



ORANGE COUNTY FIRE AUTHORITY

AGENDA

Legislative and Public Affairs Committee

Wednesday, October 19, 2022

12 noon

Orange County Fire Authority
Regional Fire Operations & Training Center
Classroom 1

One Fire Authority Road
Irvine, CA 92602

Committee Members

Joe Kalmick, Chair • Kathy Ward, Vice Chair
Ross Chun • Anne Hertz-Mallari • Anthony Kuo • Sandy Rains • Don Wagner

NOTICE REGARDING PUBLIC ACCESS AND PARTICIPATION

This meeting is open to the public. Committee members will participate in person. There are several alternative ways to make comments including:

In Person Comments at Meeting: Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Committee on items within their subject matter jurisdiction, but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Committee and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience.

If you wish to speak, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to item being considered. Speaker Forms are available at the entryway of meeting location.

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

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 Committee 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>



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.

CALL TO ORDER by Chair Kalmick

PLEDGE OF ALLEGIANCE by Director Kuo

ROLL CALL by Clerk of the Authority

PUBLIC COMMENTS

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

1. PRESENTATION

No items.

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 Legislative and Public Affairs Committee Meetings

Submitted by: Maria 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:

1. Approve the Minutes for the July 20, 2022, Regular Meeting as submitted.
2. Approve the Minutes for the July 28, 2022, Concurrent Joint Special Meeting as submitted.
3. Approve the Minutes for the August 25, 2022, Concurrent Joint Special Meeting as submitted.

3. DISCUSSION CALENDAR

A. Quarterly Legislative Update

Submitted by: Robert Cortez, Assistant Chief/Business Services Department and Jay Barkman, Legislative Affairs Manager

Recommended Action:

Receive and file the report.

B. 2023-2024 Draft Legislative Platform

Submitted by: Robert Cortez, Assistant Chief/Business Services Department and Jay Barkman, Legislative Affairs Manager

Recommended Action:

1. Review the draft 2023-2024 Legislative Platform.
2. Direct staff to return to the January 18, 2023, meeting of the Legislative and Public Affairs Committee for final adoption of the 2023-2024 Legislative Platform.

C. Quarterly Public Affairs Update

Submitted by: Matt Olson, Director of Communications/Corporate Communications and Sophia Champieux, Public Relations Manager/Corporate Communications

Recommended Action:

Receive and file the report.

D. Board of Director Requested Item - Options for Teleconferencing During Public Board and Committee Meetings

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

Recommended Action:

Review the proposed agenda item and direct staff to place the item on the agenda for the Board of Directors meeting of October 27, 2022, with the Legislative & Public Affairs Committee's recommended selection from among the following teleconference options for the Board of Directors to adopt:

- Option 1** **Staff's Recommendation** (discontinue teleconferencing): Return to all in-person meetings of the Board and Committees; or
- Option 2** (status quo/AB 361): Continue not to allow teleconferencing except pursuant to AB 361; or
- Option 3** (traditional Brown Act teleconferencing): Direct staff to return with a policy and procedures to enable teleconferencing under the "traditional" teleconference provisions in the Brown Act; or
- Option 4** (AB 2449 teleconferencing): Direct staff to return with a policy and procedures to enable teleconferencing pursuant to AB 2449 effective January 1, 2023.

REPORTS

No items.

COMMITTEE MEMBER COMMENTS

ADJOURNMENT – The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, January 18, 2023, at 12:00 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 AGENDA ITEMS – THREE-MONTH OUTLOOK:

- Legislative Quarterly Update
- Public Affairs Quarterly Update
- End of Year Legislative Recap
- 2023-24 Legislative Platform

UPCOMING MEETINGS:

Executive Committee	Thursday, October 27, 2022, 5:30 p.m.
Board of Directors	Thursday, October 27, 2022, 6:00 p.m.
Concurrent Joint Special Meeting of the Board of Directors and Committees	Thursday, October 27, 2022, 6:00 p.m.
Human Resources Committee	Tuesday, November 1, 2022, 12 noon
Operations Committee	Tuesday, November 8, 2022, 12 noon
Budget and Finance Committee	Wednesday, November 9, 2022, 12 noon
Concurrent Joint Special Meeting of the Board of Directors and Committees	Thursday, November 17, 2022, 6:00 p.m.
Executive Committee	Thursday, November 17, 2022, 5:30 p.m.
Board of Directors	Thursday, November, 17, 2022, 6:00 p.m.

MINUTES ORANGE COUNTY FIRE AUTHORITY

Legislative and Public Affairs Committee

Regular Meeting

Wednesday July 20, 2022

12:00 Noon

Regional Fire Operations and Training Center

Board Room

1 Fire Authority Road

Irvine, CA 92602

CALL TO ORDER

A regular meeting of the Legislative and Public Affairs Committee was called to order on Wednesday, July 20, 2022, at 12:00 p.m. by OCFA Board Vice Chair Anthony Kuo.

PLEDGE OF ALLEGIANCE

Director Wagner led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL

Present: Anthony Kuo, Irvine*
Ross Chun, Aliso Viejo*
Anne Hertz-Mallari, Cypress*
Joe Kalmick, Seal Beach*
Sandy Rains, Laguna Niguel*
Kathy Ward, San Clemente*
Donald P. Wagner, County of Orange*

Absent: None

Also present were:

Fire Chief Brian Fennessy
Deputy Chief Kenny Dossey
Director of Communications Matt Olson
Clerk of the Authority Maria D. Huizar

Assistant Chief Stephanie Holloman
Assistant Chief Robert Cortez
Assistant Chief Lori Smith
General Counsel David Kendig

PUBLIC COMMENTS

Vice Chair Kuo opened the Public Comment portion of the meeting and as there were no comments, closed the Public Comment portion of the meeting.

1. PRESENTATION

No items.

2. CONSENT CALENDAR

No items.

3. DISCUSSION CALENDAR

A. Election of Committee Chair and Vice Chair (FILE 12.02E1)

Vice Chair Kuo introduced the process of the Election of Committee Chair and Vice Chair.

On motion of Director Ward and second by Director Wagner, and following a roll call vote, declared passed 7-0 to approve the process as proposed for the election of a Committee Chair and Vice Chair.

Director Ward nominated Director Kalmick for Chair; with a second by Director Kuo.

There were no additional nominations.

Director Chun motioned to close the nominations, with a second by Director Wagner. Director Kalmick accepted the nomination.

On motion of Director Chun and second by Director Wagner, and following a roll call vote, declared 7-0 Director Kalmick Chair for the ensuing term until April 2023.

Vice Chair Kuo opened the nominations for Committee Vice Chair.

Director Kalmick nominated Director Ward for Vice Chair; with a second by Director Kuo. Director Ward accepted the nomination.

Director Rains moved to close the nominations, with a second by Director Wagner, and following a roll call vote, declared 7-0 Director Ward as Vice Chair for the ensuing term until April 2023.

Newly elected Chair Kalmick requested that Vice Chair Kuo continue to chair the balance of the Committee meeting.

B. Quarterly Legislative Update (FILE 11.10F1)

Assistant Chief Robert Cortez introduced Legislative Affairs Manager Jay Barkman who presented the Quarterly Legislative Update, and introduced two legislative firms and their representatives, Senior Policy Advisor Lisa Barkovic of Holland and Knight, and Partner John Moffatt of Nielsen Merksamer.

