



**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT**

**2022 STRATEGIC PLANNING WORKSHOP
Wednesday, September 14, 2022
8:30 A.M.**

**Westin South Coast Plaza
686 Anton Blvd.
Costa Mesa, CA 92626**

Pursuant to Assembly Bill 361, signed into law on September 16, 2021 as urgency legislation; Governor Newsom’s Proclamation of a State of Emergency on March 4, 2020, which Proclamation is still in effect; and Board of Retirement Resolution 2022-08, this meeting will be conducted by video/teleconference, in compliance with Government Code section 54953 as amended by Assembly Bill 361. In addition, members of the Board and the public are welcome to participate in the meeting via Zoom from the Westin South Coast Plaza. However, none of the other locations from which the Board members participate by teleconference will be open to the public.

Members of the public who wish to observe and/or participate in the meeting may do so (1) from the Westin South Coast Plaza or (2) via the Zoom app or telephone from any location. Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad. Members of the public who participate in the meeting from the Westin South Coast Plaza and who wish to provide comment during the meeting are invited to do so.

OCERS Zoom Video/Teleconference information	
<p>Join Zoom Meeting https://ocers.zoom.us/j/98996692973</p> <p>Meeting ID: 893 7487 7067 Passcode: 772349</p> <p>Go to https://www.zoom.us/download to download Zoom app before meeting Go to https://zoom.us to connect online using any browser.</p>	<p>Join by Telephone (Audio Only) Dial by your location</p> <ul style="list-style-type: none"> +1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 253 215 8782 US (Tacoma) +1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York) +1 301 715 8592 US (Washington DC) <p>Meeting ID: 893 7487 7067 Passcode: 772349</p>
<p>A Zoom Meeting Participant Guide is available on OCERS website Board & Committee meetings page</p>	



Agenda

Breakfast	7:15 - 8:30
1. WELCOME & INTRODUCTORY COMMENTS	8:30 – 8:45
Steve Delaney, CEO, OCERS	
2. HEARING FROM OUR STAKEHOLDERS	8:45 – 9:30
For more than a decade we have started each workshop by first hearing from our stakeholders.	
County of Orange; Orange County Transportation Authority; and Orange County Employee Association	
3. VISION 2030 – OCERS AND THE LEVERAGING OF TECHNOLOGY	9:30 – 10:15
Steve Delaney, CEO, OCERS	
BREAK	10:15 – 10:30
4. OCERS HEADQUARTER STATUS – THE HEADQUARTERS OF OUR FUTURE	10:30 – 11:00
Brenda Shott, Assistant CEO, OCERS	
5. INVESTMENT TOPICS (PART 1)	11:00 – 12:00
11:00 - 11:30am LIQUIDITY ANALYSIS	
Shanta Chary, OCERS	
11:30 – 12:00pm OCERS’ INVESTMENT BELIEFS REVIEW	
Allan Emkin, Meketa	
LUNCH	12:00 - 1:00
6. RETIREMENT SYSTEMS OF ALABAMA	1:00 – 2:00
Dr. David G. Bronner, Chief Executive Officer, Retirement Systems of Alabama	
7. INVESTMENT TOPICS (PART 2)	2:00 – 4:00
2:00 – 3:00pm INTRODUCTION TO SECONDARIES	
Steven Hartt, Meketa	
3:00 – 4:00pm CHINA: PUBLIC AND PRIVATE MARKETS PERSPECTIVES	
Hayley Tran, CFA, CAIA, Meketa; Gabriel Li, Orchid Asia; Vivian Lin Thurston, CFA, William Blair	
8. WRAP UP	4:00 – 4:15
9. NETWORKING HAPPY HOUR	
ADJOURNMENT	



**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
 BOARD OF RETIREMENT**

**2022 STRATEGIC PLANNING WORKSHOP
 Thursday, September 15, 2022
 8:30 A.M.**

**Westin South Coast Plaza
 686 Anton Blvd.
 Costa Mesa, CA 92626**

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OCERS Zoom Video/Teleconference information	
<p>Join Zoom Meeting https://ocers.zoom.us/j/99168046699 Meeting ID: 892 1655 3802 Passcode: 923020</p> <p>Go to https://www.zoom.us/download to download Zoom app before meeting Go to https://zoom.us to connect online using any browser.</p>	<p>Join by Telephone (Audio Only) Dial by your location</p> <ul style="list-style-type: none"> +1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 253 215 8782 US (Tacoma) +1 929 436 2866 US (New York) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) <p>Meeting ID: 892 1655 3802 Passcode: 923020</p>
<p>A Zoom Meeting Participant Guide is available on OCERS website Board & Committee meetings page</p>	



Agenda

BREAKFAST	7:15 - 8:30
1. WELCOME AND INTRODUCTIONS	8:30 – 8:35
Steve Delaney, CEO, OCERS	
2. ACTION ITEM:	8:35 – 8:45
BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-09	
Gina Ratto, General Counsel, OCERS	
3. STATE OF OCERS- AN OVERVIEW	8:45 – 9:30
Steve Delaney, CEO, OCERS	
4. STATE OF OCERS- ANNUAL QUALITY OF MEMBER SERVICES REPORT	9:30 – 9:45
Suzanne Jenike, Assistant CEO, OCERS	
5. STATE OF OCERS- ANNUAL EMPLOYER REPORT	9:45– 10:00
Suzanne Jenike, Assistant CEO, OCERS	
BREAK	10:00 – 10:15
6. PROPOSED 2023-2025 STRATEGIC PLAN	10:15– 10:45
Steve Delaney, CEO, OCERS	
7. PROPOSED 2023 BUSINESS PLAN	10:45– 12:00
Brenda Shott, Assistant CEO, and OCERS Leadership Team	
LUNCH	12:00 - 1:00
8. INVESTMENT TOPICS	1:00 – 4:00
1:00 – 2:00pm DIGITAL ASSETS AND WEB 3.0	
Alison Adams, Meketa; Oivind Lorentzen, Oak HC/FT	
2:00 – 3:00pm INFLATION EXPECTATIONS AND ASSET VALUATIONS	
David Beeson, OCERS; Steve McCourt, Meketa; Rob Kochis, Townsend Group; Michael Krems, Aksia	
3:00 – 4:00pm THE STATE OF GLOBAL ENERGY MARKETS	
Robert Pisanelli, Aksia; Wil VanLoh, Quantum Energy Partners	
9. WRAP UP	4:00 – 4:15



