

**ALAMEDA COUNTY**  
**LEAD POISONING PREVENTION PROGRAM**  
**A Joint Powers Authority serving the Cities of Alameda, Berkeley, Emeryville, and Oakland**  

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**2000 Embarcadero, Suite 300, Oakland, CA (510) 567-8282**  
**www.achhd.org**

DATE: January 20, 2023

TO: Directors and Alternates  
Alameda County Lead Poisoning Prevention Program

FROM: Larry Brooks, Secretary  
Joint Powers Authority

SUBJECT: **Meeting of the Board of Directors**

The meeting of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors is scheduled for **Thursday, January 26, 2023, at 9:00 a.m.**

*In response to the COVID-19 pandemic, and pursuant to California Government Code section 54953, the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Meeting of the Board of Directors will be available via teleconference.*

*Members of the public can also attend in person at the Alameda County Healthy Homes Department, 2000 Embarcadero, Suite 300, Oakland, CA. Members are encouraged to watch the meeting of the Board of Directors online by clicking the following link*

<https://us06web.zoom.us/j/88583755061?pwd=N0VXLTN3VThtUENGQXVpZz09>

Passcode: **191869**

*or dial in by using your phone, 1-669-900-6833 Webinar ID: 885 837 550 61 Passcode: 191869*

*If viewing the meeting via teleconference, you may provide written comment on an agenda item or raise an issue during Public Comment by sending an email to Lidice Delafuente at [Lidice.delafuente@acgov.org](mailto:Lidice.delafuente@acgov.org). Please include your name and identify the agenda item you are addressing or that your comment falls under Public Comment. It is encouraged to send any comments 24 hours prior to the meeting; however, members of the public will be able to provide live oral comments or send written comments via email during the meeting as well.*

*If you require a reasonable modification or accommodation for a disability, please contact Lidice Delafuente at [Lidice.delafuente@acgov.org](mailto:Lidice.delafuente@acgov.org) or (510) 567-8291 at least 48 hours before the meeting of the Board of Directors.*

Attached is the agenda packet for the meeting.

Thank you.

ALAMEDA COUNTY LEAD POISONING PREVENTION PROGRAM  
JOINT POWERS AUTHORITY

A G E N D A  
**Meeting of the Board of Directors**

**January 26, 2023, at 9:00 A.M.**

Please join the meeting from your computer, tablet or smartphone

<https://us06web.zoom.us/j/88583755061?pwd=N0VXL3dnQURRczN3VThtUENGQXVpZz09>

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or in person at

Alameda County Healthy Homes Department, 2000 Embarcadero, Suite 300, Oakland, CA

NOTICE: All meetings of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors are open to the public. Those wishing to address the Board of Directors on items not on the agenda may do so during the open forum section of the meeting.

- 1) **Roll Call**
- 2) **Public Comment** (Discussion)  
Directors, alternates, staff, or members of the public may address the Board of Directors regarding items not on the agenda. The Board will listen to matters presented but may not take action on these items.
- 3) **Consent Items**
  - 3.1 **Resolution AB 361: Open Meetings State & Local Agencies** (Action) Pg. 1
  - 3.2 **Meeting Minutes for December 15, 2022** (Action) Pg. 3
- 4) **Brown Act Compliance: Limited Options for Remote Meetings**(Discussion/ Action)  
Pg. 5
- 5) **Director's Report** (Information/Action)
- 6) **Monthly Reports** (Information/Action) Pg. 16
- 7) **Future Agenda Items** (Discussion)
- 8) **Announcements by Board Directors** (Information)
- 9) **Adjournment**

**Material related to an item on this Agenda, including those submitted to the Board of Directors after distribution of the agenda packet, and are available for public inspection at the Alameda County Healthy Homes Department office during normal business hours.**

Agendas are available on the Department's website at [www.achhd.org](http://www.achhd.org)

RESOLUTION NO. 2023-\_\_\_

A RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
FOR THE PERIOD BEGINNING JANUARY 26, 2023

WHEREAS, the Ralph M. Brown Act (Gov. Code sections 54950 *et seq.*), requires the meetings of local legislative bodies to be open to the public; and

WHEREAS, all meetings of the Board of Directors of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority (“the Board of Directors”) and its committees or subcommittees that are subject to the Brown Act are open to the public; and

WHEREAS, the Brown Act allows meetings by teleconference, provided specified requirements are met; and

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625), which has not yet been lifted; and

WHEREAS, the Governor, toward the beginning of the state of emergency, issued executive orders suspending certain requirements of the Brown Act regarding teleconferencing; the Governor’s suspension of Brown Act teleconferencing requirements expired on September 30, 2021, pursuant to Executive Order N-08-21; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, which amended the Brown Act to allow teleconferenced meetings under abbreviated teleconference procedures during a state of emergency (Gov. Code section 54953(e)); and

WHEREAS, Government Code section 54953(e), provides for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), during a state of emergency declared by the Governor pursuant to Government Code section 8625, if certain conditions exist; and

WHEREAS, the conditions of Government Code section 54953(e) are that state or local officials have imposed or recommended measures to promote social distancing, or in the alternative, the legislative body holds a meeting to determine, or has already determined, by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Division of Occupational Safety and Health of California’s (Cal/OSHA) issued Emergency Temporary Standards that require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).); and

WHEREAS, on September 28, 2021, the Board of Supervisors of the County of Alameda accepted the recommendation of the Health Care Services Agency Director for continued social distancing at all meetings of the full Board of Supervisors and at all Board of Supervisors Committee meetings; and

NOW, THEREFORE, BE IT RESOLVED:

Section 1. All of the above recitals are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Board of Directors finds that state and local officials have imposed or recommended measures to promote social distancing. The Board of Directors has reconsidered the circumstances of the state of emergency and finds that state and local officials continue to impose or recommend measures to promote social distancing.

