



ORANGE COUNTY FIRE AUTHORITY

AGENDA

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

Thursday, March 24, 2022
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](#)

NOTICE REGARDING PUBLIC PARTICIPATION DURING COVID-19 EMERGENCY

This meeting is open to the public. In addition, there are several alternative ways to view and to make comments during the meeting, including:

Access Meeting Live (No Public Comments):

You may access the meeting live electronically at: <https://player.cloud.wowza.com/hosted/xvtnc1kw/player.html>.
(Note: you should use one of the other alternatives below if you want to make comments during the meeting.)

Public Comments Live via Zoom: You may also view and make real-time verbal comments during the meeting via the Zoom link below during the meeting. You will be audible during your comments, but the board members will not be able to see you. To submit a live comment using Zoom, please be prepared to use the "Raise Your Hand" feature when public comment opportunities are invited by the Chair. (You can raise your hand on your smart phone by pressing *9.) Also, members of the public must unmute themselves when prompted upon being recognized by the Chair in order to be heard. (To unmute your smartphone in Zoom, press *6.)

Public Comments via Zoom: <https://zoom.us/j/83264128588#success>

Meeting ID: 832 6412 8588

Passcode: 298121

Raise Your Hand (press *9) and Unmute (press *6)

E-Comments: Alternatively, you may email your written comments to coa@ocfa.org. E-comments will be provided to the board members upon receipt and will be part of the meeting record as long as they are received during or before the board takes action on an item. Emails related to an item that are received after the item has been acted upon by the board will not be considered.

Further instructions on how to provide comments is available at: <https://ocfa.org/PublicComments>.



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.

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 members after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact the Clerk of the Authority at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>

CALL TO ORDER by Chair Steggell

INVOCATION by OCFA Chaplain Dave Keehn

PLEDGE OF ALLEGIANCE by Director Hertz-Mallari

ROLL CALL by Clerk of the Authority

REPORTS

A. Report from the Budget and Finance Committee Chair

B. Report from the Fire Chief

- Two-year anniversary of COVID Shutdown
- Promotions and Academies
- Introduction of new Assistant Chief of Operations, TJ McGovern

PUBLIC COMMENTS

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

1. PRESENTATIONS

- A.** Recognition of former Chair Shawver
- B.** Cancer Awareness

2. CONSENT CALENDAR

All matters on the consent calendar are considered routine and are to be approved with one motion unless a director or a member of the public requests separate action on a specific item.

A. Minutes for the Board of Directors

Submitted by: Maria D. Huizar, Clerk of the Authority

The record will reflect that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Recommended Actions:

Approve the Minutes for the February 24, 2022, Regular and Concurrent Joint Special Meeting as submitted.

B. FY 2021/22 Mid-Year Budget Adjustment

Submitted by: Robert Cortez, Assistant Chief/Business Services Department, Tricia Jakubiak, Treasurer and Stuart Lam, Budget Manager

On March 9, 2022, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place on the Board of Directors agenda for approval by a vote of 6-0 (Directors Tetterer, Sachs and Bourne absent).

Recommended Action:

Authorize the proposed mid-year budget adjustments and transfers as detailed in this report and attachments.

C. Drowning Prevention Awareness Proclamation

Submitted by: Matt Olson, Director of Communications

Recommended Action:

Approve proclamation designating May and continued through August as Drowning Prevention Awareness.

D. OCFA Aircraft Replacement Review Process

Submitted by: Brian Fennessy, Fire Chief and Kenny Dossey, Deputy Chief/Operations Bureau

On March 9, 2022, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place on the Board of Directors agenda for approval by a vote of 6-0 (Directors Tetterer, Sachs and Bourne absent).

Recommended Action:

Approve the proposed “*OCFA Aircraft Replacement Review Process*”.

3. DISCUSSION ITEMS

A. Revised Rules of Procedure to Add Standing Committees

Submitted by: Lori Zeller, Deputy Chief/Administration & Support Bureau and Robert Cortez, Assistant Chief/Business Services Department

Recommended Actions:

1. Authorize the establishment of an Operations Committee and a Legislative & Public Affairs Committee as additional standing committees to serve in an advisory capacity to staff and the Board of Directors.

2. Approve the submitted proposed Committee Protocols.
3. Approve the proposed Resolution to amend the Board Rules of Procedure to reflect the additional standing committees.

RECESS THE REGULAR MEETING OF THE BOARD OF DIRECTORS

CALL TO ORDER THE CONCURRENT JOINT SPECIAL MEETINGS OF THE: BOARD OF DIRECTORS, EXECUTIVE COMMITTEE, BUDGET & FINANCE COMMITTEE, AND HUMAN RESOURCES COMMITTEE

A. 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 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 Committees 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.

ADJOURN THE CONCURRENT JOINT MEETINGS AND RECONVENE TO THE REGULAR MEETING OF THE BOARD OF DIRECTORS

BOARD MEMBER COMMENTS

RECESS TO CLOSED SESSION

The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The Board of Directors find, based on advice from the General Counsel, that discussion in open session of the following matter will prejudice the position of the Authority on item listed below:

CS1. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Chief Negotiator:

Employee Organizations:

Peter Brown, Liebert Cassidy Whitmore

- Orange County Professional Firefighters Association, IAFF - Local 3631,
- Orange County Employees Association (OCEA), and
- Orange County Fire Authority Management Association (OCFAMA)

CS2. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION pursuant to paragraph (2) and (3) of subdivision (d) of Section 54956.9 of the Government Code: One (1) Case

RECONVENE TO OPEN SESSION

CLOSED SESSION REPORT by General Counsel

ADJOURNMENT – The next meeting of the Orange County Fire Authority Board of Directors will be a Special Joint Concurrent Meeting of the Board and all Committees scheduled for Thursday, April 14, 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 § 54954.2(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 72 hours prior to the meeting.

Maria D. Huizar, CMC
Clerk of the Authority

FUTURE BOARD AGENDA ITEMS – THREE-MONTH OUTLOOK:

- 3rd Quarter Purchasing Report
- Fiscal Year 2020/21 Backfill/Overtime and Total Earnings Report
- Proposed Budget FY 2022/23
- Fee Study
- QRF Program
- ABH Reimbursements
- Labor Negotiations

UPCOMING MEETINGS:

Budget & Finance Committee	Wednesday, April 13, 2022, 12 noon
Concurrent Joint Special Meeting of the Board of Directors and all Committees	Thursday, April 14, 2022, 6:00 p.m.
Executive Committee	Thursday, April 28, 2022, 5:30 p.m.
Board of Directors	Thursday, April 28, 2022, 6:00 p.m.
Concurrent Joint Special Meeting of the Board of Directors and all Committees	Thursday, April 28, 2022, 6:00 p.m.

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular and Concurrent Joint Special Meetings
Thursday, February 24, 2022
6:00 P.M.**

**Regional Fire Operations and Training Center Board Room
1 Fire Authority Road
Irvine, CA 92602-0125**

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on February 24, 2022, at 6:00 p.m. by Chair Steggell.

INVOCATION

The invocation was led by Chaplain Gerardo Arenado.

PLEDGE OF ALLEGIANCE

Director Tettermer led the Assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Michele Steggell, La Palma, Chair	Anthony Kuo, Vice Chair
Troy Bourne, San Juan Capistrano*	Ross Chun, Aliso Viejo*
Carol Gamble, Rancho Santa Margarita*	Shelley Hasselbrink, Los Alamitos*
Noel Hatch, Laguna Woods*	Anne Hertz-Mallari, Cypress
Joe Kalmick, Seal Beach	John R. O'Neill, Garden Grove*
Sunny Park, Buena Park*	Sandy Rains, Laguna Niguel
Vince Rossini, Villa Park*	Ed Sachs, Mission Viejo*
Don Sedgwick, Laguna Hills	Dave Shawver, Stanton*
Tri Ta, Westminster*	Mark Tettermer, Lake Forest
Richard Viczorek, Dana Point*	Kathleen Ward, San Clemente*

Absent Lisa Bartlett, County of Orange
Jessie Lopez, Santa Ana
Donald P. Wagner, County of Orange

Gene Hernandez, Yorba Linda
Austin Lumbard, Tustin

Also present were:

Fire Chief Brian Fennessy	Deputy Chief Lori Zeller
Deputy Chief Kenny Dossey	Assistant Chief Randy Black
Assistant Chief Jim Ruane	Assistant Chief Phil Johnson
Assistant Chief Stephanie Holloman	Director of Communications Matt Olson
Assistant Chief Lori Smith	General Counsel David Kendig
Clerk of the Authority Maria Huizar	

**Those members attending via Teleconferencing.*

REPORTS

A. Report from the Budget and Finance Committee Chair (FILE 11.12)

Budget and Finance Committee Chair Tri Ta reported at its February 9, 2022, meeting, the Committee reviewed the Second Quarter Financial Newsletter and the Monthly Investment Reports, and forwarded both to the Executive Committee to receive and file the reports as presented. The Committee also reviewed the Second Quarter Purchasing Report and forwarded it with the recommendation that the Board of Directors receive and file the report. The Committee held its annual election of both Chair and Vice Chair; electing Director John O'Neill as Vice Chair, and me to serve as Chair of the Committee for the ensuing year.

B. Report from the Human Resources Committee Chair (FILE 11.12)

Human Resources Committee Vice Chair Joe Kalmick reported at its February 1, 2022, meeting, the Committee received an update on the 2022 Behavioral Health Program presented by Risk Manager Rhonda Haynes. Assistant Chief Randy Black introduced the Firefighter Cancer Awareness and Prevention presentation provided in conjunction with support of Firefighters Local 3631. He introduced Public Relations Manager Sophia Champieux who presented a video testimony from an OCFA firefighter, currently battling cancer. The Committee reviewed and recommended forwarding to the Executive Committee the New Classification Specification for Lead Hand Crew Superintendent. Lastly, the Committee held its annual election of Chair and Vice Chair for 2022. Director Hernandez was elected to serve as Chair, and myself to serve as Vice Chair of the Human Resources Committee for the ensuing year.

C. Report from the Fire Chief (FILE 11.14)

Fire Chief Brian Fennessy introduced the newly appointed Corporate Communications Director Matt Olson. The Chief also provided an update on the February 10th Emerald Fire in Laguna Beach. He noted aircraft was on scene; defensible space, fuel modification, and less wind velocity all contributed to zero structure loss or damage. The Chief thanked all the firefighters and Emerald Bay community as their efforts led to a successful outcome.

Director Rossini arrived at this point (6:15 p.m.).

PUBLIC COMMENTS (FILE 11.11)

Lindsey, addressed the lack of vaccination of firefighters, asking for a mandate for employees.

Resident with phone number ending in 8020, expressed concerned about the lack of vaccination of OCFA employees.

Corey Johnson addressed the spike of COVID, and low vaccination rate of OCFA employees, asking for a mandate for employees to be vaccinated.

1. PRESENTATIONS

Former Board Chair Dave Shawver was not present but teleconferenced in for the meeting. Although he will be honored when present at the next meeting, Chair Steggell thanked Director Shawver for his service as Chair of the Board in 2021. Former Chair Shawver thanked his fellow Board Members, the Fire Chief, and staff for working with him throughout last year.

2. CONSENT CALENDAR

On motion of Director Tetterer and second by Chair Steggell, and following a roll call vote, approved 20-0 Agenda Items No. 2A-2E (Directors Bartlett, Hernandez, Lumbard, Wagner, and Lopez absent).

A. Minutes for the Board of Directors (FILE 11.06)

Action: Approve the Minutes for the January 27, 2022, Regular and Concurrent Joint Special Meeting as submitted.

B. Second Quarter Purchasing Report (FILE 11.10H1)

Action: Receive and file report.

C. 2022 Committee Member Roster (FILE 11.02E)

Action: Receive and file report.

D. Ratify Appointments to Executive Committee (FILE 12.02A1)

Action: Confirm the appointments of the Executive Committee and Alternate members, as required in Rule 9(b) of the Board of Directors Rules of Procedure.

E. Resolution Authorizing Fire Chief to Execute a Cooperative Agreement for the Federal Excess Personal Property (FEPP) Program (FILE 22.06A)

Action: Approve and adopt the proposed Resolution authorizing the Fire Chief, or his designee, to execute the Cooperative Agreement between the State of California Department of Forestry and Fire Protection and the Orange County Fire Authority for the use of Federal Excess Personal Property.

3. DISCUSSION ITEMS

No items.