Memorandum

DATE: September 14, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **HEARING FROM OUR STAKEHOLDERS**

Presentation

Prior to launching into a two day workshop of planning for strategic opportunities in the coming years, we have since 2008 opened each workshop with short presentations from a rotating list of speakers from among our stakeholders, both employer and labor. The OCERS Board has long indicated its interest in hearing directly from our stakeholders as to what they see as important and of concern regarding OCERS, before determining what actions may be necessary in the coming year and years to fulfill our mission to “Provide secure retirement and disability benefits with the highest standards of excellence.”

We have three speakers joining us this year:

- Ms. Michelle Aguirre, Chief Financial Officer of the County of Orange.
- Mr. Darrell E. Johnson, Chief Executive Officer of the Orange County Transportation Authority.
- Mr. Charles Barfield (aka CB), General Manager of the Orange County Employees Association.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer



OCERS Strategic Planning Workshop



Michelle Aguirre, Chief Financial Officer
September 14, 2022

County of Orange
FY 2022-23 Budget

County Mission and Vision Statements

Mission

“Making Orange County a safe, healthy, and fulfilling place to live, work, and play, today and for generations to come, by providing outstanding, cost-effective regional public services.”

Vision Statement for Business Values

We strive to be a high-quality model governmental agency that delivers services to the community in ways that demonstrate:

Excellence

Provide responsive and timely services

Leadership

Leverage available resources as we partner with regional businesses and other governmental agencies

Stewardship

Seek cost-effective and efficient methods

Innovation

Use leading-edge, innovative technology

Vision Statement for Cultural Values

We commit to creating a positive, service-oriented culture which:

Attracts and retains the best and the brightest

Fosters a spirit of collaboration and partnership internally and externally

Supports creativity, innovation, and responsiveness

Demonstrates a “can-do” attitude in accomplishing timely results

Creates a fun, fulfilling and rewarding working environment

Models the following core values in everything we do:

Respect - Integrity - Caring - Trust - Excellence



Strategic Plan Priorities

Adopted December 18, 2012 and Reaffirmed March 31, 2015

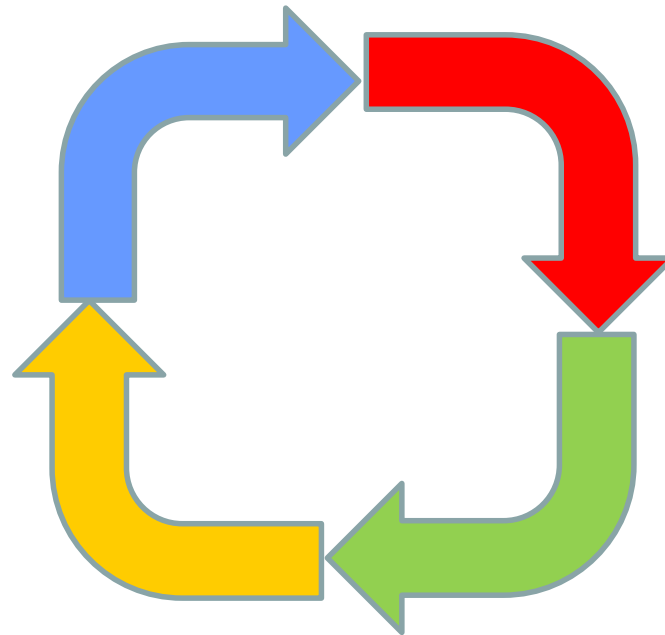
- **Stabilize the budget and prepare for contingencies**
- Develop a competent and cost-effective technology model
- Succession plan and invest in workforce
- Simplify/increase flexibility of administrative policies and procedures
- **Address and fund agency infrastructure**



