



EMERGENCY MEDICAL CARE COMMITTEE

CONTRA COSTA COUNTY

Wednesday, October 6, 2021
4:00 – 5:30 p.m.
Zoom Virtual Meeting
Meeting ID: 844 9139 7496
Passcode: 625469

Special Meeting Notice

Agenda

- | | |
|-----------|---|
| 4:00 p.m. | 1. Introduction of Members and Guests |
| 4:05 | 2. Discussion and vote on Brown Act Update: New Public Meeting Teleconferencing Rules – AB 361 resolution |
| 4:10 | 3. Comments from the Public
Members of the public may speak up to 3 minutes each on matters either on or not on this agenda. |
| 4:30 | 4. Discussion and vote on proposed new Ambulance Ordinance
Link to public comment webpage that provides all draft 2021 ambulance ordinance material/feedback/history at Public Comment :: EMS :: Contra Costa Health Services (cchealth.org) |
| 5:30 | 5. Adjournment |

Reasonable accommodations can be made for persons with disabilities planning to attend the EMCC Meeting by contacting EMS Staff at least 24 hours in advance at (925) 608-5454.

Any disclosable public records related to an item on a regular meeting agenda and distributed by the County to a majority of members of the Emergency Medical Care Committee less than 96 hours prior to that meeting are available for public inspection at 777 Arnold Drive, Suite 110, Martinez, during normal business hours.

A RESOLUTION OF THE [NAME OF BOARD OR COMMISSION] AUTHORIZING
TELECONFERENCE MEETINGS UNDER ASSEMBLY BILL 361

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of

separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

- H. The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- I. The emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.
- J. As of September 13, 2021, the seven-day rolling average of new cases in the County was 223 cases per day, a case rate that is in the “high” community transmission tier, the most serious of the CDC’s community transmission tiers.
- K. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the [NAME OF BOARD OR COMMISSION] intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the [NAME OF BOARD OR COMMISSION] resolves as follows:

- 1. The [NAME OF BOARD OR COMMISSION] finds that the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
- 2. The [NAME OF BOARD OR COMMISSION] finds that meeting in person for meetings of the [NAME OF BOARD OR COMMISSION] would present imminent risks to the health or safety of attendees because the case rate of COVID-19 infections in the County is in the “high” community transmission tier, the most serious of the CDC’s community transmission tiers.
- 3. As authorized by Assembly Bill 361, the [NAME OF BOARD OR COMMISSION] will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
- 4. Staff is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance

with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

5. Staff is directed to return no later than 30 days after this resolution is adopted with an item for the [NAME OF BOARD OR COMMISSION] to consider whether to continue meeting under the provisions of Assembly Bill 361.

PASSED AND ADOPTED on _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



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AB 361 Implementation Guide



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AB 361 – Brown Act: Remote Meetings During a State of Emergency

Background – the Governor’s Executive Orders:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.¹² Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act. Agencies were – for a time – required to allow members of the public to observe and address the meeting telephonically or otherwise electronically. Local agencies were eventually explicitly freed from the obligation of providing a physical location from which members of the public could observe the meeting and offer public comment.³

In each instance in which notice of the time of the meeting was given or the agenda for the meeting was posted, the local agency was required to give notice of the manner members of the public could observe the meeting and offer public comment. In any instance in which there was a change in the manner of public observation and comment, or any instance prior to the issuance of the executive orders in which the time of the meeting had been noticed or the agenda for the meeting had been posted without also including notice of the manner of public observation and comment, a local agency would be able to satisfy this requirement by

¹ **Executive Order N-25-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

² **Executive Order N-29-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

³ *Ibid*



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advertising the means of public observation and comment using "the most rapid means of communication available at the time" within the meaning of California Government Code, section 54954(e); this includes, but is not limited to, posting the manner in which the public could participate on the agency's website.

The orders also provided flexibility for a legislative body to receive a "serial" or simultaneous communication outside of an open meeting, allowing all members of the legislative body to receive updates (including, but not limited to, simultaneous updates) relevant to the emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency) from federal, state, and local officials, and would be allowed to ask questions of those federal, state, and local officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. Members of a local legislative body were explicitly not permitted to take action on, or to discuss amongst themselves, any item of business that was within the subject matter jurisdiction of the legislative body without complying with requirements of the Brown Act.⁴

The Brown Act Executive Orders Sunset – September 30, 2021

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021.⁵ After that date, local agencies are required to observe all the usual Brown Act requirements *status quo ante* (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

Following the Governor's September 16 signing of AB 361, the Governor's office contemplated immediately rescinding the remote public meeting authority provided under prior Executive Orders. Such action would have instantly impacted thousands of local agencies – potentially requiring them to cancel meetings or conduct in-person meetings or meetings pursuant to standard Brown Act teleconferencing requirements, notwithstanding the ongoing health directives related to the pandemic. After fruitful discussions between CSDA, the Governor's office, and other stakeholders on how to best assist local agencies to conduct meetings in an open and public manner, the Governor's office modified its approach and issued a revised Order on September 20, suspending the provisions of AB 361 and providing for a clear transition.⁶

Until September 30, local agencies should look to the revised Executive Order, [N-15-21](#), to determine how to conduct a particular meeting. The revised Order makes clear that, **until September 30**, local agencies may conduct open and public remote meetings relying on the

⁴ **Executive Order N-35-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20.pdf>

⁵ **Executive Order N-08-21**, <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>

⁶ **Executive Order N-15-21**, [gov.ca.gov/wp-content/uploads/2021/09/9.20.21-executive-order.pdf](https://www.gov.ca.gov/wp-content/uploads/2021/09/9.20.21-executive-order.pdf)



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authority provided under prior Executive Orders (rather than AB 361). The revised Order also explicitly permits a local agency to meet pursuant to the procedures provided in AB 361 **before** October 1, so long as the meeting is conducted in accordance with the requirements of AB 361. All local agencies should be aware that they **may not** conduct remote teleconference meetings pursuant to the authority in the Governor's prior Executive Orders **beyond September 30**; after that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed "pre-pandemic") **OR** must comply with the newly enacted provisions of AB 361.

