

375 Beale Condominium Corporation

September 27, 2022

Agenda Item 3b - 22-1351

375 Beale Condominium Corporation Resolution No. 003 Providing for Remote Meetings Pursuant to AB 361

Subject:

A request for approval of 375 Beale Condominium Corporation Resolution No. 003 Regarding Remote Meetings Pursuant to AB 361.

Background:

AB 361, provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings prospectively for 30 days following the 375 Beale Condominium Corporation's action.

Issues:

Findings in support of Resolution No. 003 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The 375 Beale Condominium Corporation is requested to adopt Resolution No. 003, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

Attachments:

- Attachment A: 375 Beale Condominium Corporation Resolution No. 003



Therese W. McMillan

Date: September 27, 2022
Referred by: 375 Beale Condo. Corp.

ABSTRACT
Resolution No. 003

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the 375 Beale Condominium Corporation, its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the 375 Beale Condominium Corporation Summary Sheet dated September 27, 2022.

Date: September 27, 2022
Referred by: 375 Beale Condo. Corp.

RE: Findings Pursuant to AB 361 to Continue Virtual Public Meetings for the 375 Beale Condominium Board, With its Related Entities and Committees, During the COVID-19 State of Emergency

375 BEALE CONDOMINIUM CORPORATION

Resolution No. 003

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the 375 Beale Condominium Corporation and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of

determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the 375 Beale Condominium Corporation hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of 375 Beale Condo Corporation, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days after the first meeting held in accordance with AB 361.

375 BEALE CONDOMINIUM CORPORATION

Sharon Landers, President

The above resolution was approved by the 375 Beale Condominium Corporation at a regular meeting of the 375 Beale Condominium Corporation held in San Francisco, CA and at other remote locations, on September 27, 2022.