Strategic Financial Plan (SFP) & Budget Development Process Overview

**Strategic Financial Plan
(August – December)**

**Budget Reports
(January & September)**



**Expense & Revenue
Year-End Forecasting
(February & May)**

**Budget
(January – June)**



Competing Needs for General Funds

Salaries & Benefits

Mandated Services

Non-Mandated Services

Strategic Priorities



Capital Projects

IT Projects



General Purpose Revenues



ORANGE COUNTY RECEIVES THE LOWEST PROPERTY TAX REVENUE ALLOCATION OF ALL 58 COUNTIES

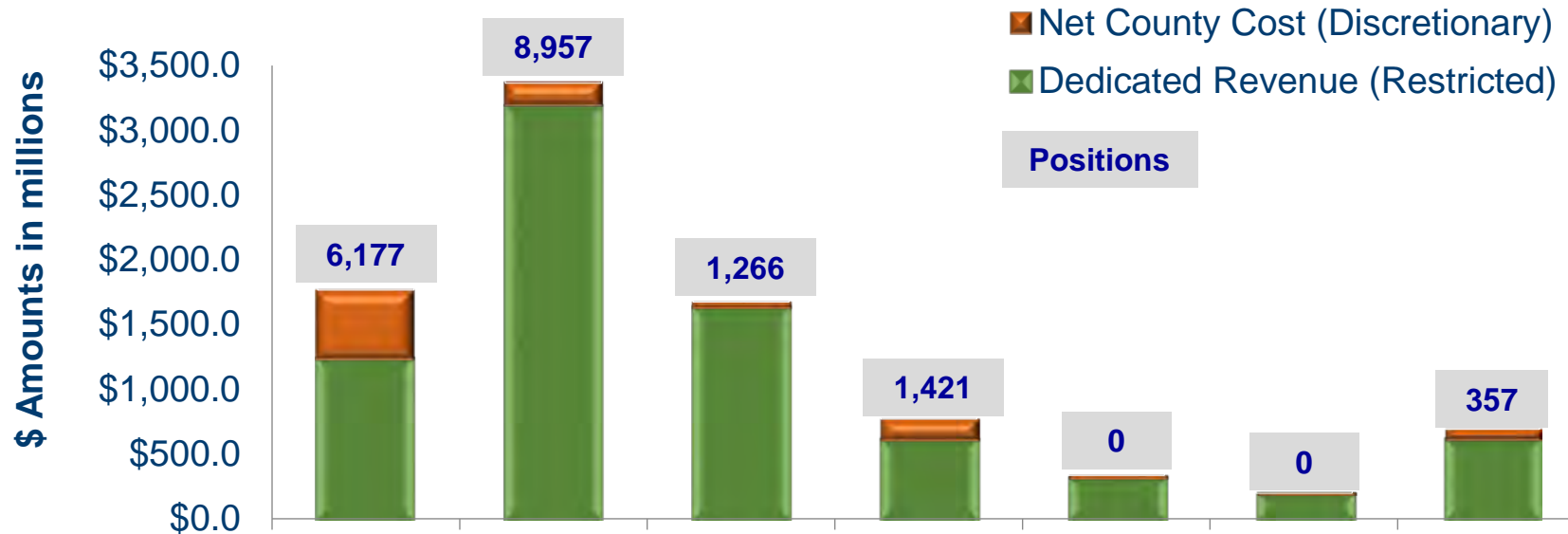


Assembly Bill 8 (1979) set the property tax allocation formula for each California County. Since that time the County's population has nearly doubled from 1.8 million to 3.2 million with no change to the County's property tax allocation proportion.



County Appropriations & Positions by Program

FY 2022-23 Recommended Budget Total = \$8.8 Billion

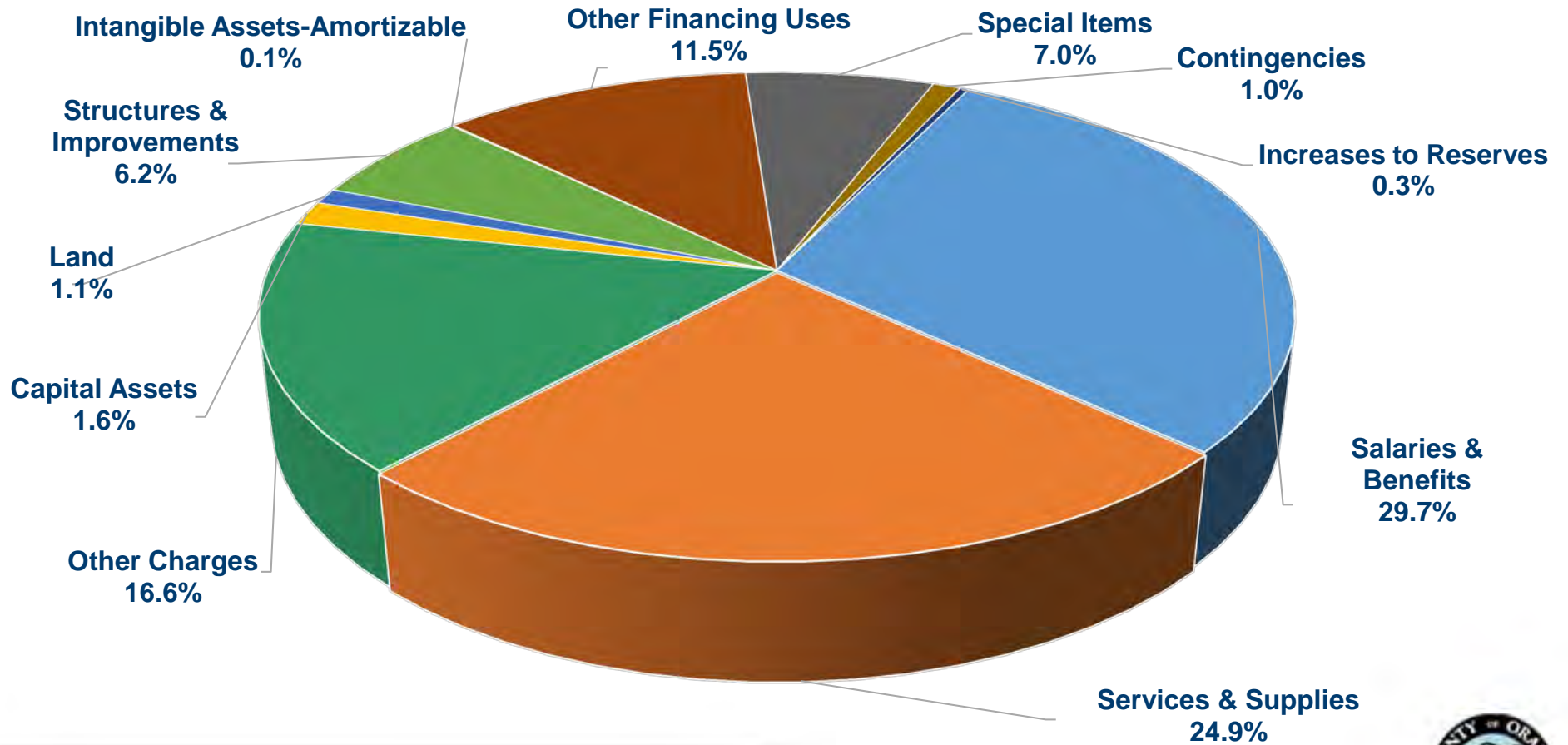


	Public Protection	Community Services	Infrastruct & Env Res	General Govt	Capital Improve	Debt Service	Ins, Res & Misc
Dedicated Revenue (Restricted)	\$1,241.5	\$3,191.4	\$1,636.4	\$616.9	\$318.4	\$196.4	\$619.6
Net County Cost (Discretionary)	523.8	171.8	36.6	153.9	16.1	0.1	70.5
Total Appropriations	\$1,765.3	\$3,363.2	\$1,673.0	\$770.8	\$334.5	\$196.5	\$690.1