Any local agency that seeks to continue conducting remote teleconference meetings after September 30, **but has not taken action to transition to the provisions of AB 361**, may hold remote teleconference meetings under the standard requirements found within the Brown Act (i.e., subdivision (b) of Government Code section 54953, with remote meeting locations identified in the meeting agenda, meeting notices and agendas posted at all teleconference locations, teleconference locations accessible to the public, et cetera). Local agencies are strongly encouraged to swiftly begin preparations to ensure all Brown Act meetings and board actions taken via remote meetings after September 30 are done in a proper manner.

AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361, introduced in February 2021 by Assembly Member Robert Rivas (D-30, Hollister) and sponsored by the California Special Districts Association, provides local agencies with the ability to meet remotely **during proclaimed state emergencies** under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders.

Important Note: AB 361's provisions can only be used in the event that a gubernatorial **state of emergency** 1) has been issued **AND** 2) remains active. It is **not sufficient** that county and/or city officials have issued a local emergency declaration – the emergency declaration must be one that is made pursuant to the California Emergency Services Act (CA GOVT § 8625).

Specifically, AB 361 suspends the requirements located in California Government Code, section 54953, subdivision (b), paragraph (3). What does this mean for local agencies? This means that, during a state of emergency, under specified circumstances, local agencies can meet pursuant to modified Brown Act requirements. Each of these modifications is broken out below.

The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.



AB 361 IMPACTS ON LOCAL AGENCY COMPLIANCE WITH THE BROWN ACT

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.	<ul style="list-style-type: none">• Agendas not required to be posted at all teleconference locations• Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency

In the context of an emergency, members of the legislative body of a local agency may be teleconferencing from less-than-ideal locations – e.g., the private domicile of a friend or relative, a hotel room, an evacuation shelter, from a car, etc. The nature of the emergency may further compound this issue, as was the case during the COVID-19 outbreak and the necessity to implement social distancing measures. To address this issue, AB 361 provides relief from the obligation to post meeting agendas at all conference locations.

Although local agencies are relieved from this obligation, local agencies should endeavor to post meeting agendas at all usual locations where it remains feasible to do so.

Important Note: Local agencies must still provide advance notice of public meetings and must still post meeting agendas consistent with the provisions of the Brown Act. AB 361 does nothing to change the fact that meetings must still be noticed and agendized in advance.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.	<ul style="list-style-type: none">• Agendas are not required to identify each teleconference location in the meeting notice/agenda• Local agencies are not required to make each teleconference location accessible to the public

Emergencies can – and often do – happen quickly. As was the case with the 2018 Camp Fire, individuals fleeing a disaster area may end up in disparate locations throughout the state. These impromptu, ad hoc locations are not ideal for conducting meetings consistent with the usual Brown Act requirements, which may impede local agencies seeking to meet promptly in response to calamity. To that end, AB 361 removes the requirement to document each teleconference location in meeting notices and agendas. Similarly, local agencies are not required to make these teleconference locations accessible to the public.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, during the teleconferenced meeting, at least a quorum of the members of the legislative body shall	<ul style="list-style-type: none">• No requirement to have a quorum of board members participate from within the territorial bounds of the local agency's jurisdiction



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participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

The purpose of AB 361 is to assist local agencies with continuing their critical operations despite facing emergencies that pose a risk to human health and safety – emergencies which oftentimes correspond with advisory or mandatory evacuation orders (e.g., wildfires, earthquakes, gas leaks, etc.). An emergency which drives individuals from an area could make meeting within the bounds of a local agency impossible to do feasibly or safely. Accordingly, AB 361 allows for local agencies to disregard quorum requirements related to members of a legislative body teleconferencing from locations beyond the local agency's territory.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.	<ul style="list-style-type: none"> • In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment • The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option • The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly • In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored



	<ul style="list-style-type: none">• Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed
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The right of individuals to attend the public meetings of local agencies and be face-to-face with their elected or appointed public officials is viewed as sacrosanct, only able to be abrogated in the most extraordinary of circumstances. Under normal conditions, local agencies are required to allow members of the public to participate in a public meeting from the very same teleconference locations that other board members are using to attend that meeting.

AB 361 solves the specific problem of what to do in circumstances when local agencies are holding their meetings remotely during an emergency and it would be unsafe to permit access to members of the public to the remote teleconference locations. AB 361 permits local agencies to meet without making teleconference locations available to members of the public, **provided that** members of the public are afforded the opportunity to provide public comment remotely as well.

Importantly, local agencies must ensure that the opportunity for the public to participate in a meeting remains as accessible as possible. This means that local agencies cannot discriminate against members of the public participating either remotely or in-person. In practice, this means:

- Local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option

Importantly, local agencies are required to provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited to: phone numbers, passwords, URLs, email addresses, etc. Using this information, members of the public must be able to attend the meeting remotely. Any of the information related to participation must be included in the relevant meeting notice(s) and meeting agenda(s). If an agency fails to provide one or more of these key pieces of information in a meeting notice or agenda, the agency should not proceed with the meeting as-is, as it could result in any subsequent action being rendered null or void.

- Agencies whose meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda

In a notable departure from the terms of the Governor's orders, AB 361 explicitly requires that local agencies must first resolve any remote meeting disruption before proceeding to take further action on items appearing on a meeting agenda. In the event that a public comment line unexpectedly disconnects, a meeting agenda was sent out with the incorrect web link or dial-in



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information, the local agency's internet connection is interrupted, or other similar circumstances, a local agency is required to stop the ongoing meeting and work to resolve the issue before continuing with the meeting agenda.