On motion of Director Ward and second by Director Wagner, and following a roll call vote, approved 7-0 to receive and file the report.

C. Quarterly Public Affairs Update (FILE 11.10F1)

Director of Communications Matt Olson presented the Quarterly Public Affairs Update. He introduced OCFA Public Relations Manager Sophia Champieux who provided background to the recently released Drowning Prevention public service announcements.

On motion of Director Kalmick and second by Director Ward, and following a roll call vote, approved 7-0 to receive and file the report.

D. 2022-2023 Preliminary Legislative & Public Affairs Committee Calendar (FILE 12.02E1 and 12.02E2)

Assistant Chief Robert Cortez presented the 2022-2023 Preliminary Legislative & Public Affairs Committee Calendar.

Discussion ensued.

On motion of Director Wagner and second by Director Rains, and following a roll call vote, approved 7-0 to receive and file the 2022-2023 preliminary Legislative & Public Affairs Committee calendar.

REPORTS

No items.

COMMITTEE MEMBER COMMENTS

None.

ADJOURNMENT - Vice Chair Kuo adjourned the meeting at 12:57 p.m. The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, October 19, 2022, at 12:00 p.m.

Maria D. Huizar, CMC
Clerk of the Authority

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Legislative and Public Affairs Committee
Concurrent Joint Special Meeting
Thursday, July 28, 2022
9:20 P.M.**

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

CALL TO ORDER

A Concurrent Joint Special Meeting of the Orange County Fire Authority Board of Directors, Executive, Budget and Finance, Human Resources, Legislative & Public Affairs, and Operations Committees was called to order on July 28, 2022, at 9:20 p.m. by Board of Directors Chair Michele Steggell.

ROLL CALL

Present: Joe Kalmick, Seal Beach, Chair*
Kathy Ward, San Clemente, Vice Chair*
Ross Chun, Aliso Viejo*
Anne Hertz-Mallari, Cypress*
Donald P. Wagner, County of Orange*

Absent: Anthony Kuo, Irvine

Sandy Rains, Laguna Niguel

Also present were:

Fire Chief Brian Fennessy
Deputy Chief Kenny Dossey
Assistant Chief Lori Smith
Assistant Chief Jim Ruane
Assistant Clerk Martha Halvorson

Deputy Chief Lori Zeller
Assistant Chief Robert Cortez
Assistant Chief Stephanie Holloman
Assistant Chief TJ McGovern
General Counsel David Kendig

PUBLIC COMMENTS

Chair Steggell opened the Public Comment portion of the meeting and as there were no comments, closed the Public Comment portion of the meeting.

1. DISCUSSION CALENDAR

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings (FILE 12.02E2)

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

On motion of Director Kalmick and second by Director Wagner, and following a roll call vote, approved 4-1 (Director Hertz-Mallari opposed, Directors Kuo and Rains absent) to select Option # 1 to make the following findings:

- 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.

REPORTS

None.

COMMITTEE MEMBER COMMENTS

None.

ADJOURNMENT – Chair Steggell adjourned the meeting at 9:25 p.m. The next regular meeting of the legislative and public affairs committee is scheduled for Wednesday, October 19, 2022, at 12:00 p.m.

Maria D. Huizar, CMC
Clerk of the Authority

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Legislative and Public Affairs Committee
Concurrent Joint Special Meeting
Thursday, August 25, 2022
6:00 P.M.**

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

CALL TO ORDER

A Concurrent Joint Special Meeting of the Orange County Fire Authority Board of Directors, Executive, Budget and Finance, Human Resources, Legislative & Public Affairs, and Operations Committees was called to order on August 25, 2022, at 6:00 p.m. by Board of Directors Chair Michele Steggell.

ROLL CALL

Present: Joe Kalmick, Seal Beach, Chair*
Kathy Ward, San Clemente, Vice Chair*
Anne Hertz-Mallari, Cypress*
Sandy Rains, Laguna Niguel*
Anthony Kuo, Irvine*
Donald P. Wagner, County of Orange*

Absent: Ross Chun, Aliso Viejo

Also present were:

Fire Chief Brian Fennessy
Assistant Chief Robert Cortez
Clerk of the Authority Maria D. Huizar

Deputy Chief Kenny Dossey
Director of Communications Matt Olson
General Counsel David Kendig

PUBLIC COMMENTS

Chair Steggell opened the Public Comment portion of the meeting and as there were no comments, closed the Public Comment portion of the meeting.

1. DISCUSSION CALENDAR

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings (FILE 12.02E2)

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

On motion of Director Kalmick and second by Director Rains, and following a roll call vote, motion failed in a tied vote of 3-3 (Directors Ward, Hertz-Mallari, Kuo opposed, Director Chun absent) to select Option # 1 to make the following findings:

- 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.

General Counsel Kendig reported that the findings were not approved. AB 361 requires the findings be made at least every 30 days by a legislative body that plans to use AB 361, the absence of those findings will mean that AB 361 teleconferencing is no longer be available to this committee.

REPORTS

None.

COMMITTEE MEMBER COMMENTS

None.

ADJOURNMENT – Chair Steggell adjourned the meeting at 6:35 p.m. The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, October 19, 2022, at 12:00 p.m.

Maria D. Huizar, CMC
Clerk of the Authority



Orange County Fire Authority
AGENDA STAFF REPORT

Legislative and Public Affairs Committee Meeting
October 19, 2022

Agenda Item No. 3A
Discussion Calendar

Quarterly Legislative Update

Contact(s) for Further Information

Robert Cortez, Assistant Chief
Business Services Department

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714.573.6012

Jay Barkman
Legislative Affairs Manager

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714.573.6048

Summary

This item is submitted to provide an update on legislative activities and seek direction from the committee on future items.

Prior Board/Committee Action

Not Applicable.

RECOMMENDED ACTION(S)

Receive and file the report.

Impact to Cities/County

Not Applicable.

Fiscal Impact

Not Applicable.

Background

The attached October 2022 Legislative Report provides a summary of legislation and positions consistent with the OCFA Board approved Legislative Platform. With the legislature adjourned and the Governor having signed or vetoed bills by the September 30th deadline this represents the final bill report for the year.

Oral reports from our Federal and State lobbyists will be presented by both at the committee meeting.

Attachment(s)

October 2022 Legislative Report



Orange County Fire Authority
Legislative & Grants Report

October 2022

State and Federal Legislation

The Governor has now acted on all bills by the September 30th constitutional deadline and no legislation remains for consideration. The 2021-22 California Legislature is adjourned, and barring any emergency that requires them to return, legislators are back in their districts. All 80 assembly seats are up for election, along with 20 of the 40 senate seats, and various local races.

Congress is also on recess with all House seats up for election. Once the election is complete, they will be looking to wrap up their legislative year and return to Washington D.C. on November 14th. Recently, a last-minute deal was reached to avert a shutdown of the government and the passage of a “continuing resolution” to fund federal agencies at prior year levels. Congress will need to finalize appropriation bills in what is hoped to occur in December. Obviously, election results will influence how that final package is shaped. We expect federal programs, grants, and funding for agencies relevant to OCFA to remain largely unchanged in those final negotiations.