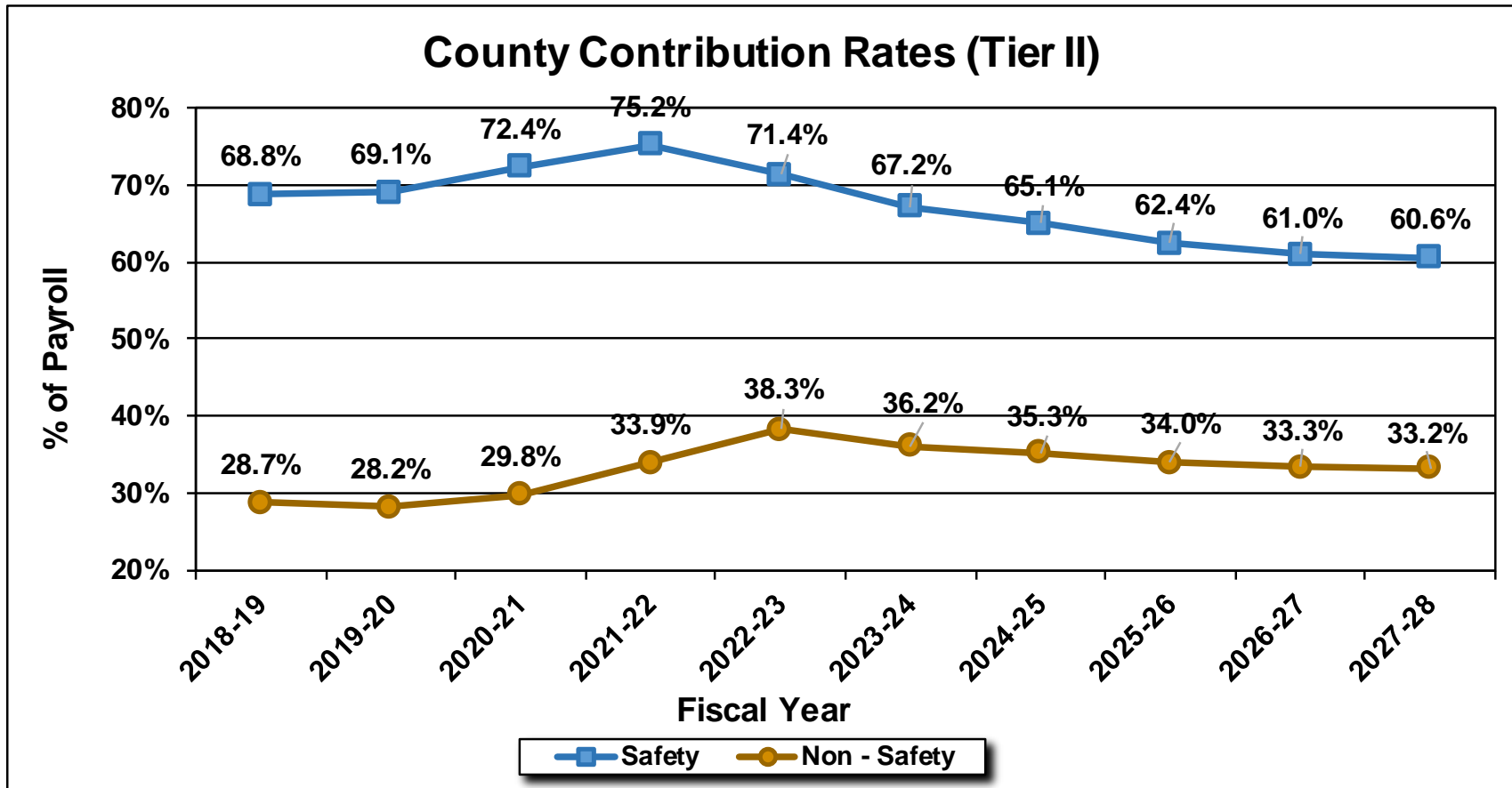


County Appropriations by Expenditure Category

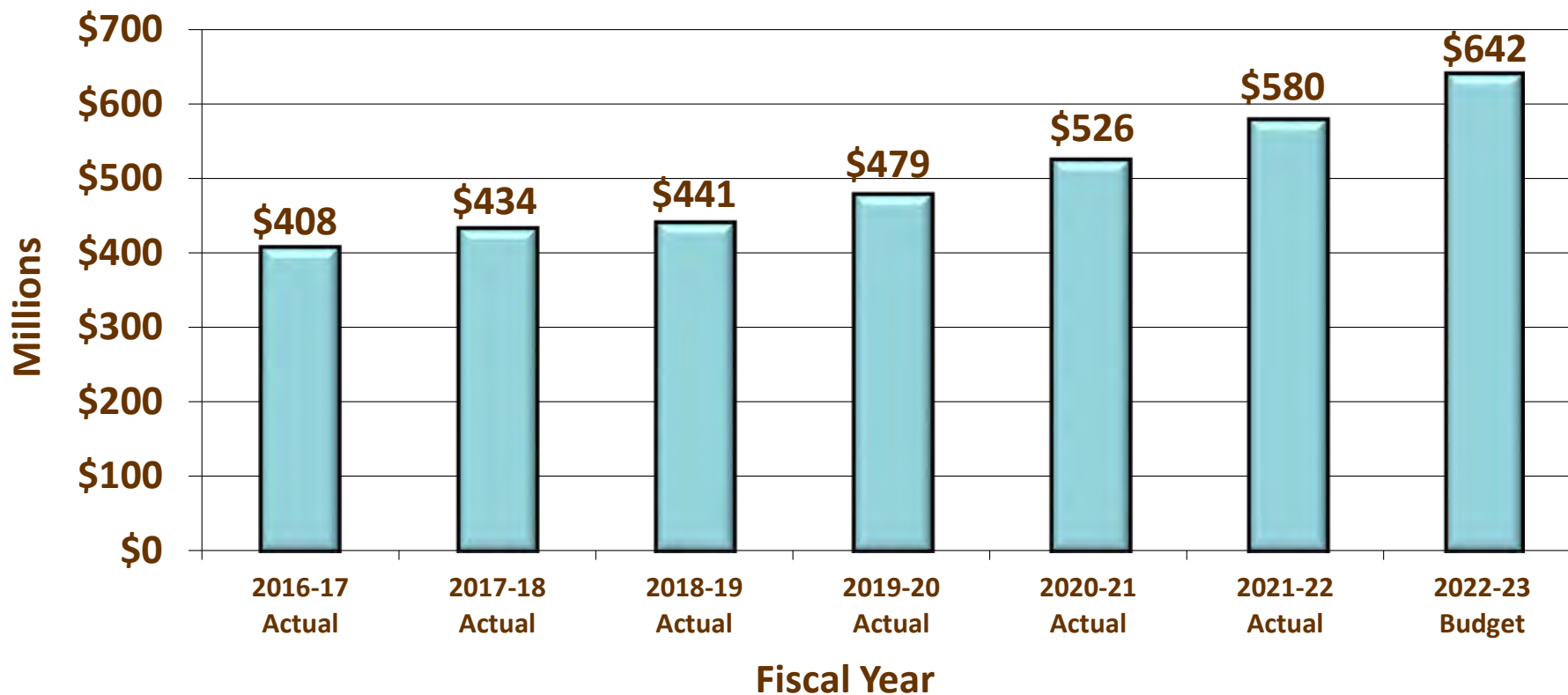
FY 2022-23 Recommended Budget Total = \$8.8 Billion



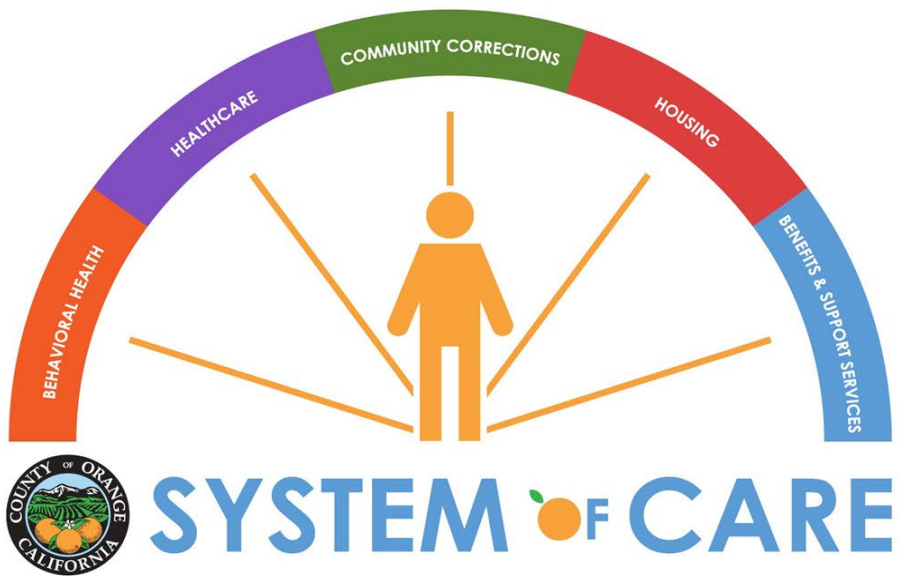
Retirement Rates



Growing Pension Cost



OC CARES



Wrap Up

→ Appreciate

- ▶ Regular communication and updates
- ▶ Focus on enhancing returns
- ▶ Focus on automation to reduce errors and costs

→ Continue to consider plan participants' feedback when making decisions that impact them





Memorandum

DATE: September 14, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **VISION 2030 – OCERS AND THE LEVERAGING OF TECHNOLOGY**

Presentation

Last September (2021), facing a number of administrative challenges, I laid out my initial view of how we might tackle what lay ahead by leveraging technology. I called my roughly outlined project “Vision 2030”.

A year has passed, progress has been made, we have caught the attention of national players, and the future has become clearer.

On Wednesday, September 14, I will provide an update on our progress, lay out further detail of how VISION 2030 may unfold with the Board’s support, and provide a better sense of the anticipated outcomes.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

2011



Vision 2030
Strategic Planning Workshop

Wednesday, September 14, 2022

by

Steve Delaney, CEO



Vision 2030- Why We Started This Journey

In SEPTEMBER 2021 We Discussed:

OCERS then faced Two Large Challenges

- Alameda Recalculation - Immediate
 - 2,500 accounts to be recalculated with all ensuing documentation and management of benefit payback
- 100% Benefit Accuracy – Immediate and long term
 - Internal Audit had found OCERS was running a 6%-8% error rate
 - Core benefit reflecting base salary was generally correct, errors tended to be related to additional salary items that had to be included as outlined in Memorandums of Understanding

OCERS also faced these Constraints

- Extreme plan complications
- External data access
- Desk manuals needing update
- V3 Constraints



Vision 2030 – Technology to the Rescue

I Recommended We Focus on Technology

- Artificial Intelligence (AI) driven data maintenance
 - Member data held in OCERS data folders
- AI driven benefit calculation
 - No need for manual rechecking of work, nor additional manual QA layer
 - OCERS team members focus on analytics and strategic initiatives
- Natural Language/Machine Learning will provide for immediate customer service questions
 - OCERS team members focus on direct customer service with our members caring for more complex higher value interactions
 - Allows AI phone assistant to serve members 24 hrs a day in natural human voice



Vision 2030 – AI Technology to the Rescue

What is Artificial Intelligence?

