



EMERGENCY SERVICES ADVISORY COMMITTEE MEETING

Tuesday, July 24, 2018 at 10:00 a.m.
Los Osos Community Services District Office
2122 9th Street, Suite 106, Los Osos, CA

COMMITTEE MEMBERS

Vicki Milledge, Chairperson
Craig Baltimore, Member
Emily Miggins, Member
Bob Neumann, Member
Gary Orback, Member
Warren Sargent, Member

STAFF

Renee Osborne, General Manager
Greg Alex, North Coast Battalion Chief
Ann Kudart, Administrative Services Manager

AGENDA

1. **Opening – 10:00 a.m.**
Call to Order, Flag Salute, Roll Call
2. **Welcome 2018 Committee Members and Review Brown Act Guidelines**
(No Action Required)
Presented By: Chairperson Milledge and Vice President Ochylski
3. **Orientation**
(No Action Required)
 - a. **What Does the Board Expect from the Emergency Services Advisory Committee**
Presented By: Chairperson Milledge
 - b. **Station 15-South Bay Capabilities**
Presented By: Battalion Chief Alex
 - c. **SLO County Fire Capabilities**
Presented By: Division Chief Spinharney
 - d. **PowerPoint Presentation Regarding CAL FIRE Contracts**
Presented By: Division Chief Spinharney
4. **2018 ESAC Work Plan Overview**
(Committee Review and Recommendation, if any, to the Board)
Presented By: Chairperson Milledge and Battalion Chief Alex
5. **Public Comments on Items NOT on this Agenda:** At this time, the public may comment on items not on this agenda. Each commenter is limited to 3 minutes and shall address the Chairperson.
6. **Schedule Next ESAC Meeting**
7. **Closing Comments by ESAC Committee Members**
8. **Adjournment**

ITEM 2

**WELCOME 2018 COMMITTEE MEMBERS
AND
REVIEW BROWN ACT GUIDELINES**

2018 BOARD OF DIRECTORS BYLAWS AND RULES OF DECORUM

Amended February 1, 2018

11. COMMITTEES

11.1 Standing Committees.

The Board of Directors may create and abolish Standing Committees at its discretion. Standing Committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each Standing Committee shall consider District related issues assigned to it by the Board of Directors.

(a) Standing Committees shall conduct business at all times in a manner consistent with these Bylaws, applicable laws, and Board Policy.

(b) The General Manager, in cooperation with the Committee Chairperson, shall prepare the agenda for each Standing Committee meeting. Nothing may be placed on the agenda of any Committee that is not included in that Standing Committee's Work Plan or in other separate direction from the Board of Directors. Consideration of any other matters are *ultra vires* and void acts.

(c) Each Standing Committee shall meet at most monthly as determined by the Committee Chairperson, provided there is pending consideration of something within the Committee's Work Plan or specific direction from the Board of Directors. There are no quorum requirements for Standing Committee meetings. Recommendations to the Board of Directors shall include all opinions of members of the Standing Committee on each issue raised for their recommendation and shall include the number of members concurring in each opinion. The opinion receiving the most concurrence is the majority report. Other opinions are minority reports.

(d) Subject to the availability of public membership, Standing Committees shall be comprised of up to five public members, none of whom shall be Directors; and one Director appointed by the Board President as the non-voting Chairperson and one Director appointed by the Board President as Alternate. The Alternate only needs to attend if the Chairperson is unable to attend. In the absence of both Chairperson and Alternate, the Board President may assign a Board Member to temporarily act as the Committee Chairperson in order that the Standing Committee may meet as established by the previously adopted schedule.

Depending on the number of applications, the Board of Directors retains the discretion to alter Standing Committee membership on a case-by-case basis.

(e) The General Manager shall be an ex-officio member of all Standing Committees. The Committee Chairperson and Committee Alternate are non-voting members appointed for the sole purpose of conducting the meeting, enabling conversation, facilitating discussions, and forwarding recommendations to the Board of Directors.

(f) Each Director shall appoint one voting member to each Standing Committee. The appointee shall serve at the pleasure of the Director who appointed them. The Board of Directors may also remove any Standing Committee member with or without cause.

(g) On or before January 31st or as otherwise established by the Board of Directors of each year, members of the public who reside within the boundaries of the District are invited to apply for specific Standing Committee assignments by completing an application. Members of the public shall be eligible to serve on only one Standing Committee at a time. Members of the public who reside within the boundaries of County Service Area No. 9, Zone I are eligible to apply to the Emergency Services Advisory Committee (ESAC) only.

The General Manager shall prepare an appointments list of all Standing Committees. This list shall be known as the local appointment list and will be provided to the Board of Directors at the first meeting in February or other date established by the Board of Directors.

(h) The local appointment list shall be made available to the members of the public and shall be posted at the District office and the District's web site.

