisition/Conversion	\$65.0 M	\$0	\$65.0 M	13%	217
Preservation of Existing City Portfolio	\$18.6 M	\$20.0 M	\$38.6 M	8%	575
Other Housing Programs**	\$0	\$26.0 M	\$26.0 M	5%	N/A
Totals	\$332.5 M	\$116.7 M	\$510.0 M	100%	2,390

* Total Funding includes \$60.8M local operating subsidy for permanent homeless units

**assumes local subsidy per new construction unit of \$200k

Capital Investment Equity Framework



Current HCD NOFA/RFP Programs



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Notices of Funding Availability (NOFAs) and **Requests for Proposals (RFPS)** are Oakland HCD's tools to administer funds for affordable housing development.

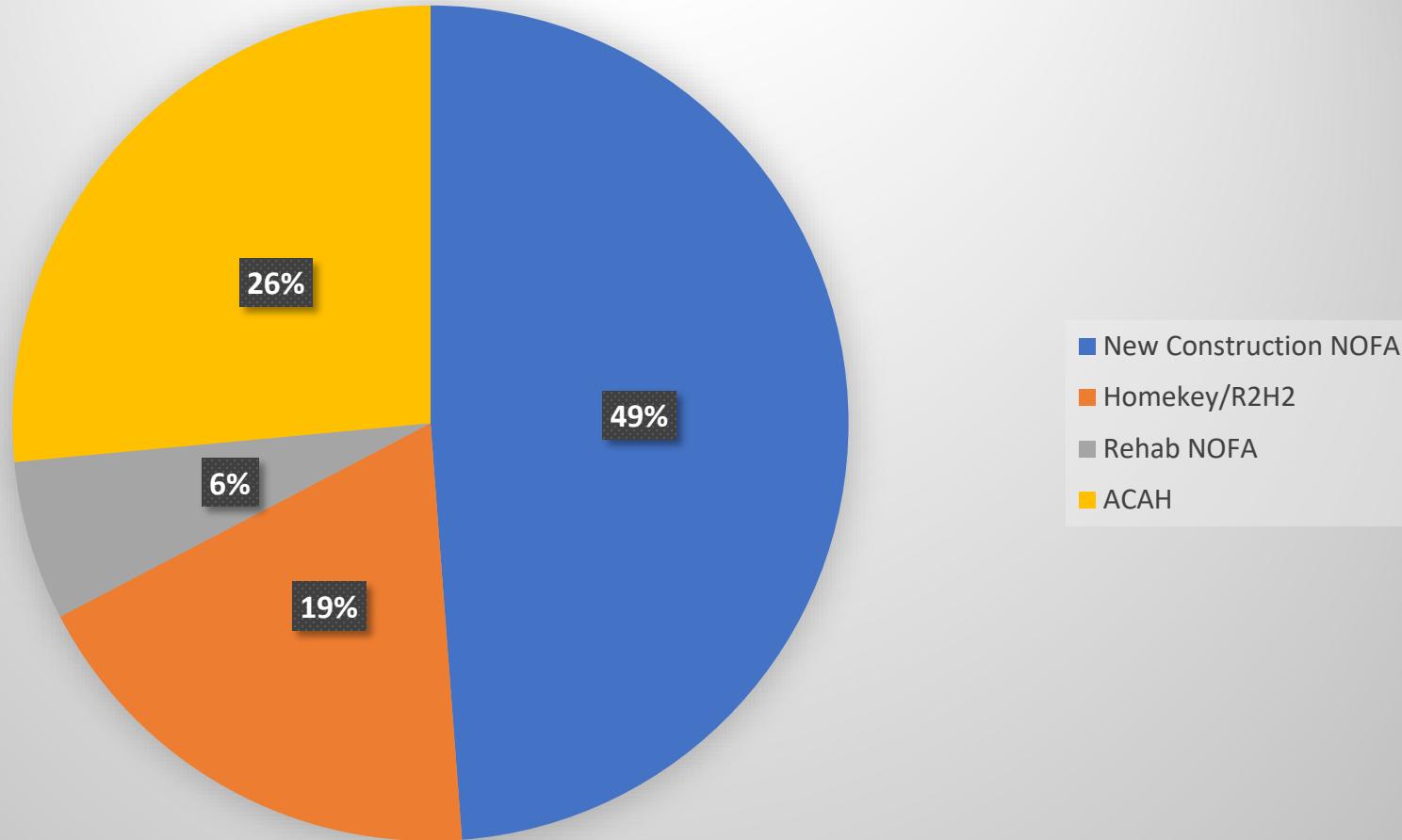
- **New Construction**: creation of multifamily affordable rental
 - Current scoring prioritizes projects with more dedicated ELI and PSH units, neighborhoods experiencing displacement, and emerging developers.
- **Homekey/Rapid Response Homeless Housing (R2H2)**:
 - Rapid acquisition/ conversion or new construction of homeless units
- **Acquisition & Conversion to Affordable Housing**: converts market rate rental to affordable, with set-aside for coops and land trusts
- **Preservation**: supports rehab needs of existing portfolio buildings