AI is a set of technologies used to help machines understand how humans think. Once these machines understand the human mindset, they are able to complete tasks in place of humans.

What is Robotic Process Automation?

RPA is an automation technology that implements, and manages robots. These robots mimic humans and can complete routine tasks without needing human touch.

What is Machine Learning?

ML is all about data and algorithms. Instead of spending time inputting rules for ML, this technology uses real-time data to predict the next step in the process. It will create a model of the typical workflow pattern and begin to improve the algorithm based on common relationships and historical data.



Vision 2030 – The Ultimate Goal

An Artificially Intelligent Pension Administration System that by 2030 will calculate all OCERS pension benefits accurately without any human intervention required.





Vision 2030 – The Initial Timeline (2022)

Vision 2030 Timeline

2021

- Data Options
- Continue Outreach

2023

- Test RPA Bots

2027

- New PAS
- AI Growth Capabilities

2030

- OCERS Jenny

“Dave, this conversation can serve no purpose anymore. Good bye.”

2022

- Consultant
- PAS RFP
- Master Repository

2024

- Test RPA Bots

2028

- AI Test Process



Vision 2030 – First Steps (2022): KNOWLEDGE

- Formed an AI ad hoc Committee internally, with many departments represented
- Grew into AI Multi-Employer Monthly Roundtable
- Outreach
 - Canada (4 systems)
 - Dutch APG
 - Federal Social Security Administration
 - National speaking engagements/Survey



Vision 2030 – First Steps (2022): KNOWLEDGE

An example of early stage application –

David Yamasaki, CEO, Orange County Superior Courts



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Vision 2030 – OC Superior Court Sharing

- 2017: Analytics Revolution started with Court Innovation Grant
- 2018: Statewide workstream, governance framework
- 2019: Completed Data Warehouse (case management info, finance & HR)
- 2020: Analytics & tech infrastructure prepared us for COVID
- 2021: Several exploratory projects in AI / ML (predictions, classification, and meta data extraction)
- 2022: Document Intelligence RFP & vendor selected (buy not build)
- 2022+: Data As a Second Language campaign





Vision 2030 – OC Superior Court Sharing

Green: completed
Orange: in progress



Data 1.0 Data Warehouse

- i. CAVE (CMS data) – CIG grant, **completed**.
- ii. Expand CAVE to include non-CMS data (Jury or Self Help)
- iii. Finance / HR data mart



Data 2.0 Data Exchanges & Smart bots

- i. Grand central data exchange
- ii. Smartbot – Dialogue flow: jury & collections
- iii. Natural Language IVR
- iv. JMS – Jail data exchange
- v. CUP – proof of corrections
- vi. Self Help – editable court forms
- vii. CAP – attorney exchange
- viii. Online Records access



Data 3.0 Predictions

- Build predictions engine using CAVE input data
- 1) Predict filings
 - 2) Predict # of trials
 - 3) Predict # of hearings
 - 4) Predict # of court reporters
 - 5) Predict number of jurors to summons



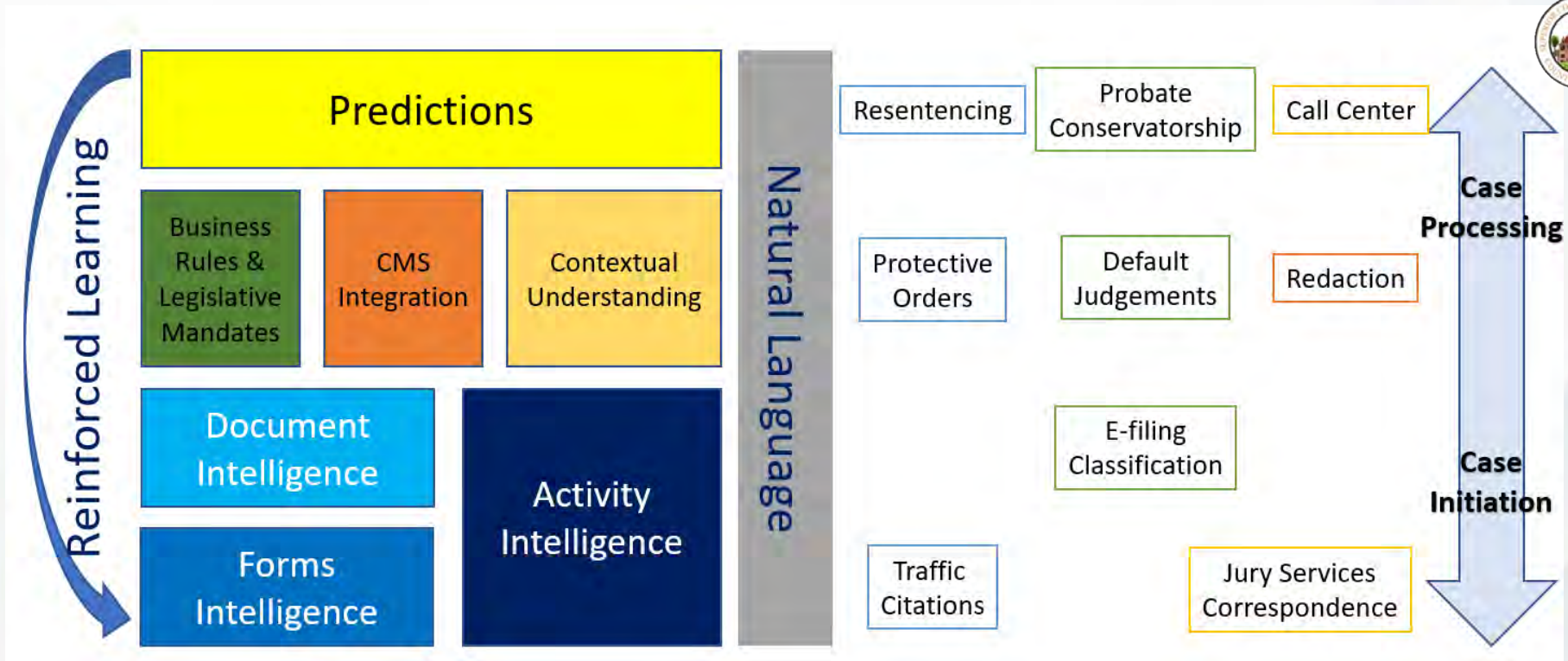
Data 4.0 Doc AI/ML (Document meta data)