Section 3. The Board of Directors finds that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The Board of Directors has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

Section 4. The Board of Directors therefore determines that it and its legislative bodies shall conduct their meetings by teleconferencing in accordance with Government Code section 54953(e).

Section 5. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Board of Directors.

ADOPTED this \_\_\_ day of \_\_\_\_\_ 2023 by the Board of Directors of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority, by the following vote:

YES:

NO:

ABSENT:

ABSTAIN:

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John J. Bauters  
Chair

Attest:

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Larry Brooks  
Secretary

Approved as to form:  
DONNA R. ZIEGLER  
County Counsel

By: \_\_\_\_\_  
Andrew J. Massey, Deputy

**MEETING OF THE BOARD OF DIRECTORS**  
**MEETING MINUTES**

December 15, 2022

**Attendance:**

**Voting Directors:** Noel Gallo, Oakland; Malia Vella, Alameda; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

**Non-Voting Directors:** Gwen Hardy, Community Representative

**Alternates:** Jared Savas, County of Alameda

**Staff:** Larry Brooks; Ruben Briones; Lidice De La Fuente; Victoria Gomez; Katie Gulyas; Dale Hagen; Rosa Hernandez; Morgan Holdman; Soni Johnson; Maisha Malvo; Ieshia Manuel; Yvette Martin; Lisa Plourde; Shantel Ruiz; Joy Sledge; Diep Tran; April Williamson

**Others:**

**Absent:** None

Director John J. Bauters called into order the teleconference for the Meeting of the Board of Directors at 9:00 A.M.

1) **Roll Call**

2) **Public Comment**

None

3) **Consent Items**

3.1 **Resolution AB 361: Open Meetings State & Local Agencies**

3.2 **Meeting Minutes for October 27, 2022**

**Action:** The Board approved Resolution AB 361 for December 15, 2022, JPA meeting and the meeting minutes from October 27, 2022.

**Approved:** Susan Wengraf **Seconded:** Noel Gallo **Ayes:** 6- Hardy; Savas; Gallo; Vella; Wengraf; Bauters

**No:** None

**Abstain:** None

**Community Representative's Vote:** Aye

**Absent:** None

**Excused:** None

4) **2023 JPA Meeting Schedule**

The Board approved meeting in January and February 2023 at 9:00am via video conference pursuant to AB361, that format will sunset on February 28, 2023. Beginning with the March 2023 meeting, the Board will resume in-person meetings at 9:30am at Emeryville City Hall, located at 1333 Park Avenue, in Emeryville. November and December meetings will be held on the third Thursday of the month. There are no meetings in August.

**Action:** The Board approved JPA Meeting schedule for 2023.

**Approved:** Noel Gallo **Seconded:** Susan Wengraf **Ayes:** 6- Hardy; Savas; Gallo; Vella; Wengraf; Bauters

**No:** None

**Abstain:** None

**Community Representative's Vote:** Aye

**Absent:** None

**Excused:** None

- 5) **Appointment of Chair and Vice Chair for Calendar Year 2023**  
 Directors nominated Director John J. Bauters to serve as Chair and Noel Gallo as Vice Chair on the JPA Board for the Lead Program.  
**Action:** The Board appointed John J. Bauters to serve as Chair on the JPA Board.  
**Approved:** Susan Wengraf **Seconded:** Noel Gallo **Ayes:** 6- Hardy; Savas; Gallo; Vella; Wengraf; Bauters  
**No:** None **Abstain:** None **Community Representative's Vote:** Aye  
**Absent:** None **Excused:** None
- Action:** The Board appointed Noel Gallo to serve as Vice Chair on the JPA Board.  
**Approved:** Susan Wengraf **Seconded:** Malia Vella **Ayes:** 6- Hardy; Savas; Gallo; Vella; Wengraf; Bauters  
**No:** None **Abstain:** None **Community Representative's Vote:** Aye  
**Absent:** None **Excused:** None
- 6) **Director's Report**  
 Secretary to the Board Larry Brooks introduced Katie Gulyas. The Department's new Health Services Manager.
- Mr. Brooks announced a job opportunity with the Department, Community Engagement Specialist.
- Mr. Brooks indicated that the recent County of Alameda election left a vacancy on the JPA Board, therefore, the Department will request the Alameda County Board of Supervisors to select a representative for the County to serve on the Board. Mr. Brooks thanked Director Dave Brown and Alternate Jared Savas for their contributions on the JPA Board.
- Mr. Brooks and staff thanked the JPA Board and City of Emeryville staff for hosting the JPA Lead Board holiday meeting.
- 7) **Monthly Report September-November 2022**  
 Lidice De La Fuente highlighted the Department's website noting many changes are happening on the website that are set up to help website visitors find what they need more easily. The Department is aiming to have more visuals on every page and are working on bringing more of our own content (videos) to the website to help people understand these concepts through watching a video instead of having to read a lot of content. Future reports will have a section for Tik Tok, NextDoor.
- 8) **Future Agenda Items**  
 None
- 9) **Announcements by Board Directors**  
 Director Noel Gallo reminded staff he will schedule a presentation to define the roles of the City and the County on lead before the Oakland City Council.
- 10) **Adjournment**  
 Meeting adjourned at 9:22 A.M.