Next Steps: Proposed Funding Breakdown



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Capital Funding



With a net of **\$113M** in capital funds available for FY24-25, HCD proposes the following allocation of funds:

- **New Construction NOFA:**
\$55 million
- **Homekey/R2H2:**
\$21 million
- **Rehab NOFA:**
\$7 million
- **Acquisition & Conversion to Affordable Housing (ACAH):**
\$30 million
 - (Note: Up to \$40 million was approved for ACAH in June 2024)

Affordable Housing in Construction*

Construction Start Date	Project	Council District	Total Units	PSH Units	KK/U
September 2023	Friendship Senior Housing	3	49	10	U
Re-started Fall 2023	West Grand & Brush	3	59	30	KK
February 2024	3050 International	5	75	31	U
March 2024	East 12 th Street – Phase 1	2	90	23	U
June 2024	Longfellow Corner	1	76	20	KK/U
Late Sept 2024	Chinatown TOD Senior Housing	2	74	44	U
Total in Construction Funded By 2023 NOFA			423	158	
October 2023	Phoenix Apartments	3	100	49	U
August 2022	Ancora Place	2	77	16	KK
Total in Construction			600	223	

*Does not include 228 Homekey units under construction



3050 International

Next Steps: Upcoming NOFAs/RFPs

- **New Construction NOFA**
 - **Release:** September 23, 2024
 - **Due:** November 4, 2024
 - **Awards Early 2025** (in time for State funding applications)
- **Homekey Round 4/R2H2 RFP:** Closed for Homekey Round 4, rolling for R2H2
- **Preservation and Rehab of Existing Affordable Housing NOFA:** Est. release Spring 2025

Next Steps: New Construction NOFA Priorities

- Permanent Supportive Housing Units & Special Needs Populations
- Neighborhoods with High Displacement Pressures
- Project Readiness
- Cost Effectiveness: Subsidy Needed/Unit
- Competitiveness for State Resources
- Emerging Developers
- Public Land
- Oakland Housing Authority Set Aside



CITY OF
OAKLAND

New Construction Funded by Measure KK (2017-Present)



Project Name	Developer	Affordable Units	PSH Units	Status
3268 San Pablo	Satellite Affordable Housing Associates	51	0	Completed (2020)
7th & Campbell	Oakland & The World, Inc./MPI/McCormack Baron	79	78	Completed (2024)
Ancora Place	Satellite Affordable Housing Associates	77	16	Completing 2024
Aurora Apartments	Affirmed Housing	44	43	Completed (2021)
Camino 23	Satellite Affordable Housing Associates	37	0	Completed (2019)
Coliseum Place	Resources for Community Development	59	0	Completed (2021)
Fruitvale Transit Village II-B	BRIDGE Housing Corporation	181	46	Completed 2024
Longfellow Corner (aka 3801 MLK Family Housing)	Resources for Community Development	77	34	In Construction
Nova Apartments	Affirmed Housing	57	56	Completed (2021)
West Grand & Brush	East Bay Asian Local Development Corp	59	28	In construction
Total New Construction Units		721	301	