- i. POC – evaluate viability of extracting meta data from court filing documents for case processing
- ii. **Document Classification**
- iii. **Marijuana Redaction**
- iv. General purpose fuzzy match (demurer ‘met and conferred’)





Vision 2030 – OC Superior Court Sharing





Vision 2030 – OC Superior Court Sharing

Business Rule

Document

Extracting Document Meta Data & Applying Business Rule

Writ Verification

Line	Requirement	Action
Header	Attorney of record TIP: Match to judgment. If attorney does not match, then search for Substitution of Attorney.	If attorney of record does not match – Reject.
Header	Court Location – Must be the correct court location of the case.	If court location does not match – Reject.
Header	Case Number	If missing or incorrect – Reject. (OK to accept as long as 5-digit core number is correct).
Header	Writ of Execution / Sale box	If missing – Reject
Header	Limited/Unlimited box	If missing or incorrect - Reject. For Small Claims cases the Limited box must be checked
1	Name of the county in which the levy is to be made Check Voyager to determine if there has been a writ issued for the same county within the last 180 days.	If blank – Reject. If a writ for the same county has been issued within the last 180 days and has not been returned – Reject.
3	Name of judgment creditor is as it appears on the judgment. If requesting party is the assignee of record, their name matches the assignment of judgment. The appropriate box indicating judgment creditor or assignee is checked.	If names do not conform to judgment / assignment / renewal – Reject. (A list of acceptable variances is attached.) If box indicating creditor or assignee is missing – Reject.
4	Item 4 lists the name(s) as they appear on the judgment and last known address of the judgment debtor(s). If the checkbox indicates that there is additional judgment debtor(s), see line 2 / on page 2 to verify they are listed.	If name(s) are missing – Reject If names do not conform to judgment (first check for Affidavit of Identity) – Reject. (A list of acceptable variances is attached.) If address is missing – Reject. If box indicating additional debtor(s) is not marked but the names are listed on line 21 – Reject.
5	Date judgment was signed. Judgment must not be greater than 10 years unless renewed.	If missing or incorrect – Reject. If judgment date is greater than 10 years and has not been renewed – Reject.



Vision 2030–Second Steps (2022): POSSIBILITIES





Vision 2030–Second Steps (2022): POSSIBILITIES

A Robotic Process Automation (RPA) possibility:

Presently, a Paralegal in our legal department must manually prepare all medical records pertaining to a disability claim by redacting with a black felt pen any Private Personal Information (PPI), going page by page for a visual search of such information.

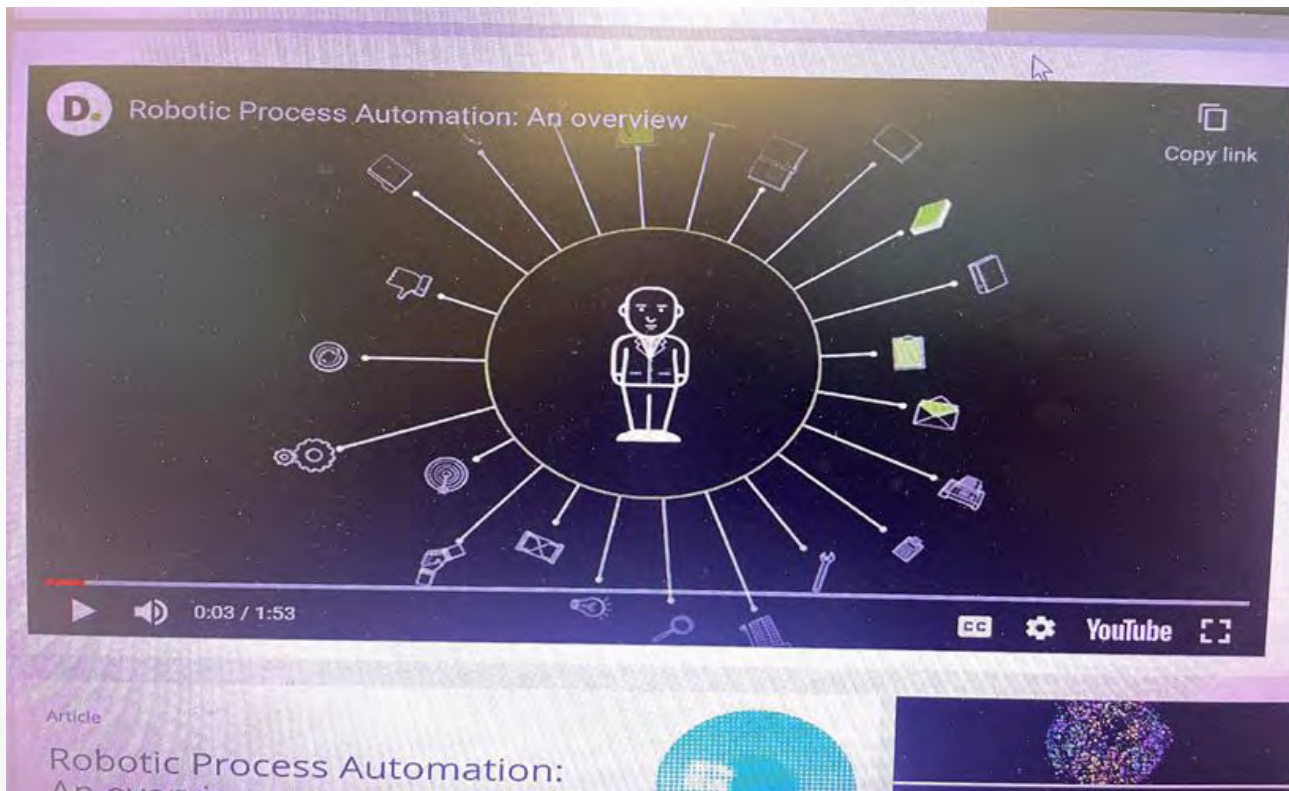
Presented with 3,000 pages per claim on average, our paralegal takes approximately 40 hours to complete the manual redaction.