RECESSED THE REGULAR MEETING OF THE BOARD OF DIRECTORS AT 6:31 P.M.

CALLED TO ORDER THE CONCURRENT JOINT SPECIAL MEETINGS OF THE: BOARD OF DIRECTORS, EXECUTIVE COMMITTEE, BUDGET & FINANCE COMMITTEE, AND HUMAN RESOURCES COMMITTEE

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings (FILE 11.03)

General Counsel David Kendig presented the Findings by AB 361 for the Continued Use of Teleconferencing for Meetings.

On motion of Vice Chair Kuo and second by Director Kalmick, and following a roll call vote, approved 18-2 (Directors Tetterer and Hertz-Mallari opposed, and Directors Lombard, Bartlett, Wagner, Hernandez, and Lopez absent) to 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 Committees 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.

ADJOURNED THE CONCURRENT JOINT MEETINGS AND RECONVENED TO THE REGULAR MEETING OF THE BOARD OF DIRECTORS AT 6:35 P.M.

BOARD MEMBER COMMENTS

The Board Members offered no comments.

RECESSED TO CLOSED SESSION (FILE 11.15)

CS1. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Chief Negotiator:

Employee Organizations:

Peter Brown, Liebert Cassidy Whitmore

• Orange County Professional Firefighters Association, IAFF - Local 3631,

Minutes

OCCA Board of Directors Regular and Concurrent Joint Special Meeting

February 24, 2022, Page - 4

- Orange County Employees Association (OCEA),
and
- Orange County Fire Authority Management
Association (OCFAMA)

CS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: Colleen Windsor vs. OCFA,
Case No. 30-2021-01227581-CU-DE-CJC

CS3. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION pursuant to paragraph (2) and (3) of subdivision (d) of Section 54956.9 of the Government Code: One (1) Case

CS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code: Desiree Horton v. OCFA et al, Case No. 30-2021-01200267-CU-WT-CJC

Directors Sachs and Park left the meeting at this point (9:00 p.m.).

RECONVENED TO OPEN SESSION

CLOSED SESSION REPORT (FILE 11.15)

General Counsel David Kendig stated there was no reportable action.

ADJOURNMENT – Chair Steggell adjourned the meeting at 9:05 p.m. The next meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, March 24, 2022, at 6:00 p.m.

Maria D. Huizar, CMC
Clerk of the Authority



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
March 24, 2022

Agenda Item No. 2B
Consent Calendar

FY 2021/22 Mid-Year Budget Adjustment

Contact(s) for Further Information

Robert Cortez, Assistant Chief Business Services Department	robertcortez@ocfa.org	714.573.6012
Tricia Jakubiak, Treasurer	triciajakubiak@ocfa.org	714.573.6301
Stuart Lam, Budget Manager	stuartlam@ocfa.org	714.573.6302

Summary

This item is submitted to request approval to adjust revenues, expenditures and transfers to reflect changes identified after adoption of the FY 2021/22 budget.

Prior Board/Committee Action

A comprehensive mid-year financial review was presented to the Budget and Finance Committee and the Board of Directors in January, highlighting proposed mid-year changes that are needed to the FY 2021/22 budget based on events that have occurred since the budget was adopted last May. The Board directed staff to return in March with the technical budget adjustments required to implement the proposed changes.

On March 9, 2022, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place on the Board of Directors agenda for approval by a vote of 6-0 (Directors Tettemer, Sachs and Bourne absent).

RECOMMENDED ACTIONS

Authorize the proposed mid-year budget adjustments and transfers as detailed in this report and attachments.

Impact to Cities/County

The proposed mid-year adjustments to the FY 2021/22 budget will have no impact to cash contract city charges in the current FY.

Fiscal Impact

Increased Cost Funded by Structural Fire Fund: \$0
Increased Cost Funded by Cash Contract Cities: \$0

Financial impact is detailed in the report, with an overall increase in revenues (all funds combined) of \$20,314,884 and an overall increase in expenditures (all funds combined) of \$19,677,761 providing a positive financial impact overall to OCFA with a net revenue increase of \$637,123.

Background

This report is submitted to request approval of the technical budget adjustments following the January mid-year financial review. The following is a summary of the significant changes being requested (See Attachment 1 for the total proposed adjustment for each Fund).

The following are estimated changes to the budget that are needed since the adoption of the FY 2021/22 budget in June 2021. Overall, the proposed changes in the General Fund result in an estimated total revenue increase of approximately \$20.2 million and an estimated total expenditure increase of \$27.0 million. **Approximately \$15.3 million of the expenditure increases are related to emergency incidents that are offset by corresponding revenue increases or are items that are cost neutral.** Expenditures not offset by revenue increases are primarily due to higher than anticipated services and supplies expenditures including increased insurance premiums, fuel costs and repair and maintenance expenditures.

FY 2021/22 Estimated General Fund Revenue Adjustments - \$20.2 million

Property Taxes: Based on secured tax billings provided by the Auditor/Controller, preliminary projections indicate an approximate \$2.0 million increase over budget. **\$2,011,789**

Assistance by Hire (ABH)/Emergency Incident: ABH is the term used when OCFA responds to requests for assistance to incidents outside our area of responsibility, on a reimbursement basis. Current year activity is \$11.9 million greater than budget due to various in-county and out-of-county responses, upstaffing for surge capacity, and responding to the COVID-19 pandemic. Staff will be monitoring this source of revenue for additional reimbursements. An expenditure adjustment is also proposed to the overtime/backfill category to cover the costs associated with providing the ABH services. **\$11,939,766**

Grant/Other Reimbursements: This category represents reimbursements for Grants or other programs where expenditures are reimbursed once incurred. The adjustment is for a Homeland Security Grant funded education trailer (\$153K), US&R mobilization exercise (\$150K), supplemental funding for the 2020 US&R Grant (\$48K), OCSO SONGS reimbursement for radiation equipment (\$21K), John Wayne Airport reimbursement for crash truck tire replacement (\$15K), and CA Fire Foundation Grant to fund fire education props, kits, and robotics (\$13K). **\$400,291**

Intergovernmental: Since budget adoption, OCFA received the final Cal Fire Gray Book for FY 2021/22 with an additional \$3.9 million revenue allocation. This included one-time funding for defensible space inspections and hand crew personnel. **\$3,881,801**

Charges for Services: Planning & Development fees are being reduced by \$300K due to reduced building activity related to the COVID-19 pandemic and False Alarm fees are being reduced by \$35K as staff focus on helping businesses correct fire alarm issues to prevent recurrence of false alarms. **(\$335,000)**

OCPFA Retiree Medical Trust Payment: OCFA’s audit firm Lance, Soll & Lunghard issued a final report on the OCPFA Medical Benefit Trust for the period January 1, 2020 through December 31, 2020 showing a \$1,954,775 excess fund balance credit due to the OCFA. Per the terms of the OCFA/OCPFA Health Plan Agreement, OCFA will remit these funds to the OCFA Retiree Medical Trust held at OCERS. **\$1,954,775**

Miscellaneous: This category of revenue adjustments includes updates to cash contract city maintenance charges, RDA pass-through revenue, miscellaneous revenues, and interest earnings. **\$388,358**

FY 2021/22 Estimated General Fund Expenditure Adjustments - \$27.0 million

Assistance by Hire/Emergency Incident Costs: As mentioned under Revenue for ABH, an adjustment is needed for in-county and out-of-county responses, primarily in the overtime/backfill category, but also for response-related supplies. This category also comprises the expenditures for upstaffing for surge capacity, US&R activation, and COVID-19 expenditures. Staff will be monitoring these categories closely as the fiscal year progresses. **\$11,830,334⁽¹⁾**

Personnel Expenditures: This adjustment includes expenditures to extend the seasonal handcrew and fund a hand crew lead superintendent using one-time Cal Fire Gray Book funding (\$572K); cover increased firefighter academy and training expenditures (\$200K); reclassify the cost for a limited-term Construction Manager from the CIP to the General Fund (\$177K); and fund increased paramedic school tuition and paramedic academy costs (\$155K). The cost for the limited-term Construction Manager was already approved in the FY 2021/22 budget; therefore, this is only an accounting change to better classify the expenditure. **\$1,103,725⁽¹⁾**

Supplies/Equipment/Professional Services: This category includes one-time adjustments for services and supplies which were unknown or for which costs have increased since budget development. Adjustments include increased insurance premiums (\$1.2M); fuel increases (\$1.0M); increased vehicle repair and maintenance (\$891K); fire academy costs (\$865K); major overhaul for Helicopter 2 (\$700K); fire station maintenance, repair and appliance replacement (\$600K); increased utility costs (\$545K); defensible space inspection expenditures covered by one-time Cal Fire Gray Book funding (\$439K)⁽¹⁾; increased PPE costs (\$380K); 800MHz radio and station alerting contracts (\$166K); Microsoft software licenses (\$120K); staffing system programming services (\$114K); behavioral health and wellness counseling (\$110K); medical equipment (\$80K); Irvine Arson Abatement Officer (\$50K); EMS quality control system upgrades (\$25K); Air Ops Drone Program training (\$9K); hand crew lead superintendent PPE and uniform expenditures covered by one-time Cal Fire Gray Book funding (\$4K)⁽¹⁾; a \$31K reduction to remove the carryover for a Cal Fire Camera Grant that was already budgeted with a rolled purchase order; and a \$25K reduction to reclassify an Automatic Chest Compression Device (ACCD) maintenance expenditure from Fund 121 to Fund 12110. **\$7,267,246**

Grant/Other Reimbursable Programs: These expenditure items include a Homeland Security Grant funded fire education trailer (\$161K), US&R mobilization exercise (\$150K), supplemental funding for the 2020 US&R Grant (\$48K), insurance reimbursement for collision repairs² (\$32K), OCSO SONGS radiation equipment (\$21K), John Wayne Airport crash truck tire replacement (\$15K), and CA Fire Foundation Grant funded fire education props, kits, and robotics (\$13K). **\$439,768⁽¹⁾**

OCPFA Retiree Medical Trust Payment: OCFA's audit firm Lance, Soll & Lunghard issued a final report on the OCPFA Medical Benefit Trust for the period January 1, 2020 through December 31, 2020 showing a \$1,954,775 excess fund balance credit due to the OCFA. Per the terms of the OCFA/OCPFA Health Plan Agreement, OCFA will remit these funds to the OCFA Retiree Medical Trust held at OCERS. **\$1,954,775⁽¹⁾**

¹ Expenditure increase is wholly or partially cost neutral, offset by a corresponding revenue source or dedicated fund balance.

² Offset by insurance reimbursement revenue recognized in FY 2020/21.

Settlement Agreement Snowball Plan Payment: The Irvine Settlement Agreement requires a Snowball Plan Payment of \$500K to paydown unfunded liabilities each year in which our pension liability is less than 85% funded. OCFA received notification that we are over 85% funded after the FY 2021/22 Adopted Budget was prepared. Per the Settlement Agreement, since we have reached the 85% funding target, the \$500K budgeted as a Snowball Plan Payment should now be transferred to the 115 Trust. (\$500,000)

Workers' Compensation: The OCFA received a new workers' compensation actuarial study dated 2/2/2022 and a \$4.9 million increase in Fund 121 workers' compensation expenditures is required to maintain funding at the 50% confidence level. Fund 121 workers' compensation expenditures are transferred to Workers' Compensation Fund 190 to pay for workers' compensation claims. \$4,870,243

Fixed Asset Purchases: The Adopted Budget included \$450,000 of appropriations that are funded with offsetting revenue through the Joint Apprenticeship Committee (JAC); however, this JAC budget did not itemize detail for the specific items that would be funded within the \$450,000. The following are the itemized fixed asset purchases that are planned for funding through the JAC budget: box truck (\$200K), roof ventilation trailer (\$95K), auto extrication simulators (\$45K), forcible entry door simulator (\$43K), and three cone trailers (\$12K each). Additional fixed asset purchases that are separately funded with Cal Fire Grant funds include: Caterpillar skid steer (\$163K), Zieman skid steer trailer (\$47K), Miller Bobcat 200 air compressor and welder (\$16K), skid steer hydraulic coolers (\$7K), and Caterpillar utility broom for skid steer (\$6K). OCFA also plans to use US&R Grant funds to purchase a US&R utility vehicle (\$30K) and existing budget in the Air Operations section to purchase three sets of night vision goggles (\$43K). \$0

FY 2021/22 CIP and Other Fund Adjustments

- **Fund 12110 – General Fund CIP:** A net decrease in expenditures in the amount of \$2,907,007 is needed for the following: deferral of expenditures to future years for Fire Station 41 improvements (\$1,255,128), station bathroom inclusive facilities (\$1,000,000), and the enterprise phone and public address system upgrade (\$500,000) projects; a decrease of \$176,879 to move budgeted funds from the CIP to the General Fund for the limited-term Construction Manager position overseeing various CIP projects - this is purely an accounting change from one fund to another with no impact on overall expenses; and a \$25K increase to reclassify an ACCD maintenance expenditure from Fund 121 to Fund 12110.
- **Fund 123 – Fire Stations and Facilities:** A decrease in expenditures in the amount of \$2,500,530 is needed for deferral of the RFOTC training grounds and expansion upgrade (\$2,500,000) and Fire Station 10 replacement (\$530) projects to future years.
- **Fund 124 – Communications & Information Systems:** A decrease in expenditures in the amount of \$2,000,000 is needed for deferral of EMS enterprise system development projects (\$1,500,000) and the OCFA enterprise audio visual upgrades (\$500,000) to future years.
- **Fund 133 – Fire Apparatus:** A net expenditure decrease of \$3,334,491 is required for the following: net decrease in emergency vehicle expenditures (\$1,177,669), net decrease in support vehicle expenditures (\$2,482,000), and expenditure increase of \$325,178 to fund two light service trucks due to a FY 2020/21 purchase order being closed in error which should have been carried over to FY 2021/22. See Attachment 3 for a detailed summary of the Fund

133 budget adjustments and project descriptions for new vehicle types not included in the Adopted Budget.