# Memorandum

## OFFICE OF THE COUNTY COUNSEL

DONNA R. ZIEGLER  
COUNTY COUNSEL

DATE: January 19, 2023

TO: Board of Directors  
Alameda County Lead Poisoning Prevention Program Joint Powers Authority

FROM: Andrew J. Massey, Deputy County Counsel   
Corrina Seeley VanDenBaard, Associate County Counsel

SUBJECT: Brown Act Compliance in 2023: Limited Options for Remote Meetings

### I. BACKGROUND

Governor Newsom announced that he plans to lift the Covid-19 State of Emergency on February 28, 2023.<sup>1</sup> Since the beginning of the pandemic, many local legislative bodies have been meeting remotely under authority granted by the Governor first through a 2020 executive order (since rescinded) and, more recently, pursuant to the simplified approach included in Assembly Bill 361 (2021)<sup>2</sup> ("AB 361"). Since AB 361 applies only during a proclaimed state of emergency,<sup>3</sup> local legislative bodies will no longer be able to utilize AB 361's simplified provisions for remote meetings after the State of Emergency has ended.

Numerous boards and commissions subject to the Brown Act have inquired about their ability to continue to hold remote meetings.

### II. EXECUTIVE SUMMARY

The traditional teleconference provisions<sup>4</sup> contained in the Brown Act, as amended by Assembly Bill 2449 (2022) ("AB 2449")<sup>5</sup> do not authorize bodies to utilize teleconference to the same extent as AB 361. The traditional Brown Act teleconference rules provide for the ability to continue remote meetings subject to the right of the public to attend in person at any teleconference location, whereas AB 2449 allows individual members of a legislative body to appear remotely on a limited basis due to unforeseen circumstances. If a legislative body wishes to utilize teleconferencing to the widest degree possible after AB 361 is no longer applicable, it should look to the traditional Brown Act teleconference rules.

**Attachment A** provides a chart that compares the major provisions of AB 361, traditional Brown Act teleconference rules, and AB 2449. **Attachment B** provides a more detailed overview of AB 2449's provisions. Lastly, **Attachment C** provides a more detailed overview of the traditional Brown Act provisions.

<sup>1</sup> <https://www.gov.ca.gov/2022/10/17/governor-newsom-to-end-the-covid-19-state-of-emergency/>

<sup>2</sup> Codified at Gov't Code § 54953(e), and sunsets on the sooner of December 31, 2023, or when the Covid-19 State of Emergency ends (anticipated February 28, 2023).

<sup>3</sup> Gov't Code § 54953(e).

<sup>4</sup> Gov't Code § 54953(b).

<sup>5</sup> AB 2449 (is effective January 1, 2023, and sunsets on December 31, 2025) revised Gov't Code § 54953 and §54954.2 and added §5354.2.

**ATTACHMENT A**  
**CHART COMPARING TELECONFERENCE OPTIONS**

The following chart summarizes and compares the available teleconference options presently. Note, however, that if the Governor lifts the state of emergency effective March 1, 2023, AB 361 will no longer be an available option.

	<b>Teleconference Options</b>		
	<b>Traditional Brown Act</b>	<b>AB 361</b>	<b>AB 2449</b>
<b>Public must be allowed to attend in person at legislative body member's remote location?</b>	Yes. (Gov't Code § 54953(b)(3)).	No. (Gov't Code § 54953(e)(1)).	No. (Gov't Code § 54953(f)(1)).
<b>Limit on the number of members that can use this option at the same time?</b>	No. (Gov't Code § 54953(b)(1) & (2)).	No. (Gov't Code § 54953(e)(1)).	Yes, at least a quorum of the legislative body must be present at a singular physical location within the agency's jurisdiction. (Gov't Code § 54953(f)(1)).
<b>Limit on the number of times a member can use this option per calendar year?</b>	No. (Gov't Code § 54953(b)(1) & (2)).	No. (Gov't Code § 54953(e)(1)).	Yes. No more than three consecutive months of teleconferencing and no more than 20% of the meetings per calendar year. If the legislative body holds fewer than 10 meetings per calendar year, then a member may only teleconference twice per calendar year. (Gov't Code § 54953(f)(3)).
<b>Members must use both audio and visual technology?</b>	No, audio only is acceptable. (Gov't Code § 54953(j)(6)).	No, audio only is acceptable. (Gov't Code § 54953(j)(6)).	Yes. (Gov't Code § 54953((f)(2)(C)).
<b>Quorum of the legislative body need to attend from within the agency's jurisdiction?</b>	Yes, although all members may appear remotely in separate locations	No. (Gov't Code § 54953(e)(1)).	Yes, a quorum of the legislative body must appear in person at a singular place within



