



SAFETY AND SERVICES OVERSIGHT COMMISSION (SSOC)
SSOC created by the Public Safety and Services Violence Prevention Act of 2014 (Measure Z)

Special Meeting Agenda
Monday, December 18, 2023 at 6:30pm

1 Frank H. Ogawa Plaza, Oakland, CA 94612
City Council Chamber, 3rd Floor

Oversight Commission Members:

*Kelly Cure (D-1), Omar Farmer (D-2), Chair: Paula Hawthorn (D-3),
Vice Chair: Yoana Tchoukleva (D-4), VACANT (D-5), VACANT (D-6),
Gloria Bailey-Ray, (D-7), Michael Wallace (Mayoral), Sonya Mehta (At-Large)*

The Oakland Public Safety and Services Oversight Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

OBSERVE:

**You may appear in person on Monday, October 23, 2023, at 6:30pm at
1 Frank H. Ogawa Plaza, Oakland, CA 94612 in Council Chamber**

OR

**To observe, the public may view the televised meeting by viewing
KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating
City of Oakland KTOP – Channel 10**

**Please note: The ZOOM link and access numbers below are to view / listen
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+1 669 444 9171 US, +1 669 900 9128 US (San Jose), +1 253 205 0468 US
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**CITY OF OAKLAND
PUBLIC SAFETY AND SERVICES OVERSIGHT COMMISSION**

**REGULAR MEETING AGENDA
MONDAY, October 23, 2023 at 6:30 PM**

**1 Frank H. Ogawa Plaza, Oakland CA 94612
City Council Chamber, 3rd Floor**

International numbers available: <https://us02web.zoom.us/j/8446121333>

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

PUBLIC COMMENT:

The Oversight Commission welcomes you to its meetings and your interest is appreciated.

- If you wish to speak before the Oversight Commission, please fill out a speaker card and hand it to the Oversight Commission Staff.
- If you wish to speak on a matter not on the agenda, please sign up for Open Forum and wait for your name to be called.
- If you wish to speak on a matter on the agenda, please approach the Commission when called, give your name, and your comments.
- Please be brief and limit your comments to the specific subject under discussion. Only matters within the Oversight Commission’s jurisdictions may be addressed. Time limitations shall be at the discretion of the Chair.
- Comment in advance. To send your comment directly to the Commissioner’s and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Felicia Verdin at fverdin@oaklandca.gov.

Please note that eComment submissions close one (1) hour before posted meeting time. All submitted public comment will be provided to the Commissioners prior to the meeting.

If you have any questions about these protocols,
please e-mail Felicia Verdin at fverdin@oaklandca.gov.

Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email fverdin@oaklandca.gov or call (510) 238-3128 or (510) 238-2007 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a fverdin@oaklandca.gov o llame al (510) 238-3128 o al (510) 238-2007 para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎?請在會議前五個工作天電郵
fverdin@oaklandca.gov 或 致電 (510) 238-3128 或 (510) 238-2007 TDD/TTY.

**Each person wishing to speak on items must complete a Speaker Card
Persons addressing the Safety and Services Oversight Commission shall state their names and the**

**CITY OF OAKLAND
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City Council Chamber, 3rd Floor
*organization they are representing, if any.***

ITEM	TIME	TYPE
1. Call to Order	6:30 PM	AD
2. Roll Call	2 Minutes	AD
3. Open Forum – For items not listed on the Agenda	5 Minutes	I
4. Nominations of chair and vice chair	15 Minutes	A
5. Review and discussion of SSOC bylaws to include remote participation	15 Minutes	A
6. Department of Violence Prevention – Introduction of newly appointed Chief Holly Joshi <ul style="list-style-type: none"> • Chief Joshi will discuss her role in DVP • SSOC members Q&A 	30 Minutes	I
7. Report by evaluation subcommittee	30 Minutes	I
8. Report on MACRO Ad Hoc <ul style="list-style-type: none"> • Omar Farmer 	5 minutes	I
9. Follow-up from Joint SSOC/City Council Meeting <ul style="list-style-type: none"> • Update on ASAP to PSAP verified response and Reimaging Public Safety <ul style="list-style-type: none"> ○ Omar Farmer and Yoana Tcholova 	5 minutes	I
10. Community Activity Research and Elevation (CARE) Committee Update	5 minutes	
11. Report from Staff - Schedule Planning	5 Minutes	I
12. Adjournment	1 Minute	A