Local agencies should ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda. This may require directing staff to monitor the means by which the public can observe the meeting and offer comment to ensure that everything is operating as intended.

In the event that a meeting disruption within the control of the agency cannot be resolved, a local agency should not take any further action on agenda items; the local agency should end the meeting and address the disruption in the interim, or it may risk having its actions set aside in a legal action.

Important Note: *Test, test, test! Local agencies should be testing their remote meeting setup in advance of (and during) every meeting to ensure that there are no apparent issues. Local agency staff should attempt to attend the meeting in the same way(s) made available to members of the public and demonstrate that everything is working as intended. The fact that staff tested the system before and during a meeting and failed to detect any problems may become a key factor in any potential legal action against the agency.*

- Local agencies cannot require that written comments be submitted in advance of a meeting

It is not permissible to require that members of the public looking to provide public comment do so by submitting their comment(s) in advance of a meeting – in fact, not only is this a violation of AB 361's terms, it is also a violation of the Brown Act generally. Both AB 361 and the Brown Act explicitly require that members of the public be given the opportunity to provide public comment **directly** – that is, live and at any point prior to public comment being officially closed during a public meeting. Until such time during a meeting that the chairperson (or other authorized person) calls for a close to the public comment period, members of the public are allowed to submit their public comments directly or indirectly, orally, written, or otherwise.

- Local agencies may only close registration for public comment at the same time the public comment period is closed, and must accept public comment until that point

Local agencies cannot require that individuals looking to provide public comment register in advance of a meeting (though agencies may extend the **possibility** of advance registration or commenting as a **non-mandatory** option). Nor may local agencies require that individuals looking to provide public comment register in advance of the agenda item being deliberated by a local agency. Local agencies may only close registration for public comment at the same time that they close the public comment period for all. Until the public comment period is completely closed for all, members of the public must be permitted to register for, and provide, public comment.



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Local agencies that agendize a comment period for each agenda item cannot close the public comment period for the agenda item, or the opportunity to register to provide public comment, until that agendized public comment period has elapsed.

Local agencies that do not provide an agendized public comment period but instead take public comment separately on an informal, ad hoc basis on each agenda item must 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.

Local agencies with an agendized general public comment period that does not correspond to a specific agenda item (i.e., one occurring at the start of a meeting, covering all agenda items at once) cannot close the public comment period or the opportunity to register until the general public comment period has elapsed.

Brown Act Requirement	Requirement under AB 361
<p>A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.</p> <p>If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.</p>	<ul style="list-style-type: none">An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate

“Zoom meetings” became ubiquitous during the COVID-19 pandemic – for good reason. The Zoom video teleconferencing software was free (with some “premium” features even made temporarily free to all users), easily deployed, and user-friendly. All one needed was a Zoom account and then they’d be able to make use of the platform’s meeting services, hosting and attending various meetings as they pleased.

Unfortunately, the Brown Act has long prohibited the use of mandatory registration or “sign-ups” to attend public meetings or to provide public comment. Privacy and good governance concerns prohibit such information gathering from members of the public seeking to remain anonymous while also engaging with their government. Accordingly, it would normally be a concern to use any teleconference platform which may require participants to register for an account even when it is not the local agency establishing that requirement.



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AB 361 resolves this issue by explicitly allowing local agencies to use platforms which, incidental to their use and deployment, may require users to register for an account with that platform so long as the platform is not under the control of the local agency.

Important Note: *Just because you “can” doesn’t mean you “should.” There are products on the market that do not require individuals to sign up for/sign in to an account to participate in a remote meeting. Local agencies are heavily discouraged from contacting their remote meeting platform vendor in an attempt to uncover information about meeting attendees.*

RESOLUTIONS: ENACTING ASSEMBLY BILL 361

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

- (A) The local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- (B) The local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- (C) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

If a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution would permit meeting under the provisions of AB 361 for a maximum period of 30 days. After 30 days, the local agency would need to renew its resolution, consistent with the requirements of AB 361, if the agency desires to continue meeting under the modified Brown Act requirements, or allow the resolution to lapse.

Important Note: *Consider referencing [the initial sample resolution linked on this page \(click here\)](#) in crafting your agency’s initial resolution effecting the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency’s resolution before its consideration at a public meeting.*



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After 30 days, a local agency is required to renew its resolution effecting the transition to the modified Brown Act requirements if it desires to continue meeting under those modified requirements.

Importantly, the ability to renew the resolution is subject to certain requirements and conditions. In order to renew the resolution, a local agency must:

- Reconsider the circumstances of the state of emergency
- Having reconsidered the state of emergency, determine that either
 - The state of emergency continues to directly impact the ability of the members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing

AB 361 requires that the renewal of the resolution effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

Important Note: Consider referencing [the subsequent adoption sample resolution linked on this page \(click here\)](#) in crafting your agency's renewal resolution renewing the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

Important Note: If your agency does not meet again before the 30 day period during which the resolution remains active, the resolution will lapse for lack of action by the agency. After a resolution has lapsed, if the agency seeks to meet remotely again under the modified Brown Act requirements, it must pass a new initial resolution effecting the transition to the modified Brown Act requirements, subject to the same substantive and procedural requirements as before.



CONTRA COSTA COUNTY EXECUTIVE FIRE CHIEFS

September 3, 2021

VIA U.S. MAIL AND ELECTRONIC MAIL

Marshall Bennett, Director
Contra Costa EMS
777 Arnold Drive, Suite 110
Martinez, CA 94553
Marshall.Bennett@cchealth.org

RE: Ambulance Ordinance Revisions

Dear Mr. Bennett:

The Contra Costa County Fire Chiefs Association (“Association”) thanks CCEMS for the opportunity to submit written comments on its proposed revisions to the County’s ambulance licensing ordinance.

