




**NOTICE AND CALL OF A  
CONCURRENT JOINT SPECIAL MEETING  
OF THE ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS, EXECUTIVE COMMITTEE,  
BUDGET & FINANCE COMMITTEE, HUMAN RESOURCES  
COMMITTEE, AND LEGISLATIVE & PUBLIC AFFAIRS  
COMMITTEE**

A Concurrent Joint Special Meeting of the  
Orange County Fire Authority Board of Directors and Committees  
have been scheduled for January 12, 2023  
at 6:00 p.m.

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

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

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

  
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DAVID SHAWVER, IMMEDIATE PAST CHAIR  
OCFA Board of Directors



# ORANGE COUNTY FIRE AUTHORITY

## AGENDA

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

Thursday, January 12, 2023  
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 Immediate Past Chair Shawver

**PLEDGE OF ALLEGIANCE** by Director Rossini

**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. 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, and the following committees: Executive, Budget and Finance, Human Resources, and Legislative & Public Affairs:

- a. A state of emergency has been proclaimed by California's Governor that continues in effect; and
- b. The Board of Directors and each Committee has reconsidered the circumstances of the emergency; and
- c. Local officials continue to recommend measures to promote social distancing.

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

Make the following findings by majority votes of the Board of Directors, and following committees: Executive, Budget and Finance, Human Resources, and Legislative & Public Affairs:

- 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 meeting of the Orange County Fire Authority Board of Directors will be held on Thursday, January 26, 2023, 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.

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Maria D. Huizar, CMC  
 Clerk of the Authority

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

- Labor Negotiations
- Recognition of Outgoing Directors
- Election of Chair and Vice Chair
- Ratification of Appointed Committee Members
- Mid-Year Financial Report
- Annual Long-Term Liabilities Report
- 2023-2024 Legislative Platform

**UPCOMING MEETINGS:**

Legislative and Public Affairs Committee	Wednesday, January 18, 2023, 12 noon
Executive Committee	Thursday, January 26, 2023, 5:30 p.m.
Board of Directors	Thursday, January 26, 2023, 6:00 p.m.
Concurrent Joint Special Meetings of the Board of Directors and Committees	Thursday, January 26, 2023, 6:00 p.m.
Human Resources Committee	Tuesday, February 7, 2023, 12 noon
Budget and Finance Committee	Wednesday, February 8, 2023, 12 noon
Operations Committee	Tuesday, February 14, 2023, 12 noon



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

**Concurrent Joint Special Meetings**  
**January 12, 2023**

**Agenda Item No. 1A**  
**Discussion Calendar**

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

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**Contact(s) for Further Information**

David E. Kendig, General Counsel

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

714.415.1083

**Summary**

In order for the Board of Directors and Committees to continue meeting via teleconference utilizing the procedures authorized by AB 361, the local legislative bodies are required to make specified findings at least every thirty (30) days. If the Governor's state of emergency regarding COVID expires on February 28<sup>th</sup> as he has announced, teleconferencing via AB 361 will no longer be allowed after that date.

**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 every thirty (30) days, and to minimize the need for separate Board or committee meetings to address this requirement of the Brown Act.

On July 20, 2022, the Legislative and Public Affairs Committee held its first meeting and was added to the agenda of concurrent Special Joint Meetings to consider approving the required findings by AB 361. On August 9, 2022, the Operations Committee held its first meeting and was therefore also added to the agenda of concurrent Special Joint Meetings to consider approving the findings required by AB 361.

At the November 17, 2022 and December 15, 2022, Joint Special Meetings, AB 361 findings were approved by majority votes of the Board of Directors, the Executive Committee, the Budget & Finance Committee, the Human Resources Committee and the Legislative and Public Affairs Committee.

**RECOMMENDED ACTION(S)**

**Option #1:**

Make the following findings by majority votes of the Board of Directors, and the following committees: Executive, Budget and Finance, Human Resources, and Legislative & Public Affairs:

- a. A state of emergency has been proclaimed by California's Governor that continues in effect; and
- b. The Board of Directors and each Committee has reconsidered the circumstances of the emergency; and
- c. Local officials continue to recommend measures to promote social distancing.

**Option #2:**

Make the following findings by majority votes of the Board of Directors, and following committees: Executive, Budget and Finance, Human Resources, and Legislative & Public Affairs:

- 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.

For each legislative body that will be teleconferencing pursuant to the special procedures authorized AB 361, particular findings are required to be made within 30 days after the legislative body’s first meeting, and the findings must be reaffirmed “every 30 days thereafter” in order for the legislative body to continue to use teleconferencing. (Cal. Gov’t Code § 54953(e)(3).)

**The Findings Required to Continue Teleconferencing Pursuant to AB 361**

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active,<sup>2</sup> and while state or local officials have recommended measures to promote social distancing.

To continue to teleconference pursuant to 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:

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

<sup>2</sup> As noted in greater detail below, Governor Gavin Newsom announced that the declared State of Emergency related to COVID will end on February 28, 2023.

- (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>3</sup>

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

- a. A state of emergency has been proclaimed by California’s Governor that 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.

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

- In the County of Orange Health Officer’s most recent Orders and Strong Recommendations relating COVID-19, posted on September 23, 2022, the County 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.”

### **Announced Termination of COVID State of Emergency**

On October 17, 2022, Governor Gavin Newsom announced that the declared State of Emergency will end on February 28, 2023. In the event that occurs, then AB 361 teleconferencing will no longer be an option available to the Board or committees after February 28<sup>th</sup>. (See announcement at <https://www.gov.ca.gov/2022/10/17/governor-newsom-to-end-the-covid-19-state-of-emergency/> )

It should be noted that the Brown Act contains two other alternative teleconferencing procedures that, *if activated*, could allow teleconferencing by individual Board members. However, those alternatives are only available to individual Board members if the Board elects to activate them. To date, the Board has not authorized the use of teleconferencing procedures other than pursuant to the AB 361 procedures. The two alternatives were presented for Board discussion at the Board’s October 27, 2022 meeting, but the Board voted to table the item. As a result, absent other direction by the Board, teleconferencing will no longer be an available option for individual Directors after February 28<sup>th</sup>.

### **Attachment(s)**

None.

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