- **Fund 139 – 115 Trust:** An increase in expenditures in the amount of \$25,000 is needed to accommodate Trustee and PARS fees for administering the 115 Trust.
- **Fund 171 – Structural Fire Fund Entitlement Fund:** In accordance with the Amended JPA, increase the expenditure budget by \$3,428,698 from FY 2020/21 unencumbered fund balance and interest earnings. Allocation of these funds will enable fire service enhancements in Structural Fire Fund (SFF) member cities. Any remaining funds not used in FY 2021/22 will be rebudgeted in the next fiscal year.
- **Fund 190 – Workers’ Compensation:** An increase in revenue in the amount of \$4,870,243 is required to reflect the increased Fund 121 workers’ compensation charges. The increased workers’ compensation budget in Fund 121 will be recorded as revenue in Fund 190 to achieve funding at the 50% confidence level.
- **Interest Earnings:** Interest earning revenues for each of the CIP and Other Funds have been increased except Fund 124 and Fund 171 which had a slight decrease based on the latest projections. The net interest earnings adjustment is a \$73,104 increase.

FY 2021/22 Fund Balance Transfer Adjustments

- **Unencumbered Fund Balance:** The FY 2020/21 year-end audit identified unencumbered fund balance in the amount of \$4,590,935. This fund balance increase resulted primarily from additional revenue received in the fiscal year, as well as salary and S&S savings in the General Fund. After the year-end audit, it was discovered that fire incident claims totaling \$2,265,173 were not accrued as revenue and receivable in FY 2020/21, of which \$1,437,181 is pending FEMA approval for the Silverado Fire claim. As a result, revenue was understated and the unencumbered fund balance available has increased. The current unencumbered fund balance that includes approved fire incident claims is \$5,418,927 and this would increase to \$6,856,108 once the Silverado claim is approved by FEMA. Staff recommends allocating the unencumbered fund balance as follows:
 - Allocate 50% or \$2,709,463 to the Structural Fire Fund Entitlement Fund (Fund 171) for fire service enhancements, in accordance with the First Amendment to the Amended Joint Powers Agreement (Amended JPA) and allocate an additional \$718,591 to Fund 171 upon final approval of the Silverado Fire claim by FEMA. Per the Amended JPA, 50% of any unencumbered funds as determined by the annual audited financial statements shall be allocated to Fund 171 at every ten year interval beginning with FY 2010/11.
 - Allocate the remaining 50% in the General Fund to replenish the contingency reserve to 10% of expenditures, pursuant to the OCFA’s Financial Stability Budget Policy and allocate an additional \$718,519 to Fund 121 upon final approval of the Silverado Fire claim by FEMA.
- **CIP to Fund 121 Transfers:** The Financial Stability Policy requires a reconciliation of the 10% contingency reserve at mid-year. In order to maintain the 10% General Fund contingency reserve of \$43,923,725, a fund balance transfer of \$7,363,014 is required from various CIP funds to the General Fund (\$3,000,000 from Fund 12110, \$1,000,000 from Fund 123, and \$3,363,014 from Fund 133).

- **Irvine Settlement Agreement:** A fund balance transfer from Fund 121 to Fund 139 is needed to make a \$500,000 payment to the 115 Trust now that the pension liability is over 85% funded, as required in the Irvine Settlement Agreement.

Attachment(s)

1. FY 2021/22 Mid-Year Budget Adjustments
2. Combined Budget Summary
3. Fund 133 Mid-Year Budget Adjustment Detail and Project Descriptions

FY 2021/22 Mid-Year Budget Adjustments

The following adjustments to the FY 2021/22 budget are requested:

General Fund (Fund 121)

Revenues: \$20,241,780 increase
Expenditures: \$26,966,091 increase
Operating Transfer In from Fund 12110: \$3,000,000
Operating Transfer In from Fund 123: \$1,000,000
Operating Transfer In from Fund 133: \$3,363,014
Operating Transfer Out to Fund 139: \$500,000
Operating Transfer Out to Fund 171: \$3,428,054

General Fund CIP (Fund 12110)

Expenditures: \$2,907,007 decrease
Operating Transfer Out to Fund 121: \$3,000,000

Fire Stations and Facilities Fund (Fund 123)

Revenues: \$4,852 increase
Expenditures: \$2,500,530 decrease
Operating Transfer Out to Fund 121: \$1,000,000

Communications and Information Systems Fund (Fund 124)

Revenues: \$2,059 decrease
Expenditures: \$2,000,000 decrease

Fire Apparatus Fund (Fund 133)

Revenues: \$31,579 increase
Expenditures: \$3,334,491 decrease
Operating Transfer Out to Fund 121: \$3,363,014

Irvine Settlement Agreement Fund (Fund 139)

Revenues: \$7,867 increase
Expenditures: \$25,000 increase
Operating Transfer In from Fund 121: \$500,000

Structural Fire Fund Entitlement Fund (Fund 171)

Revenues: \$291 decrease
Expenditures: \$3,428,698 increase
Operating Transfer In from Fund 121: \$3,428,054

Self-Insurance Fund (Fund 190)

Revenues: \$4,901,399 increase

**ORANGE COUNTY FIRE AUTHORITY
COMBINED BUDGET SUMMARY
FY 2021/22**

	121 General Fund	<i>CIP Funds</i>				<i>Other Funds</i>			Total
		12110 General Fund CIP (1)	123 Fire Stations & Facilities	124 Communications & Info. Systems	133 Fire Apparatus	139 Settlement Agreement	171 SFF Entitlement	190 Self Insurance	
FUNDING SOURCES									
<i>Property Taxes</i>	298,984,024	-	-	-	-	-	-	-	298,984,024
<i>Intergovernmental</i>									
State Reimbursements	44,698,061	-	-	-	45,000	-	-	-	44,743,061
Federal Reimbursements	4,225,115	-	-	-	-	-	-	-	4,225,115
Community Redevelopment Pass-thru	18,618,096	-	-	-	-	-	-	-	18,618,096
<i>Charges for Current Services</i>									
Cash Contract Cities	133,345,035	-	-	-	1,652,957	-	-	-	134,997,992
HMS Revenue	-	-	-	-	-	-	-	-	-
Fees - Community Risk Reduction	5,686,323	-	-	-	-	-	-	-	5,686,323
Other Charges for Services	108,697	-	-	-	-	-	-	-	108,697
ALS Reimbursements, Supplies	4,547,600	-	-	-	-	-	-	-	4,547,600
Charges for Workers' Comp	-	-	-	-	-	-	-	29,966,926	29,966,926
<i>Use of Money and Property</i>									
Interest	182,340	-	45,256	13,529	69,113	68,404	2,165	324,939	705,746
<i>Other</i>									
Developer contributions	-	-	213,000	-	1,048,573	-	-	-	1,261,573
Miscellaneous	13,501,390	-	-	-	-	-	-	-	13,501,390
<i>Other Funding Sources</i>									
Total Revenues & Other Financing Sources	523,896,681	-	258,256	13,529	2,815,643	68,404	2,165	30,291,865	557,346,543
Operating Transfer In	7,363,014	5,350,000	4,450,000	1,700,000	3,364,518	2,668,000	3,428,054	-	28,323,586
Beginning Fund Balance	46,003,333	8,124,402	17,684,367	5,099,985	12,486,395	25,313,631	1,120,950	109,770,629	225,603,692
TOTAL AVAILABLE RESOURCES	\$577,263,028	\$13,474,402	\$22,392,623	\$6,813,514	\$18,666,556	\$28,050,035	\$4,551,169	\$140,062,494	\$811,273,821
EXPENDITURES									
Salaries & Emp Benefits	\$437,273,443	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$437,273,443
Services & Supplies	74,131,940	7,934,545	-	1,843,894	-	2,193,000	4,549,003	15,640,500	106,292,882
Capital Outlay/Equipment	973,348	2,257,184	17,818,265	2,622,621	14,256,648	-	-	-	37,928,066
Total Expenditures	\$512,378,731	\$10,191,729	\$17,818,265	\$4,466,515	\$14,256,648	\$2,193,000	\$4,549,003	\$15,640,500	\$581,494,391
Appropriation for Contingencies	3,000,000	-	-	-	-	-	-	-	3,000,000
Operating Transfer Out	20,960,572	3,000,000	1,000,000	-	3,363,014	-	-	-	28,323,586
Ending Fund Balance	\$40,923,725	\$282,673	3,574,358	2,346,999	1,046,894	25,857,035	2,166	\$124,421,994	198,455,844
TOTAL FUND COMMITMENTS & FUND BALANCE	\$577,263,028	\$13,474,402	\$22,392,623	\$6,813,514	\$18,666,556	\$28,050,035	\$4,551,169	\$140,062,494	\$811,273,821

(1) Project related budgets segregated for operational budget clarity purposes. As a sub-fund of the General Fund, revenues and expenditures are accounted for as the General Fund in the CAFR, however for cash-flow purposes the expenditures are tracked outside of the General Fund. Therefore 12110 requires cash-flow transfers in the same manner as the other CIP Funds.

Fund 133 Mid-Year Budget Adjustment Detail and Project Descriptions

Existing Vehicle Number	Current Vehicle Type	Dept/Section	Proposed Mid-yr Adj.
EMERGENCY VEHICLES			
Air Utility			
5415	Air Utility Vehicle	Operations	\$ (527,878)
Battalion Chief Command			
2185	BC Command Vehicle	Operations	(107,675)
2186	BC Command Vehicle	Operations	(107,675)
2187	BC Command Vehicle	Operations	(107,675)
Compressed Air Foam System Patrol Vehicle - Type 6			
3688	CAFS-Patrol Veh.-Type 6	Operations - Station 10	(145,630)
Dozer Tender			
3033	Dozer Tender	Operations	(150,000)
3034	Dozer Tender	Operations	(150,000)
Ladder/Truck			
5067	Ladder Truck	Operations	1,800,000
Engine - Type I			
5222	Engine - Type I	Operations	774,514
Engine - Type III			
NEW	Engine - Type III	Operations	(655,200)
NEW	Engine - Type III	Operations	(655,200)
Pick-Up Utility 3/4 Ton			
New	Pickup Utility 3/4 Ton	Pool	(57,750)
New	Pickup Utility 3/4 Ton	Station 15	(72,000)
New	Pickup Utility 3/4 Ton	Station 16	(72,000)
New	Pickup Utility 3/4 Ton	Station 48	(72,000)
New	Pickup Utility 3/4 Ton	Pool	(65,000)
Pick-Up Utility 1 Ton 4X4			
New	Pick-Up Utility 1 Ton 4X4	Crews & Equipment	(75,000)
Squad			
3801	Squad	FS 61	(100,000)
3804	Squad	FS 61	(100,000)
SUV Full Size 4x4			
New	SUV Full-Size 4x4	US&R	25,000
Superintendent Vehicle			
New	Superintendent Vehicle	Crews & Equipment	225,000
3039	Superintendent Vehicle	Operations	(154,500)
Swift Water Vehicle			
3800	Swift Water Vehicle	Operations	(84,000)