First and foremost, the Association opposes CCEMS’s proposed revisions for many reasons expressed in other public comments. Fire agencies and private providers are not comparable in need for licensing and permitting regulation by CCEMS and the County. Fire agencies are already subject to regulation by their governing bodies, which are comprised of elected officials. Our governing bodies make policy decisions regarding the agencies’ funding, organization, operations, services, and resource levels according to the needs of the communities we serve and those communities’ ability to pay for services. These governing bodies are politically accountable to voters and taxpayers for their public policy decisions and the fire agencies’ performance of their responsibilities.

With this being said, we will focus on three issues in this letter.

First, the revised ordinance must expressly state that it does not apply to fire agencies or fire agency personnel. The purpose of the revisions is to ensure that private, non-emergency ambulance providers are appropriately licensed and permitted. We support this effort. However, CCEMS has not identified any issues or problems with our fire agencies’ first response and ambulance services that require further regulation. Even if it did, the existing ordinance and the proposed revisions are therefore contrary to state law. The EMS Act does not grant the County the authority to issue licenses and permits to fire agencies, and the Legislature recently clarified in Stats. 2019, ch. 389 (SB 438) that *CCEMS cannot unilaterally prevent fire agency responses or alter fire agency deployments*.

More importantly, CCEMS’s unilateral imposition of inconsistent regulatory requirements on our agencies through permits and licenses threatens to impair our agencies’ ability to function as “all-risk” agencies and to contradict the policies set by our governing bodies. Therefore, consistent with the EMS Act, our agencies coordinate their EMS and ambulance operations with CCEMS through voluntary agreements. This process ensures that fire agencies voluntarily agree to EMS requirements and standards they can meet without impairing their other emergency services obligations and policies.

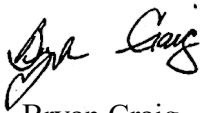
Second, CCEMS’s proposed revisions would allow it to investigate and enforce the ordinance and the EMS Act against fire agency personnel without complying with the EMS Act’s mandatory processes or affording our

personnel legal and due process protections under the Administrative Procedure and Firefighter Bill of Rights Acts.

Third, CCEMS's proposed revisions would eliminate the requirement that CCEMS consult with the EMCC and the public before adopting and enforcing rules, regulations, and policies. CCEMS's rulemaking processes must be open, transparent, and subject to public scrutiny.

The Association is willing to accept the County ambulance licensing ordinance revisions if language is added, exempting Fire agencies, Fire agency personnel, publicly owned and operated ambulances, fire apparatus, and emergency response vehicles. The Association would like the opportunity to meet with CCEMS to craft a revised ordinance that is consistent with state law and acceptable to all EMS stakeholders. Would you please let me know when you are available to meet?

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Craig".

Bryan Craig,
President, Contra Costa County Fire Chiefs Association
Fire Chief, Rodeo-Hercules Fire District

cc:
pm,lb,dw



California Special Districts Association

Districts Stronger Together

AB 361 PROCESS: AN EXECUTIVE SUMMARY

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety.
2. A state of emergency is declared (pursuant to CA GOVT § 8625).
3. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings consistent with the terms of CA GOVT § 54953, subdivision (e).
4. A resolution is passed consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (1), subparagraph (B) (i.e., a resolution passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees).¹ This resolution is valid for 30 days.
5. 30 days later: if the state of emergency remains active, a local agency may act to renew its resolution effecting the transition to teleconferenced meetings by passing another resolution, consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (3) (i.e., a resolution which includes findings that legislative body has both 1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person.²

¹ Alternatively, in lieu of a resolution finding that meeting in person would present imminent risks to the health or safety of attendees, a local agency may use modified Brown Act procedures when state/local officials recommend/require measures to promote social distancing.

² Should state/local officials continue to impose or recommend measures to promote social distancing, this may instead be used as a basis for renewing a resolution (as opposed to the fact that the state of emergency continues to directly impact the ability of the members to meet safely in person).

This communication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these communications.

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ANNA M. ROTH, RN, MS, MPH
HEALTH DIRECTOR

MARSHALL BENNETT
EMS DIRECTOR

SENAI KIDANE, MD
EMS MEDICAL DIRECTOR



EMERGENCY MEDICAL
SERVICES AGENCY

777 Arnold Drive, Suite 110
Martinez, CA 94553-3642
Phone: (925) 608-5454

September 8, 2021

VIA ELECTRONIC MAIL
(email: Craig@rhfd.org)

Bryan Craig, President
Contra Costa County Fire Chiefs Association
Fire Chief, Rodeo-Hercules Fire Department
2495 Treat Blvd.
Concord, CA 94528

Re: Response to September 3, 2021 Letter Re Ambulance Ordinance Revision

Dear Chief Craig:

Thank you for your letter dated September 3, 2021, responding to the Agency's request for public comment on the proposed revisions to Emergency Medical Services and Ambulance Ordinance ("proposed ordinance"). I appreciate your feedback and will do my best to respond to the issues raised in your letter. Because you did not provide any specific references or citations to legal authority or to the proposed ordinance that support your comments (aside from a reference to AB 438), or direct references to any provision of the proposed ordinance, I will make my best attempt to provide a relevant and accurate response based upon what I am able to interpret from your letter.

In general, most – if not all – of your concerns appear unfounded or have already been mitigated by the latest revisions that CCCEMS posted for public comment on CCCEMS website on Friday, August 20, 2021. I have taken excerpts from your letter and responded below.

