

City of Oakland
Mayor's Commission on Persons with Disabilities (MCPD)
Special Meeting
Monday, October 18, 2021
5:00 p.m.-5:30 p.m. via Zoom Conference

Pursuant to California Government Code section 54953(e), MCPD Commissioners, as well as City staff, will participate via phone/video conference, and no physical teleconference locations are required.

ZOOM VIDEO/PHONE SPECIAL MEETING DETAILS

For best results, please install the most recent version of the Zoom application; see zoom.us.

ZOOM MEETING ID: 821 6649 8511
JOIN MEETING

By **video**: go to <https://us06web.zoom.us/j/82166498511> open the meeting on a computer or smart phone at or before 5:00 pm.

By **phone**: dial (408) 638-0968 at 5:00pm. (For international numbers, go to: <https://zoom.us/u/aWeTt9geS>.)

COMMENT DURING MEETING

By **video**: click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, muted. Instructions on how to “Raise Your Hand” are available at <https://support.zoom.us/hc/en-us/articles/205566129>.

By **phone**: press *9 to “Raise Your Hand” to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, muted. Please unmute yourself by pressing *6.

If you have any questions, please email Karen Denicore, staff liaison to the commission at kdenicore@oaklandca.gov.

MCPD Webpage: www.oaklandca.gov/boards-commissions/mayorscommission-on-persons-with-disabilities

Subscribe to MCPD's mailing list:
oaklandca19202.activehosted.com/f/100

Commissioners: Noah Smith (Chair), Thomas Gregory (Vice Chair), Cathy Eberhardt, Marjorie Lynne, Karen Nakamura, Frank Sperling, and Howard Tevelson

Commission staff: Anh Nguyen, ADA Programs Division Manager; Karen Denicore, ADA Program Analyst I

*****Special Meeting Agenda*****

1. Teleconference Protocol, Roll Call/Determination of Quorum
2. Open Forum
Any person may directly address the Commission on any items within the jurisdiction of this Commission not on the agenda for today. Speakers wishing to address a specific item on the agenda may do so at the time the item is being considered.
3. 2021 Virtual Meeting Resolution to continue teleconference meetings (**Exhibit A**)
 - Recommendation: The Commission adopt a resolution determining that conducting in- person meetings of the Oakland Mayor's Commission on Persons with Disabilities and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California government code section 54953(e), a provision of AB-361 (**Exhibit B**)
4. Adjournment

Note: The Commission May Take Action on Any Item on the Agenda

Agenda item start times are approximate and are provided as a courtesy guide only. Timing and order of items may change as part of Agenda Modification and Approval and/or as needed based on staff and time availability during the course of the meeting.



This meeting location is wheelchair accessible. To request disability-related accommodations or to request American Sign Language (ASL), Cantonese, Mandarin, or Spanish language interpreter, please email adaprograms@oaklandca.gov or call (510) 238-5219 (V) or 711 (California Relay Service) at least five (5) business days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonese, mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a adaprograms@oaklandca.gov o llame al (510) 238-5219 (V) o al 711 para servicio de retransmisión (Relay service) por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 adaprograms@oaklandca.gov 或致電 (510) 238-5219 或 711 (電話傳達服務)。請避免塗搽香氛產品, 參加者可能對化學成分敏感。

OAKLAND Mayor's Commission on Persons with Disabilities (MCPD)

2021 VIRTUAL MEETING RESOLUTION

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE MAYOR'S COMMISSION ON PERSONS WITH DISABILITIES (MCPD) AND ITS COMMITTEES WOULD PRESENT IMMEDIATE RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>;

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>;

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. See <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>;

Exhibit A

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19 symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>;

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>;

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>;

WHEREAS, the City's public-meeting facilities are indoor facilities that do not designed to ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; now therefore be it:

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; now therefore be it:

RESOLVED: that the MCPD finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the MCPD determines that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: that the MCPD firmly believes that the community's health and safety seriously and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

Exhibit A

FURTHER RESOLVED: that the MCPD will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the MCPD finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever is occurs first.

Exhibit B



CITY OF OAKLAND


AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Richard J. Luna
Deputy City Administrator

SUBJECT: Teleconference Meetings of the City Council

DATE: September 28, 2021

City Administrator Approval 

Date: Sep 29, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Determining That Conducting In-Person Meetings Of The City Council And Its Committees Would Present Imminent Risks To Attendees' Health, And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(E), A Provision Of AB-361.

EXECUTIVE SUMMARY

Adoption of the proposed resolution will allow the City Council and its committees to continue meeting by teleconference while compiling with recent changes to the state's open meeting laws. The new legislation requires adoption of such findings to meet by teleconference, and to renew these findings at least every 30 days to remain in compliance with the new requirements.

Adoption of this resolution will not change the current format or structure of the City Council's teleconference meetings, and the public will continue to have the opportunity to participate and provide comments by teleconference.

BACKGROUND / LEGISLATIVE HISTORY

On March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded (<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>). Then on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C). Resolution No. 88075 C.M.S. remains in effect to this date (<https://oakland.legistar.com/View.ashx?M=F&ID=8723696&GUID=7D07B8EC-34D4-4F7E-A3EC-E87F93DE3AA9>).

Exhibit B

On March 27, 2020, the City Council held its first teleconference meeting under the emergency orders. The City uses the Zoom platform to host its teleconference meetings which allows the public to participate and provide comments during the meetings.

Assembly Bill 361 (“AB-361”) was signed by the Governor on September 15, 2021, and authorizes local agencies to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act (“Brown Act”) when a legislative body of a local agency holds a meeting during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees. Teleconferencing requirements under the Brown Act requires officials to notice the locations where members would participate in the meeting by teleconference, and members of the public would have the opportunity to participate at those noticed locations, among other requirements. Due to social distancing guidance, compliance of these regulations became unpractical during the COVID-19 emergency.

AB-361 provides local agencies the opportunity to continue meeting by teleconferencing, as originally established by the Governor’s March 4, 2020 Emergency Order, provided the legislative body adopt such findings as proposed in the resolution.

ANALYSIS AND POLICY ALTERNATIVES

The City and region are still impacted by the effects of the COVID-19 emergency. The Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19 (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>). The CDC also recommends that people who live with unvaccinated people avoid activities that make physical distancing hard (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>).

The City’s public-meeting facilities are indoor facilities not designed to ensure circulation of fresh or outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart. Additionally, holding in-person meetings would encourage community members to come to City facilities to participate in City Council meetings, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk.

In-person meetings could also tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government. Attendees may possibly need to use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households.

Exhibit B

For these reasons, staff is recommending adoption of the proposed resolution. The City Administrator's Office has also instructed all Boards and Commissions to adopt similar findings to continue conducting teleconference meetings. The new legislation requires a legislative body to renew these findings at least every 30 days, therefore, this recommendation will continuously be reexamined and may be lifted when the City Council no longer determines that conducting in-person meetings would pose imminent risks to the health of attendees.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Determining That Conducting In-Person Meetings Of The City Council And Its Committees Would Present Imminent Risks To Attendees' Health, And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(E), A Provision Of AB-361.

For questions regarding this report, please contact Richard J. Luna, Deputy City Administrator, at 510-238-4756.

Respectfully submitted,



RICHARD J. LUNA
Deputy City Administrator