New Construction Project Highlight:
Camino 23

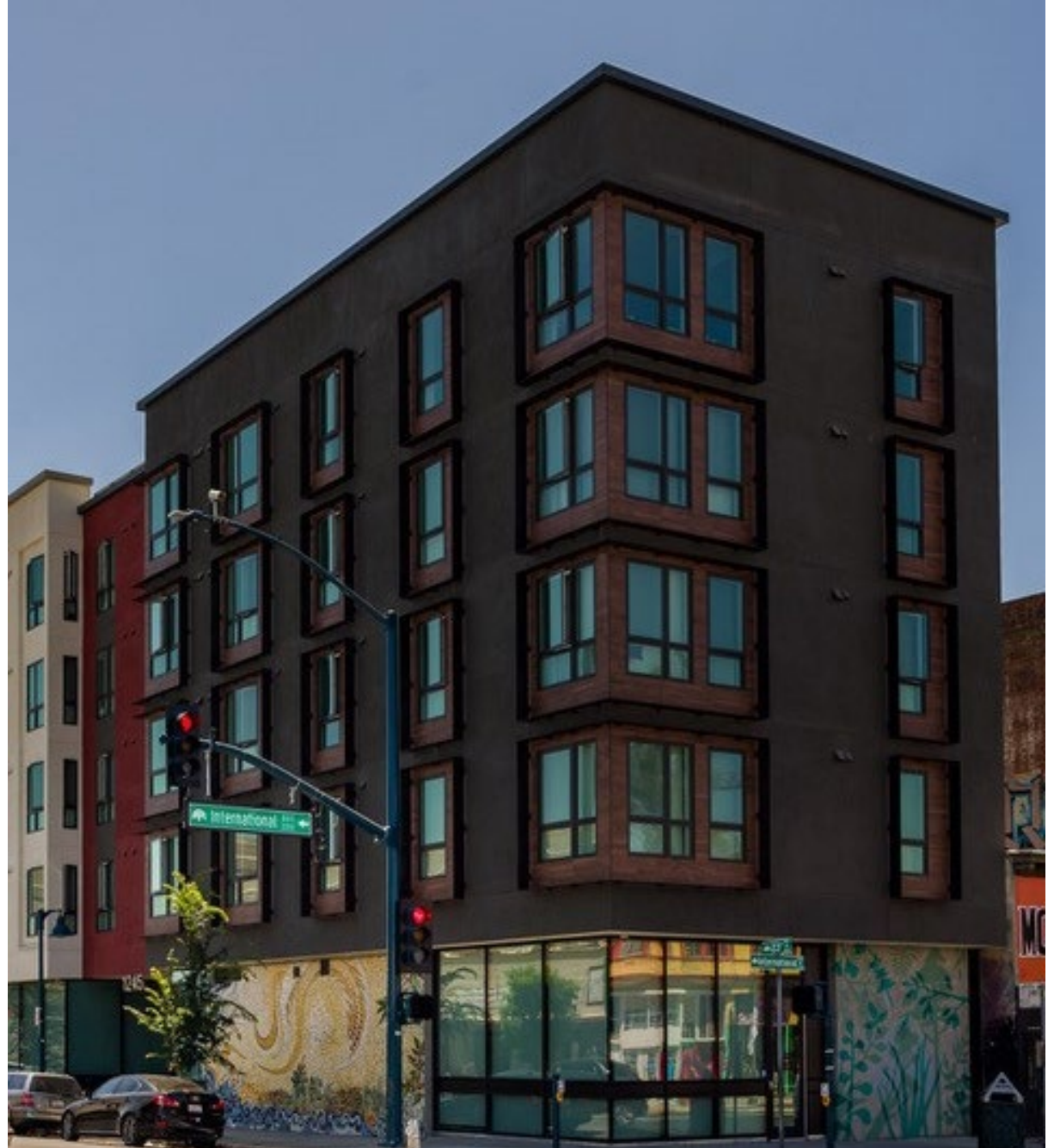
36 Affordable Units

20% - 50% AMI (including 5 units for
persons with HIV/AIDS)

\$100,000 Measure KK (\$1.25M City funds)

\$25.33M Total Development Cost

Completion Date: November 2019



Acquisition & Conversion to Affordable Housing (ACAH) Funded by Measure KK

Round I Site Acquisition
/ 1-4 Unit Acquisition /
ACAH NOFA

17 projects with
348 units

Round II ACAH NOFA:
2020-21

5 projects with 72 units

Round III ACAH NOFA:
2022-23

Additional funding to cover
additional rehab costs for prior
ACAH Awardees

Acquisition and Conversion to Affordable Housing (ACAH) Funded by Measure KK

Project Name	Developer/Project Sponsor	Affordable Units
10320 Mac Arthur Blvd Project	Richmond Neighborhood Housing Services	17
10th Ave Eastlake*	East Bay Asian Local Development Corp.	35
1432 12th Avenue Cooperative	Bay Area Community Land Trust	7
2000 36th Avenue	The Spanish Speaking Unity Council	55
285 Newton Avenue	Bay Area Community Land Trust	9
3 SF Homes	Oakland Community Land Trust	3
36th Avenue Apartments	The Spanish Speaking Unity Council	25
524-530 8th Street	Housing Consortium of the East Bay	39
6106-6108 Hilton St.	Northern California Land Trust (NCLT)	16
6470 MacArthur Blvd	Oakland Community Land Trust (OakCLT)	2
789 61st Street	Northern California Land Trust (NCLT)	6
Garrett Cooperatives Homes	Northern Community Land Trust	1
Highland Palms*	East Bay Asian Local Development Corp.	23
Shadetree	Bay Area Community Land Trust/SHADE	23
Harvest House	Oakland Community Land Trust	1
E24 Community Studios*	Oakland Community Land Trust	7
OakCLT Scattered Site	Oakland Community Land Trust	3



Acquisition & Conversion to Affordable Housing (ACAH) Funded by Measure U

City Contract With
Housing Accelerator
Fund

\$30 million
committed FY
2024-25

Contract approved
June 2024

- Negotiations Underway

ACAH Project Highlight: 8th Street – Housing Consortium of the East Bay

- 39 Affordable Units
- 30-60% AMI (10 Permanent Supportive Housing units)
- \$5M Measure KK
- \$5M Total Development Costs
- Acquisition Date: October 2020



Rehabilitation of Existing Affordable Units Funded by Measure KK

Project Name	Developer	Affordable Units	Status
Empyrean Tower	Resources for Community Development	65	Completed (2020)
Frank G Mar Apartments	East Bay Asian Local Development Corp.	119	Completed (2021)
Fruitvale Studios	Allied Housing	24	Completed (2021)
Hamilton Apartments	Mercy Housing California	92	Not Yet Completed
Harp Plaza	Community Housing Development Corporation	19	Not Yet Completed
Mark Twain Homes	MPHHOMES	101	Not Yet Completed
Total Rehabilitation Units		420	