Our state and federal lobbyists will provide an up-to-date presentation and oral report at the October 19, 2022, Legislative Public Affairs Committee meeting to discuss past year’s activities and what may occur over coming months due to election results. Bills previously identified as impacting OCFA are listed below along with their final status. You may click on the bill title to follow link to legislative website for additional details.

Clerk of the Authority

[AB 1944 \(Lee\) Local Government Meetings](#)

Not Heard

Position: Monitor

Summary: Allows the use of teleconferencing by a local agency without having to identify each remote location or make them accessible to public. However, a local agency must identify those officials that participate remotely, provide a video stream accessible to the public, and an option for the public to make comments through audio-visual or call-in.

[AB 2449 \(Rubio\) Local Government Meetings](#)

Signed by Governor

Position: Monitor

Summary: Allows the use of teleconferencing by a local agency if at least a quorum of the local body is present in person at a singular location. Limits participation of officials remotely only for just cause, which is defined in the bill to include childcare or caregiving, illness, physical or mental disability that cannot be accommodated, or travel on official agency business.

Communications/Education

[SB 855 \(Newman\) Childhood Drowning Data](#)

Signed by Governor

Position: Support

Summary: Requires the California Department of Public Health (CDPH) to establish a five-year data collection pilot program on fatal and nonfatal childhood drownings and to use the data to develop a water safety action plan and standardized forms for data collection. At OCFA's Executive Committee meeting on June 23, 2022, OCFA Director Don Wagner made a motion that OCFA support this bill. A letter of support has been submitted.

Emergency Command Center (ECC)

[AB 2070 \(Bauer-Kahan\) Electrical Corporations-Notifications to Fire Agencies](#)

Not Heard

Position: Support

Summary: Requires an electrical corporation or utility to notify a fire protection district at least 24 hours before performing scheduled, nonemergency hot work, deploying a safety and infrastructure protection team, or performing a prescribed or controlled burn within the district's jurisdiction.

This bill is supported by the California Fire Chiefs association to improve local readiness and awareness especially during wildfire season.

Emergency Medical Services (EMS)

[AB 1770 \(Rodriguez\) Ambulance Patient Offload Time](#)

Held in Assembly

Position: Support

Summary: Requires the State EMS Authority to take certain actions in collaboration with the Office of Emergency Services and the State Department of Public Health, for the purpose of reducing ambulance patient offload delays, protecting patients from unnecessary and life-threatening impacts to their overall health outcomes, and preparing for surges in demand for emergency medical services.

This bill is supported by the California Fire Chiefs Association.

[AB 2130 \(Cunningham\) EMS Training](#)

Signed by Governor

Position: Monitor

Summary: Requires an EMT-Paramedic, upon initial licensure or renewal, to complete at least 20 minutes of training on issues relating to human trafficking.

Human Resources/Risk Management

[SB 1127 \(Atkins\) Workers Compensation Presumptions](#)

Signed by Governor

Position: Monitor

Summary: Reduces Workers compensation liability presumptions from 90-day time periods to 60 days for all injuries and employees and, for certain injuries or illnesses, including hernia, heart trouble, pneumonia, or tuberculosis, among others, sustained in the course of employment of a specified member of law enforcement or a specified first responder, would reduce those time periods to 30 days.

Fire Prevention/Building Standards

AB 2322 (Wood) Building Standards

Signed by Governor

Position: Monitor

Summary: Requires the Building Standards Commission to adopt, approve, codify, and publish mandatory building standards for fire resistance based on occupancy risk categories in very high, high, and moderate California fire severity zones in state responsibility areas, local responsibility areas, and in land designated as a Wildland-Urban Interface Fire Area by cities and other local agencies.

AB 2672 (Flora) Defensible Space Inspections

Held in Assembly

Position: Monitor

Summary: Authorizes CALFIRE to establish a statewide defensible space and home hardening platform allow property owners to support and augment defensible space inspection requests. The bill seeks to enable greater digital tools to streamline certification and allow a form of “self-certification/inspection”, which has raised some questions and concerns. There is ongoing discussion happening with CALCHIEFS and author.

AB 2705 (Quirk-Silva) Housing Fire Safety Standards

Held in Committee

Position: Monitor

Summary: Require cities and counties to make findings regarding wildfire standards before approving discretionary entitlements for new residential developments in very high fire hazard severity zones (VHFHSZ). The bill is sponsored by California Building Industry Association in what appears to be an effort to create clear and consistent standards across the state for development in the VHFHSZ. Staff is continuing to review and CALCHIEFS is engaged in conversations with the author and sponsors.

Operations

SB 1062 (McGuire) CALFIRE Staffing

Held in Committee

Recommended Position: Monitor

Summary: Requires CalFire to maintain a minimum level of staffing of three firefighters per engine.

Grants

On November 8, 2021, FEMA opened the FY 2021 Assistance to Firefighters Grant (AFG). The AFG Program provides financial assistance directly to fire departments like OCFA to equip and train emergency personnel to recognized standards, enhance operations, foster interoperability, and support community resilience. OCFA applied for structure turnouts and wildland protective clothing to ensure an adequate supply of both compliant with state and federal standards. Award announcements began on July 29, 2022 and will continue on a rolling basis to be announced at this link: <https://www.fema.gov/grants/preparedness/firefighters/assistance-grants#awards>

Current OCFA Grants

2020 AFG: OCFA is proceeding with work on the over \$1.3 million award by FEMA for frontline SCBAs. A team has been formed to lead this project under direction of Deputy Chief Dossey and Assistant Chief Ruane. The OCFA Equipment Committee has received information on the results

of the Request for Information and vendor interview process. A recommendation will now be presented to OCFA's Executive Team so that the solicitation process may proceed. The grant provides OCFA until September 7, 2023, to complete the project.

2020 Fire Prevention and Safety Grant: The award for \$163,586.67 to purchase a new education trailer and props is almost complete. A vendor has been selected and we will request an extension to the grant to allow for the vendor's estimate to deliver by the end of 2022. This item was included in our FY 2021/22 Mid-year Budget Adjustment approved by Board on March 24, 2022.

CAL FIRE Grant: A \$250,794 award for OCFA's Crews and Equipment to purchase equipment was accepted by OCFA's Board of Directors in November 2021.

2018 AFG- Fire Ground Survival: FGS training was completed in November 2021. The NFPA 1521 Incident Safety Officer classes were approved for funding under the grant, and classes are complete. OCFA was also able to use a portion of funds remaining to recently purchase Wildland PPE for personnel that still needed items meeting the newest standards.

CAL FIRE Tree Pest Mitigation: The 2018 award of \$5.4 million has been progressing under our Community Risk Reduction with an original expiration set for 2022. The deadline was recently extended until March 15, 2025. Work is progressing in conjunction with our Crews and Equipment to complete projects identified as priorities by OCFA, County, and our cities.

CAL FIRE Vegetation Management: The OCFA received a direct award grant for \$1,225,000 to support our crews and equipment with the purchase of vehicles, equipment, tools to support vegetation management projects in the SRA. The Board approved the budget for this grant at their June 2022 meeting and Battalion Chief Nathan Arellano is proceeding to implement.



Orange County Fire Authority
AGENDA STAFF REPORT

Legislative and Public Affairs Committee Meeting
October 19, 2022

Agenda Item No. 3B
Discussion Calendar

2023-2024 Draft Legislative Platform

Contact(s) for Further Information

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Business Services Department

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Jay Barkman
Legislative Affairs Manager

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714.573.6048

Summary

This item is submitted to seek direction from the committee on the 2023-2024 Legislative Platform.