(i) Whenever an unscheduled vacancy occurs on a Standing Committee, a special vacancy notice shall be posted at the District office, the public library, the District's web site, and other places as directed by the Board of Directors, not earlier than twenty days before, or not later than twenty days after the vacancy occurs inviting the public to apply for appointment as a committee member.

Final appointment of Standing Committee members shall not be made by the Board of Directors for at least ten working days after the posting of the Notice at the District's office.

(j) Notwithstanding Section 11.1(g), above, the Board of Directors may, if it finds an emergency exists, fill the unscheduled vacancy immediately. The person appointed to fill the vacancy shall serve only on an acting basis until final appointment is made pursuant to Sections 11.1(f) and (g), above.

(k) A Standing Committee member will automatically be removed if he/she has three unexcused absences or misses four meetings in one calendar year.

(l) All Standing Committee members will receive Brown Act training and all meetings shall be conducted as public meetings in accordance with the Brown Act. Summary notes for each meeting of each Standing Committee shall be forwarded to the Board of Directors as a public record.

(m) The Board President may appoint persons to a subcommittee to assist a Standing Committee in making recommendations to the Board of Directors. The duties of the subcommittee shall be outlined at the time of appointment and the subcommittee shall be considered dissolved when its final report has been made to the Standing Committee.

11.2 Ad Hoc Committees. The Board President shall appoint such *ad hoc* committees comprised of two or less Directors as may be deemed necessary or advisable by himself/herself and/or the Board of Directors. The duties of the *ad hoc* committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made. *Ad hoc* committees shall timely provide the District General Manager with their recommendations and/or reports.

Understanding Brown Act Open Meeting Requirements

Purpose

Establishes the procedural framework for members of local governmental decision-making bodies to openly meet, debate, and act.

Provides the means for the public to be informed about the views, discussions and actions of its locally elected and appointed government representatives.

Overview

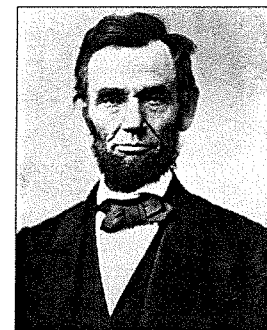
Government officials are elected by the people, represent the people, and govern on behalf of the people.

The public needs to observe, monitor, and evaluate its elected representatives.

The Brown Act is designed to encourage public participation in local government.

*“...government of the
people, by the people,
for the people.”*

*Abraham Lincoln,
Gettysburg Address
November 19, 1863*



History

Introduced by Modesto Assemblyman Ralph M. Brown more than 50 years ago.

The Legislature has frequently added to the requirements of the Act over the years.

Requirements are detailed, comprehensive, and complex.

Legislature's Intent

The Brown Act embodies the philosophy that public agencies exist for the purpose of conducting public business, and the public has the right to know how its "collaborative decisions" are being made.

The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

California Government Code § 54950

Openness

All meetings of government bodies must be fully open and accessible to the public.

Boards must discuss, deliberate and act on the public's business.

Exceptions to the rule of openness are few and narrowly.

Subject Organizations

All governing boards of local government agencies.

The advisory and standing sub-committees created by such governing boards.

All boards, committees and bodies created by federal or state law.

Meetings

A meeting is any gathering of a majority of board members at the same time and place that involves any aspect of the decision-making process.

There are three types of meetings:

- Regular Meetings.
- Special Meetings to discuss a specific issue.
- Emergency Meetings to deal with a specific emergency situation.

Exceptions

Conferences, training, workshops.

Community forums, and meetings of other governmental bodies.

Social or ceremonial occasions.

Within these exceptions, the board members must avoid talking about any board business while they are at all such events.

Location of Meetings

A majority of the board must meet within the boundaries or jurisdiction of the board with only specific exceptions, including the inspection of real property, or meeting with federal/state officials to discuss legislative or regulatory issues.

If a board member participates by teleconferencing, the location that member is calling from must be Noticed, with and Agenda posted, and accessible to the public.

Prohibited Activities

Any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

Prohibited Activities (continued)

A Serial or “Daisy Chain” meeting which is a series of meetings to develop a consensus, with each meeting involving less than a majority of members, but which taken together involve a majority of board members.

A Hub and Spoke meeting which is when a single board member acts as a contact point for all other board members and communicates to each of them the other board members positions in order to reach a consensus

Use of E-Mail

Board members cannot:

- Use e-mail to develop a collective consensus, agreement, or decision; or
- Exchange information in e-mail about their views or positions on public business.

Noticing Requirements

Notice and agenda for regular meetings must be posted in an accessible location 72 hours in advance; and mailed to all those who request a Notice.

Special meetings may be called by posting Notice and agenda at least 24 hours before the meeting.

Agenda Requirements

Agendas must contain a brief description of every item to be discussed, including closed session items.

Descriptions must be clear enough to be understood by members of the public.