Rehab Project
Highlight:
Empyrean Hotel

65 Affordable Units
20% - 60% AMI,
including 7 Permanent
Supportive Housing units
(Homeless)

\$4.688M Measure KK
(\$9.51M City funds)
\$77.4M Total Dev Cost

Completion Date:
December 2020



Transitional Housing and Homekey

Project Name	Project Type	Developer	Affordable Units (All Homeless Exits)
Clifton Hall	Family Shelter & Perm Senior Homeless Housing	City of Oakland Operators: EOCP & SAHA	20 family shelter, 41 perm senior
Inn at Temescal	Perm Housing for Homeless Veterans	Danco and Operation Dignity	21 perm veterans
The Holland	Rapid Re-Housing Facility	City of Oakland Operator: BACS	70
Total Measure KK-Funded Transitional Housing and Homekey Units			152

Homekey Project Highlight:
Clifton Hall

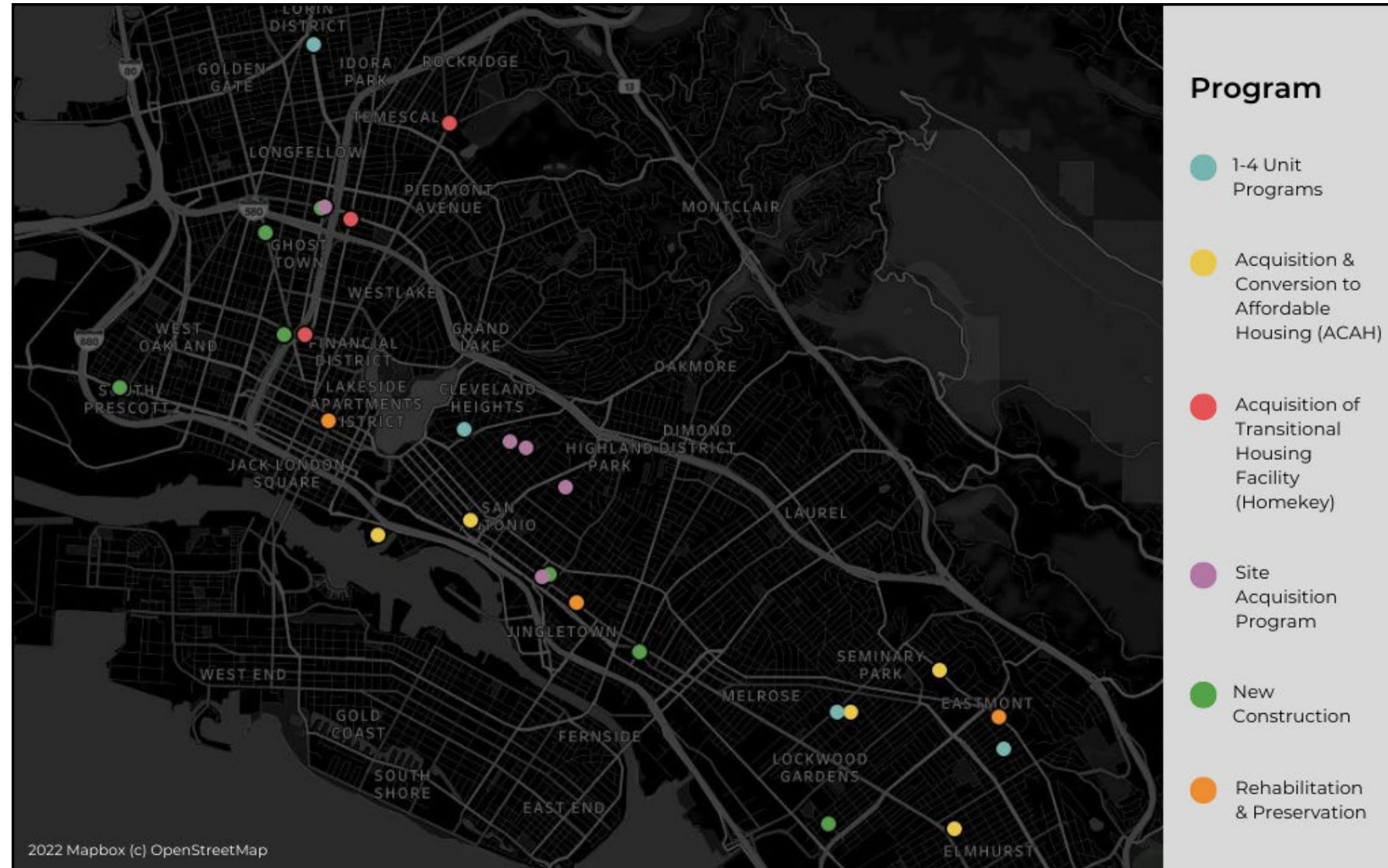
20 Family Shelter Units, 41 Homeless Senior Units
\$3,417,000 Measure KK Grant
\$15,788,000 Total Development Cost
100% Occupancy by mid-December 2021



Measure KK Funding Awards

\$100 Million for housing, Awarded via competitive Notices of Funding Availability (NOFAs)

- 721 new units
- 420 acquisition/
conversion units
- 420 rehabilitation units
(existing affordable
portfolio)
- 152 Homekey units



Questions?

