

REGULAR MEETING AGENDA - ORANGE COUNTY HOUSING FINANCE TRUST

WEDNESDAY, FEBRUARY 16, 10:00 A.M.

DOUG CHAFFEE

Chairman

STEPHEN FAESSEL

Vice Chairman

DON BARNES

Director

LISA A. BARTLETT

Director

JAMEY FEDERICO

Director

SHARI FREIDENRICH

Director

FRED JUNG

Director

DAVID PENALOZA

Director

ED SACHS

Director

Trust Manager

Adam Eliason

Trust Counsel

Jacqueline Guzman

Clerk of the Trust

Robin Stieler

GUIDANCE FOR PUBLIC ACCESS TO REDUCE RISK OF COVID-19: On September 16, 2021, Governor Gavin Newsom signed into law Assembly Bill 361 authorizing a local legislative body to hold public meetings via teleconferencing and make public meetings accessible telephonically or electronically to all members of the public due to the State of Emergency resulting from the threat of Novel Coronavirus (COVID-19). To ensure the safety of the Commissioners and staff, and for the purposes of limiting the risk of COVID-19, in-person public participation at this meeting of the Commission will not be permitted. This meeting will be held via Zoom. Members of the public can listen to and participate in the live meeting by accessing the following:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81088000837?pwd=M0h3R2lvWGZqWkRpQzhZay9USWZYQT09>

Passcode: 879988

Or One tap mobile :

US: +16699009128,,81088000837# or +13462487799,,Passcode 81088000837#

Members of the public may address the Commission regarding any item in one of two ways:

1. **Real-time Comment** – To provide a real-time public comment during the meeting, please access the Zoom information identified above. Speakers will be recognized by the Commission Chair at the time the agenda item is to be considered. If attending virtually via Zoom, use the hand-raise icon to be called on for public comment, and if calling in via telephone, dial *9. A speaker's comments shall be limited to three minutes. Anyone causing disruption can be removed from the meeting at the discretion of the Chair.

2. **Written Comment** – The Commission is also accepting public comments to be submitted by emailing them to aeliason@ochft.org. The comments will be distributed to all of the Directors and read into the record. If you wish to comment on a specific agenda item, please identify the item in your email. General public comments will be addressed during the general public comment item on the agenda. In order to ensure that staff has the ability to provide comments to the Directors in a timely manner, please submit your comments by 12:00 p.m. on February 15, 2022. Public comments will be made available to the public upon request. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 72 hours prior to the meeting at (714) 834-2206

Except as otherwise provided by law, no action shall be taken on any item not appearing in the agenda. When addressing the Orange County Housing Finance Trust, please state your name for the record prior to providing your comments.

*All supporting documentation is available for public review online at:
www.OCHFT.org and in the office of the Clerk of the Board of Supervisors located in the
Hall of Administration Building, 333 W. Santa Ana Blvd., 10 Civic Center Plaza, Room 465,
Santa Ana, California 92701 during regular business hours,
8:00 a.m. - 5:00 p.m., Monday through Friday.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT CALENDAR ITEMS (None):

DISCUSSION ITEMS (Item 1):

At this time, members of the public in attendance may ask the Board to be heard, and emails received by members of the public will be read into the record on the following items as those items are called.

1. Adopt Resolution finding that, due to the proclaimed state of emergency arising from the novel coronavirus (COVID-19), meeting in person presents imminent risks to the health and safety of attendees, and the emergency continues to directly impact the ability of the members to meet safely in person.

HOUSING TRUST MANAGER REPORT (Item 2):

2. Oral Report from the Housing Trust Manager

PUBLIC COMMENTS:

At this time members of the public may address the Trust, and emails received by deadline will be read into record on any matter not on the agenda but within the jurisdiction of the Trust. The Trust or Chair may limit the length of time each individual may have to address the Trust, and emails received are to be read.

DIRECTOR COMMENTS:

ADJOURNED:

NEXT MEETING: March 16, 2021, at 10:00 a.m.

REQUEST FOR ORANGE COUNTY HOUSING FINANCE TRUST (OCHFT) BOARD ACTION

MEETING DATE: February 16, 2022

SUBJECT: Adopt Resolution finding that, due to the proclaimed state of emergency arising from the novel coronavirus (COVID-19), meeting in person presents imminent risks to the health and safety of attendees, and the emergency continues to directly impact the ability of the members to meet safely in person.