	within the agency's jurisdiction. (Gov't Code § 54953(b)(3)).		the agency's jurisdiction. (Gov't Code § 54953(f)(1)).
<b>Required to provide a physical meeting location for the public?</b>	Yes, at the standard location where regular meeting agendas are posted and at the member's remote location. (Gov't Code § 54953(b)(2)(D)).	No. (Gov't Code § 54953(e)(4)).	Yes, but only at the standard meeting location. Agendas do not need to be posted at a member's remote location. (Gov't Code § 54953(f)(1)).
<b>Required to provide call-in or internet-based broadcast for public?</b>	No.	Yes. (Gov't Code § 54953(e)(2)(A)).	Yes, either a two-way audiovisual platform or a two-way telephonic service and live stream. The public must be able to provide comment via call-in option, an internet-based option, and an in-person location. (Gov't Code § 54953(f)(1)(A)).
<b>Action must stop if the broadcast for the public is disrupted?</b>	No express requirement to stop the meeting. However, the agency could choose to pause until technology issues are resolved.	Yes. (Gov't Code § 54953(e)(2)(B)).	Yes. (Gov't Code § 54953(f)(1)(D)).
<b>Provisions are planned to sunset?</b>	No.	Yes, law sunsets at the sooner of the end of 2023 or when the Covid-19 state of emergency ends (anticipated to be February 28, 2023).	Yes, sunsets at end of 2025.

**ATTACHMENT B**  
**OVERVIEW OF AB 2449 TELECONFERENCE PROVISIONS FOR “JUST CAUSE” AND  
“EMERGENCY CIRCUMSTANCE”**

**Summary of Provisions:**

Assembly Bill 2449 (2022) (“AB 2449”) amends the teleconferencing provisions of the Brown Act and adds subdivision (f) to Government Code section 54953. The provisions of AB 2449 are effective January 1, 2023, through December 31, 2025. These provisions allow board or commission members to participate remotely for “just cause” or in an “emergency circumstance.” AB 2449 also limits how frequently the “just cause” and “emergency circumstance” grounds can be used and imposes several other requirements that limit its practical value, including that at least a quorum of the legislative body must meet in the same physical location and the meeting must allow remote participants to interact through audio and visual.

For an agency to invoke the procedures under AB 2449, there must at least be a quorum of the board members or commissioners participating in person from a singular, physical location identified on the agenda. The location must be accessible to the public and must be located within the local agency’s jurisdiction. Local agencies must provide at least one of the following to facilitate a public meeting that equally allows remote participants to interact:

- A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting through an interactive video conference and a two-way telephone function); and/or
- A two-way telephonic service and live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of the two-way audiovisual platform and allows participants to dial a telephone number to listen and verbally participate).<sup>6</sup>

When participating remotely, board members or commissioners must participate through both audio and visual technology.<sup>7</sup> Before any official action is taken, the board member or commissioner appearing remotely must publicly disclose whether any other individuals 18 years of age or older are in the room at the remote location with the member or commissioner, and what the individual’s relationship is to the board member or commissioner.<sup>8</sup>

If a disruption occurs that prevents the board or commission from convening the meeting both remotely and in person, the board or commission can take no further actions until public access to the meeting has been restored.<sup>9</sup> This includes situations where the online platform for remote participation has been disrupted and the public may no longer access the meeting remotely. Actions taken during disruption may be challenged.<sup>10</sup>

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<sup>6</sup> Gov’t Code § 54953(f)(1)(A).

<sup>7</sup> Gov’t Code § 54953(f)(2)(C).

<sup>8</sup> Gov’t Code § 54953(f)(2)(B).

<sup>9</sup> Gov’t Code § 54953(f)(1)(D).

<sup>10</sup> *Id.*

**a. Teleconferencing for “Just Cause” v. “Emergency Circumstances”**

The teleconference provisions of AB 2449 apply only when a board member or commissioner can demonstrate “just cause” or an “emergency circumstance.”<sup>11</sup>

“Just cause” means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the member to participate remotely;
- A contagious illness that prevents a board member or commissioner from attending in person;
- A need related to a physical or mental disability not otherwise accommodated by subdivision (g); or
- Travel while on official business of the legislative body or another state or local agency.<sup>12</sup>

“Emergency circumstance” means a physical or family medical emergency that prevents a body member from attending in person.<sup>13</sup>

There are different procedures for invoking a “just cause” or an “emergency circumstance” :

	<b>Just Cause</b>	<b>Emergency Circumstance</b>
<b>Reason for teleconferencing must be disclosed to the legislative body?</b>	Yes. (Gov’t Code § 54953(f)(2)(A)(i)).	Yes. (Gov’t Code § 54953(f)(2)(A)(ii)).
<b>Reason for teleconferencing must be approved by the legislative body?</b>	No. (Gov’t Code § 54953(f)(2)(A)(i)).	Yes. (Gov’t Code § 54953(f)(2)(A)(ii)).
<b>When does a teleconference request have to be made?</b>	At the earliest opportunity. (Gov’t Code § 54953(f)(2)(A)(i)).	As soon as possible. If there is insufficient time to make the request before the posting of the public agenda, then the request may be made at the beginning of the meeting. (Gov’t Code § 54953(f)(2)(A)(ii)(I) & (II)).
<b>Annual limit on the use of the teleconference option?</b>	Yes. A member may not use this option more than two times per calendar year. (Gov’t Code § 54953(f)(2)(A)(i)).	Yes, total remote appearances may be for no more than three consecutive months or 20 percent (20%) of the regular meetings of the calendar year.
	Legislative body members may not use a combination of “just cause” and “emergency circumstance” to participate	

<sup>11</sup> Gov’t Code § 54953(f)(2)(A).