Prior Board/Committee Action

The 2021-2022 Legislative Platform was approved by the Board of Directors on January 28, 2021.

RECOMMENDED ACTION(S)

1. Review the draft 2023-2024 Legislative Platform.
2. Direct staff to return to the January 18, 2023, meeting of the Legislative and Public Affairs Committee for final adoption of the 2023-2024 Legislative Platform.

Impact to Cities/County

Not Applicable.

Fiscal Impact

Not Applicable.

Background

The attached “redline” of OCFA’s current legislative platform is included to solicit input and guide discussion over the coming months on the development of the 2023-2024 Legislative Platform. Staff will provide a brief oral presentation on areas proposed for revision and plans for the coming months to finalize the platform. This item will return to the committee for final review at their next meeting on January 18, 2023, before proceeding to the full Board for final adoption.

Attachment(s)

Draft 2023-2024 Legislative Platform

Draft 2023-24 Legislative Platform

Operations and Community Safety

Wildfire Prevention & Suppression

- Support increased state funding of CALFIRE, Contract Counties and other sources of funding for staffing and pre-positioning of resources during high threat periods (winds, drought, flooding)
- Support funding of aerial resources for both suppression and incident awareness and assessment (IAA)
- Support use of technology to forecast high fire risk conditions, wildfire progression (modeling), and monitoring (cameras, sensors, IAA)
- Support funding for education, fuel reduction, and planning to reduce fire ignitions and loss of life during wildfires

Building & Development

- Support funding, tax incentives, and educational programs that encourage home hardening to reduce building ignition during wildfires from embers
- Oppose legislation or efforts to eliminate local discretion and input on developments (housing and commercial) in the Wildland Urban Interface
- Monitor legislation impacting the fire code and related topics (i.e., high rise buildings, hazardous materials, home hardening, etc.)
- Monitor legislation that mandates use of solar energy in new developments, mobile fueling expansion, and proposals for “new energy” infrastructure that impact fire and health safety codes

~~Fireworks~~ Community Safety

- Support legislation and budget proposals that streamline enforcement, licensing and disposal of fireworks or explosive material
- Support legislation and funding for drowning prevention, swim education, and water safety

Arson

- Support stronger penalties and efforts to prosecute arson crimes

Disaster Recovery & UASI

- Support funding for Urban Area Security Initiative (UASI) and other Department of Homeland Security grants that address regional or national threats, emergency preparedness, and communication

Emergency Medical Services and 911 System

BLS/ALS & Transport

- Support measures that increase Medi-CAL reimbursement to fire departments for ambulance transport and paramedic treatment
- Support measures that increase county and city authority to exercise local oversight and administration of the EMS system, including the design of service areas and contracting for service
- Support funding and the adoption of standards that improve firefighter safety
- Oppose mandated training or services by local EMS agencies without funding or cost recovery mechanisms

Alternate Destination & Alternative Transport

- Support legislation that encourages local agencies, either through funding or regulatory reforms, to treat patients by transporting to appropriate alternate destinations

Paramedic Licensing

- Monitor measures that revise paramedic licensing processes and impact OCFA hiring or promotional processes

911 Dispatch

- Support measures that reduce false or abusive use of 911 requests for services
- Support legislation and funding for the improvement or expansion of 911 dispatch centers, and establishing back-up systems and locations for continuity of operations

Homeless and Behavioral Health

- Support legislation that provides resources and alternative avenues of health care to adequately address behavioral health issues

Administrative

Revenues, Fees, & Taxes

- Support the use of state and federal funds for wildfire mitigation, defensible space, and suppression efforts (i.e., California State Greenhouse Gas Reduction Funds, Federal Forestry and other land management agencies)
- Oppose the diversion of local revenues, fees, and taxes by the state (i.e., State takeaways, property tax and sales tax “borrowing, etc.)
- Support legislation to increase cost recovery responding to emergency incidents at institutional facilities that are exempt from contributing to local tax base

- Support legislation to increase cost recovery responding to emergency incidents resulting from illegal activity

Employee Benefits/ Risk Management

- Support measures that limit OCFA's legal or insurance liabilities (i.e., improving efficiency of workers compensation review or settlement of claims)
- Monitor expansion or addition of new presumptive injuries or illnesses that force local agencies to provide benefits without considering if the injury or illness is related to employment
- Support measures that enhance or promote fire service employee safety

JPA Agreement

- Oppose efforts to restrict local control of JPA governance and any restriction on local design of JPA authority

Pensions

- Support measures that reduce liability and increase rate stability for local agencies

Logistics

- Monitor legislation that impacts design/construction of emergency buildings, fire vehicles, or 911 technology systems
- Support legislation that funds fire station construction or assists our member agencies in securing land for station construction
- Support legislation that funds or streamlines planning and installation of electric vehicle charging stations on secured public facilities and infrastructure for the use of essential and public safety employees

2023-2024 Federal Priorities

I. National Urban Search and Rescue Team (US&R)

OCFA is a sponsoring agency of California Task Force 5, one of 28 Task Forces across the country. These are FEMA supported Task Forces that provide a federal response capability to nationally declared disasters. The system provides FEMA with a first responder capability using local agencies and personnel to administer and oversee the program. OCFA is responsible for administering federal funds to train and maintain local personnel and equipment that is deployed to national incidents.

In 2016, authorizing legislation was passed to address Task Force concerns with worker compensation, licensing of civilian members, and employment issues. The Task Forces have since then focused on increasing federal appropriations. Congress has for the last couple of years provided \$38 million annually.

OCFA will work with our national task force partners to advocate for funding the US&R program at \$50 million annually. This is the full cost to replace critical equipment, enhance training, and fund capital replacement/improvement (vehicles, US&R warehouse).

II. DHS & FEMA Grant Programs

OCFA will work with other national groups to support increased federal funding of Fire Act grants from FEMA (SAFER, AFG), Urban Area Security Initiative (UASI) funding from Department of Homeland Security, and the U.S. Fire Administration. Santa Ana and Anaheim receive UASI funds and work with OCFA and other fire/law enforcement agencies to address regional equipment and training needs.

III. Wildfire & Forest Management

2023-24 Topics to consider:

- USFS staffing and resources
- Support federal funding for community level vegetation removal, defensible space, and wildfire prevention/planning

2023-2024 State Priorities

I. Wildfire Mutual Aid Resources (Utilities)

2023-24 Topics to consider:

- Hand crew funding (staffing & equipment)
- FIRIS
- QRF
- OCFA Air Operations

II. Fire Based Ambulance/Paramedic EMS Local Control

Over recent years there have been various efforts to supersede local municipal control of fire-based EMS/ambulance/paramedic service delivery. The California Emergency Medical Services Authority (EMSA) is the state authority responsible for establishing standards for the training and scope of practice for EMS personnel. However, over the last several years the State EMSA has begun considering the establishment of new regulations that will intrude into local control in the design and level of service provided by fire-based municipal EMS agencies.