Fund 133 Mid-Year Budget Adjustment Detail and Project Descriptions

Existing Vehicle Number	Current Vehicle Type	Dept/Section	Proposed Mid-yr Adj.
Pickup Crew Cab - 1/2 Ton			
New	Pickup Crew Cab - 1/2 Ton	Pool	(40,000)
Pickup Crew Cab - 3/4 Ton			
3203	Pickup Crew Cab - 3/4 Ton	Training	(55,000)
Mule			
8335	Kawasaki Mule	US&R	30,000
Pickup - Stake Bed			
New	Stake Bed - 1 Ton	Service Center	(90,000)
New	Stake Bed - 1 Ton	Service Center	(90,000)
SUV Full-Size 4X4			
New	SUV Full-Size 4x4	Pool	(60,000)
New	SUV Full-Size 4x4	Pool	(60,000)
New	SUV Full-Size 4x4	Pool	(60,000)
New	SUV Full-Size 4x4	Pool	(60,000)
New	SUV Full-Size 4x4	Pool	(60,000)
New	SUV Full-Size 4x4	Pool	(60,000)
New	SUV Full-Size 4x4	Pool	(60,000)
3143	SUV Full-Size 4x4	Pre-Fire Management	(63,000)
SUV Mid-Size 4x4			
2159	SUV Mid-Size 4x4	Operations Pool	(50,000)
2162	SUV Mid-Size 4x4	Operations Pool	(50,000)
2163	SUV Mid-Size 4x4	Operations Pool	(50,000)
2164	SUV Mid-Size 4x4	Operations Pool	(50,000)
2165	SUV Mid-Size 4x4	Operations Pool	(50,000)
2166	SUV Mid-Size 4x4	Operations Pool	(50,000)
2167	SUV Mid-Size 4x4	Operations Pool	(50,000)
2168	SUV Mid-Size 4x4	Operations Pool	(50,000)
2169	SUV Mid-Size 4x4	Operations Pool	(50,000)
2170	SUV Mid-Size 4x4	Operations Pool	(50,000)
Material Handling			
New	Scissor Lift	Property Management	45,000
Upfitting / Outfitting			
NA	Dozer Tender Beds	Crews & Equipment	50,000
NA	IMT Trailer	IMT	150,000
NA	US&R Hvy Duty Pass/Cargo Van	US&R	100,000
TOTAL SUPPORT VEHICLES			\$ (2,482,000)

TRUCK/LADDER TRUCK

Project Type: New and Replacement Vehicles

Project Management: Fleet Services

Project Description: The Truck/Ladder Truck Apparatus is used to provide search and rescue, roof ventilation, elevated water streams, salvage, and overhaul operations. These vehicles also carry all the applicable tools needed for these tasks. Depending on the station assignment and requirements determined by the Apparatus Committee, OCFA Truck Apparatus may be configured with or without tiller steering, a mid or rear-mount ladder with ariel reach of approximately 100 feet, a 300-gallon or greater capacity water tank, and a fire pump similar to a fire engine.



Vehicle replacement evaluation is based on the following criteria:

- Actual miles of the vehicles
- Actual years of operation compared to expected years
- Evaluation of mechanical condition by the Fleet Services Manager
- Evaluation of the maintenance costs by the Fleet Services Manager

Impact on Operating Budget: The replacement of older vehicles with high mileage reduces maintenance costs in the operating budget. Once off warranty, the estimated annual maintenance cost will be \$7,000 per unit.

SUPERINTENDENT VEHICLE

Project Type: New and Replacement Vehicles

Project Management: Fleet Services

Project Description: The superintendent vehicles have a multitude of uses for Crews and Equipment. The primary use is to support and supervise the hand crews with the construction fire line construction and brush clearing operations. These units are also sent out of the county to support the section on large campaign fires.



Replacement evaluation is based on the following criteria:

- Actual miles of the vehicles
- Actual years of operation compared to expected years
- Evaluation of mechanical condition by the Fleet Services Manager
- Evaluation of the maintenance costs by the Fleet Services Manager

The age and mileage targets for service trucks are 10 years and/or 120,000 miles. The projection for the addition of this vehicle is based on operational needs.

Impact on Operating Budget: Following expiration of the vehicle warranty period, annual maintenance and repair costs are estimated at \$24,000.

UTILITY/GOLF CART

Project Type: New and Replacement Vehicles

Project Management: Fleet Services

Project Description:

This support vehicle is utilized for on-site transportation of personnel, supplies, and small equipment in support Service Center operations, and for use by security personnel at the RFOTC. These units may also be transported for temporary use at large incident command centers.

Future replacement evaluation is based on the following criteria:

- Actual years of operation compared to expected years
- Evaluation of mechanical condition by the Fleet Services Manager
- Evaluation of the maintenance costs by the Fleet Services Manager

The replacement age target for utility/golf carts is 10 years however, the service and repair costs will be reviewed before a replacement is made, and may be deferred if warranted.



Impact on Operating Budget: The addition of these units to the fleet will increase maintenance costs in the operating budget. The annual maintenance cost, once off warranty, will be approximately \$1,000.

UTILITY/GOLF CART TRANSPORT/TOW-BEHIND TRAILER

Project Type: New and Replacement Vehicles

Project Management: Fleet Services

Project Description:

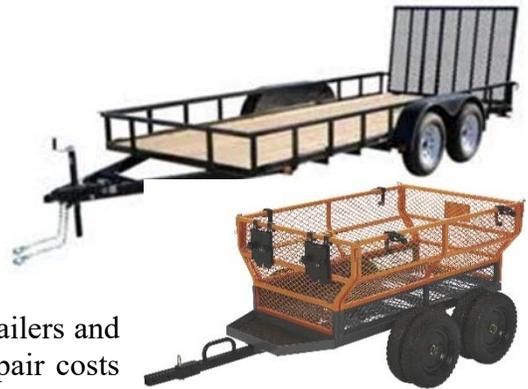
The transport trailer units are utilized for transporting golf/utility cart vehicles to off-site locations, enabling the vehicles provide support at emergency incident command centers. The tow-behind units are used to increase the utility and capacity of these vehicles at both command centers and the RFOTC.

Future replacement evaluation is based on the following criteria:

- Actual years of operation compared to expected years
- Evaluation of mechanical condition by the Fleet Services Manager
- Evaluation of the maintenance costs by the Fleet Services Manager

The replacement age target for utility/golf cart transport trailers and tow-behind units is 15 years however, the service and repair costs will be reviewed before a replacement is made, and may be deferred if warranted.

Impact on Operating Budget: The addition of these units to the fleet will increase maintenance costs in the operating budget. The annual maintenance cost will be approximately \$100 - \$500.



SCISSOR LIFT

Project Type: New and Replacement Vehicles

Project Management: Fleet Services

Project Description: The Scissor Lift is used to move personnel and equipment in a vertical direction for accessing and servicing facilities at RFOTC and fire stations. The unit will support multiple OCFA sections, including Fleet Services, Property Management, and Service Center.

Future replacement evaluation is based on the following criteria:

- Actual hours of the vehicles
- Actual years of operation compared to expected years
- Evaluation of mechanical condition by the Fleet Services Manager
- Evaluation of the maintenance costs by the Fleet Services Manager



The age target for a scissor lift is 15 years, however, a review of actual service and repair costs will be used to determine if replacement can be deferred.

Impact on Operating Budget: No anticipated impact.

OUTFITTING - DOZER TENDER BEDS

Project Type: Vehicle Modification

Project Management: Fleet Services

Project Description: This project will retrofit the service body of the new dozer tender unit to provide additional functionality needed to meet operational requirements, including weight reduction to accommodate mounted tanks, equipment, and various tools.

Dozer Tender vehicles have a multitude of uses for the Crews and Equipment section. The primary use is to support, fuel, oil, and carry repair materials needed for the department's bulldozers, graders, and other miscellaneous off-road equipment. These units are also sent out of the county to support the section on large campaign fires.

Impact on Operating Budget: No anticipated impact.



OUTFITTING – INCIDENT MANAGEMENT TEAM (IMT) TRAILER

Project Type: Vehicle Modification

Project Management: Information Technology

Project Description: This project includes the installation of a liftgate, permanent mounted power generators, interior/exterior lighting, shelving, storage compartments, and workstations on the existing IT IMT trailer. The trailer provides storage and rapid deployment of equipment to major incident basecamps and training events, and serves as a mobile office during the supported incidents for IT Administrators.

Impact on Operating Budget: No anticipated impact.



OUTFITTING- **US&R HEAVY-DUTY PASSENGER/CARGO VAN**

Project Type: Vehicle Modification

Project Management: Fleet Services

Project Description:

This project is to provide extensive interior outfitting for the existing US&R van consistent with the standards utilized by the 28 national task forces, including additional seating and storage compartments.

The vehicle is one of twelve response vehicles used by California Task Force Five (CA-TF5) for responding within the Continental United States to natural and man-made disasters, transporting the task force equipment cache.



Impact on Operating Budget: No anticipated impact.



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
March 24, 2022

Agenda Item No. 2C
Consent Calendar

Drowning Prevention Awareness Proclamation

Contact(s) for Further Information

Matt Olson,
Director of Communications

MattOlson@ocfa.org

714.573.6028

Summary

Annually, the Orange County Fire Authority proclaims May through August as Drowning Prevention Awareness.

Prior Board/Committee Action

Not applicable.

RECOMMENDED ACTION(S)

Approve proclamation designating May and continued through August as Drowning Prevention Awareness.

Impact to Cities/County

Not Applicable.

Fiscal Impact

There is no fiscal impact associated with this action.

Background

Drowning is the leading cause of death in kids under the age of five in Orange County. Our goal is to save lives by helping families become more aware of drowning prevention measures.

This year, there are two water safety campaigns — “Always Watch the Water,” which is geared towards parents with small children, and “Never Swim Alone,” which focuses on adult swimmers. Both campaigns kick off in May and continue through August, a time in which kids are out of school, temperatures soar, and drowning dangers increase for all. Through PSAs, social media campaigns, presentations, and various other community events, we will be dispersing extensive and engaging drowning prevention information throughout Orange County. And this year, with two disparate but equally important campaign messages, our outreach and impact will be all the more substantial for the diverse communities we serve.

Attachment(s)

Proposed Proclamation

DROWNING PREVENTION AWARENESS

WHEREAS, drowning is the leading cause of death and disability in California for children under five years of age; and

WHEREAS, for every child who dies from drowning, another eight receive emergency care for non-fatal submersion injuries; and

WHEREAS, fatal and non-fatal drowning is a silent event, occurring in as little as two inches of water, including inflatable swimming pools, spas, bath tubs, the ocean, and any other body of water; and

WHEREAS, the themes of this year's water safety campaign "Always Watch the Water" and "Never Swim Alone" gives in-depth information that will be provided by staff on what Orange County residents can do to prevent drowning; and

WHEREAS, the initiatives set forth in the "ABCs of Water Safety" program will increase public awareness regarding proper procedures to prevent this needless tragedy; and

WHEREAS, the Orange County Fire Authority, will be taking this opportunity to increase public awareness about drowning prevention through a diverse community outreach campaign; and

NOW, THEREFORE BE IT RESOLVED, that the Orange County Fire Authority Board of Directors does hereby proclaim its participation in the "Always Watch the Water" and "Never Swim Alone" 2022 campaigns that kick-off in May and continue through August by encouraging all families, parents, residents, schools, recreational facilities, businesses, and homeowner associations to become partners in preparedness by increasing their knowledge of proper safety measures in drowning prevention.



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
March 24, 2022

Agenda Item No. 2D
Consent Calendar

OCFA Aircraft Replacement Review Process

Contact(s) for Further Information

Brian Fennessy, Fire Chief	brianfennessy@ocfa.org	714.573.6010
Kenny Dossey, Deputy Chief Operations Bureau	kennydossey@ocfa.org	714.573.6006

Summary

This agenda item is submitted to the Budget & Finance Committee for final review of the proposed vetting process that will be used to educate and inform our policy-makers on needs, options, costs, financing solutions, and ultimately to develop recommendations on the disposition of Federal Excess Property Program (FEPP) helicopters and associated new aircraft acquisitions.

Prior Board/Committee Action(s)

At the July 22, 2021 meeting of the Board of Directors, a presentation was provided by Division Chief/Special Operations, Vince Carpino, as an update on OCFA Air Operations. The Board was informed that staff would return at a later date to initiate more dialogue and to begin to explore next steps related to replacement of OCFA's Air Assets.