Mapping Demo

**BYLAWS OF THE CITY OF OAKLAND
AFFORDABLE HOUSING & INFRASTRUCTURE (I-BOND)
PUBLIC OVERSIGHT COMMITTEE**

ARTICLE I

ESTABLISHING THE COMMITTEE

City Council Resolution No. 87010 C.M.S. adopted on December 18, 2017 establishing the Infrastructure and Affordable Housing Bond (I-Bond) Public Oversight Committee (the "Committee").

ARTICLE II

DUTIES AND FUNCTIONS

The functions and duties of the Committee shall be:

- a. The Committee shall report to the Finance and Management Committee as it relates to the oversight responsibilities of the Committee regarding the expenditures of I-Bond projects, encouraging public participation and input into fiscal oversight, and improving the transparency and accountability of City fiscal information and decision-making.
- b. The Committee shall perform duties assigned to it by action of the City Council, including responsibilities identified in the City's fiscal policies, and ordinances governing the I-Bond. The Committee shall have such other functions as may be directed by the City Council.
- c. The Committee shall review relevant financial and operational reports related to the expenditure of bond proceeds and provide reports to the City Council when necessary. In addition, the Committee shall evaluate the impacts and outcomes of bond expenditures on the bond measure's stated goals, including social equity, anti-displacement and affordable housing.
- d. No less than three years following the first meeting of the Committee, the Committee shall develop and complete a process of self-evaluation. Thereafter, self-evaluation shall occur every three years.

ARTICLE III

MEMBERSHIP

- a. The Committee shall be composed of nine individuals appointed by the Mayor and confirmed by the Council in accordance with Section 601 of the City Charter.
- b. Each councilmember shall recommend one Committee member.
- c. To the extent practicable, appointments to the Committee shall reflect the geographical diversity of the City. All members of the Committee shall be residents and/or work in the City of Oakland.

ARTICLE IV

TERMS OF MEMBERS, ABSENCES, COMPENSATION

- a. Of the initial members of the Committee, three appointments shall be for one-year terms, three appointments shall serve for two-year terms, and three appointments shall be for three year terms. Thereafter, all terms shall be for three years. All terms of members shall begin on March 1 and end on February 28. There are no term limits for Committee membership.
- b. Committee member(s) may be recommended to the Mayor for removal upon receiving affirmative vote by the majority of the full Committee.
- c. Committee members are expected to attend all scheduled meetings, however, if a member cannot attend, he/she shall notify Staff about their absence prior to a regular or special meeting.
- d. Committee members shall receive no salary for serving.

ARTICLE V

COMMITTEE GOVERNANCE

- a. At its first meeting following March 1st of each year, the Committee shall select a Chairperson and a Vice-Chairperson.
- b. The Chairperson shall be responsible for chairing meetings, coordinating meeting times and agenda items in concert with City staff, representing the Committee in conversations with the Mayor, City Council President, and City Administrator when required, and representing the Committee in public forums & meetings.

- c. The Vice-Chairperson shall assist the Chairperson and shall perform the duties of Chairperson when they are unavailable to perform those duties.
- d. The Committee may create special committees to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Committee. All special committees will report to the Committee at its regular and special meetings.
- e. A quorum of the Committee shall consist of a majority of appointed members, not including vacancies, and shall never consist of less than five members. Any action by the Committee shall be approved by a majority of members present.

ARTICLE VI

TRANSITIONAL PROVISIONS

The terms of office and provisions of this ordinance shall begin following the appointment and confirmation of members to the Committee.

These bylaws shall become effective immediately on final adoption if it receives affirmative votes by a majority of members present.

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND

Frequently Asked Questions (FAQs)

Regarding the City Council's (and Other Local Legislative Bodies') Return to In-Person Meetings and Their Members' Participation by Teleconference under the Ralph M. Brown Act, California's Open Meeting Law

Issued: March 30, 2023

Revised:

Issued By: Barbara J. Parker, Oakland City Attorney



I. INTRODUCTION

On February 28, 2023, California Governor Gavin Newsom [issued a proclamation](#) terminating the statewide COVID-19 State of Emergency that had been in effect since March 4, 2020. The termination of the State of Emergency impacts the ability of members of the Oakland City Council and other local bodies covered by the California Ralph M. Brown Act, California Government Code section 54950 et seq. (hereinafter the "Brown Act") to attend meetings by teleconference.