This effort was opposed by city and fire service leaders across the state, and the EMSA has now paused to allow for a workgroup to meet and discuss with fire service representatives. The OCFA will work with our local member agencies and statewide partners like the League of Cities and California Fire Chiefs Association, and labor representatives to oppose any underground regulations imposed by EMSA on local agencies. Decisions on the design and level of service must continue to be made by local municipal fire-based EMS agencies that have been providing and funding those services.



Orange County Fire Authority
AGENDA STAFF REPORT

Legislative and Public Affairs Committee Meeting
October 19, 2022

Agenda Item No. 3C
Discussion Calendar

Quarterly Public Affairs Update

Contact(s) for Further Information

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Summary

This item is submitted to provide a preliminary update of current OCFA public affairs programs and analytics that will be presented to the committee.

Prior Board/Committee Action

Not applicable.

RECOMMENDED ACTION(S)

Receive and file the report.

Impact to Cities/County

Not Applicable.

Fiscal Impact

Not applicable.

Background

Over the past quarter, the Corporate Communications section has engaged in various innovative new strategies to engage, educate, and inform the communities we serve. This includes the agency's first ever social media campaign focused on Hispanic Heritage Month; our agency-wide, interactive "Chief's Bulletin;" and multiple press conferences and media events that resulted in hundreds of news articles, radio spots, and TV clips. Updates will include these and other areas of Public Affairs interest such as social media engagement numbers, community education events, multimedia projects, and current seasonal campaigns.

Attachment(s)

None.



Orange County Fire Authority
AGENDA STAFF REPORT

Legislative & Public Affairs Committee Meeting
October 19, 2022

Agenda Item No. 3D
Discussion Calendar

**Board of Director Requested Item - Options for Teleconferencing
During Public Board and Committee Meetings**

Contact(s) for Further Information

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Summary

This item is submitted as requested by Director Hertz-Mallari and Chair Steggell during the Board of Directors meeting on August 25, 2022.

Prior Board/Committee Action

At the August 27, 2015, Board meeting, a proposed policy which would have allowed individual Board members to teleconference during meetings under then-current teleconferencing rules in the Brown Act was the subject of extensive discussion by the Board, but the motion to approve the policy ultimately failed.

During the COVID-19 pandemic, the Board has approved findings every 30 days to authorize teleconferencing pursuant to AB 361 while the Governor-declared state of emergency continues.

During the Board's regular meeting on August 25, 2022, Director Hertz-Mallari and Chair Steggell requested that staff return to the Board with an item to consider the Board's prior teleconferencing direction and options for teleconferences during future meetings. Chair Steggell subsequently directed that the matter should be reviewed by the Board's Legislative & Public Affairs Committee to make a recommendation to the Board.

RECOMMENDED ACTION(S)

Review the proposed agenda item and direct staff to place the item on the agenda for the Board of Directors meeting of October 27, 2022, with the Legislative & Public Affairs Committee's recommended selection from among the following teleconference options for the Board of Directors to adopt:

- Option 1** *Staff's Recommendation* (discontinue teleconferencing): Return to all in-person meetings of the Board and Committees; or
- Option 2** (status quo/AB 361): Continue not to allow teleconferencing except pursuant to AB 361; or
- Option 3** (traditional Brown Act teleconferencing): Direct staff to return with a policy and procedures to enable teleconferencing under the "traditional" teleconference provisions in the Brown Act; or
- Option 4** (AB 2449 teleconferencing): Direct staff to return with a policy and procedures to enable teleconferencing pursuant to AB 2449 effective January 1, 2023.

Impact to Cities/County

Not applicable.

Fiscal Impact

Meetings involving Zoom participation by Board members, or the public require additional staff time for advance coordination, as well as attendance during Board meetings by Information Technology and Multi-Media staff (overtime) for activating, de-activating, and ongoing monitoring of live-stream requirements.

Background

On August 27, 2015, the OCFA Board considered whether to adopt a policy that would have allowed individual Board members to participate in Board meetings via teleconference and committee meetings.

When that policy decision was considered, the Brown Act allowed legislative bodies like the Board to allow individual Board members to participate in a meeting via teleconference¹, but only if all of the following requirements were met:

- The meeting agenda identified the remote location from which each Board member would participate;
- The agenda was posted at each remote location at least 72 hours before the meeting (or 24 hours for special meetings);
- The remote location was accessible to all members of the public;
- Members of the public could attend and participate in the meeting from the remote location; and
- All votes were conducted by roll call vote.

For ease of reference, meetings conducted pursuant to the teleconference provisions summarized above will be referred to as “Traditional Brown Act Teleconferences”. In addition, the August 27, 2015 staff report and then-proposed Traditional Brown Act Teleconference policy which the Board did not adopt, are provided as **Attachment 1**.

When the Board considered whether to allow Traditional Brown Act Teleconferences in 2015, all Board meetings were attended exclusively by Board members in person and any members of the public who were interested in participating also attended in person. No Board members teleconferenced, and the public did not participate by phone or electronically via Zoom meetings.

After considering the options and the impact of those requirements on the flow of the Board’s meetings as it existed at that time, the Board motion to approve a Policy that would have allowed Traditional Brown Act Teleconferences failed, and the policy was not subsequently approved.

COVID-19 and AB 361

Beginning in early 2020, California’s Governor declared a State-wide state of emergency due to the COVID-19 pandemic, and State and local health officials identified social distancing as a means to reduce the spread of early COVID-19 strains. On September 16, 2021, in the context of the pandemic, Assembly Bill 361 was approved by the Legislature and signed into law by the

¹ Under the Brown Act, “...the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law.” Cal. Gov’t Code § 54953(b)(1).

Governor. While Traditional Brown Act Teleconferencing remained an allowed alternative, AB 361 added to the Brown Act a second permitted method of teleconferencing.

AB 361 authorizes cities, counties, and local agencies like the Fire Authority to conduct meetings of legislative bodies by teleconference provided all of the following requirements are met:

- There is a Governor-proclaimed state of emergency² in effect;
- State or local health officials must mandate or recommend social distancing;
- Specific findings must be made and reaffirmed by the legislative body at least every thirty (30) days;
- The public must be permitted to monitor and participate in the meetings via phone or other electronic means; and
- All votes must be conducted via roll call vote.

For ease of reference, meetings conducted pursuant to the AB 361 teleconference provisions will be referred to as “AB 361 Teleconferences”.

The OCFA Board has made and reaffirmed the required findings at least every 30 days since AB 361 was enacted. Two of the Board’s committees (the Operations Committee and the Legislative & Public Affairs Committee) recently did not renew the required findings so those two bodies will no longer teleconference pursuant to the provisions of AB 361.

New Legislation: AB 2449

Late last month, the Governor signed new legislation that amends the Brown Act to allow another alternative method for individual Board members to teleconference, if the Board decides to permit it. The new AB 2449 option will become available on January 1, 2023.³

For an individual Board member to utilize the new AB 2449 form of teleconferencing, all of the following requirements must be met:

- A quorum of the Board or committee must attend from a single location. For the Board, this means *at least* 13 Board members must attend and remain at the meeting in person, or the meeting can not start/continue;
- All votes during the meeting must be conducted via roll call vote;
- The public must be permitted to monitor and participate in the meetings via phone or other electronic means;
- To attend remotely, the member must give notice as early as possible that “just cause”⁴ or an “emergency”⁵ exist;
- A request that is based on an emergency is subject to approval by the Board or committee;
- A member who attends remotely must participate via audio and video (this likely requires the remote attendee’s video camera to remain on);

² 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.