At the November 10, 2021 meeting of the Budget and Finance Committee, discussion was initiated about the attached agenda item; however, quorum was lost prior to completing any action.

At the January 12, 2022 meeting of the Budget and Finance Committee, dialogue continued, and direction was provided to staff to finalize the proposed review structure, return to the Committee for an additional and final review prior to submittal to the Board of Directors for input and approval.

On March 9, 2022, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place on the Board of Directors agenda for approval by a vote of 6-0 (Directors Tettermer, Sachs and Bourne absent).

RECOMMENDED ACTION(S)

Approve the proposed "*OCFA Aircraft Replacement Review Process*".

Impact to Cities/County

Not Applicable.

Fiscal Impact

The fiscal impact will be developed as part of the upcoming OCFA Aircraft Replacement Review Process.

Background

At the November 10, 2021 and January 12, 2022 meetings of the Budget and Finance Committee, feedback was provided by Committee members regarding future information needs and future vetting process. As a result, staff has developed the following proposed review process, incorporating the prior input provided by the Committee, to educate and inform our policy-makers on needs, options, costs, financing solutions, and ultimately to develop recommendations for consideration by the Board of Directors pertaining to disposition of obsolete aircraft and acquisition of replacement aircraft. Staff is seeking final review of this draft/proposed process, and we stand ready to accept any modifications to the draft, prior to submittal to the Board of Directors.

Draft/Proposed OCFA Aircraft Replacement Review Process

The OCFA's Budget and Finance Committee (B&FC) will be utilized to conduct the Aircraft Replacement Review Process, with delivery of its findings and recommendations to the Board of Directors upon completion. In delegating this responsibility to the B&FC, the Board will rely upon this Committee to conduct a thorough review of the services provided by OCFA's Air Operations in order to gain an understanding of needs for aircraft replacement, disposition of obsolete aircraft, as well as the costs for replacement, affordability, and options for financing these important assets.

The B&FC will be provided ample time for completion of this important review. Staff will offer options to schedule special meetings with the B&FC, as needed, to enable focused discussions without being rushed for time due to other regular B&FC agenda business.

The following work plan has been prepared in order to organize the review into feasible phases. The work plan is sequenced in a manner to facilitate a thorough education of assets and services first, followed by comprehensive vetting of needs, options, and costs, prior to the final phase of developing recommendations.

1. *Asset Orientation - OCFA Air Operations Station 41*

This meeting will be scheduled as a special meeting, held at Fire Station 41 where OCFA's Air Operations unit is located at the Fullerton airport. Staff will provide an overview and education of the assets used in the provision of Air Operations services. This on-site asset orientation meeting will only be feasible through in-person attendance by Committee members, and remote participation won't be available; therefore, staff will work with Committee members to schedule this special meeting for a date/time that aligns with the greatest majority of Committee member calendars.

2. *Review of Air Operations Services Provided*

Details of services provided will be reviewed, including call volume statistics, types of calls, etc. Those information needs that the B&FC previously requested staff to include in the formal vetting process will be fulfilled during these discussions. The information requests that the B&FC requested include, but are not limited to, the following:

- Breakdown of helicopter call types by month within OCFA service area
- Assessment of necessity and improved outcomes from having a helicopter
- Assess OCFA & OCSD helicopter programs overlap and operational relationship
- How many aircraft we require and to do what function?
- How does the growth of county population factor into the needs of the agency?
- Was Air Operations unable to perform any missions due to insufficient capacity?

3. *Aircraft Replacement Needs & Disposition of Obsolete Aircraft*

The Aviation Fleet Plan Unit Analysis that was completed by Conklin de Decker will be used as a guide to begin discussion of aircraft replacement needs and disposition of obsolete aircraft. Information will be supplemented with updates and details, as needed.

4. *Aircraft Options & Associated Costs*

Building on the work completed during the prior review segment #3, staff will provide additional details related to the types of aircrafts under consideration for the replacement plan, along with the associated costs for each type.

5. *Affordability Analysis with Potential Financing Solutions*

As the Committee begins to identify types of aircraft under consideration for the replacement plan, staff will review the financial affordability in the context of OCFA's five-year (or longer) financial forecast. Potential financing options will be explored, to include financing costs, financing durations, and increments of installment payments.

6. *Development of Recommendations*

For the final phase of the review, staff will respond to additional information needs that the Committee may require in order to formulate recommendations. Once the B&FC has completed phase 1 through 6 and provides recommendations to staff, then a summary of the review work performed, and the recommendations will be presented to the Board of Directors for consideration.

Staff anticipates that the above work-plan will require approximately six months or longer to complete.

Attachment(s)

N/A

staff has had sufficient time to prepare materials. Attached is a preliminary calendar that includes proposed meeting dates.

Attachment(s)

1. Proposed Operations Committee Protocols
2. Proposed Legislation & Public Affairs Committee Protocols
3. Proposed Resolution
 - (a) Revised Rules of Procedure
4. Preliminary Calendar of Proposed Meeting Dates

Operations Committee

Background Information

- The Operations Committee shall be considered a Standing Committee, as defined by Rule 10 (a) of the Board of Directors Rules of Procedure.
- The Operations Committee is an advisory body to the Executive Committee and Board of Directors.
- The Operations Committee shall consist of seven members of the Board of Directors. The Chair shall make all appointments to the Operations Committee. Appointments to the Operations Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
- At the first meeting of the Operations Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Operations Committee shall elect from its members a Chair and Vice Chair of the Committee.
- The Committee shall meet at the Regional Fire Operations & Training Center, with designated-recurring meeting dates and times. The Operations Committee shall meet on a quarterly basis on the second Tuesday during the months of February, May, August and November at 12 noon. The Committee will meet in Classroom 1 (Board Breakout Room) at the RFOTC. Special meetings may occur on other dates, times, and/or locations as notice.

Committee Mission/Purpose

The Operations Committee is an advisory body to the Executive Committee and Board of Directors on high level policy decisions related to the operations of the OCFA. The committee reviews plans for future needs of the OCFA, explores alternatives to services, and makes recommendations to support operations.

The committee is not intended to get into the day to day operations of the Fire Authority. The day to day operations is the responsibility of the Fire Chief and Executive Management.

Committee Guidelines

This section contains the operating philosophy of the Committee, its policy and decision-making responsibilities, staff involvement, the Committee's relationship to other committees and the Board of Directors, and other details about Committee activities.

Operating Philosophy, Policy-Making and Oversight Responsibilities

- A broad high level regional perspective will be applied to issues coming before the Committee to achieve the mission of the Committee as well as the Authority.
- The Authority's mission and goals relevant to operations high level policy issues will be periodically revisited by the Committee.
- The Committee will convey proposed revisions for its structure or oversight responsibilities for consideration by the Executive Board of Directors.
- The Committee will consider whether issues within its subject matter jurisdiction should:
 - remain with the review jurisdiction of the Committee,
 - be referred to the Executive Committee, or
 - be referred to the Board of Directors

Operations Committee

- *All policy matters or matters requiring budget adjustments shall be referred to the Board of Directors.*

Staff Liaison, Agenda Materials & Staff Presentations

- The Deputy Chief of Operations will serve as the primary Staff Liaison to the Committee.
- Items shall be included on the Committee's agenda only with the approval of the Committee Chair or a Staff Liaison.
- Written and oral reports by staff will be used in presenting issues to the Committee.
- An executive summary followed by sufficient backup material will be used to describe the major issues of the item and form the basic model of agenda material coming before the Committee.

Legislative and Public Affairs Committee

Background Information

- The Legislative and Public Affairs Committee shall be considered a Standing Committee, as defined by Rule 10 (a) of the Board of Directors Rules of Procedure.
- The Legislative and Public Affairs Committee is an advisory body to the Executive Committee and Board of Directors.
- The Legislative and Public Affairs Committee shall consist of seven members of the Board of Directors. The Board Chair shall make all appointments to the Legislative and Public Affairs Committee. Appointments to the Legislative and Public Affairs Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
- At the first meeting of the Legislative and Public Affairs Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Legislative and Public Affairs Committee shall elect from its members a Chair and Vice Chair of the Committee.
- The Committee shall meet at the Regional Fire Operations & Training Center, with designated-recurring meeting dates and times. Committee shall meet on a quarterly basis on the third Wedensday during the months of January, April, July, and October at 12 noon. The Legislative and Public Affairs Committee will meet in Classroom 1 (Board Breakout Room) at the RFOTC. Special meetings may occur on other dates, times, and/or locations as noticed.

Committee Mission/Purpose

The Legislative and Public Affairs Committee is an advisory body to the Executive Committee and Board of Directors on matters related to public outreach and legislative affairs at the local, state, and federal levels. The Legislative and Public Affairs Committee reviews and provides recommendations on legislative and regulatory matters that may impact the OCFA. The Committee shall receive status reports from OCFA's legislative advocates and staff.

In addition, the Committee will review and provide recommendations pertaining to OCFA's public outreach, branding, communications activities, and will evaluate opportunities to enhance OCFA public relations.

Committee Guidelines

This section contains the operating philosophy of the Committee, its policy and decision-making responsibilities, staff involvement, the Committee's relationship to other committees and the Board of Directors, and other details about Committee activities.

Operating Philosophy, Policy-Making and Oversight Responsibilities

- A broad regional perspective will be applied to issues coming before the Committee to achieve the mission of the Committee as well as the Authority.
- The Authority's mission and goals relevant to legislation will be reviewed by the Committee during the development of the OCFA Legislative Platform, consistent with the 2-year legislative bill cycle, and annually on matters related to public relations.

Legislative and Public Affairs Committee

- The Committee will convey proposed revisions for its structure or oversight responsibilities for consideration by the Board of Directors.
- The Committee will consider whether issues within its subject matter jurisdiction should:
 - remain with the review jurisdiction of the Committee,
 - be referred to the Executive Committee, or
 - be referred to the Board of Directors
- All policy matters or matters requiring budget adjustments shall be referred to the Board of Directors.

Staff Liaison, Agenda Materials & Staff Presentations

- The Assistant Chief of Business Services and Director of Communications will serve as the primary Staff Liaisons to the Committee.
- Items shall be included on the Committee's agenda only with the approval of the Committee Chair or a Staff Liaison.
- Written and oral reports by staff will be used in presenting issues to the Committee.
- An executive summary followed by sufficient backup material will be used to describe the major issues of the item and form the basic model of agenda material coming before the Committee.

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE ORANGE COUNTY
FIRE AUTHORITY AMENDING THE BOARD
OF DIRECTORS RULES OF PROCEDURE**

WHEREAS, the Orange County Fire Authority Board of Directors adopted Resolution No. 99-04, on January 28, 1999, establishing the Board of Directors Rules of Procedure, and

WHEREAS, the Board of Directors has periodically amended said Rules, the most recent amendment occurring on November 18, 2021; and

WHEREAS, the Board is considering amendments to these Rules.

NOW, THEREFORE, BE IT RESOLVED as follows:

The Board of Directors Rules of Procedures is amended as indicated by the redline version attached hereto as Exhibit A.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2022.

MICHELE STEGGELL, CHAIR
OCFA Board of Directors

ATTEST:

MARIA D. HUIZAR, CMC
Clerk of the Authority

APPROVED AS TO FORM:

DAVID E. KENDIG,
General Counsel

O C F A B O A R D O F D I R E C T O R S



**ORANGE COUNTY FIRE AUTHORITY
BOARD OF DIRECTORS
RULES OF PROCEDURE
(Last Revision: ~~11/18/2021~~3/24/2022)**

- Rule 1 Time and Place of Meetings of the Board of Directors and the Executive Committee
- Rule 2 Agendas/Minutes for Meetings of the Board of Directors
- Rule 3 Order of Business for Meetings of the Board of Directors
- Rule 4 Motions During Meetings of the Board of Directors
- Rule 5 Decorum for Public Meetings
- Rule 6 Election of Chair and Vice Chair of the Board of Directors/
Absence of Presiding Officer
- Rule 7 Retention of Exhibits and Documentary Material received in Hearings Before the Board of Directors
- Rule 8 Ceremonial Functions and Proclamations
- Rule 9 The Executive Committee
- Rule 10 The Standing Committees
- Rule 11 Designated Labor Negotiators
- Rule 12 Provision of Requested Materials by Board Members
- Rule 13 Compensation/Reimbursement for Expenses
- Rule 14 Disclosure of Closed Session Information
- Rule 15 Amendment of Rules of Procedure

RULE 1. TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS AND THE EXECUTIVE COMMITTEE

(a) Except as otherwise provided in this Rule or by Resolution of the Board, a regular meeting of the Board of Directors shall be held on the fourth Thursday of each odd-numbered month, commencing at the hour of 6:00 p.m. in the Board Meeting Room, Regional Fire Operation and Training Center (RFOTC), One Fire Authority Road, Irvine. The meeting for the month of November shall be scheduled for the third Thursday, commencing at the hour of 5:30 p.m. in the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine. Special meetings may occur on other dates, times, and/or locations as noticed.