<sup>12</sup> Gov’t Code § 54953(j)(2).

<sup>13</sup> Gov’t Code § 54953(j)(1).

	remotely for more than three months or 20 percent (20%) of the regular meetings of the calendar year. If the legislative body convenes fewer than 10 times a year, the member cannot participate remotely in more than two regular meetings. (Gov't Code § 54953(f)(3)).
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**b. Process for Seeking to Participate Remotely for Just Cause**

A legislative body member may appear remotely for just cause if the following circumstances apply:

- The member has provided a general description of the just cause at the earliest opportunity possible, including before the agenda publication deadline or at the start of the meeting;<sup>14</sup>
- The member has not met their limit for teleconferenced appearances for just cause in the calendar year: no more than two just cause teleconferencing appearances; no more than three months of consecutive teleconferencing appearances under just cause or emergency circumstances; and no more than 20 percent of the meetings;<sup>15</sup>
- The clerk has published the agenda listing the means by which the public may remotely access the meeting and offer public comment;<sup>16</sup>
- A quorum of the legislative body is physically present in a singular physical location within the agency's territorial jurisdiction;<sup>17</sup>
- The teleconferencing member turns on their audio and video (calling in by phone alone is not permitted);<sup>18</sup>
- The member discloses at the start of the meeting whether any other individuals aged 18 years or older are present in the room at the remote location, and the member discloses their relationship with such individuals;<sup>19</sup> and
- All votes are taken by roll call.<sup>20</sup>

**c. Process for Seeking to Participate Remotely for Emergency Circumstances**

A legislative body member may appear remotely for an emergency circumstance if the following circumstances apply:

- The member has provided a general description of the emergency circumstance at the earliest opportunity possible. If there is insufficient time to place the request on the posted agenda, then the request may be made at the beginning of the meeting. The general description need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any other personal medical information that is already exempt under existing law;<sup>21</sup>

<sup>14</sup> Gov't Code § 54953(f)(2)(A)(i).

<sup>15</sup> Gov't Code § 54953(f)(2)(A)(i) and (f)(3).

<sup>16</sup> Gov't Code § 54953(f)(1)(B).

<sup>17</sup> Gov't Code § 54953(f)(1).

<sup>18</sup> Gov't Code § 54953(f)(2)(C).

<sup>19</sup> Gov't Code § 54953(f)(2)(B).

<sup>20</sup> Gov't Code § 54953(b)(2)(A).

<sup>21</sup> Gov't Code § 54953(f)(2)(A)(ii).

- The member has not met their limit for teleconferenced appearances for just cause or emergency circumstances in the calendar year: no more than three months of consecutive teleconferencing appearances, or no more than 20 percent of teleconferenced appearances within a calendar year. If the legislative body meets for less than 10 meetings per calendar year, then the member can teleconference at no more than two meetings;<sup>22</sup>
- The clerk has published the agenda listing the means by which the public may access the meeting and offer public comment;<sup>23</sup>
- A quorum of the legislative body is physically present in a singular physical location within the agency’s territorial jurisdiction;<sup>24</sup>
- The legislative body votes to approve the teleconference appearance due to emergency circumstance;<sup>25</sup>
- The teleconferencing member turns on their audio and video (calling in by phone alone is not permitted);<sup>26</sup>
- The member discloses at the start of the meeting whether any other individuals aged 18 years or older are present in the room at the remote location, and the member discloses their relationship with such individuals;<sup>27</sup> and
- All votes are taken by roll call.<sup>28</sup>

**Summary Chart:**

<b>AB 2449 Rules (Effective January 1, 2023, through December 31, 2025)</b> <b>[Gov’t Code § 54953(f)<sup>29</sup>]</b>	
<b>Summary</b>	<ul style="list-style-type: none"> <li>• Can be used only in the event of “<b>just cause</b>” or an “<b>emergency circumstance.</b>” (Gov’t Code § 54953(f)(2)(A)).</li> <li>• Limits the number of times an individual member may appear remotely pursuant to this subdivision. (Gov’t Code § 54953(f)(3)).</li> <li>• Quorum of the member of the legislative body must be physically present in a singular place within the agency’s jurisdiction. (Gov’t Code § 54953(f)(1)).</li> </ul>
<b>Just Cause</b>	<ul style="list-style-type: none"> <li>• <b>Definition:</b> “<b>Just cause</b>” is defined as any of the following: (1) childcare or caregiving for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote participation; (2) a contagious illness that prevents the member from attending in</li> </ul>

<sup>22</sup> Gov’t Code § 54953(f)(3).