A = Action Item / I = Informational Item / AD = Administrative Item /
A* = Action, if Needed

Oakland Public Safety and Services Violence Prevention (Measure Z) Oversight Commission

ARTICLE I: Establishment and Governing Law

- 1) Name
Public Safety and Services Violence Prevention Oversight Commission (“SSOC”)

- 2) Authority, Statutory Requirements: and Other Laws and Polices
The voters of the City of Oakland adopted the 2014 Oakland Public Safety and Services Violence Prevention Act, also known as the Safety and Services Act or Measure Z, in the November 4, 2014 General Municipal Election to maintain the parcel tax and parking tax surcharge for a period of ten years to improve police, fire and emergency response services and community strategies for at risk youth and young adults. Voter approval of the Safety and Services Act also created the Public Safety and Services Violence Prevention Oversight Commission (SSOC).

In addition to the voter approval of the Safety and Services Act, the Oakland City Council passed Ordinance 13303 C.M.S. to create additional membership terms for the SSOC.

The Commission shall comply with all applicable laws, including, but not limited to, the City of Oakland Charter, the Establishing Ordinance and membership ordinance, the Oakland Sunshine Ordinance (Ordinance No. 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Political Reform Act of 1974 (Government Code sections 81000 et. seq.), the Public Records Act (Government Code sections 6250 et seq.), and the Oakland Conflict of Interest Code (Ordinance No. 11979 C.M.S., as amended). If any conflict exists between any of the foregoing laws and these bylaws, the applicable law shall control over the bylaws.

ARTICLE II: Duties, Functions, and Commissioner Appointments

- 1) Duties and Functions
The Commission shall fulfill duties and functions as set forth in the Safety and Services Act which are as follows:
 - (a) Evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated in this Ordinance.
 - (b) Make recommendations to the City Administrator and, as appropriate, the independent evaluator regarding the scope of the annual program performance evaluation. Wherever possible, the scope shall relate directly to the efficacy of strategies to achieve desired outcomes and to issues raised in previous evaluations.
 - (c) Receive draft performance reviews to provide feedback before the evaluator finalizes the report.

- (d) Report issues identified in the annual fiscal audit to the Mayor and City Council.
- (e) Review the annual fiscal and performance audits and evaluations.
- (f) Report in a public meeting to the Mayor and the City Council on the implementation of this Ordinance and recommend ordinances, resolutions, and regulations to ensure compliance with the requirements and intents of this Ordinance.
- (g) Provide input on strategies: At least every three (3) years, the department head or his/her designee of each department receiving funds from this Ordinance shall present to the Commission a priority spending plan for funds received from this Ordinance. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures. The first presentation shall occur within 120 days of the effective date of this Ordinance. In a public meeting, the Commission shall make recommendations to the Mayor and City Council on the strategies in the plans prior to the City Council adoption of the plans. Spending of tax proceeds of this Ordinance must be sufficiently flexible to allow for timely responsiveness to the changing causes of violent crime. The priority spending plans shall reflect such changes. The Commission will recommend to the Mayor and City Council those strategies and practices funded by tax proceeds of this Ordinance that should be continued and/or terminated, based on successes in responding to, reducing or preventing violent crime as demonstrated in the evaluation.
- (h) Semi-Annual Progress Reports: Twice each year, the Commission shall receive a report from a representative of each department receiving funds from this Ordinance, updating the Commission on the priority spending plans and demonstrating progress towards the desired outcomes.