³ AB 361 teleconferencing will remain an alternative after January 1st, but only as long as the Governor-proclaimed state of emergency continues, health officials continue to recommend social distancing, and each legislative body continues to make the findings required by AB 361 every 30 days.

⁴ “Just cause” is defined as any of the following: (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (B) A contagious illness that prevents a member from attending in person; (C) A need related to a physical or mental disability; or (D) Travel while on official business of the legislative body or another state or local agency

⁵ “Emergency circumstances” are defined as “a physical or family medical emergency that prevents a member from attending in person.”

- Each member is limited to two (2) “just cause” teleconferences per calendar year;
- No member may attend remotely for more than three (3) consecutive months;
- A member may not teleconference for more than 20% of regular meetings/calendar year;
- If a legislative body regularly meets fewer than 10 times per calendar year, a member of that body may not participate remotely more than twice per calendar year; and

Comparison of Key Requirements by Teleconference Option

To facilitate a comparison of the key differences among the statutory requirements that apply to teleconference meetings under the three options, we have provided a detailed summary of the three teleconference options as **Attachment 2**.

Efficiency of Business via In-Person Meetings (No Teleconferencing)

Staff recognizes and appreciates the positive value that has been achieved by allowing teleconferencing as an option during the COVID pandemic, which enabled continuity of actions on policy matters that were required by the Board. That said, the efficiency in conducting Fire Authority business with the Board is greatly enhanced through in-person attendance, during normal (non-pandemic) times. Efficiencies include:

- In-person attendance allows more opportunities for staff members to interact informally with the Board (before and after meetings) and gain insight into information needs that the Board may have during future public meetings, so that staff can plan proactively.
- During public meetings (and in closed session), staff is able to provide and display information more quickly “on-the-fly” in response to questions raised by Directors, when the Board attends in-person. This capability is significantly hindered when the Audio-Visual systems are supporting the Zoom/Remote meeting platform.
- Closed-session meetings are streamlined when the Board participates in-person.
 - Convening to closed session, while in-person, is accomplished simply by Directors moving next door to Classroom 1, and without requiring members of the public and staff to vacate the Boardroom.
 - In-person attendance eliminates the need for Directors to log-out of one Zoom-meeting for the public, and log back-into a separate Zoom-meeting for closed session.
- Voting is streamlined, without need for roll-call vote on every action, when Directors attend in-person.
- The numbers of support staff members who must attend meetings (on overtime) is reduced, without the need to facilitate the Zoom/Remote meeting platform and the live-streaming needs that must be met to comply with remote meeting requirements.
- The requirement to accommodate online and telephonic public comments is eliminated by returning to in-person attendance.
- Risk of error (technology glitches, human error, etc.) is reduced by eliminating the requirements to connect, disconnect, and reconnect to live-streaming – as must currently occur in connection with Board movements in and out of closed session.

Given the above business efficiencies, staff encourages the Board to consider returning to in-person participation for Board and committee meetings, as feasible.

Attachments

1. August 27, 2015 Staff Report and Then-Proposed Traditional Teleconference Policy
2. Summary of Teleconference Options Under the Brown Act



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
August 27, 2015

Agenda Item No. 3B
Consent Calendar

Adoption of Board Teleconferencing Policy

Contact(s) for Further Information

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Summary

This item is submitted in response to a Board request to institute a policy regarding teleconferencing to Board meetings.

Prior Board/Committee Action

At its August 28, 2014, meeting, the Board voted to direct staff to accommodate the Directors' ability to participate remotely in Closed Session and Open Session Board meetings pursuant to the Brown Act, and return with a teleconferencing policy. This item was originally scheduled for the March 26, 2015, Board meeting, but was pulled by staff in order for Board Chair Murray to be present for the item's consideration.

RECOMMENDED ACTION(S)

Adopt the proposed Teleconferencing Policy.

Impact to Cities/County

Not Applicable.

Fiscal Impact

Not Applicable.

Background

At its August 28, 2014, Board meeting, the Board considered an agenda report relating to OCFA Board Room Audio Video Upgrades and Teleconferencing of Closed Session Meetings. In evaluating whether to continue its authorization for teleconferencing during closed sessions, Board members were asked to consider concerns raised and challenges experienced by OCFA staff relating to teleconferencing during closed sessions pursuant to the Board of Directors' July 24, 2014, authorization:

1. A concern arose regarding whether the teleconferenced locations were, in fact, accessible to the public as required by law, as both locations were out-of-state, and one location was a private residence.
2. As it was learned that the residential location was rented property, staff also felt a need to contact the property owner in addition to the on-site tenant to secure permission to use this site for this public purpose, since all remote locations must be publicly accessible. Staff also had concerns with liability risks in using a private residence for this use.

3. There was a challenge in securing proof of the agenda's posting in the remote locations. While the hotel returned the affidavit promptly in this case, there were some difficulties in securing the Affidavit of Posting for the residential site. The affidavit was eventually received several days after the meeting had taken place.
4. This was a staff intensive process. It took the Clerk more than a full day, responding to and generating approximately 100 emails and two dozen phone calls to set-up/implement the teleconference in the two locations. This does not include General Counsel or other OCFA staff's time in assisting with this process.
5. Board Members experienced difficulties hearing the two teleconferencing Board Members and vice versa.
6. Teleconferencing phones are not fully duplex. They cannot transmit and receive simultaneously; therefore, only one person can speak at a time, and if multiple users are phoning in, the complexity is increased.
7. The Brown Act requires that each action by the Board taken during a teleconference be taken as a roll call vote, which extends the overall meeting length.

The Board voted to direct staff, using an interim technological system, to accommodate the Directors' ability to participate remotely in Closed Session and Open Session Board meetings pursuant to the Brown Act, and return with a teleconferencing policy. The Board discussed the intention that the teleconferencing policy should be designed in a manner that would assist staff in resolving some of the difficulties outlined above. In addition, the Board directed staff to include technology upgrades in the pending RFP process for board room audio/video upgrades that would resolve the communication difficulties encountered at the July 24 meeting.

Teleconferencing Survey

OCFA has conducted a teleconferencing survey of nine local regional agencies: Three responded there has never been a need for teleconferencing at their agencies; two agencies follow the Brown Act requirements with no adopted policy; two agencies follow the Brown Act and have implemented a Teleconferencing Policy with one of the two agencies not permitting use of teleconferencing for its regular regional council meeting or its policy committees, but limiting use to special policy meetings, task force meetings, and subcommittees; and two agencies were non-responsive to the survey.

Brown Act Requirements

The Brown Act allows the use of teleconferencing under GC 54953 (b)(1). GC 54953 (2) requires all votes taken during a teleconferenced meeting be by roll call. GC 54953 (3) requires the identification and public noticing at the teleconference locations; locations shall be accessible to the public, a quorum of the members shall participate with the agency's jurisdiction, and members of the public shall be allowed to address the agency from the teleconference location(s).

The attached proposed policy incorporates the Brown Act requirements and provides additional guidelines and protocols for teleconferencing.

Attachment(s)

Proposed Teleconferencing Policy

TELECONFERENCING POLICY

1.0 PURPOSE

- 1.1. To establish guidelines for conducting Board meetings via teleconferencing.
- 1.2. To establish the roles and responsibilities associated with teleconferencing Board meetings.

