



# ORANGE COUNTY FIRE AUTHORITY

## AGENDA

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

Thursday, April 14, 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/xvtncikw/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](mailto: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

**PLEDGE OF ALLEGIANCE** by Director Chun

**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. PRESENTATIONS**

None

### **2. DISCUSSION CALENDAR**

#### **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:

##### **Option #1:**

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.

##### **Option #2:**

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

- a. Although a state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic and continues in effect, the OCFA Board of Directors and each Committee has reconsidered the circumstances of the emergency and no longer finds a need for the legislative body to continue the use of teleconferencing for its meetings.

**BOARD MEMBER COMMENTS**

**ADJOURNMENT** – The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, April 28, 2022, at 6:00 p.m.

**AFFIDAVIT OF POSTING**

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

\_\_\_\_\_  
Maria D. Huizar, CMC  
Clerk of the Authority

**FUTURE BOARD AGENDA ITEMS – THREE-MONTH OUTLOOK:**

- 3<sup>rd</sup> 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:**

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.
Human Resources Committee	Tuesday, May 3, 2022, 12 noon
Budget & Finance Committee	Wednesday, May 11, 2022, 12 noon



**Orange County Fire Authority**  
**AGENDA STAFF REPORT**

**Concurrent Joint Special Meetings**  
**April 14, 2022**

**Agenda Item No. 2A**  
**Discussion Calendar**

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

---

**Contact(s) for Further Information**

David E. Kendig, General Counsel

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

714.415.1083

**Summary**

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

**Prior Board/Committee Action**

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

**RECOMMENDED ACTION(S)**

**Option #1:**

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.

**Option #2:**

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

- a. Although a state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic and continues in effect, the OCFA Board of Directors and each Committee has reconsidered the circumstances of the emergency and no longer finds a need for the legislative body to continue the use of teleconferencing for its meetings.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

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

## Background

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

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

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

### The Required Findings

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, 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.<sup>2</sup>

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

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

---

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

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

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 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, if the Board of Directors and Committees wish to continue having the option to teleconference, then General Counsel recommends that the Board of Directors and Committees adopt the required findings at this time and at least every 30 days thereafter, as provided with Option #1 under the Recommended Actions. Alternatively, in consultation with Chair Steggell, this agenda staff report offers an Option #2 under the Recommended Actions which includes findings that the Board of Directors and Committees may adopt if they wish to 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.