- (b) Except as otherwise provided in this Rule, a regular meeting of the Executive Committee shall be held on the fourth Thursday of each month, with the exception of August and December, commencing at the hour of 5:30 p.m. in the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine. Due to the Thanksgiving holiday, the regular November Executive Committee meeting business will be combined with the Board of Director's meeting. Special meetings may occur on other dates, times, and/or locations as noticed.
- (c) The Clerk of the Authority shall maintain the official meeting calendar, and shall post same in the display case located in the lobby of the Board Meeting Room and posting case outside main entry gate, RFOTC, One Fire Authority Road, Irvine.
- (d) Any meeting of the Board may be adjourned to any other date and time when necessary for the transaction of business. Any adjourned meeting of the Board is part of a regular meeting.
- (e) Special meetings of the Board may be called pursuant to and in accordance with Section 54956 of the Government Code. The Clerk shall prepare the notice and call of any special meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting. A copy of the notice of the special meeting shall also be posted at the places designated in subsection (c) of Rule 1.
- (f) In the event the Board or Executive Committee, or their respective Chairs, determine it advisable to hold a regular meeting at a location other than the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine, a notice specifying the location of such meeting shall be posted in the display case in the lobby of the Board Meeting Room and posting case outside main entry gate, RFOTC, One Fire Authority Road, Irvine. Additional notices shall be posted and maintained as set forth in (c) above.

RULE 2. AGENDAS/MINUTES FOR MEETINGS OF THE BOARD OF DIRECTORS

- (a) Items for the agenda for any regular meeting of the Board may be included on the agenda only with the approval of the Fire Chief or the Chair of the Board.
- (b) (i) During the Board Member Comments portion of a Board meeting, any member may direct that an item be placed on the next agenda of the Board of Directors. The item will be placed on the next regular meeting of the Board of Directors with a brief description of the item (not yet researched by staff), unless the request is revoked by the requesting Board Member prior to public circulation of the Board meeting agenda containing the item. The Board will then (i) determine whether to direct OCFA staff to prepare a full agenda report for a future Board meeting, and (b) provide direction whether the matter should be reviewed by a Board committee prior to presentation to the full Board.
- (ii) At any time other than during Board Member Comments, any Board Member may contact the Chair to request that an item be placed on the agenda of a future meeting of the Board of Directors and, if the Chair concurs in the request, the item will be placed on the agenda for a future meeting of the Board of

Directors as the Chair directs with a full staff report, and subject to any prior review by a Board Committee review that the Board Chair may direct..

- (c) As required by the Ralph M. Brown Act, items not on the posted agenda for a meeting shall not be considered by the Board except as follows:
 - (1) Upon determination by a majority vote of the Board that an emergency situation exists. The determination shall be made prior to Board consideration of the emergency item. An emergency situation is limited to:
 - (a) Work stoppage or other activity which severely impairs public health, safety or both.
 - (b) Crippling disaster which severely impairs public health, safety or both.
 - (2) Upon determination by a two-thirds vote of the Board Members present, or a unanimous vote if less than two-thirds of the Members are present, that there is a need to take immediate action and that the need came to the attention of the Authority subsequent to the agenda being posted. The determination shall be made prior to Board consideration of the item.
 - (3) The item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item and at which prior meeting, the item was continued to the meeting at which action is being taken.
- (d) The OCFA Board has adopted the use of Robert’s Rules of Order as its official guideline in the creation of minutes. All Board/Committee meeting will be documented using action-type minutes. Minutes will document the record of what actions were taken by the governing body, not what was said. The minutes will not contain personal comments or someone’s opinion about what happened.
 - (1) The minutes shall document the items identified in Rule 3 in the Board’s Order of Business.
 - (2) Public comments will identify the name of the speaker, their city of residences/or organization they represent (if provided by the speaker), and identify the subject to which their comments are being submitted. If commenting on a specific agenda item, the minutes will record the speaker’s name, their city of residences/or organization they represent (if provided), and identify if they are speaking in support or opposition of that item.
- (e) Notwithstanding any provision in these Rules to the contrary, no Memorandum of Understanding, or amendment, codicil, side letter, or any other modification to a Memorandum of Understanding, including any such documents negotiated pursuant to a reopener clause, between the Orange County Fire Authority and any employee bargaining unit (“proposed labor agreement”), shall be heard as an item on a Board agenda until and unless, at the time of the meeting during which the matter is heard by the Board, seven days has passed since the later of the following to occur: (1) the Clerk of the Authority has published a copy of the proposed document on the OCFA public website; and (2) the members of the employee bargaining unit have ratified the proposed labor agreement.

RULE 3. ORDER OF BUSINESS FOR MEETINGS OF THE BOARD OF DIRECTORS

(a) The business for regular meetings of the Board shall include:

Invocation
Pledge of Allegiance
Roll Call
Presentations
Committee Reports
Fire Chief's Report
Public Comments
Minutes
Consent Calendar

(1) Agenda review at call of the Chair to identify those items on the Consent Calendar which a member of the Board or public requests the opportunity to discuss.

(2) Approval at the call of the Chair of those items for which there is no request for discussion.

(3) Discussion of items that the public has requested an opportunity to discuss shall be taken in sequential order.

Public Hearing(s)
Discussion Calendar
Closed Session
Closed Session Report
Adjournment

The Chair may alter or deviate the order of business.

(b) Lengthy Meeting Rule: During the transition between the Board's consideration of agenda items, any member of the Board may request that the Chair take a brief moment from the agenda at hand to discuss which items will be considered during the meeting and those that may be continued to the next meeting.

(c) Decisions to continue items to a future meeting shall be approved by majority vote of the Board members present.

RULE 4. MOTIONS DURING MEETINGS OF THE BOARD OF DIRECTORS

(a) Action of the Board shall be taken by motion. Any action of the Board may be proposed by the motion of any Member. Such a motion, if seconded by any member, shall be on the floor and must be considered, unless a substitute motion has been made, seconded, and adopted. If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the Chair.

(b) A motion may be withdrawn or amended by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the original motion shall remain on the floor. The second to a motion may be withdrawn by the seconder at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another Member.

- (c) After a motion has been seconded, any Member may discuss the subject of the motion. The Chair may, on any motion, call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.
- (d) A motion to reconsider the vote on an agenda item may be made at the meeting at which the item was acted upon, or any adjourned session of the same meeting.

RULE 5. DECORUM FOR PUBLIC MEETINGS

- (a) Members of the Board shall conduct themselves in an orderly and business-like manner to ensure that the business of the Authority shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the Board is maintained at all times. Members of the Board shall maintain a polite, respectful, and courteous manner when addressing one another, Authority staff, and members of the public during the meetings.
- (b) Subject to direction by a majority of the Board, the Chair, or in the Chair's absence the Vice Chair, or in their absence any other member designated by the Board, shall be responsible for resolving all procedural issues and for maintaining the orderly conduct and decorum of meetings. It shall be the duty of the Chair to ensure that the rules of decorum contained herein are observed. The Chair shall maintain control of communication among Board Members, and between Board Members and the public.
- (c) Communication by Board Members
 1. Board Members should be recognized by the Chair before speaking.
 2. A Board Member who is speaking shall remember that the purpose of the meeting is to attend to and resolve Authority business. Board Members shall avoid repetition and shall endeavor to limit their comments to the subject matter at hand. Board Members shall endeavor to express their views without engaging in lengthy debates.
 3. When one Board Member is speaking, other Board Members shall not interrupt or otherwise disturb the speaker.
- (d) Communication with members of the public addressing the Board.
 1. Board Members may question the person addressing the Board at the conclusion of the person's comments. A Board Member wishing to ask questions of a member of the public should first be recognized by the Chair.
 2. Board Members shall not engage the person addressing the Board in a dialogue, but shall confine communication to a question and answer format.
 3. If a member of the audience has addressed the Board on matters which are not on the agenda, Board Members shall refrain from extended discussions of the matter. If a Board Member so wishes, he/she may, during the Board Member Comments portion of the meeting, request that the matter be placed on a future agenda.

- (e) Authority Staff shall not engage in a dialogue with members of the public during Board meetings. When addressed by the Board, staff shall respond in a polite and respectful manner.
- (f) Members of the Audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, and stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the Board meeting unfeasible. A member of the audience engaging in any such conduct shall, at the discretion of the Chair or a majority of the Board Members, be subject to removal from that meeting.
- (g) Members of the public may address the Board of Directors during the Public Comment Period and prior to the consideration of any agenda item Any person wishing to speak, whether during the Public Comment Period or on an agenda item, shall first complete a request to speak form slip and submit the form to the Authority Clerk prior to the calling to order of the meeting or as soon as possible thereafter.
- (h) No person shall address the Board of Directors without first being recognized by the Chair.
- (i) The purpose of addressing the Board of Directors is to formally communicate to the Board on matters relating to Authority business or citizen concerns within the subject matter jurisdiction of the Board. Persons addressing the Board on an agenda item shall confine the subject matter of their remarks to the particular matter before the Board.
- (j) Each person addressing the Board of Directors shall do so in an orderly manner and shall not engage in any conduct, which disrupts, disturbs, or otherwise impedes the orderly conduct of the Board meeting. Any person, who so disrupts the meeting shall, at the discretion of the Chair or a majority of the Board Members, be subject to removal from that meeting.
- (k) Persons addressing the Board of Directors shall address the Board as a whole and shall not engage in a dialogue with individual Board Members, Authority staff, or members of the audience.
- (l) A time limit of approximately three minutes per person shall be allocated to all persons addressing the Board of Directors, however, at the discretion of the Chair, an individual speaking on behalf of a group sharing common concerns or opinions may be allocated additional time to speak for the group. A total of approximately thirty minutes will be allocated at the beginning of the meeting for Public Comments, with additional time granted at the discretion of the Chair. If needed, additional time for Public Comments will be provided at the conclusion of the normal business of the Board.
- (m) Upon a violation of the rules of decorum established herein, the procedure to enforce the rules is as follows:
 - 1. Warning: The Chair shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Chair, the person persists in violating these rules, the Chair shall order a recess. Any representative of the local assigned law enforcement personnel who is present

at the meeting when the violation occurred shall be authorized to warn the person that his/her conduct is violating the rules and that he/she is requested to cease such conduct. If upon resumption of the meeting the violation persists, the Chair shall order another recess, whereupon the local assigned law enforcement personnel shall have the authority to order the person removed from the meeting and/or cited in violation of Penal Code Section 403.

2. Motion to Enforce: If the Chair of the Board fails to enforce the rules of decorum set forth herein, any Board Member may move to require the Chair to do so, and an affirmative vote of a majority of the Board shall require the Chair to do so. If the Chair fails to carry out the will of the majority of the Board, the majority may designate another Board Member to act as Chair for the limited purpose of enforcing the rules of decorum established herein.
3. Clearing the Room: Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the Board Members the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this Section 54957.9.
4. Violation of the California Penal Code: A person or persons who substantially impair(s) the conduct of a Board meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

RULE 6. ELECTION OF CHAIR AND VICE CHAIR OF THE BOARD OF DIRECTORS/ABSENCE OF PRESIDING OFFICER

- (a) The officers of the Board are the Chair and Vice Chair.
- (b) Elections for Chair and Vice Chair shall be held at the first meeting of each calendar year.

The method of nomination and election of the Chair and Vice Chair will be at the discretion of the Board.

- (c) The Presiding Officer of the Board shall be the Chair, or in the Chair's absence the Vice Chair, followed by the Immediate Past Chair, then the Budget and Finance Committee Chair.

RULE 7. RETENTION OF EXHIBITS AND DOCUMENTARY MATERIAL RECEIVED IN HEARINGS BEFORE THE BOARD OF DIRECTORS

All exhibits, including documentary materials such as photographs, drawings, maps, letters, petitions, and other physical evidence received by the Board at hearings shall be retained by the Clerk as part of the record of the hearings. To the extent possible, the

Clerk may furnish copies of such materials to persons requesting them upon payment of the fee prescribed for copies of public records.