- 1. "Fire agencies and private providers are not comparable in need for licensing and permitting regulation by CCEMS and the County. Fire agencies are already subject to regulation by their governing bodies, which are comprised of elected officials. Our governing bodies make policy decisions regarding the agencies' funding, organization, operations, services, and resource levels according to the needs of the communities we serve and those communities' ability to pay for services. These governing bodies are politically accountable to voters and taxpayers for their public policy decisions and the fire agencies' performance of their responsibilities."***



Response:

The proposed ordinance does not expand any regulatory authority upon fire agencies that does not already exist in the current ordinance that was enacted in 1979. CCCEMS agrees that the proposed ordinance does not regulate any fire agencies and does not attempt to expand CCCEMS' existing regulation of any public EMS transport agencies beyond the scope of the current ordinance and regulations already in effect. The proposed ordinance does not alter or affect any public agencies existing obligation to sustainably perform reliable EMS response and transport for calls for service according to local EMS policy and as part of the Contra Costa County EMS System.

2. ***“The existing ordinance and the proposed revisions are therefore contrary to state law. The EMS Act does not grant the County the authority to issue licenses and permits to fire agencies, and the Legislature recently clarified in Stats. 2019, ch. 389 (SB 438) that CCEMS cannot unilaterally prevent fire agency responses or alter fire agency deployments.”***

Response:

I agree that the EMS Act does not grant the County the authority to issue licenses and permits to fire agencies. Hence, the County has had in effect for 34 years an ambulance ordinance to fill the void for regulation that was left open by the state choosing not regulate ambulance service. I am unable to locate any provision in the proposed ordinance that conflicts with state law. I am also unclear what “license” or “permit” you are referencing in your letter. All ALS ambulance contracts require that ambulances be subject to “no notice” inspections. Is there any reason any of your agencies would object to an EMS regulatory agency inspecting an EMS response vehicle and providing a “permit” that memorializes a passed inspection? I have also studied your comments and reviewed again SB 438 to understand your position that the proposed ordinance conflicts with state law, and specifically SB 438. I have also reviewed the Legislative Counsel’s Digest for SB 438. As you are aware, SB 438, which amended Government Code sections 53100.5, 53110, and Health and Safety Code sections 1797.223 and 1798.8, clarified that the authority of a local EMS agency medical director may not be construed to limit the authority of a public safety agency to directly receive and process “911” emergency requests or authorize a local EMS agency to unilaterally reduce a public safety agency’s response mode below that of an EMS transport provider. After a thorough review of your letter, the Legislative Counsel’s Digest, the amended Government and Health and Safety Codes, and the proposed ambulance ordinance, I have been unable to locate any provision in the proposed ordinance that directly or indirectly affects the processing of “911” calls or reduces a fire agency’s response mode below that of an EMS transport provider. Accordingly, I have concluded that this ordinance does not conflict with SB 438. I invite you to provide specific references to any provisions in the proposed ordinance that you believe conflicts with SB 438.



3. ***“More importantly, CCEMS’s unilateral imposition of inconsistent regulatory requirements on our agencies through permits and licenses threatens to impair our agencies’ ability to function as “all-risk” agencies and to contradict the policies set by our governing bodies. Therefore, consistent with the EMS Act, our agencies coordinate their EMS and ambulance operations with CCEMS through voluntary agreements. This process ensures that fire agencies voluntarily agree to EMS requirements and standards they can meet without impairing their other emergency services obligations and policies.”***

Response:

There is nothing in this draft ordinance that applies to any public vehicle other than an ambulance. What conflict are you identifying that would impair your agencies’ ability to operate? I am also unclear on your reference to inconsistent regulatory requirements. Any requirements imposed on an ambulance provider through the existing ordinance, or the proposed ordinance, would not be unilateral nor inconsistent. Contrariwise, the purpose of revising the ambulance ordinance is to create consistency and transparency.

4. ***“Second, CCEMS’s proposed revisions would allow it to investigate and enforce the ordinance and the EMS Act against fire agency personnel without complying with the EMS Act’s mandatory processes or affording our personnel legal and due process protections under the Administrative Procedure and Firefighter Bill of Rights Acts.”***

Response:

This is not a correct statement. The ordinance does not reference, conflict, or supersede the Administrative Procedure and Firefighter Bill of Rights Acts. In fact, nothing in the proposed ordinance addresses or references investigations or processes relating to certifications or licenses of prehospital personnel. I invite you to provide a specific reference to any section of the proposed ordinance that would allow CCEMS to investigate or enforce the ordinance and the EMS Act against licensed or certified prehospital personnel, or that would run afoul of the Administrative Procedure or Firefighter Bill of Rights Acts.

5. ***“Third, CCEMS’s proposed revisions would eliminate the requirement that CCEMS consult with the EMCC and the public before adopting and enforcing rules, regulations, and policies. CCEMS’s rulemaking processes must be open, transparent, and subject to public scrutiny.”***

Response:

The EMCC was created by a resolution of the Board of Supervisors under the authority of state law as an advisory committee to the local EMS agency and the EMS Authority. I have attached a copy of the EMCC bylaws for your information and review.

The EMCC is mandated by state law, and its own bylaws to at least annually, review the operations of each of the following: (a) Ambulance services operating within the county; (b) Emergency medical care offered within the county, including programs for training large



numbers of people in cardiopulmonary resuscitation and lifesaving first aid techniques; and, (c) First aid practices in the county. (See Health and Safety Code § 1797.274). The EMCC is also authorized to advise the local EMS agency on the development of a community paramedicine program or alternate triage destination program and other matters relating to emergency medical services. (See Health and Safety Code § 1797.273, *et seq.*) Nothing in the proposed ordinance repeals or preempts any resolution of the Board of Supervisors or limits the authority of the EMCC granted to it under state law to review or advise those matters delegated to it under Health and Safety Code sections 1797.273 or 1797.274. Additionally, you should know that CCCEMS does not adopt “rules” or “regulations.” CCCEMS does not enforce “rules.”