<sup>23</sup> Gov’t Code § 54953(f)(1)(B).

<sup>24</sup> Gov’t Code § 54953(f)(1).

<sup>25</sup> Gov’t Code § 54953(f)(2)(A)(ii).

<sup>26</sup> Gov’t Code § 54953(f)(2)(C).

<sup>27</sup> Gov’t Code § 54953(f)(2)(B).

<sup>28</sup> Gov’t Code § 54953(b)(2)(A).

<sup>29</sup> Note that subdivision (f) will be renumbered as subdivision (e) when AB 361 provisions sunset January 1, 2024.

	<p>person; (3) a need related to a disability not otherwise accommodated; or (4) travel while on official business of the legislative body or a state or local agency. (Gov't Code § 54953(j)(2)).</p> <ul style="list-style-type: none"> <li>• <b>Limits:</b> Can be used for no more than <b>two meetings</b> per calendar year. (Gov't Code § 54953(f)(2)(A)(i)).</li> <li>• <b>Approval:</b> Unlike the “emergency circumstance” exception, approval by the legislative body is not required.</li> </ul>
<p><b>Emergency Circumstance</b></p>	<ul style="list-style-type: none"> <li>• <b>Definition:</b> An “<b>emergency circumstance</b>” is defined as a physical or family medical emergency that prevents a member from attending in person. (Gov't Code § 54953(j)(1)).</li> <li>• <b>Limits:</b> There is no specific limit on the number of times an “emergency circumstance” can be used, but the annual cap described below limits its use generally. (Gov't Code § 54953(f)(3)).</li> <li>• <b>Approval:</b> Remote participation due to “emergency circumstance” <b>must be specifically approved</b> by legislative body as an action item. A request can be added to an agenda at beginning of meeting if needed, and must be acted on at the beginning of the meeting. (Gov't Code § 54953(f)(2)(A)(ii)).</li> </ul>
<p><b>Annual Limit</b></p>	<ul style="list-style-type: none"> <li>• A member cannot participate remotely for more than <b>three consecutive months or 20% of the regular meetings</b> in a calendar year (i.e. “just cause” and “emergency circumstances” combined). (Gov't Code § 54953(f)(3)).</li> <li>• If the body regularly meets fewer than 10x/annually, member cannot participate remotely in more than two meetings. (Gov't Code § 54953(f)(3)).</li> </ul>
<p><b>Notice and Agenda Requirements</b></p>	<ul style="list-style-type: none"> <li>• Affected member must <b>notify the legislative body</b> (notice to the Clerk is sufficient) of their need to appear remotely as soon as possible, and no later than the start of the meeting, together with a “<b>general description</b>” of the grounds for remote participation. The general description need not exceed 20 words or identify any medical diagnosis or disability, or any other personal medical information that is exempt from disclosure under other laws. (Gov't Code § 54953(f)(2)(A)).</li> <li>• The request to appear remotely pursuant to the emergency exception should be placed on the posted agenda, if possible. If insufficient time to place the request on the agenda when it is</li> </ul>

	<p>posted 72 hours prior to the meeting, the body can still take action on the request pursuant to Government Code § 54954.2(b)(4). (Gov't Code § 54953(f)(2)(A)(ii)(II)).</p> <ul style="list-style-type: none"> <li>• Agendas <b>do not</b> need to be posted at each teleconference location. (Gov't Code § 54953(f)(1)).</li> <li>• The agenda <b>must</b> identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to via a call-in option, via an internet-based service option, and at the in-person location of the meeting. (Gov't Code § 54953(f)(1)(B) &amp; (C)).</li> </ul>
<p><b>Member and Public Participation</b></p>	<ul style="list-style-type: none"> <li>• A member attending remotely <b>must</b> participate through both audio and visual technology. (Gov't Code § 54953(f)(2)(C)).</li> <li>• Prior to any action being taken, the member <b>must</b> disclose if someone over the age of 18 is in the same room and their relationship to that person. (Gov't Code § 54953(f)(2)(B)).</li> <li>• Public participation <b>must</b> allow for either a call-in option or an internet-based service option to directly address the body in real-time during public comment. (Gov't Code § 54953(f)(1)(C)).</li> <li>• Local agencies <b>do not</b> need to allow public participation at each (or any) location where members are joining remotely, but instead must "clearly advertise" how members of the public can participate on the agenda. (Gov't Code § 54953(f)(1) &amp; (C)). Agencies must, however, allow for public attendance and participation at the <b>primary</b> meeting location where the quorum is present. (Gov't Code § 54953(f)(1)(C)).</li> <li>• In the event the meeting broadcast is disrupted, the meeting <b>must</b> pause until it is restored. (Gov't Code § 54953(f)(1)(D)).</li> </ul>
<p><b>Quorum</b></p>	<ul style="list-style-type: none"> <li>• A quorum of the legislative body members must participate in person at a <b>single physical location</b> within the body's territory. (Gov't Code § 54953(f)(1)).</li> </ul>

**ATTACHMENT C**  
**OVERVIEW OF TRADITIONAL BROWN ACT TELECONFERENCE PROVISIONS**

**Summary of Provisions:**

Government Code Section 54953(b) provides the traditional Brown Act teleconference rules, which were established before the Covid-19 pandemic. While the traditional teleconference provisions allow board members to participate in meetings remotely, the provisions are somewhat impractical given that the teleconference locations must be open and accessible to the public.