RECOMMENDED ACTION:

1. ADOPT RESOLUTION FINDING THAT, DUE TO THE PROCLAIMED STATE OF EMERGENCY ARISING FROM THE NOVEL CORONAVIRUS (COVID-19), MEETING IN PERSON PRESENTS IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES, AND THE EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON.



Adam B. Eliason, Manager

SUMMARY:

The Orange County Housing Finance Trust (Trust) desires to conduct scheduled Board meetings virtually while at the same time making findings that adhere to Assembly Bill 361 (AB 361).

DISCUSSION:

The Ralph M. Brown Act (Gov. Code §§ 54950-54963) requires that most deliberations and actions of legislative bodies, such as the Trust Board of Directors, be conducted and held openly. Prior to the COVID-19 emergency, this required meetings of those bodies to be held in person, with teleconferencing by a member allowed only under limited circumstances. In June 2021, the Governor issued Executive Order (EO) N-08-21, waiving certain provisions of the Brown Act and authorizing legislative bodies to hold public meetings virtually. The Executive Order specified that those waivers were to remain valid through September 30, 2021. Since EO

N-08-21, the Trust Board of Directors has met in a hybrid form, with some members appearing in person, and others appearing telephonically.

AB 361

However, in September 2021, the Governor signed into law Assembly Bill 361 (AB 361), amending the Brown Act to allow Legislative bodies to continue virtual meetings until January 1, 2024, but with less flexibility than afforded by the EO N-08-21.

AB 361 allows a legislative body to meet virtually during a declared state of emergency without adhering to the existing teleconference requirements (e.g., posting the agenda and allowing the public to attend at each teleconference location where a member of the legislative body is located) if either of the following exist: (1) state or local officials have imposed or recommended measures to promote social distancing, OR (2) the body holds a meeting to determine or has already determined by majority vote that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency. Since both the CDPH and Dr. Chau, the County’s health officer, have recommended social distancing, and the County is experience a surge in COVID-19 cases in light of the omicron variant, the Trust may meet virtually under both criteria listed).

Most relevant to the Trust, however, is the provision found in AB 261 that the legislative body must make the must make certain findings by majority vote: (1) the body has considered the circumstances of the state of emergency AND (2) either of the following exist: (a) the state of emergency continues to directly impact the ability of the members to meet safely in person, OR (b) state or local officials continue to impose OR recommend measures to promote social distancing. This finding must be made no later than 30 days after the teleconferenced meeting and every 30 days thereafter.

The Trust Board of Directors must meet at least once every 30 days to continue holding virtual meetings, unless there is a change in circumstances. Please note, neither Trust staff nor the Chair, independently, can make these findings on behalf of the Trust Board of Directors. Rather, a legislative body that wishes to implement AB 361 to continue holding meetings virtually would need to make the requisite findings at a meeting of that body

CONCLUSION:

It is recommended that the Board adopt the Resolution attached here as Attachment A and continue to meet virtually.

ATTACHMENT:

Attachment A Resolution making findings regarding the state of emergency and adoption to continue meeting virtually.

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE ORANGE COUNTY HOUSING FINANCE TRUST
FEBRUARY 16, 2022

WHEREAS, California Government Code section 54953 authorizes local agencies to use teleconferencing without complying with certain requirements during a proclaimed state of emergency; and

WHEREAS, this Board reviewed and considered the circumstances of the current state of emergency due to COVID-19 on February 4, 2022 and found that meeting in person would present imminent risk to the health and safety of its attendees; and

WHEREAS, on February 4, 2022, this Board decided that it would meet virtually in accordance with Government Code section 54953 and adopted its regular meeting calendar accordingly; and

WHEREAS, in order to meet virtually, this Board must also make certain findings no later than every 30 days; and

WHEREAS, this Board has presently reviewed and considered the circumstances of the State of Emergency due to COVID-19; and

WHEREAS, this Board has determined that it wishes to meet virtually until the declared State of Emergency is lifted; and

NOW, THEREFORE, BE IT RESOLVED that

1. The Board of Directors finds that the State of Emergency would present imminent risks to the health or safety of attendees and will continue to meet virtually in accordance to its regular meeting calendar.