2) Number, Appointing Authority and Qualifications:

The SSOC Commission membership shall be as described in the Safety and Services Act and Ordinance 13303, which specifies as follows:

- (a) The Commission shall consist of nine (9) members.
- (b) The Mayor and each councilmember shall recommend one member of the SSOC each. All commissioners shall be appointed by the Mayor and confirmed by the City Council in accordance with City Charter Section 601.
- (c) The Safety and Services Act specifies that at least two (2) members will have experience working with service eligible populations, two (2) members will reflect the service-eligible populations, and two (2) members will have a professional law enforcement or criminal justice background, while all other members will have general experience in criminal justice, public health, social services, research and evaluation, finance, audits, and/or public policy.
- (d) As established in Ordinance 13303 C.M.S., Commission members shall be appointed to one- or two-year staggered terms and shall be limited to no more than three (3) consecutive terms.
- (e) Vacancies and Holdover Status on the SSOC shall be conducted according to Section 2.F. and 2.D of Ordinance 13303 C.M.S.

(f) As established in Ordinance 13303 C.M.S., Section 2.E., a member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the SSOC, shall constitute cause for removal.

3) Compensation

Members of the SSOC shall serve without compensation.

4) Oath of Public Office

Acceptance of the Oath of Public Office constitutes a Commission member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently and consistent with the laws of the City of Oakland and all pertinent state and federal laws.

5) Rules, Regulations and Procedures; Voting Requirements

Except for the two-thirds vote requirement in Article IX hereof, all actions by the SSOC shall be by a majority vote of those present at a meeting at which a quorum exists.

Rules, regulations, and procedures for the conduct of SSOC business shall be established by a vote of the members.

The Commission must vote to adopt any motion or resolution.

6) Conflict of Interest

All members shall adhere to the requirements stated in the Safety and Services Act, Section 4.A.2 related to conflicts of interest. No member of the Commission shall cast a vote on or participate in a decision-making capacity on the provision of services by that member or any organization that the member directly represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any conflict of interest law or regulation.

ARTICLE III: Officers

Officers shall be a Chairperson and Vice Chairperson chosen from members of the SSOC.

1) Chairperson

The Chairperson shall preside at all SSOC meetings and shall submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the SSOC. The Chairperson shall sign all documents necessary to carry out the business of the SSOC.

2) Vice Chairperson

The Vice Chairperson shall assist the Chairperson as directed and shall assume all the obligations and authority of the Chairperson in the absence or recusal of the Chairperson.

3) Election of Officers

The Officers shall initially be elected by vote from among the members of the Commission at the Commission's first regular meeting after adoption of these bylaws, or as soon thereafter as possible.

4) Removal of Chairperson

An affirmative vote of the SSOC members can remove any Officer from office.

5) Officers' Terms of Office

The Officers shall hold office for one year. Their terms shall expire one year and one meeting after their election. No person shall be elected as an Officer for longer than his or her SSOC term of office.

6) Officer Vacancies

If the office of the Chairperson becomes vacant, the Vice Chairperson shall become Chairperson. If the office of the Vice Chairperson becomes vacant for any reason, the SSOC shall vote to elect a successor from among the SSOC members at the next regular meeting, and such office shall be held for the unexpired term of said office.

ARTICLE IV: Planning and Oversight Staff

1) City Administrator

The Commission shall receive staff support from the City Administrator's Office, as determined by the City Administrator.

2) Legal Advisor

The Oakland Office of the City Attorney ("OCA") is the Commission's legal advisor. The OCA shall provide the Commission with legal assistance as determined by the OCA. Any member of the Commission may consult informally with any OCA attorney assigned by the OCA to the Commission on any matter related to SSOC business. However, a request from a SSOC member for assistance from the SSOC's assigned attorney requiring significant legal research, a substantial amount of time and attention, or a written response, may be made only through the Commission Chairperson with the designated SSOC staff member or by a vote of the SSOC.

3) Commission Staff

Commission members may consult staff of the City Administrator's Office informally, but any request for substantial assistance or a written report must be authorized by a vote of the SSOC.

4) Custodian of Records

Pursuant to section 20.020.240 of the Sunshine Ordinance, the Commission shall maintain a public records file that is accessible to the public during normal business hours. The City Clerk shall be the official custodian of these public records, which shall be maintained in the manner consistent with records kept by the City Clerk on behalf of all other standing Commissions.

- 5) If authorized by the City Administrator, a designated member of City staff shall act as Custodian of Records to the Commission. The Custodian of Records shall keep the records of the Commission, shall record all votes, and shall prepare minutes and keep a record of the meetings in a journal of the proceedings.