Because CCCEMS does not adopt rules, it does not have “rulemaking processes.” However, all CCCEMS policies and treatment guidelines are finalized and published after an open, transparent, and collaborative process, as illustrated by several years precedents requesting public comment. This draft ordinance is no exception.

Underscoring CCCEMS’ collaborative and transparent practice, CCCEMS met with each public fire-based transport agency and discussed the history, evolution, meaning and intent of the proposed ordinance. CCCEMS thereafter solicited comments from each transporting fire agency and revised the proposed ordinance based on fire agency feedback before releasing the proposed ordinance for public comment. CCCEMS also met with the County Police Chief’s at their March 2021 meeting and with Moraga-Orinda Police Chief and EMCC chair Jon King. Please see below timeline for fire transport agency and public outreach.

Moraga-Orinda Police Department/EMCC Chair Jon King:	12/14/2020
San Ramon Valley Fire Protection District:	03/09/2021
Moraga-Orinda Fire Protection District:	03/09/2021
Contra Costa County Police Chief’s Association:	03/24/2021
Contra Costa County Fire Protection District:	03/26/2021
Received written feedback from CCCFPD:	04/21/2021
CCCEMS Director email to fire chiefs inviting to meet:	06/09/2021
Publicly published and posted to CCCEMS website the revised draft, response to all comments submitted by CCCFPD, request for public comment with link to fillable online forms:	08/20/2021

Please also see the attached PDF of an email I sent to all the fire chiefs on June 9, 2021, offering to meet and discuss the draft ordinance and address any concerns they or the County fire chiefs’ association may have.

You should also know that during CCCEMS meeting with each of the fire-based transport agencies, the concerns in your letter were not raised. Moreover, none of the fire agencies participated in the online public comment or used the comment form that was provided for them



and the ambulance transport providers.

6. ***“The Association is willing to accept the County ambulance licensing ordinance revisions if language is added, exempting Fire agencies, Fire agency personnel, publicly owned and operated ambulances, fire apparatus, and emergency response vehicles.”***

Response:

I understand your request that the proposed ordinance broadly exempt fire agencies. However, this ordinance does not impact any fire agencies who do not provide ambulance transport and a blanket exemption is not proper. Publicly owned and operated ambulances who have non-competitive exclusivity pursuant to Health and Safety Code section 1797.224 have many exemptions in the proposed ordinance. However, if a public agency is in the position to bid for a competitive contract, the requirements would be the same for any other bidder in order to mitigate anti-trust issues, *i.e.*, in a competitive bid for exclusivity there must be parity and equity in order for anti-trust immunity to apply.

Pursuant to the EMS Act, any Fire agency personnel who are credentialed as an EMT-B or EMT-P are subject to CCCEMS regulation and oversight because they provide EMS response and are regulated by CCCEMS policies and medical direction. However, there is nothing in this ordinance that exceeds any existing requirements for licensed or certified prehospital personnel.

Fire apparatus have been excluded from the proposed ordinance and any definition that could be construed to include fire apparatus has been removed. I invite you to cite a specific provision in the proposed ordinance if you believe I am mistaken.

In line with the removal of fire apparatus, CCCEMS revised the definition of “Emergency Response Vehicle.” The definition of an emergency response vehicle only applies to “privately owned” vehicles per ordinance definition.

As always, I remain available to meet with you to discuss your concerns.

Sincerely,

CONTRA COSTA COUNTY EMS AGENCY



MARSHALL BENNETT
Director of Emergency Medical Services

cc: Randy Sawyer, Deputy Director of Health Services
Contra Costa County Emergency Medical Care Committee (EMCC)
Louis Broschard, Fire Chief, Contra Costa County Fire Protection District
Paige Meyer, Fire Chief, San Ramon Valley Fire Protection District



Bryan Craig, President
Contra Costa County Fire Chiefs Association
September 8, 2021
Page 6

Dave Winnacker, Fire Chief, Moraga-Orinda Fire Protection District

Attch.: June 9, 2021 email to fire chiefs re: proposed ordinance
EMCC Bylaws



Draft Emergency Medical Services and Ambulance Ordinance of Contra Costa County

Marshall Bennett <Marshall.Bennett@cchealth.org>

Wed 6/9/2021 3:52 PM

To: Broschard, Lewis <Lewis.Broschard@cccfd.org>; Paige Meyer (pmeyer@srvfire.ca.gov) <pmeyer@srvfire.ca.gov>; dwinnacker@mofd.org <dwinnacker@mofd.org>; mpigoni@ci.el-cerrito.ca.us <mpigoni@ci.el-cerrito.ca.us>; Chris Wynkoop <cwynkoop@ci.pinole.ca.us>; Bryan Craig <Craig@rhfd.org>; teachfire@aol.com <teachfire@aol.com>; bhelmick@eccfd.org <bhelmick@eccfd.org>; michael_smith@ci.richmond.ca.us <michael_smith@ci.richmond.ca.us>

Good afternoon Chiefs,

I understand that there may be some issues with the current draft of "Emergency Medical Services and Ambulance Ordinance of Contra Costa County" that need to be clarified and likely discussed.

First and foremost, First Responders were not included in initial stakeholder outreach because there is no (intended) material within the draft that applies to non-transport agencies outside of statutory, regulatory, and local policy requirements that all your agencies already achieve. However, with the feedback we have received from our meetings with SRVFPD, MOFD, and CCCFPD we have identified some sections that need to be qualified with improved language that will distinctly exempt public safety agencies from most current deliverables in the draft ordinance. Most notably the sections that need editing are the definition of "Emergency Response Vehicle", personnel uniforms, transport of cadavers, and some other minor changes that are needed to accurately capture CCCEMS intent and objectives.