The Traditional Brown Act Teleconference provisions authorize teleconferencing under the following conditions<sup>30</sup>:

1. The legislative body shall post agendas at all teleconference locations;
2. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding;
3. Each teleconference location shall be accessible to the public; and
4. 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.

So long as the above requirements are met, there is no limit on the number of times a board or commission member may elect to teleconference. Additionally, there is no limit on the number of board or commission members who can use this teleconference option at the same time. Lastly, there is no sunset date on these provisions, so they can be used indefinitely.

If a legislative body wishes to utilize teleconferencing to the widest degree possible after AB 361 is no longer applicable, it should look to the traditional Brown Act teleconference rules. However, the board or commission member who wishes to teleconference must be prepared to have their teleconference location (whether it be a hotel room, home, or office) open and accessible to the public so that the public is able to participate in the meeting from that teleconference location.

**Chart Summary:**

<b>Traditional Brown Act Teleconference Rules</b> <b>[Gov't Code § 54953(b)]</b>	
<b>Summary</b>	<ul style="list-style-type: none"> <li>• Teleconference can be used for any reason and can be utilized by any number of board or commission members for an indefinite number of times. (Gov't Code § 54953(b)(1) &amp; (2)).</li> <li>• Must allow physical public participation at each teleconference location. (Gov't Code § 54953(b)(3)).</li> </ul>
<b>Agendas</b>	<ul style="list-style-type: none"> <li>• Agendas <b>must</b> be posted at each teleconference location where a legislative body member is present. (Gov't Code § 54953(b)(3)).</li> <li>• All teleconference locations <b>must</b> be listed on the agenda. (Gov't Code § 54953(b)(3)).</li> </ul>

<sup>30</sup> Gov't Code § 54953(b)(3).



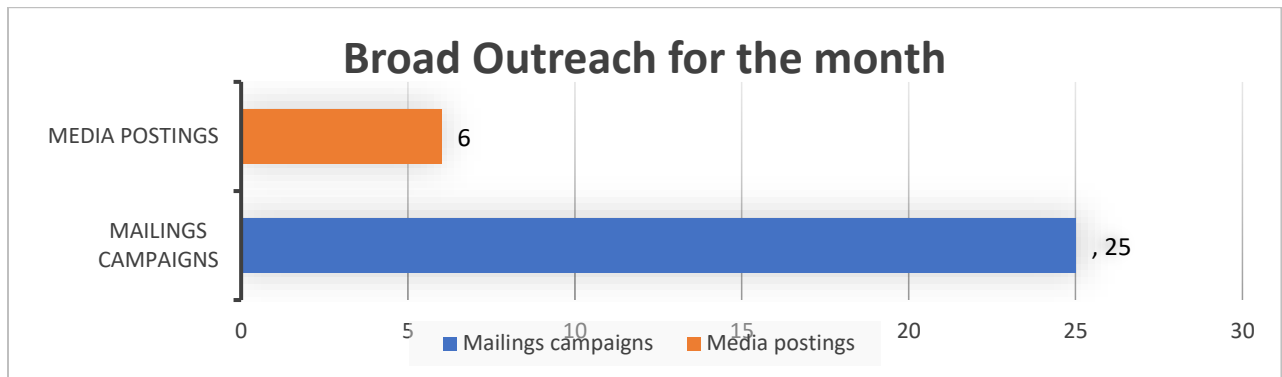
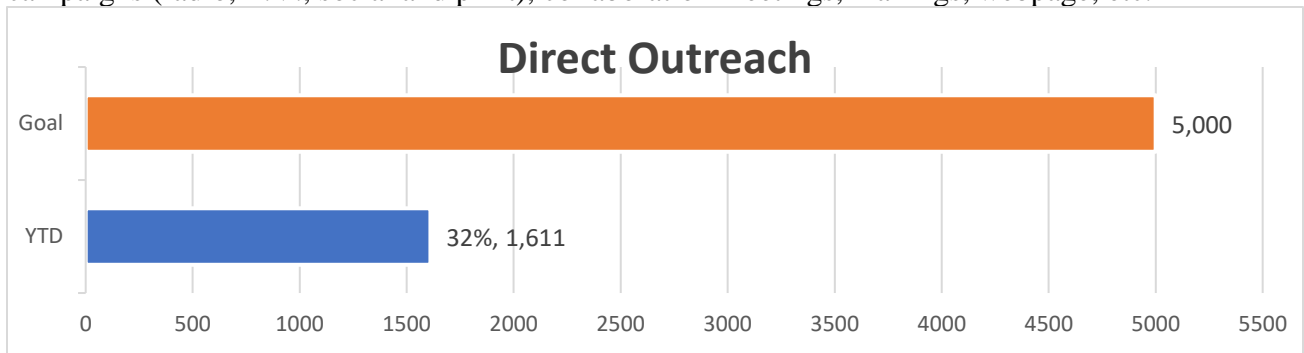
<b>Public Participation</b>	<ul style="list-style-type: none"> <li>• Each teleconference location <b>must</b> be accessible to the public, and the public must be allowed to offer comments from each location. (Gov't Code § 54953(b)(3)).</li> <li>• Additional teleconference locations may be offered for the convenience of the participants (although not required).</li> <li>• All teleconference locations must be ADA-compliant. (Gov't Code § 54953(b)(2)(B)).</li> </ul>
<b>Quorum</b>	<ul style="list-style-type: none"> <li>• At least a quorum of the legislative body <b>must</b> be present within the agency's territory. (Gov't Code § 54953(b)(3)).</li> </ul>