ARTICLE V: Ad Hoc Committees

1) Ad Hoc Committees

The Chairperson, at her or his discretion, may establish ad hoc committees to perform specific tasks. An ad hoc committee shall dissolve when the task is completed and the final report is given. Any ad hoc committee may not have more than 4 SSOC members.

ARTICLE VI: Meetings

1) Quorum

Ordinance 13303 C.M.S. created quorum for the SSOC as five (5) members. A quorum shall be called for prior to any official business being conducted at the meeting. If there is no quorum at that time, no official action may be taken at that meeting. In the event that a quorum is not established within thirty (30) minutes of the noticed start time of the meeting, the Chairperson, in her or his discretion, may cancel the meeting or may allow the meeting to make place without any official action being taken at the meeting without a quorum.

2) Voting

Each member of the Commission shall have one vote. Consistent with Article II, Section 5, a motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.

3) Public Input

(a) Public Input on Items Officially Noticed for the Agenda

At every regular meeting, members of the public shall have an opportunity to address the SSOC on matters within the SSOC's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment. Members of the public wishing to speak and who have filled out a speakers card, shall have two (2) minutes to speak unless the chairperson otherwise limits the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

(b) Public Input on Items Not Officially Noticed for the Agenda (Open Forum)

Matters brought before the Commission at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon or discussed by the SSOC at that meeting unless action or discussion on such matters is permissible pursuant to the Brown Act and the Sunshine Ordinance. Those non-agenda items brought before the SSOC which the SSOC determines will require consideration and action and where action at that meeting is not so authorized shall be placed on the agenda for the next regular meeting.

(c) Identification of Speaker

Persons addressing the SSOC shall be asked to state their names and the organization they represent, if any. They shall be asked to confine their remarks to the subject under discussion, unless they speak during the Open Forum portion of the agenda.

4) Regular Meetings

The Commission shall meet regularly on the fourth Monday of each month, at the hour of 6:30 pm, in Oakland, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be rescheduled at least two meetings prior to the meeting for a business day thereafter that is not a legal holiday. A notice, agenda, and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two hours prior to the meeting.

5) Notice and Conduct of Regular Meetings

Notices and agendas of all regular SSOC meetings requiring notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four hours a day. Notice of regular meetings shall be posted at least seventy-two hours before the meeting. Action may only be taken on items for which notice was provided in compliance with the Sunshine Ordinance and the Brown Act.

6) Minutes

Minutes shall be taken at every SSOC meeting. Minutes shall be prepared in writing by the Custodian of Records. Copies of the minutes of each SSOC meeting shall be made available to each member of the SSOC and the City. Approved minutes shall be filed in the official SSOC file.

ARTICLE VII: Agenda Requirements

1) Agenda Preparation

The agenda is prepared through the joint effort of the Chairperson and SSOC Staff, with appropriate legal review. At the outset of a SSOC meeting, the Commission may remove items from the posted agenda, but may not add items to the posted agenda or otherwise modify it. Nothing in this Article VII shall change the requirements for agenda noticing and modification to the agenda as required by the Brown Act, Sunshine Ordinance or other applicable law.

ARTICLE VIII: Parliamentary Authority

1) Robert's Rules of Order, Ronr, Eleventh Edition

The business of the SSOC shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Robert's Rules of Order, Ronr, Eleventh Edition, except as modified by these rules and in accordance with State open meeting laws and local open meeting laws, including, without limitation, the Brown Act, the Oakland Sunshine Ordinance, and the Establishing Ordinance. Failure of compliance with Robert's Rules of Order, Ronr, Eleventh Edition, shall not constitute cause for invalidation of any SSOC action of which a majority of SSOC members clearly expressed approval.

2) Representation of the Safety and Services Oversight Committee

Any official representations on behalf of the SSOC before the City Council or any other public body shall be made by a member of the SSOC specifically so designated by vote of the SSOC.

ARTICLE IX: Amendment of Bylaws

The Commission may adopt bylaws amendments at any regular meeting of the SSOC by vote of two-thirds of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all SSOC members at least ten (10) calendar days prior to such meeting, and three (3) calendar days' public notice shall be posted.

Adopted at May 18, 2015 meeting

**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).