The solicited feedback we have already received is an intentional first step and integral part of our process to author and implement an effective ordinance that does not create unintended consequences. I am satisfied with the process that we have conducted thus far, and I would be grateful for any feedback that you as a group or individually might provide after we make our first round of edits. I would also be very happy to meet with you as a group or individually and answer any questions you have on any topics including the current version of the draft ordinance. I would very much like to get to a place where any assumptions made of the LEMSA are founded in positive intent, and I'd like to build trust with you that CCCEMS's objective is to support patient safety and public welfare and not to blur or challenge medical versus operational boundaries.

Please let me know if you'd like to meet in person and discuss the draft ordinance in its current form, I am happy to make myself available to you all. Additionally, if any of you would like to speak to me at any time about any matter, please feel free to call my personal cell phone 209 332 0931.

Thank you all for your partnership and I look forward to future discussions with you all.

Respectfully,

Marshall Bennett
Director of Emergency Medical Services
Contra Costa County
marshall.bennett@cchealth.org
Phone: (925) 608-5454 Office Fax: (925) 228-2492

Emergency Medical Care Committee

BY-LAWS

MISSION STATEMENT

The goal of the Emergency Medical Care Committee (EMCC) is to assure the availability of an effective and efficient emergency medical services system that provides consistent, high quality emergency medical services to all people in Contra Costa County. The EMCC advocates Emergency Medical Services (EMS) system fiscal stability, provides a means for community involvement in defining levels of EMS, and promotes a system that can withstand future challenges and thrive. The EMCC provides the Board of Supervisors, under which it serves, and the Health Services Director with advice and recommendations on EMS system planning and oversight.

I. AUTHORITY.

The Contra Costa County Board of Supervisors, established the Contra Costa County EMCC (Resolutions 68/404, 77/637, 79/460 and by Board Order on February 24, 1998), in accordance with the California Health and Safety Code Division 2.5, Chapter 4, Article 3, to act in an advisory capacity to the Board and the County Health Services Director on matters relating to emergency medical services.

II. DUTIES.

- A. The duties of the EMCC as specified in the California Health and Safety Code Section 1797.274 and 1797.276 are to review the operations of each of the following at least annually:
 - 1. Ambulance services operating within the county.
 - 2. Emergency medical care offered within the county, including programs for training large numbers of people in cardiopulmonary resuscitation and lifesaving first aid techniques.
 - 3. First aid practices in the county.
- B. The EMCC shall, at least annually, report to the Authority, and the local EMS Agency its observations and recommendations relative to its review of the ambulance services' emergency medical care, and first aid practices, and programs for training people in cardiopulmonary resuscitation and lifesaving first aid techniques, and public participation in such programs in the county. The EMCC shall submit its observations and recommendations to the County Board of Supervisors which it serves and shall act in an advisory capacity to the County Board of Supervisors, and to the County EMS Agency, on all matters relating to emergency medical services as directed by the Board.

III. MEMBERSHIP.

- A. Membership of the EMCC shall consist of the following:
 - 1. Consumer representatives - One representative and one alternate representative from each supervisorial district approved by the Board of Supervisors.
 - 2. One representative and one alternate representative from each of the following organizations or groups approved by the Board of Supervisors:
 - a. Alameda-Contra Costa Medical Association
 - b. American Heart Association
 - c. American Red Cross
 - d. California Highway Patrol
 - e. Communications Center Managers' Association
 - f. Contra Costa Fire Chiefs' Association
 - g. Contra Costa Police Chiefs' Association
 - h. Emergency Nurses Association
 - i. Hospital Council, Bay Area Division
 - j. Public Managers' Association

- k. Trauma Center (Contra Costa Contract)
 - l. Contra Costa Sheriff-Coroner
 - m. Contra Costa Health Services
 - n. Community Awareness and Emergency Response – CAER
- 3. One representative and one alternate representative of each of the following groups nominated by the Health Services Director and approved by the Board of Supervisors:
 - a. Ambulance Providers (Contra Costa Contract)
 - b. Air Medical Transportation Provider (Contra Costa Authorized)
 - c. Base Hospital
 - d. Emergency Department Physicians
 - e. EMS Training Institution
 - f. Private Provider Field Paramedic
 - g. Public Provider Field Paramedic
- 4. Existing membership-elected EMCC Officers for the remainder of their terms.
- B. The EMS Director shall serve as an ex officio member.

IV. APPOINTMENT PROCESS

- A. The EMS Agency will contact each of the agencies, organizations and groups listed in Section A, above, to solicit nominations for one representative and one alternate representative prior to the expiration of its representative's and its alternate representative's term.
- B. The nominations received from Sections 3.A.1-2 will be submitted to the Clerk of the Board for the Board of Supervisors' consideration and approval.
- C. The Health Services Director will consider suggested names received from Section 3.A.3. and will provide nominations for these groups for the Board of Supervisors' consideration and approval.

V. TERMS.

- A. EMCC members shall serve for terms not to exceed two years, and elected officers shall remain members of the EMCC for the balance of their terms in office. All terms will expire on November 30th on even-numbered years. There shall be no limit on the number of consecutive terms that an EMCC member may serve.
- B. Any Board-appointed member or alternate member choosing to resign from the EMCC must submit a written letter of resignation to the Clerk of the Board of Supervisors with copy to the EMCC Chair.
- C. The EMS Agency will follow the initial appointment procedure to fill a position for the remainder of a term when there is a resignation or lack of participation.

VI. OFFICERS.

- A. The officers of the EMCC shall be a Chair, First Vice-Chair, and Second Vice-Chair.
- B. Officers shall be elected by the EMCC membership to serve for two years or until their successors are elected. The term will begin on December 1st and terminate on November 30th of odd-numbered years.
- C. Officers may not be elected for more than two consecutive terms in the same office.
- D. In the event of an officer vacancy, the next Vice Chair moves up to the vacant position. In the event of a vacancy of the Second Vice Chair position, the Chair may appoint a member of the EMCC to serve as Second Vice Chair for the remainder of the officer term, subject to an affirmative vote of the EMCC.