2.0 POLICY

- 2.1. The meeting must comply in all other respects with the Brown Act and is in all respects the same as a meeting where the Directors are physically present.
- 2.2. Teleconferenced meeting must be conducted “in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body” per GC 54953(b)(3).
- 2.3. Teleconference dial-in numbers are to be utilized solely by Directors.
- 2.4. Teleconferencing will not be utilized for any special meeting that is scheduled with less than 72-hours’ notice.
- 2.5. There must be an on-site quorum for the meeting to take place.

3.0 DIRECTOR RESPONSIBILITIES

- 3.1. Secure an open and accessible public location to conduct the meeting. Caution should be used when determining the teleconferencing location.
 - a. If a Director is participating from a hotel, it should not take place inside their hotel room, as it must be open and made available to the public.
 - b. A public area is recommended, such as a business center or conference room that is also ADA compliant, as the location must be accessible to all members of the public. For this same reason, one would not likely want to participate from their home.
- 3.2. Provide notification and the following information to the Clerk at least 7 calendar days in advance of the scheduled meeting:
 - a. the physical location including the full, specific address for inclusion on the agenda and meeting notices of the teleconferencing location;
 - b. on-site contact name and on-site phone number; and
 - c. Director’s on-site phone number.

- 3.3. Secure completed Affidavit of Posting by person who posted the agenda and return to the Clerk of the Authority to provide proof of the agenda's posting at the physical location at least 72 hours in advance of the meeting. Failure to provide advance evidence of the required agenda posting at the remote location will result in denial of the request to participate in the meeting by teleconference.
- 3.4. Make an announcement at the beginning of the meeting if there is a member of the public at the teleconference location wishing to speak and identify the subject. Introduce the speaker at the appropriate time during the meeting.
- 3.5. Provide the Clerk of the Authority with any completed Request to Speak Forms for any members of the public who spoke at the teleconference location within seven (7) days following the meeting. Be sure that the speaker's name is legible as this document will be used by the Clerk in the creation of the Minutes.
- 3.6. Ensure that the remote location is actually open and accessible to the public during the meeting time, except during closed session discussions.
- 3.7. Utilize a telephone or other teleconference facility with a "mute" function to avoid noise interruptions of the meeting.

4.0 CLERK OF THE AUTHORITY RESPONSIBILITIES

- 4.1 Include the physical location and address of the teleconferencing site on the agenda.
- 4.2 Provide the Director with the following:
 - a. Agenda (for posting and provision to the public in attendance at the teleconference site);
 - b. Affidavit of Posting Form; and
 - c. Request to Speak Forms.
- 4.3 Ensure that a quorum of the Board is in attendance at our regular posted location. If a quorum is not made the Clerk will cancel the meeting due to a lack of quorum.
- 4.4 Conduct roll call votes on all items that require Board action.
- 4.5 Coordinate with IT staff and the teleconferencing Director regarding the call-in process into the meeting.
- 4.6 Provide the Director with the teleconference phone-in number.

Summary of Teleconference Options Under the Brown Act

AB 2449 was signed by the Governor so it will take effect on January 1st. Assuming AB 361 remains in effect at that time, there will then be three alternative methods available for teleconferencing individual members of the legislative body during public meetings that are subject to the Brown Act:

1. Traditional: Section 54953(b) - the traditional method that requires the public to have access at all teleconference locations. These provisions have some minor tweaks.
2. State of Emergency: Section 54953(e) – the AB 361 method that allows all members of a legislative body to participate remotely. This alternative only applies during a proclaimed state of emergency, and state or local officials have recommended measures to promote social distancing. These provisions sunset on January 1, 2024.
3. Justification Required: Section 54953(f) – the new method of teleconferencing with new requirements/limitations. These provisions will sunset on January 1, 2026.

Comparing the Teleconference Options

	<u>Traditional</u>	<u>State of Emergency (AB 361)</u>	<u>Justification Required (AB 2449)</u>
SUNSET DATE		January 1, 2024	January 1, 2026
PERMISSIVE USE OF TELECONFERENCING May a legislative body elect to use or not use teleconferencing under this method?	Yes. The legislative body may decide whether to allow teleconferencing for the benefit of the public and the legislative body. 54953(b)(1) & (b)(2)	Yes, findings are required by 54953(e)(3). So the legislative body controls whether to allow teleconferencing.	Legislative body approval is required to teleconference due to a member's "emergency circumstances". No approval is required when a member notifies the legislative body of the need to teleconference due to "just cause". Compare 54953(f)(2)(A)(i) to (f)(2)(A)(ii).
ROLLCALL VOTES Rollcall votes required when teleconferencing?	Yes. 54953(b)(2)(A)	Yes 54953(b)(2)(A)	Yes. 54953(b)(2)(A)
POSTING AGENDAS AT REMOTE LOCATIONS Post agendas at all teleconference locations?	Yes. 54953(b)(3)	No.	No.
IDENTIFICATION OF REMOTE LOCATIONS Must the teleconference location(s) be identified?	Yes. Each teleconference location must be identified in the meeting notice and agenda. 54953(b)(3).	No.	No.
ACCESSIBILITY Must each teleconference location be <u>accessible</u> to the public?	Yes. 54953(b)(3)	No. 54953(e)(4) "This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment."	No. "Remote locations need not be accessible to the public." 54953(j)(3)

<p>PUBLIC PARTICIPATION FROM TELECONFERENCE LOCATIONS</p> <p>Must the public be allowed to <u>address the legislative body</u> from each teleconference location?</p>	<p>Unclear. This former requirement is deleted from amended section 54953(b)(3). However, a new provision is added that meetings must “be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body...” 54953(b)(2)(B)</p>	<p>No.</p>	<p>No.</p>
<p>QUORUM LOCATIONS</p> <p>Must a quorum of the legislative body meet in particular location(s)?</p>	<p>Yes. At least a quorum of the legislative body must participate from <u>locations</u> (plural) within the boundaries of the agency. 54953(b)(3)</p>	<p>No.</p>	<p>Yes. At least a quorum of the members of the legislative body must participate in person from <u>a singular physical location</u> 54953(f)(1)</p>
<p>STATE OF EMERGENCY</p> <p>Is a Governor-proclaimed state of emergency a pre-requisite?</p>	<p>No.</p>	<p>Yes. 54953(e)(1) & (j)(5)</p>	<p>No.</p>
<p>FINDINGS</p> <p>Are findings required by majority vote related to state of emergency?</p>	<p>No.</p>	<p>Yes. At least every 30 days, findings are required by 54953(e)(3): “(A) The legislative body has reconsidered the circumstances of the state of emergency. AND (B) Any 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.”</p>	<p>No.</p>
<p>PUBLIC ATTENDANCE IN PERSON</p> <p>Must the public be allowed to attend the meetings in person?</p>	<p>Yes, and “each teleconference location shall be accessible to the public” as well. 54953(b)(3)</p>	<p>No. “This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.” 54953(e)(4)</p>	<p>Yes. The singular location where at least a quorum of the body meets meeting “shall be open to the public.” 54953(f)(1)</p>
<p>CALL-IN/INTERNET</p> <p>Must the legislative body provide the opportunity for all persons to attend via a call-in option or an internet-based service option?</p>	<p>No.</p>	<p>Yes. 54953(e)(2)(A)</p>	<p>See below</p>