RULE 8. CEREMONIAL FUNCTIONS AND PROCLAMATIONS

The Chair is authorized to represent the Authority at ceremonial functions, proclamation ceremonies, and other similar events when the Board has not otherwise designated one of its Members to represent the Authority.

RULE 9. THE EXECUTIVE COMMITTEE

- (a) The Executive Committee shall conduct all business of the Authority, with the exception of policy issues, including labor relations, budget issues, and other matters specifically retained by the Board of Directors.
- (b) The Executive Committee shall consist of no more than nine members of the Board of Directors. Members of the Executive Committee shall serve until a new member is seated in their stead by virtue of appointment or assumption of one of the designated positions. The Executive Committee membership is comprised of the following designated positions: the Chair and Vice Chair of the Board of Directors, the immediate past Chair of the Board, and the Chair of the Budget and Finance Committee. In addition, membership as constituted, shall include at least one member of the County Board of Supervisors. The Chair shall appoint the remaining at-large members, who shall serve subject to approval by majority vote of the Directors present at a subsequent meeting. Said members are authorized to serve pending such vote of the Board. In the selection of at-large members, appointments shall be made in such a manner as to achieve approximately the ratio of cash contract cities to total member agencies of the Authority. The Chair of the City Managers Technical Advisory Committee shall serve as the ex officio non-voting member of the Executive Committee and shall not be included in the determination of a quorum for any meeting.
- (c) The Chair shall appoint a three-member panel of structural fire fund Alternate Directors and a three-member panel of cash contract city Alternate Directors. If an at-large member of the Executive Committee notifies the Clerk of the Authority that he or she cannot attend an Executive Committee meeting, the Clerk shall call, on a rotating basis, Alternate Directors from the respective panels in an attempt to replace a structural fire fund Director with a structural fire fund Alternate and/or a cash contract city Director with a cash contract city Alternate, as the case may be.

In the absence of the member of the Executive Committee representing the County Board of Supervisors, the Alternate voting member shall be the second regular member of the Board of Directors representing the County Board of Supervisors.

In the absence of the Budget and Finance Chair, the Alternate voting member shall be the Vice Chair of the Budget and Finance Committee.

Should the position of Immediate Past Chair on the Executive Committee become vacant, the most recent past Chair, who is a Director and who is not currently seated on the Executive Committee, shall serve in that capacity. Should there be no prior Board Chair on the Board of Directors, the current Director with the most tenure

and not currently seated as a member of the Executive Committee will be seated on the Executive Committee and shall serve in the interim until there is an Immediate Past Chair.

There shall be no Alternate Directors appointed in the absence of the Chair, Vice Chair, or immediate past Chair.

Should the Board Chair or Vice Chair be unable to officiate over a Board and/or Executive Committee meeting that the Immediate Past Chair followed by the Budget and Finance Committee Chair assume the duty of presiding over the meeting.

RULE 10. THE STANDING COMMITTEES

- (a) Standing Committees may be established by the Board of Directors for the purpose of facilitating a thorough review of various issues before presentation to and action by the full Board. Alternate Directors shall not act as alternates for Directors on standing committees.
- (b) The Budget and Finance Committee shall be established as a standing committee. The regular meetings of the Budget and Finance Committee will be on the second Wednesday of each month, with the exception of August and December, at 12 noon located in Classroom 1 (Board Breakout Room) at the RFOTC. Special meetings may occur on other dates, times, and/or locations as noticed.
 - (1) The Chair shall make all appointments to the Budget and Finance Committee. Appointments to the Budget and Finance Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
 - (2) At the first meeting of the Budget and Finance Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Budget and Finance Committee shall elect from their members a Chair and Vice Chair of the Committee.
 - (3) The Chair, or in his/her absence, the Vice Chair, of the Budget and Finance Committee shall serve as a member of the Executive Committee.
 - (4) Items for the agenda for any regular meeting of the Budget and Finance Committee shall be included on the agenda only with the approval of the Committee Chair or the Staff Liaison.
 - (5) The Board of Directors, through the Chair, shall appoint one City Manager to the Budget and Finance Committee. The City Manager shall serve as an ex officio non-voting member of the Budget and Finance Committee. As an ex officio member, the City Manager shall not be included in the determination of a quorum for any meeting.
- (c) The Human Resources Committee shall be established as a standing committee. The regular meetings of the Human Resources Committee will be established by the Committee. The date and time selected by the Human Resources Committee is to meet on a quarterly basis on the first Tuesday during the months of February, May, August, and November at 12 noon. The Human Resources Committee will

meet in Classroom 1 (Board Breakout Room) at the RFOTC. Special meetings may occur on other dates, times, and/or locations as noticed.

- (1) The Human Resources Committee shall not exceed seven members of the Board of Directors. The Chair shall make all appointments to the Human Resources Committee. Appointments to the Human Resources Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
- (2) At the first meeting of the Human Resources Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Human Resources Committee shall elect from its members a Chair and Vice Chair of the Committee.
- (3) Staff to the Committee will be the Human Resources Director or his or her designee. Additional subject matter experts may attend Committees as necessary.
- (4) The Human Resources Committee shall advise OCFA staff and make recommendations to the Board of Directors on matters regarding human resources policies; job class specifications, compensation programs; benefit changes and renewals; employment-related matters that present a significant exposure to litigation to the Authority; labor negotiations; staff training, development and recognition programs; succession planning; risk management and workers' compensation policies; and development of management/performance evaluation and information systems.

(d) The Legislative and Public Affairs Committee shall be established as a standing committee. The Legislative and Public Affairs Committee shall meet on a quarterly basis on the third Wednesday during the months of January, April, July and October at 12 noon. The Legislative and Public Affairs Committee will meet in the Classroom 1 (Board Breakout Room) at the RFOTC. Special meetings may occur on other dates, times, and/or locations as noticed.

- (1) The Legislative and Public Affairs Committee shall not exceed seven members of the Board of Directors. The Chair shall make all appointments to the Legislative and Public Affairs Committee. Appointments to the Legislative and Public Affairs Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
- (2) At the first meeting of the Legislative and Public Affairs Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Legislative and Public Affairs Committee shall elect from its members a Chair and Vice Chair of the Committee.
- (3) Staff to the Committee will be the Assistant Chief of Business Services and Director of Communications or his or her designee. Additional subject matter experts may attend Committees as necessary.
- (4) The Legislative and Public Affairs Committee shall advise on matters related to public outreach and legislative affairs at the local, state, and federal levels. The LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE reviews and

provides recommendations on legislative and regulatory matters that may impact the OCFA. The Committee shall receive status reports from OCFA's legislative advocates and staff. In addition, the Committee will review and provide recommendations pertaining to OCFA's public outreach, branding, communications activities, and will evaluate opportunities to enhance OCFA public relations.

(e) The Operations Committee shall be established as a standing committee. Operations Committee shall meet on a quarterly basis on the second Tuesday during the months of February, May, August and November at 12 noon. The Operations Committee will meet in the Classroom 1 (Board Breakout Room) at the RFOTC. Special meetings may occur on other dates, times, and/or locations as noticed.

(1) The Operations Committee shall not exceed seven members of the Board of Directors. The Chair shall make all appointments to the Operations Committee. Appointments to the Operations Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.

(2) At the first meeting of the Operations Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Operations Committee shall elect from its members a Chair and Vice Chair of the Committee.

(3) Staff to the Committee will be the Deputy Chief of Operations or his or her designee. Additional subject matter experts may attend Committees as necessary.

(4) The Operations Committee shall advise the Executive Committee and Board of Directors on high level policy decisions related to the operations of the OCFA. The committee review plans for future needs of the OCFA, explores alternatives to services, and makes recommendations to support operations. The committee is not intended to get into the day to day operations of the Fire Authority. The day to day operations is the responsibility of the Fire Chief and Executive Management.

RULE 11. DESIGNATED LABOR NEGOTIATORS

(a) For purposes of holding a closed session concerning compensation and benefits for the Fire Chief, the Board of Directors' designated representatives shall be the Chair, the Vice Chair, the Immediate Past Chair, and the Budget and Finance Committee Chair. Should the Board and/or Budget and Finance Committee reorganize prior to the completion of the Fire Chief's evaluation process the negotiators that began the process will complete the evaluation.

(b) For purposes of holding a closed session concerning compensation and benefits for all other represented and unrepresented employees, the Board of Directors' designated representatives shall be the Fire Chief's designee, the Human Resources Director and any other representative so designated at a meeting of the Board of Directors.

RULE 12. PROVISION OF REQUESTED MATERIALS BY BOARD MEMBERS

(a) Should an individual Board Member request information or materials that: (i) are not currently maintained by the OCFA in its normal course of business, and (ii) would require significant staff resources for research or analysis to create a document or to prepare or compile the information, then the requesting Board Member shall seek approval from the Board Chair who shall either approve the request or agendaize the consideration to authorize the request at the next Board meeting.

(b) Should a Board Member or a member agency make a Public Records Act request for official business purposes, in keeping with the current fee schedule, the Board Member or its member agency will not be charged a fee for this service. This privilege is not to be used as a means for members of the public to circumvent the fees approved by the Board of Directors associated with records requests. Any records produced in response to a Board Member or member agency official business requests shall be made available to all Board Members along with a summary of the hard and soft costs involved in the provision of the requested records.

(c) Any Board Member requesting records for purposes other than official use will be charged any applicable fees approved by the Board of Directors that are associated with the request.

RULE 13. COMPENSATION/REIMBURSEMENT FOR EXPENSES

(a) Compensation: Members of the Board of Directors are entitled to receive \$100 per meeting per day, with a maximum of \$300 per month, for voting member attendance at OCFA publicly noticed (Brown Act compliant) meetings and the monthly Chair/Chief meeting.

(b) Authorized Expenses: OCFA funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized OCFA business. The following types of occurrences qualify a Board Member to receive payment and/or reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses, and generally constitute authorized expenses, as long as the other requirements of this policy are met:

- 1) Communicating with representatives of regional, state and national government on OCFA adopted policy positions;
- 2) Attending conferences designed to improve Board Member's expertise and information levels, including, but not limited to, ethics training required pursuant to California Government Code Section 53234;
- 3) Participating in regional, state and national organizations whose activities affect OCFA's interests;
- 4) Recognizing service to OCFA (for example, acknowledging a longtime employee with a retirement gift or celebration of nominal value and cost);
- 5) Attending OCFA events.

All other expenditures require prior approval by the OCFA Board of Directors at a public meeting. The following expenses also require prior Board of Directors' approval:

- 1) International travel;

- 2) Expenses exceeding \$2,500 per person, per trip.

Examples of personal expenses that OCFA will not reimburse include, but are not limited to:

- 1) The personal portion of any trip;
- 2) Political contributions or events;
- 3) Family expenses, including partner's expenses when accompanying a Board Member on OCFA-related business, as well as children or pet-related expenses;
- 4) Charitable contributions or events, unless the event has a direct relationship to OCFA business, (for example, acknowledging extraordinary deeds by OCFA personnel) is approved by the Fire Chief and does not exceed \$250;
- 5) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- 6) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- 7) Personal losses incurred while on OCFA business.

Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

- (c) Expense and Reimbursement Guidelines: To conserve OCFA resources and keep expenses within appropriate standards for public officials, expenditures, whether paid directly by OCFA or reimbursed to a Board Member, Members should adhere to the following guidelines. Unless otherwise specifically provided, reimbursement for travel, meals, lodging, and other actual and necessary expenses shall be at the Internal Revenue Service rates presently in effect as established in Publication 463 or any successor publication.

Transportation: The most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements must be used, using the most direct and time-efficient route. In the event that a more expensive transportation form or route is used, the cost borne by OCFA will be limited to the cost of the most economical, direct, efficient and reasonable transportation form. Government and group rates offered by a provider of transportation services shall be used when available.

Automobile mileage is reimbursable at Internal Revenue Service rates in effect at the time of travel (see www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

Reasonable and necessary charges for public transportation, taxi, or shuttle service are reimbursable at actual cost with receipts.

Rental vehicles may be used during out-of-county travel and will be reimbursed at actual cost. Rental vehicles may be used when the efficient conduct of OCFA business precludes the use of other means of transportation or when car rental is the

most economical mode available. Itemized original receipts must be submitted with vehicle rental claims.

Lodging: Actual lodging costs will be reimbursed or paid for when travel on official OCFA business reasonably requires an overnight stay. If such lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the group rate published by the conference or activity sponsor for the meeting in question, provided that the group rate is available at the time of booking. Government and group rates offered by a provider of lodging services shall be used when available.