# Alameda County Healthy Homes Department Outreach and Education Report Objectives FY 22-23

## Report for December 2022

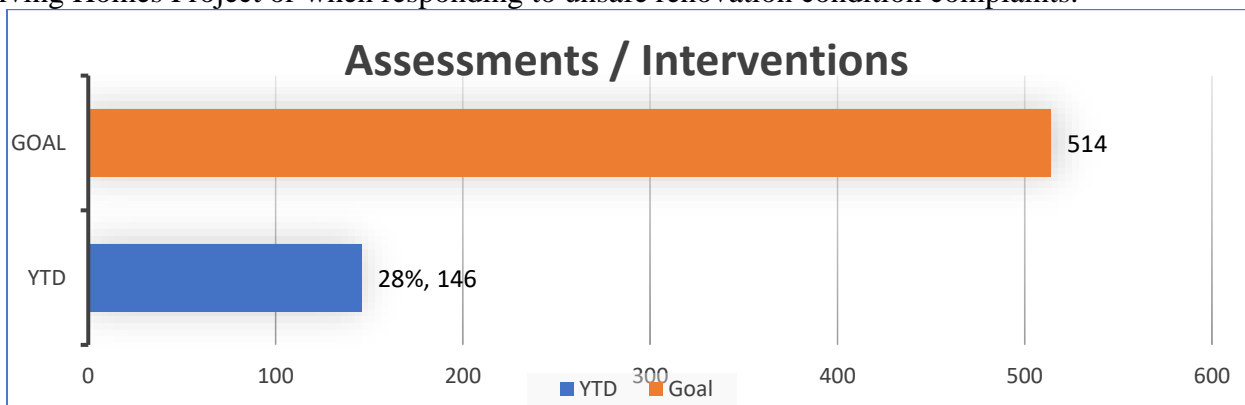
### Public Outreach

By June 30, 2023, Alameda County residents will be reached and informed of CSA property owner services, lead safety, childhood lead poisoning prevention, training, maintaining a lead-safe property, minor home repair and the impact of housing on health. Direct outreach to an estimated 5,000 residents will be done through community events such as presentations, information booths, trainings, and lead consultations, etc. An estimated 1 million individuals will be reached through multi-media campaigns (radio, T.V., social and print), collaboration meetings, mailings, webpage, etc.



### Healthy Housing Assessments/Interventions

By June 30, 2023, a total of 514 healthy housing assessments / interventions will be conducted in the homes of Alameda County residents participating in the Lead Hazard Control Program, Lead Poisoning Prevention Program, Minor Home Repair programs, Fixing to Stay and Independent Living Homes Project or when responding to unsafe renovation condition complaints.



## Activities conducted December 2022:

CITY	Public Outreach and Housing Assessments/Interventions
Alameda	<ul style="list-style-type: none"> <li>• 1 Housing Assessments/Interventions, (1 lead related)</li> </ul>
Berkeley	<ul style="list-style-type: none"> <li>• 1 Housing Assessments/Interventions, (1 lead related)</li> <li>• Presentation: Tobacco Prevention Coalition-HHD Services Overview, (12 reached)</li> </ul>
Emeryville	<ul style="list-style-type: none"> <li>• 1 Housing Assessments/Interventions</li> </ul>
Oakland	<ul style="list-style-type: none"> <li>• Collaboration Meeting: West Oakland Community Collaborative, (14 reached)</li> <li>• Mailing: Lead Poisoning Outreach and Education, (7)</li> <li>• 3 Housing Assessments/Interventions, (2 lead related)</li> </ul>
Countywide Services	<ul style="list-style-type: none"> <li>• 2 Collaboration meetings: Alameda County Council for Age Friendly communities; Safe Kids Alameda County, (19 reached)</li> <li>• Literature rack: La Clinica De La Raza-Is there lead in your home?</li> <li>• Media-Web: Twitter; Facebook; Instagram; YouTube; Google Ads; E-subscribe, TikTok</li> <li>• 84 Information calls</li> <li>• 11,609 Website Visitors</li> </ul>
Other Alameda County cities not in the CSA / Regional/Out of State/National	<ul style="list-style-type: none"> <li>• 2 Collaboration meetings: California Healthy Housing Coalition - Habitability Workgroup &amp; Steering Committee, (12 reached)</li> <li>• 2 Presentations: Mold Workshop-Northern CA Land Trust; Bay Area Code Enforcement Network, (53 reached)</li> <li>• Mailing: Lead Poisoning Outreach and Education, (17)</li> <li>• 10 Housing Assessments/Interventions, (9 lead related)</li> </ul>