Assembly Bill ("AB") 361, signed by the Governor on September 15, 2021, and the Governor's prior emergency orders, temporarily suspended the Brown Act's restrictions on participation in public meetings via teleconference. Prior to March 2020, members of local bodies could participate in public meetings via teleconference only if, among other things:

1. Notices and agendas were posted for each teleconference location from which members of the local body intended to participate;
2. Teleconference locations were accessible to the public, including persons with disabilities;
3. The public could participate in the meeting from each teleconference location; and
4. A quorum of the legislative body participated from within the boundaries of the jurisdiction.¹

AB 361 modified these requirements, providing that members of local bodies could participate in public meetings without complying with the public notice of and access to the teleconference location when, among other things, a state of emergency exists and the local body or the state recommends social distancing as a safety measure.² A state of emergency refers specifically to the authority of the Governor of California to invoke a state of emergency, and not to states of emergency declared by local bodies.³ As set forth above, the termination of the

¹ Cal. Gov't Code § 54953(b)(3).

² Cal. Gov't Code § 54953 (e)(1).

³ Cal. Gov't Code § 54953(j)(5).

Governor’s State of Emergency means that, effective March 1, 2023, local bodies may no longer rely upon AB 361 to participate in meetings via teleconference.

The termination of the Governor’s State of Emergency leaves two options for teleconference participation by members of local legislative bodies:

1. the traditional teleconference rules; and
2. the limited exceptions provided by Assembly Bill (“AB”) 2449.

Effective January 1, 2023, AB 2449 preserves, under very limited circumstances, an option for members of bodies subject to the Brown Act to participate in meetings via teleconference without complying with the public notice and public access to a member’s remote teleconference location. The AB 2449 exceptions to the standard teleconference rules are very limited and, among other things, only apply to meetings that provide a teleconference option for public participation, and can be invoked only for a maximum of 20% of the regularly scheduled meetings per calendar year.⁴

To ensure that the public, City of Oakland (“City”) employees, and City officials have the same information, the City Attorney is issuing this FAQ to provide answers to common questions regarding AB 2449 and the ability of members of local bodies to participate in public meetings via teleconference going forward. For additional questions regarding the Brown Act see our recent FAQ [here](#).

This FAQ is a general guide and does not constitute legal advice as the specific facts and circumstances must be evaluated on a case-by-case basis.

II. FREQUENTLY ASKED QUESTIONS REGARDING TELECONFERENCE MEETINGS UNDER BROWN ACT

1. Why Are Members of Local Bodies Returning to In-Person Meetings?

Answer: Since March 4, 2020, California has been in a COVID-19 State of Emergency that Governor Newsom. AB 361 declared and prior emergency orders allowed members of local bodies to conduct and participate in public meetings without complying with the notice of and public access to the teleconference locations when, among other things, a proclaimed state of emergency existed.⁵ On February 28, 2023, California Governor Gavin Newsom [issued a proclamation](#) terminating the statewide COVID-19 State of Emergency. As a result, local bodies

⁴ Cal. Gov’t Code § 54953(f)(1); Cal. Gov’t Code § (f)(2)(A)(i) and (ii).

⁵ Cal. Gov’t Code § 54953 (e)(1). State of emergency refers specifically to the authority of the Governor of California to invoke a state of emergency, and not to states of emergency declared by local bodies. Cal. Gov’t Code § 54953(j)(5).

can no longer invoke AB 361 and are limited to the pre-pandemic traditional teleconference rules and the limited circumstances allowed by AB 2449. In other words, members of local bodies can participate in public meetings via teleconference after the termination of the COVID-19 State of Emergency but the circumstances are much more restricted.

2. Can Members of Local Bodies Still Participate in Meetings Via Teleconference under the Longstanding Teleconference Rules?

Answer: Yes. The Governor’s termination of the statewide COVID-19 State of Emergency does not impact the longstanding teleconference rules under California Government Code section 54953(b)(3), which provides in pertinent part:

If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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.⁶

Members of local bodies intending to use the longstanding teleconference rules should coordinate with their staff liaison and/or the City Clerk to ensure: 1) Brown Act required noticing of the location of the teleconference meeting; 2) Brown Act required postings of the notice and agenda at the teleconference location; 3) coordination regarding any technical requirements for participating remotely; and 4) a quorum of the body will participate in the meeting within the boundaries of City of Oakland.

3. What is Assembly Bill (“AB”) 2449?

Answer: AB 2449, effective January 1, 2023 and codified in California Government Code § 54953, allows members of local bodies covered by the Brown Act to participate in meetings remotely via teleconference for “just cause” and “emergency circumstances” regardless of whether a state of emergency exists and without providing notice of or public access to the teleconference location.⁷

⁶ Cal. Gov’t Code § 54953(b)(3)

⁷ Cal. Gov’t Code § 54953(f)(2)(A)(i) and (ii) (Just Cause and Emergency Circumstances exception to 54953(b)(3) – the longstanding teleconferencing requirements)

AB 2449 can be used only when members of the public also are allowed to participate remotely (i.e. to listen/observe and provide comment) via teleconference.⁸ AB 2449 does not apply and cannot be used for meetings that are only offered in-person or that are in-person with a teleconference option set to “observation only” such that the public cannot provide comment via teleconference.