Non-reimbursable lodging-related expenses include, but are not limited to, costs for an extra person staying in the room, costs related to late checkout or uncanceled reservations, in-room pay-per-view movie rentals, and non-OCFA business related phone calls. Itemized receipts must accompany claims for lodging reimbursements.

Meals: Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. OCFA will pay the actual cost of the meals, but will not pay for alcohol/personal bar expenses.

Telephone/Fax/ Cellular: Board Members will be reimbursed for actual telephone and fax expenses incurred on OCFA business. Telephone bills should identify which calls were made on OCFA business. For cellular calls when the Board Member has a particular number of minutes included in the Board Member's plan, the Board Member can identify the percentage of calls made on OCFA business.

Airport Parking: Long-term parking should be used for travel exceeding 24-hours. OCFA will pay the actual cost of long-term parking.

Other: Baggage handling at then current airport baggage rates per bag and gratuities of up to 15 percent will be reimbursed.

Miscellaneous: Actual expenses for registration, tuition, and parking are reimbursable for OCFA authorized business. Miscellaneous expenses must be supported with itemized receipts.

Expenses for which Board Members receive reimbursement from another agency are not reimbursable.

- (d) **Expense Report Content and Submission Deadline:** Expense reports must document that the expense in question meet the requirements of the policy. For example, if the meeting is with a legislator, the Board Member should explain whose meals were purchased, what issues were discussed and how those relate to the Authority's adopted legislative positions and priorities.

Board Members must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.

- (e) **Audits of Expense Reports:** All expenses are subject to verification of compliance with this policy.

- (f) Reports to Governing Board: At the following Board of Directors' meeting, each Board Member shall briefly report on meetings attended at OCFA expense. If multiple Board Members attended, a joint report may be made.
- (g) Compliance with Laws: Board Members should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act.
- (h) Violation of this Policy: Misuse of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to OCFA, 3) OCFA's reporting the expenses as income to the elected official to state and federal tax authorities, and 4) prosecution for misuse of public resources.

RULE 14. DISCLOSURE OF CLOSED SESSION INFORMATION

All information presented to the Board in closed session shall be confidential. However, a Board Member may disclose information obtained in a closed session that has direct financial or liability implications for the Board Member's local agency to the following individuals:

- (a) Legal counsel of the Board Member's local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency; and/or
- (b) Other members of the legislative body of the Board Member's local agency present in a closed session of that local agency.

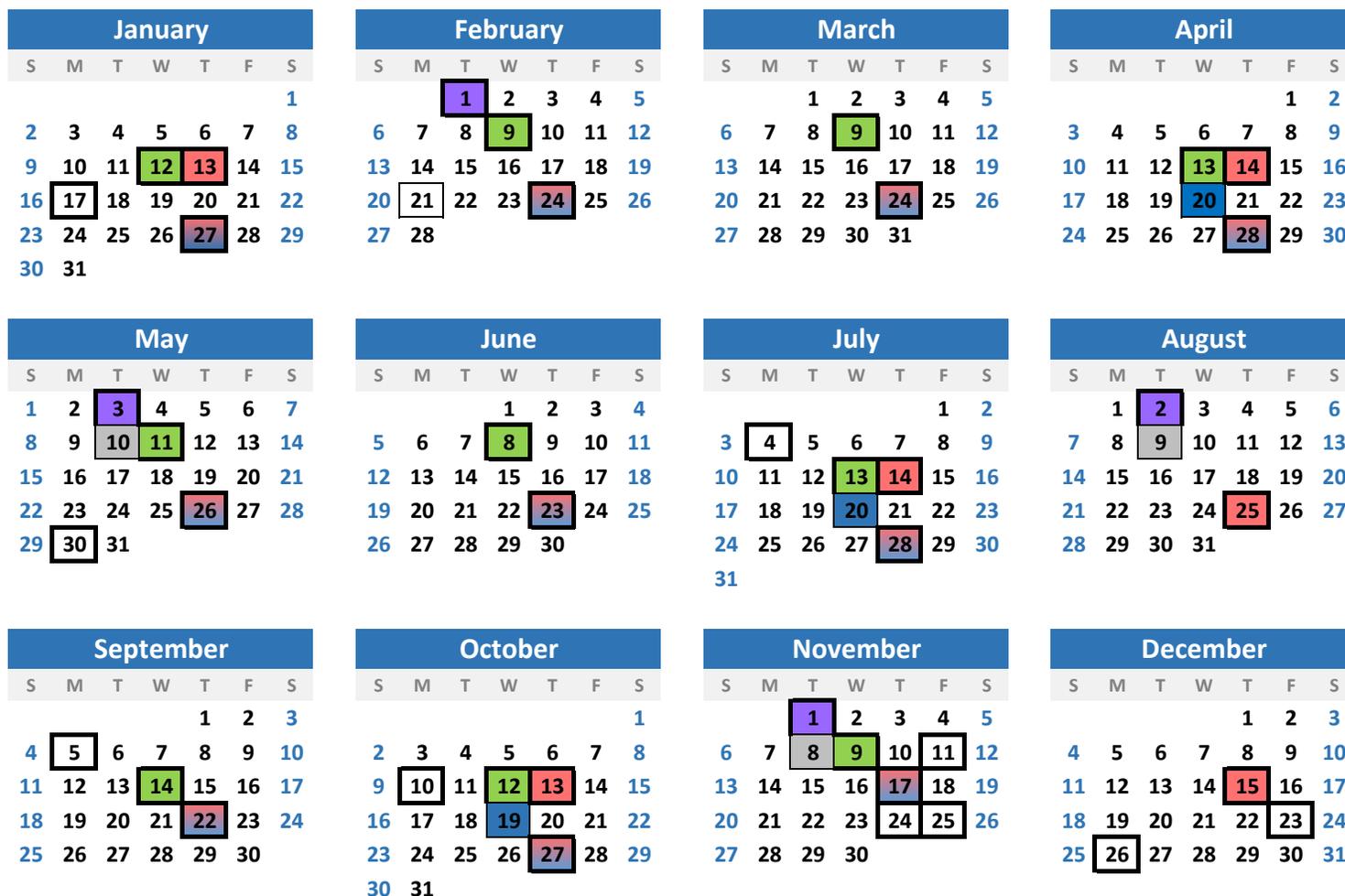
Prior to disclosing any information obtained in a closed session to legal counsel of the Board Member's local agency or other members of the legislative body of the Board Member's local agency, the Board Member shall notify OCFA General Counsel of the intention to discuss the matter with their local agency's legal counsel or other members of the legislative body in order to afford General Counsel the opportunity to discuss with their local agency's legal counsel whether the matter has direct financial or liability implications for the Board Member's local agency.

RULE 15. AMENDMENT OF RULES OF PROCEDURE

No rule of the Board shall be adopted or amended except by resolution adopted by the Board.

Orange County Fire Authority Board of Directors & Committee Meetings

Calendar Year 2022 - Regular and Special Joint Meetings Preliminary Calendar of Proposed Meeting Dates



LEGEND:

- Holiday - RFOTC Closed
- Regular Budget & Finance Committee Meeting (Meets on the 2nd Wednesday of the Month @ 12 noon)
- Human Resources Committee (Meets Quarterly @ 12 noon)
- Regular Executive Committee & Board of Directors Meeting (Meets on 4th Thursday of the Month @ 5:30 p.m. and 6 p.m. respectively) (in addition to proposed concurrent Special Joint Mtg.)
- Special Joint Mtg. of the Board of Directors and all committees, pursuant to AB361 requirement to adopt findings at least every 30-days 1/13/22, 4/14/22, 7/14/22, 10/13/22, 12/15/22)
- Legislative and Public Affairs Committee (Proposed to Meet Quarterly @ 12 noon)
- Operations Committee (Proposed to Meet Quarterly @ 12 noon)

Calendar Year 2022 - Regular and Special Joint Meetings
Preliminary Calendar of Proposed Meeting Dates for Operations and Legislative Committees

MEETING DATE	MEETING
Wednesday, January 12, 2022	BFC @ 12 pm
Thursday, January 13, 2022	Special Joint Mtg. of the Board and all committees @ 6 pm
Thursday, January 27, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Tuesday, February 1, 2022	HRC @ 12 pm
Wednesday, February 9, 2022	BFC @ 12 pm
Thursday, February 24, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Wednesday, March 9, 2022	BFC @ 12 pm
Thursday, March 24, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Wednesday, April 13, 2022	BFC @ 12 pm
Thursday, April 14, 2022	Special Joint Mtg. of the Board and all committees @ 6 pm
Wednesday, April 20, 2022	Legislative @ 12 noon
Thursday, April 28, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Tuesday, May 3, 2022	HRC @ 12 pm
Tuesday, May 10, 2022	OC @ 12noon
Wednesday, May 11, 2022	BFC @ 12 pm
Thursday, May 26, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Wednesday, June 8, 2022	BFC @ 12 pm
Thursday, June 23, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Wednesday, July 13, 2022	BFC @ 12 pm
Thursday, July 14, 2022	Special Joint Mtg. of the Board and all committees @ 6 pm
Wednesday, July 20, 2022	Legislative @ 12 noon
Thursday, July 28, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Tuesday, August 2, 2022	HRC @ 12 pm
Tuesday, August 9, 2022	OC @ 12noon
Thursday, August 25, 2022	Special Joint Mtg. of the Board and all committees @ 6 pm
Wednesday, September 14, 2022	BFC @ 12 pm
Thursday, September 22, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Wednesday, October 12, 2022	BFC @ 12 pm
Thursday, October 13, 2022	Special Joint Mtg. of the Board and all committees @ 6 pm
Wednesday, October 19, 2022	Legislative @ 12 noon
Thursday, October 27, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Tuesday, November 1, 2022	HRC @ 12 pm
Tuesday, November 8, 2022	OC @ 12noon
Wednesday, November 9, 2022	BFC @ 12 pm
Thursday, November 17, 2022	EC & BOD @ 5:30 pm & 6 pm (In addition to proposed concurrent Special Joint Mtg.)
Thursday, December 15, 2022	Special Joint Mtg. of the Board and all committees @ 6 pm

LEGEND:

BFC = Regular Budget & Finance Committee Meeting (Meets on the 2nd Wednesday of the Month @ 12 noon)

EC & BOD = Regular Executive Committee & Board of Directors Meeting (Meets on 4th Thursday of the Month @ 5:30 p.m. and 6 p.m. respectively) (in addition to concurrent Special Joint Mtg. with all committees)

Special Joint Mtg. of the Board of Directors and all committees, pursuant to AB361 requirement to adopt findings at least every 30-days (1/13/22, 4/14/22, 7/14/22, 10/13/22, 12/15/22)

HRC = Human Resources Committee (Meets Quarterly @ 12 noon)

Legislative = Legislative and Public Affairs Committee (Proposed to Meet Quarterly @ 12 noon)

OC = Operations Committee (Proposed to Meet Quarterly @ 12 noon)



Orange County Fire Authority
AGENDA STAFF REPORT

Concurrent Joint Special Meetings
March 24, 2022

Agenda Item No. 4A
Consent Calendar

Findings Required by AB 361 for the Continued Use of
Teleconferencing for Meetings

Contact(s) for Further Information

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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 emergency¹ 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, and while state or local officials have recommended measures to promote social distancing.

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.²

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.

Although there are fewer "social distancing" recommendations in effect today than there have been in the recent past, it remains the case that State and County officials continue to recommend measures to promote social distancing, including but not limited to the following:

- Cal/OSHA Emergency Temporary Standards (ETS) "exclusion rules" currently in effect require, among other things, exclusion from the workplace of employees who had a close

¹ 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.

² Cal. Gov't Code sec. 54953(e)(3).

contact with an individual with COVID unless the employee is fully vaccinated, does not develop symptoms, wears a face covering, and maintains six feet of distance from others at the workplace for 14 days following the close contact. 8 CCR 3205(c)(9)(B)(1)-(3). See also 8 CCR 3205(c)(10)(D).

- Cal/OSHA ETS also require employers to provide training and instruction that includes “the fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.” 8 CCR 3205(c)(5)(D).
- The County of Orange Health Officer continues to “strongly recommend” that “the older a person is, the more health conditions a person has, and the more severe the conditions, the more important it is to take preventive measures for COVID-19 such as getting vaccinated, including boosters, social distancing and wearing a mask when around people who don’t live in the same household, and practicing hand hygiene.”

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 may 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.