VII. DUTIES OF OFFICERS.

- A. The Chair shall preside over all meetings of the EMCC in addition to serving as the Chair of the Executive Committee. The Chair will be a spokesperson for the EMCC and assure that the EMCC

is informed about County emergency medical services issues and needs.

- B. The First Vice-Chair shall assume the duties of Chair in the absence of the Chair and shall render assistance as requested by the Chair. The First Vice-Chair shall also serve as a member of the Executive Committee.
- C. The Second Vice-Chair shall assume the duties of Chair in the absence of the First Vice-Chair and shall render assistance as requested by the Chair or First Vice-Chair. The Second Vice-Chair shall serve as a member of the Executive Committee.
- D. In the absence of the Chair and Vice-Chairs, one of the two non-officer Executive Committee Members shall preside.

VIII. EXECUTIVE COMMITTEE

- A. The Executive Committee is established to conduct the business of the EMCC between regular meetings and shall be composed of the:
 - 1. EMCC Chair
 - 2. EMCC First Vice-Chair
 - 3. EMCC Second Vice-Chair
 - 4. Two non-officer EMCC members
- B. EMCC members elected to the Executive Committee will serve for two years or until their successors are elected. The term will begin December 1st, and terminate on November 30th of odd-numbered years. Executive Committee members may be elected to consecutive terms.
- C. At least one member of the Executive Committee shall be a Citizen/Consumer.
- D. The Executive Committee shall be subject to the orders of the EMCC and none of its acts shall conflict with action or directions of the EMCC.
- E. The Executive Committee shall meet at the call of the Chair, or at the request of a majority of the members of the Executive Committee.
- F. Whenever issues arise requiring the attention of the EMCC before its next regularly scheduled meeting, the Executive Committee shall be empowered to meet and take whatever action is considered appropriate. It will be the responsibility of the Chair to assure that all Executive Board members are notified of such meetings.
- G. Whenever issues must be voted on at Executive Committee meetings in which other EMCC members are in attendance, the voting shall be limited to Executive Committee members.

IX. OFFICER AND EXECUTIVE COMMITTEE SELECTION

- A. The EMCC Chair shall appoint a three-member nominating committee from the membership prior to the June EMCC meeting of odd-numbered years. This committee shall solicit one or more names for each office. The ballot shall be presented at the June meeting, at which time nominations from the floor may be added to the slate. If there are no additions to the slate from the floor and there is a single nomination for each of the Officers, the Chair may call for a vote at the June meeting.
- B. The election of Officers and the two non-officer members of the Executive Committee will be carried out by mail ballot of members if there is more than one nomination for any of the positions. Results of any mail ballot elections will be announced at the September EMCC meeting.
- C. Nominations and election of the two non-officer Executive Committee members will be handled in the same manner as the nomination of EMCC officers.
- D. Whenever a vacancy occurs on the Executive Committee, the Chair shall appoint an EMCC member to fill the vacant position to complete the remainder of the existing term subject to an affirmative vote of the EMCC.

X. MEETINGS.

- A. Regular meetings of the EMCC shall be held at least four times per year or more often as deemed necessary. Meetings will convene at 4:00 pm on the second Wednesday of March, June, September, and December unless otherwise directed by the EMCC or its Executive Committee.
- B. The EMCC Chair may call special meetings as deemed necessary upon ten days prior written notification.
- C. A quorum for the EMCC shall consist of all members (or their alternates) who are present.
- D. Staff support for the EMCC will be provided by the County Emergency Medical Services Agency.

XI. ATTENDANCE.

- A. EMCC members or their alternate members shall attend EMCC meetings.
- B. Whenever a member, or his or her alternate, does not attend three consecutive, regularly scheduled meetings, the Chair of the EMCC may notify the appointing agency/organization of the absences.

XII. VOTING.

- A. All motions placed before the EMCC shall be approved or disproved by the majority of members present and voting.
- B. An alternate for a member shall have full voting rights in the absence of the appointed member.
- C. The EMCC member, or in his or her absence, the alternate member, for each of the groups and agencies identified in Section III, above shall have the right to vote on any motion.

XIII. AD HOC COMMITTEES.

- A. The EMCC membership may appoint ad hoc committees to address EMS related matters.
- B. The EMCC Chair shall appoint chairs and members of any ad hoc committees.
- C. Ad hoc committee members must be members or alternate members of the EMCC.
- D. The EMCC Chair shall be ex officio, a member of all ad hoc committees.
- E. Ad hoc committees shall meet at the call of the ad hoc committee Chair.
- F. Members present shall constitute a quorum.
- G. EMS Agency shall provide a staff member to attend each ad hoc committee meeting.

IVX. BROWN ACT AND BETTER GOVERNMENT ORDINANCE.

County advisory bodies are subject to both the Ralph M. Brown Act (Government Code, sections 54950 et. seq.) and the County's expanded open meeting law, the Better Government Ordinance (Contra Costa County Code, Chapter 25-2.)

VX. PARLIAMENTARY AUTHORITY.

All proceedings of the EMCC and its ad hoc committees shall be conducted in a free and open manner. Upon the request of any three members of the EMCC or at the discretion of the Chair, parliamentary procedure as specified in Robert's Rules of Order will be followed provided they do not otherwise conflict with these by-laws.

VXI. AMENDMENT.

These by-laws may be amended by a two-thirds vote at any regularly scheduled meeting of the EMCC provided that the amendment has been submitted in writing to all members ten (10) working days prior to the meeting.