4. Is the Public Always Allowed Notice of the Teleconference Location and Access to Participate in Meetings Via the Teleconference Location?

Answer: No. Only the longstanding teleconference rules require public notice of and access to the teleconference location. AB 2449 provides for exceptions to those requirements.

5. How Does AB 2449 Work?

Answer: The procedures vary depending on whether the member asserts “just cause” or “emergency circumstances” as the basis for the need to participate in the meeting remotely.

For Just Cause

- Timing of Notice: The member must notify the legislative body of their need to participate remotely at the earliest opportunity possible, up to the commencement of the meeting.⁹
- What to include in the Notice: The notice must provide a general description of the circumstances relating to their need to appear remotely at the given meeting.¹⁰
- “Just cause” means any of the following:
 - (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
 - (B) A contagious illness that prevents a member from attending in person.
 - (C) A need related to a physical or mental disability not otherwise accommodated.
 - (D) Travel while on official business of the legislative body or another state or local agency.¹¹

⁸ Cal. Gov’t Code § 54593(e)(2)(A)

⁹ Cal. Gov’t Code § 54953(f)(2)(A)(i).

¹⁰ Cal. Gov’t Code § 54953(f)(2)(A)(i).

¹¹ Cal. Gov’t Code § 54953(j)(2).

- Per meeting notice is not required: Unlike the emergency circumstances exception, it does not appear that separate notices are required for participating remotely under the just cause exception.¹² Thus, a member could provide notice of remote participation via teleconference for just cause for up to two meetings—the maximum number of times just cause can be used¹³—if the member is aware of the need in advance, such as for childcare or official travel.
- No action by legislative body required: Invoking the just cause exception is self-executing and no further action by the body is required.¹⁴
- No requirement to notice the member’s remote participation on the agenda.

For Emergency Circumstances

- Timing of Request: The member must request that the legislative body allow them to participate in the meeting remotely due to emergency circumstances as soon as possible, preferably with enough time to place the proposed action on the posted agenda for the meeting for which the request was made. However, if the timing of the request does not allow sufficient time to post the matter on the agenda, the legislative body may take action at the beginning of the meeting.¹⁵
- What to include in the Request: The member need not provide any additional information at the time of the Request to participate in the meeting remotely due to emergency circumstances. However, the legislative body must request a general description of the circumstances relating to the member’s need to appear remotely at the given meeting. The general description need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.¹⁶
- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.¹⁷
- Per meeting request is required: A member must make a separate request for each meeting in which they seek to participate remotely.¹⁸
- Action by legislative body is required:¹⁹ The legislative body may approve such a request by a majority vote of the legislative body.²⁰

¹² Compare Cal. Gov’t Code § 54953(f)(2)(A)(i) to Cal. Gov’t Code § 54953(f)(2)(A)(ii)(I).

¹³ Cal. Gov’t Code § 54953(f)(2)(A)(i).

¹⁴ Compare Cal. Gov’t Code § 54953(f)(2)(A)(i) to Cal. Gov’t Code § 54953(f)(2)(A)(ii)(II).

¹⁵ Cal. Gov’t Code § 54953(f)(2)(A)(ii)(I)-(II).

¹⁶ Cal. Gov’t Code § 54953(f)(2)(A)(ii).

¹⁷ Cal. Gov’t Code § 54953(j)(1)

¹⁸ Cal. Gov’t Code § 54953(f)(2)(A)(ii)(I)

¹⁹ Cal. Gov’t Code § 54953(f)(2)(A)(ii)(II).

²⁰ Cal. Gov’t Code § 54954.2(b)(4).

6. Are There Any Specific Limitations on the Manner of Voting by Members During a Teleconferenced Meeting?

Answer: Yes. For any meeting in which the legislative body elects to use teleconferencing, whether via the longstanding teleconferencing rules or under AB 2449, all votes during the meeting must be by rollcall.²¹

7. Is There a Limit to the Number of Times a Member of a Local Body Can Participate via Teleconference?

Answer: It depends on which teleconference rules are invoked. No limit exists on the number of times a member of a local body can participate via teleconference using the longstanding teleconference rules. However, AB 2449 does impose strict limits on use of its provisions. AB 2449 has two categories of exceptions that allow use of participation by teleconference: just cause and emergency circumstances.²² Just cause can be used no more than twice in a calendar year.²³ And just cause and emergency circumstances, together, may not be used more than 20% of the regularly scheduled meetings for the calendar year or for more than 3 consecutive months.²⁴

8. Are There Any Other Limitations on the Use of AB 2449?

Answer: Yes.

