



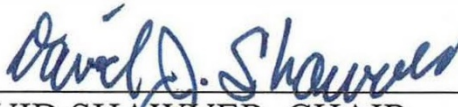
**NOTICE AND CALL OF A SPECIAL MEETING  
OF THE  
ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS**

A Special Meeting of the  
Orange County Fire Authority Board of Directors  
has been scheduled for December 16, 2021  
at 6:00 p.m.

The meeting will be held at:  
Orange County Fire Authority  
Regional Fire Operations & Training Center  
Board Room  
1 Fire Authority Road  
Irvine, CA

The business to be transacted at the meeting is indicated on the attached Agenda.

Opportunity will be provided for members of the public to address the  
Orange County Fire Authority Board Members  
regarding any item of business as described on the Agenda.

  
\_\_\_\_\_  
DAVID SHAWVER, CHAIR  
OCFA Board of Directors



# ORANGE COUNTY FIRE AUTHORITY

## AGENDA

### JOINT SPECIAL MEETINGS OF THE BOARD OF DIRECTORS, EXECUTIVE COMMITTEE, BUDGET & FINANCE COMMITTEE AND THE HUMAN RESOURCES COMMITTEE

Thursday, December 16, 2021  
6:00 P.M.

Regional Fire Operations and Training Center  
Board Room  
1 Fire Authority Road  
Irvine, CA 92602

Link to:

[Board of Directors Member Roster](#)

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center (RFOTC), 1 Fire Authority Road, Irvine, CA 92602. Alternatively, you may contact the Clerk of the Authority during regular business hours at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. Documents are also available for review after hours at the RFOTC Lobby by contacting security at the front-gate (off Jamboree) and posted online at <http://www.ocfa.org>.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040 and identify the need and the requested modification or accommodation. Please notify us as soon as is feasible, however 48 hours prior to the meeting is appreciated to enable the Authority to make reasonable arrangements to assure accessibility to the meeting.

### NOTICE REGARDING PUBLIC PARTICIPATION DURING COVID-19 EMERGENCY

The public is permitted to convene in person for this public meeting or view and comment as follows:

- To watch the meeting online, please go to website at [www.OCFA.org](http://www.OCFA.org)
- To submit an e-comment, please email to [PublicComments@ocfa.org](mailto:PublicComments@ocfa.org)  
Your comments will be forwarded electronically and immediately to the members of the Board.
- To comment Live via Zoom, please [click here for instructions](#).

For Special Meetings, you may comment on items on the agenda only.

CALL TO ORDER by Chair Shawver

**PLEDGE OF ALLEGIANCE** by Director Kuo

**ROLL CALL** by Clerk of the Authority

**PUBLIC COMMENTS**

**Please refer to instructions on how to submit a public comment during COVID-19 Emergency on Page 1 of this Agenda.**

**DISCUSSION CALENDAR**

**1. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings**  
Submitted by: David Kendig, General Counsel

Recommended Actions by each legislative body:

Make the following findings by majority vote of the Board of Directors, Executive Committee, Budget and Finance Committee and Human Resource Committee:

- a. A state of emergency has been proclaimed by California’s Governor due to the COVID-19 pandemic and continues in effect; and
- b. The Board of Directors and each Committee has reconsidered the circumstances of the emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

**BOARD MEMBER COMMENTS**

**ADJOURNMENT** – The next meeting of the Orange County Fire Authority Board of Directors is a Special Joint Meeting scheduled for Thursday, January 13, 2022, at 6:00 p.m.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury and as required by the State of California, Government Code § 54956(a), that the foregoing Agenda was posted in the lobby and front gate public display case of the Orange County Fire Authority, Regional Fire Operations and Training Center, 1 Fire Authority Road, Irvine, CA, not less than 24 hours prior to the meeting.