<p>TWO-WAY AUDIOVISUAL PLATFORM OR TELEPHONIC PLUS LIVE WEBCASTING</p> <p>Must the legislative body provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body: (i) A two-way audiovisual platform,¹ OR (ii) A two-way telephonic service² and a live webcasting³ of the meeting.</p>	No.	See above.	Yes. 54953(f)(1)(A)
<p>SPECIAL AGENDA NOTICES</p> <p>Must special notice of the means by which the public may access the meeting and offer public comment be included in all notices of the meeting and all agendas posted?</p>	No. Standard agenda requirements apply. 54953(b)(2)(C) & (D)	Yes. 54953(e)(2)(A)	Yes. 54953(f)(1)(B)
<p>REAL TIME COMMENTS</p> <p>Must the legislative body provide an opportunity for the public to address the body “in real time”?</p>	Members of the public must be allowed “to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.” 54953(b)(2)(D).	Yes. The legislative body must not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment “in real time.” 54953(e)(2)(C)	Yes. The legislative body must not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment “in real time.” 54953(f)(1)(E)
<p>INTERRUPTIONS IN ELECTRONIC ACCESS</p> <p>May action be taken during interruptions the public’s electronic access to the meetings or public’s opportunity to comment using the electronic means?</p>	Yes. (Note: public electronic access to the meeting is not required under the traditional option.)	No. No action may be taken during disruptions of broadcasting via phone-in or internet service, or disruption that prevents public from offering comments via phone-in or internet. 54953(e)(2)(B)	No. No action may be taken during disruptions of broadcasting via phone-in or internet service, or disruption that prevents public from offering comments via phone-in or internet. 54953(f)(1)(D)
<p>TIME FOR COMMENTS</p> <p>Are there special time requirements for registering and recognizing members of the public and taking public comments?</p>	No similar timing provision.	Yes. If the legislative body takes public comment separately on each agenda item, it “shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register... or otherwise be recognized for the purpose of providing public comment.” 54953(e)(2)(E)(ii)	No similar timing provision.

¹ “Two-way audiovisual platform” is defined as “an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.” 54953(j)(7).

² “Two-way telephonic service” is defined as “a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.” 54953(j)(8).

³ “Webcasting” is defined as “a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.” 54953(j)(9).

<p>JUSTIFICATIONS REQUIRED?</p> <p>Is a justification required for remote attendance by a member of the legislative body?</p>	None.	None.	<p>Either: (1) member notifies the legislative body of their need to participate remotely for <u>just cause</u>;⁴ or (2) member requests legislative body to allow them to participate in the meeting remotely due to <u>emergency circumstances</u>⁵ and the legislative body takes action to approve the request. 54953(f)(2)(A).</p>
<p>TIMING OF NOTICE/REQUEST</p> <p>When must the notice or request be provided to the legislative body?</p>	Sufficiently in advance to allow information to be included in the agenda and agenda to be posted at all remote locations.	No notice or requests are required to participate remotely.	<p>For “just cause”, “at the earliest opportunity possible, including at the start of a regular meeting...” 54953(f)(2)(A)(i). For “emergency circumstances”, the request must be made “as soon as possible”, and the member must make a separate request for each meeting in which they seek to participate remotely. 54953(f)(2)(A)(ii)(I)</p>
<p>CONTENT OF NOTICE/REQUEST.</p> <p>What must the member include in her/his notice or request to participate remotely?</p>	Address of each teleconference location for inclusion in the agenda, and for posting agenda at each location.	No requests are required.	<p>For “just cause” the member must notify the legislative body of the “need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting.” 54953(f)(2)(A)(i). For “emergency circumstances”, the request must include “a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical</p>

⁴ “Just cause” is defined as any of the following: (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2; (B) A contagious illness that prevents a member from attending in person; (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g); or (D) Travel while on official business of the legislative body or another state or local agency. 54953(j)(2).

⁵ “Emergency circumstances” are defined as “a physical or family medical emergency that prevents a member from attending in person.” 54953(j)(1).

			information that is already exempt under existing law, such as the Confidentiality of Medical Information Act...” 54953(f)(2)(A)(ii)
<p>ACTION ON A REQUEST TO TELECONFERENCE</p> <p>When may the legislative body act on a request for to teleconference based on emergency circumstances?</p> <p>Must the request be on the agenda for the legislative body to act on it?</p>	<p>The legislative body may decide whether to allow teleconferencing for the benefit of the public and the legislative body. 54953(b)(1)</p> <p>Once the body elects to use teleconferencing for the benefit of the public and the legislative body, no additional permission from the legislative body is required.</p> <p>Agenda posting and other accessibility requirements apply, though.</p>	No requests are required	<p>“The legislative body may take action on a request to participate remotely at the earliest opportunity.”</p> <p>“If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.”⁶ 54953(f)(2)(A)(ii)(II)</p>
<p>MAXIMUM NUMBER OF TELECONFERENCES</p> <p>Is there a maximum number of teleconference meetings permitted for each member of the legislative body?</p>	No maximum.	No maximum.	<p>No more than two (2) “just cause” teleconferences per member per calendar year. 54953(f)(2)(A)(i).</p> <p>Also, any member may not teleconference “from a remote location”⁷: (1) for a period of more than three consecutive months; or (2) for 20 percent of the regular meetings for the local agency within a calendar year, or (3) more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year. 54953(f)(3)</p>

⁶ AB 2449 also amends section 54954.2 to add a new subsection (b)(4). In pertinent part, the revision would provide as follows: “(b) ... [T]he legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item. ... (4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.” 54954.2(b)(4).

<p>REQUIREMENTS FOR REMOTE ATTENDEES</p> <p>Other requirements for members attending remotely</p>	<p>Remote attendee(s) must attend from the designated teleconference location.</p>	<p>None.</p>	<p>(1) The member must “participate through both audio and visual technology” 54953(f)(2)(C), AND</p> <p>(2) the member must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with the individuals. 54953(f)(2)(B)</p>
<p>PROTECT CONSTITUTIONAL RIGHTS</p> <p>Teleconferenced meetings must “be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body...”</p>	<p>Yes. 54953(b)(2)(B)</p>	<p>Yes. 54953(b)(2)(B)</p>	<p>Yes. 54953(b)(2)(B)</p>

<p>CIVIL RIGHTS/NON-DISCRIMINATION</p> <p>“The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.” (Note: this requirement appears to apply to <u>all</u> Brown Act meetings, not just teleconference meetings.) (Query – does this require closed captioning for teleconference or other meetings?)</p>	<p>Yes. 54953(h)</p>	<p>Yes. 54953(h)</p>	<p>Yes. 54953(h)</p>
<p>ACCOMODATING DISABILITIES/NOTICE.</p> <p>The legislative body must “have and implement a procedure for receiving and <u>swiftly resolving</u> requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), <u>and resolving any doubt in favor of accessibility.</u>” The posted agendas and notices of any meetings of the legislative body “shall also give notice of the procedure for receiving and resolving requests for accommodation.” 54953(g) [emphasis added].</p>	<p>Yes. 54953(g)</p>	<p>Yes. 54953(g)</p>	<p>Yes. 54953(g)</p>

ⁱ Note that “remote location” is defined as “a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.” 54953(j)(3).