- AB 2449 can be used only when members of the public are also allowed to participate remotely (i.e. to listen/observe and provide comment) via teleconference. AB 2449 does not apply and cannot be used for meetings that are only offered in-person or that are in-person with teleconference options set to “observation only” such that the public cannot provide comment via teleconference.²⁵
- AB 2449 can be used only if a quorum of members of the legislative body participate in person from the same location within the City, and location must be clearly identified on the agenda and open to the public.
- AB 2449 can be used only for a maximum of 20% of the regularly scheduled meetings for the calendar year or for more than 3 consecutive months.²⁶ “Just cause” cannot be used more than twice in a calendar year.²⁷ For boards or commissions that meet monthly, AB 2449 can only be used a total of two times,

²¹ Cal. Gov’t Code § 54953(b)(2)(A).

²² Cal. Gov’t Code § 54953(f)(2)(A)(i) and (ii) (Just Cause and Emergency Circumstances exception to 54953(b)(3) – Standard (traditional) teleconferencing requirements).

²³ Cal. Gov’t Code § 54953(f)(2)(A)(i).

²⁴ Cal. Gov’t Code § 54953(f)(3).

²⁵ Cal. Gov’t Code § 54593(e)(2)(A).

²⁶ Cal. Gov’t Code § 54953(f)(3).

²⁷ Cal. Gov’t Code § 54953(f)(2)(A)(i).

regardless of the exception (just cause or emergency circumstances) in the whole calendar year.

- Members participating remotely under AB 2449 must participate both on camera and via audio.²⁸
- Additionally, before any action is taken, the member must disclose if anyone 18 or older is in the room at the remote location with them, and the general nature of the relationship with the person or persons.²⁹
- Members of the public must be allowed to remotely hear and visually observe the meeting, and remotely address the legislative body via either 1) a two-way audiovisual platform (e.g. Zoom) or 2) a two-way telephonic service and a live webcasting of the meeting.³⁰
- The agenda must identify the call-in option, internet-based service option and the in-person location of the meeting.³¹

9. Does AB 2449 or the Brown Act Require City Staff or the City Attorney or City Attorney staff to Attend Meetings of Legislative Bodies In Person As Well?

Answer: No. AB 2449 amends the Brown Act to provide additional but limited circumstances under which members of local bodies can participate in public meetings via teleconference after the termination of the COVID-19 State of Emergency. However, neither AB 2449 nor the Brown Act require City staff, City Attorneys or members of the public to participate in public meetings in person.

10. Must the Meeting Stop If the Internet Service Broadcasting the Meeting Goes Down During the Meeting?

Answer: No. The meeting need not stop while such technical difficulties are resolved, however whether the legislative body can take further action on items appearing on the agenda depends on whether any member of the body is participating by teleconference via AB 2449.

The meeting may continue as normal if no member of the legislative body has invoked AB 2449 to participate via teleconference.

However, if a member has invoked AB 2449 and is participating via teleconference, in the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public, or in the event of disruption within the agency's control that prevents members of the public from offering public comment, the body

²⁸ Cal. Gov't Code § 54953(f)(2)(C).

²⁹ Cal. Gov't Code § 54953(f)(2)(B).

³⁰ Cal. Gov't Code § 54953(f)(1)(A)(i)-(ii).

³¹ Cal. Gov't Code § 54953(f)(1)(C).

must not take further action on items appearing on the meeting agenda until public access to the meeting is restored.³² In-person public comment and discussion by the body may continue.³³ Of course, nothing in AB 2449 or the Brown Act prevents a legislative body from exercising its discretion to pause a meeting while technical difficulties are resolved, even though no law requires them to do so.

11. Do Standing Committees of Local Bodies Have to Meet in Person?

Answer: Yes. The teleconference meeting rules apply to all legislative bodies covered by the Brown Act. The Brown Act defines legislative body to include the governing body of the local agency, as well as any other “body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.”³⁴

For the City, this includes the Oakland City Council, which is the governing body of the City, the City Council's standing committees, and all other bodies created by the City Charter or by Council action, such as the Public Ethics Commission, the Police Commission, the Housing, Residential Rent and Relocation Board, and the Civil Service Board. Any standing committees of those bodies also would be considered a legislative body covered by the Brown Act.

The Oakland-Alameda County Joint Powers Authority is a local, legislative body that is subject to the Brown Act³⁵.

By contrast, an advisory body composed of less than a quorum of the legislative body that is established for a specific, single purpose and that is temporary in nature is not subject to the Brown Act.³⁶ These temporary advisory bodies sometimes are referred to as ad hoc committees. Ad hoc committees are not considered a legislative body and thus are not subject to the Brown Act. Ad hoc committees are not impacted by the teleconference meeting rules and those committees may continue to meet as they did before the termination of the COVID-19 State of Emergency.

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³² Cal. Gov't Code § 54953(f)(1)(D).

³³ Cal. Gov't Code § 54952.6.

³⁴ Cal. Gov't Code § 54952.

³⁵ *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force*, 134 Cal. App. 4th 354, 362-363 (2005).

³⁶ Cal. Gov't Code § 54952(b).