Agendas for regular meetings must include a time for public comment.

Public's Rights

Members of the public have the right to:

- Address the board on both agenda and non-agenda items.
- Be accommodated, if disabled, so they can access and participate in the meeting.
- Receive copies of written materials distributed to the board, except privileged items.

Closed Session

Closed sessions are narrowly authorized for specific matters and discussions must not go beyond that limited scope.

Special disclosures have to be made by the board before and after holding a closed session.

Closed Session Procedure

Agenda must include a brief description of the nature of the closed session.

The board must disclose, in open session, the items to be discussed in closed session.

The board must make a public report of certain actions taken in closed session.

Closed Session – Confidentiality

Except for reporting-out requirements, confidentiality of closed session matters must be preserved.

Violation can result in a lawsuit to enforce confidentiality, disciplinary action against an employee, or referring the matter to the grand jury.

***Closed Session –
Personnel***

To consider the employment, evaluation of performance, discipline or dismissal of a public employee.

To hear complaints or charges against an employee by another person.

***Closed Session –
Labor Negotiations***

To meet with bargaining representatives to review the board's negotiating position and instruct its representatives regarding represented or unrepresented employees.

***Closed Session –
Pending Litigation***

To consult with or receive advice from legal counsel concerning pending litigation when a public discussion of such matters could prejudice the position of the board in the litigation.

***Closed Session –
Real Property***

To grant authority to the board's negotiator regarding price and terms of payment prior to the purchase, sale, exchange, or lease of real property.

A discussion of potential sites is not authorized.

Enforcement

Civil Remedies:

- Compliance with the Brown Act can be enforced by civil lawsuit.
- A court can declare board actions void that are not in compliance with the Act, if not cured.
- The board can be liable for significant costs and attorneys fees.

Enforcement (continued)

Criminal Penalties:

- A violation of the Brown Act may be a misdemeanor if a member participates in board action with the “wrongful intent to deprive the public of information.”

True or False Quiz

1. A meeting as defined in the Brown Act occurs only when some action is taken.
2. Board members may poll each other by e-mail on any issues which may come before the board.
3. A telephone conference between two members of a five-member board is a meeting under the Brown Act if they discuss district business.

4. The board may take a vote by secret ballot in open session, in closed session.
5. Any person may record an open meeting of the board via audio or video tape recordings.
6. A member of the public may address the board at a regular meeting on any item of interest to the public provided the matter is within the jurisdiction of the board.

7. The board may limit the amount of time members of the public are allowed to speak on matters of public interest.
8. The board is not required to announce in open session the items to be discussed in closed session.
9. When considering the discipline of employees, the board must provide the employee 24 hours notice of his/her right to request a public session.

10. In general, reportable action taken in closed session must be reported out in open session at the same meeting.
11. The board may hold its meetings at any location it chooses within the county provided the public is notified, even if the board is not countywide.
12. A board member may divulge closed session information provided that he/she so advises the board before adjournment.

Conclusion

Board members are representatives of the people whom the people entrust to manage government affairs.

The Brown Act is for the benefit of the public that board members represent.

The Brown Act must be taken seriously, failure to do so can result not only in legal penalties but a loss of public trust.

ITEM 4

2018 ESAC WORK PLAN OVERVIEW



EMERGENCY SERVICES ADVISORY COMMITTEE 2018 WORK PLAN

Recommendations for Emergency Services Advisory Committee in 2018:

President
Vicki L. Milledge

Vice President
Marshall E. Ochylski

Directors
Charles L. Cesena
Louis G. Tornatzky
Christine M. Womack

General Manager
Renee Osborne

District Accountant
Robert Stilts, CPA

Unit Chief
Scott M. Jalbert

Battalion Chief
Greg Alex

- Review and Update – Community Wildfire Protection Plan
- Review and Update – SLO County Local Hazardous Mitigation Plan
- Review and Update – Codes and Ordinances (*review authority to enforce weed abatement and meet safety element of general plan*)
- Promote – "Ready Set Go" Campaign
- Promote – Prevention & Education Events (*Safety Fair, CPR Classes, Reverse 911*)
- Let's Talk Fuel Reduction (Town Hall)
Create: Community Safe Zone
Create: Evacuation Plan - Routes
Create: Community Plan for "All Risk" Incidents (*e.g., Wildfire, Active Shooter, Tsunami, Earthquake, Flooding, Landslide, Radiological, Terrorist*)
- Outreach Programs – *CHP, Sheriff's Office, Water, Sewer, County Office of Emergency Services, Community Emergency Response Team, Los Osos Community Advisory Council, State Parks, Harbor Patrol, LO Fire Safe Council, Home Owners Associations*
- Research – Local capacity for response: CERT/HAM, Climate Change
http://resources.ca.gov/docs/climate/01APG_Planning_for_Adaptive_Communities.pdf

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