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Maria D. Huizar, CMC  
Clerk of the Authority

**UPCOMING MEETINGS:**

Budget & Finance Committee	Wednesday, January 12, 2022, 12 noon
Special Joint Meeting of the Board of Directors and all Committees	Thursday, January 13, 2022, 6 p.m.
Executive Committee	Thursday, January 27, 2022, 5:30 p.m.
Board of Directors	Thursday, January 27, 2022, 6:00 p.m.



**Orange County Fire Authority  
AGENDA STAFF REPORT**

**Concurrent Special Joint Meetings  
December 16, 2021**

**Agenda Item No. 1  
Discussion Calendar**

**Findings Required by AB361 for the Continued Use of  
Teleconferencing for Meetings**

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**Contact(s) for Further Information**

David E. Kendig, General Counsel

[Dkendig@wss-law.com](mailto:Dkendig@wss-law.com)

714.415.1083

**Summary**

In order for the Board of Directors and Committees to continue meeting via teleconference during the pandemic, AB 361 requires the local legislative bodies to make specified findings at least every thirty (30) days.

**Prior Board/Committee Action**

At the October 28, 2021 meeting, the Board of Directors approved the legally required findings and directed staff to schedule concurrent Special Joint Meetings of the Board of Directors, Executive Committee, Budget and Finance Committee, and Human Resources Committee with regular or special meetings of the Board of Directors whenever necessary to address the requirement to make the required findings at least every thirty (30) days, and to minimize the need for separate Board or committee meetings to address this new requirement of the Brown Act.

**RECOMMENDED ACTION(S)**

Make the following findings by majority votes of the Board of Directors, Executive Committee, Budget and Finance Committee and Human Resource Committee:

- a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic and continues in effect; and
- b. The Board of Directors and each Committee has reconsidered the circumstances of the emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Nominal software licensing costs to continue to use Zoom Webinar to stream meetings in a manner that allows online public comments.

**Background**

Assembly Bill 361 was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings.

Those amendments authorize local agencies like the Fire Authority to continue to conduct meetings by teleconference during a Governor-proclaimed state of emergency<sup>1</sup> provided that certain findings are made by the legislative body, and provided that certain procedural requirements are met regarding public access to the meetings.

A new requirement in AB 361 requires particular findings be made by the Board of Directors and each of the OCFA's legislative bodies and requires that the new findings must be reaffirmed at least every thirty (30) days thereafter in order for the legislative body to continue to use teleconferencing.

### **The Required Findings**

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, or while state or local officials have recommended measures to promote social distancing.

When either of those is the case (both are true at this time), then in order to continue to teleconference using the new provisions of AB 361, each legislative body must make the following findings by majority vote at least every 30 days:

- (A) The legislative body has reconsidered the circumstances of the state of emergency; and
- (B) Either of the following circumstances exist:
  - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or
  - (ii) State or local officials continue to impose or recommend measures to promote social distancing.<sup>2</sup>

To comply with that requirement, the recommended action would have the Board of Directors and each Committee find each of the following:

- a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic and continues in effect; and
- b. The Board of Directors and each Committee has reconsidered the circumstances of the emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

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<sup>1</sup> For purposes of AB 361 "...state of emergency' means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act..." Cal. Gov't Code sec. 54953(e)(4). Section 8625 of CESA in turn refers to a state of emergency proclaimed by the Governor.

<sup>2</sup> Cal. Gov't Code sec. 54953(e)(3).

### Potential Consequence of Not Making the Findings Every 30 Days

AB 361 does not expressly state what happens if a legislative body fails to make the required findings “every 30 days.” However, it expressly requires the timely reapproval of the findings “in order to continue to teleconference” in the manner that AB 361 authorizes.

As a result, if a legislative body does not adopt the required findings every 30 days, then it could be precluded from continuing to teleconference thereafter, perhaps even if it were later willing to adopt the findings at a later date. For this reason, General Counsel recommends that the Board of Directors and Committees adopt the required findings at this time and at least every 30 days thereafter, unless the Board of Directors and Committees decide as a *permanent* matter that it will no longer permit teleconferencing at all (e.g., regardless of whether the state of emergency worsens).

#### **Attachment(s)**

None