We need to be able to scan those documents and allow at least initially, Robotic Process Automation (RPA) to search, identify, and redact any PPI.





Vision 2030–Second Steps (2022): POSSIBILITIES





Vision 2030–Second Steps (2022): POSSIBILITIES

2022 POSSIBILITIES CONTINUED...

We learned that our focus on leveraging technology and preparing for the integration of Artificial Intelligence into our mission goal does not and should not be limited to the processing of benefits. OCERS should aim to become an AI integrated system, touching on every department – Finance, Human Resources, Customer Service, Investments.





Vision 2030 – Third Steps (2022): ACTIONS

Master Repository of Policies/Procedures Project

- RFP to hire Technical Writer
- To craft Desk Manuals
- To craft process rules for PAS foundation
- implement a repository and process for keeping documents updated and usable

New Pension Administration System to Replace V3

RFP for a Futurist

A timeline

Success matrices

Future-Proofing/Scalability

RFP for Robotic Process Automation – Initial Use Cases

3-4 use cases at reasonable cost to demonstrate possibilities



Vision 2030 – Third Steps (2022): ACTIONS

2022 ACTIONS CONTINUED...

Getting Access to DATA is Vital – Working discussions just starting with the County of Orange

**DATA IS THE NEW OIL,
AND INTELLIGENT
INFORMATION IS THE
NEW CURRENCY**

Data- and intelligence-driven enterprises win*



Vision 2030 – Planning for 2023



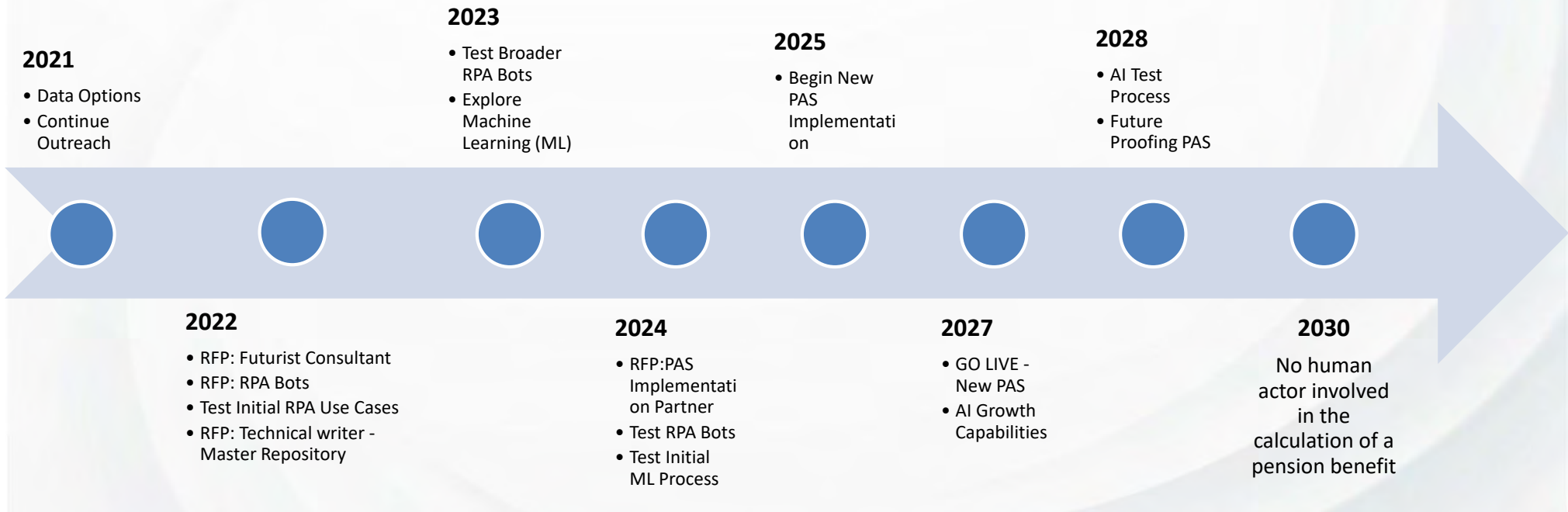
- CREATE A PROJECT MANAGER POSITION/OFFICE
- Master Repository of Policies/Procedures Project – Ongoing
- LEAN processing and Simplification Initiative
- Access to Data – Working discussions with County of Orange and other employers - Ongoing
- RFP for broader Robotic Process Automation of Use Cases
- RFP for New Pension Administration System (PAS) Implementation Partner
- Begin staffing build up to ensure we have Subject Matter Experts on staff for build in 2024 and onward





Vision 2030 (As of September 2022)

Vision 2030 Timeline





Vision 2030 – And beyond...



- <https://www.youtube.com/watch?v=80IIEnSNwQc>



2011



OCERS FUTURE HQ Strategic Planning Workshop

Wednesday, September 14, 2022

by

Brenda Shott, Assistant CEO, Finance and Internal Operations

OCERS HQ - Background

- OCERS Team outgrowing space
- Building is aging (built in 1979 – 43 years old)
- Studied option to do a full remodel, but was determined to be too costly and was only a short-term fix
- Building next door marketed for housing





OCERS HQ - Background



Board Decisions

- Purchase of 1200 N. Tustin – escrow closed February 2020
- Pursuit of building a new HQ on the Tustin Ave property





Property Profile



2223 Wellington	1200 N. Tustin
50,700 sq ft	30,299 sq ft
2.92 acres	2.77 acres
Built in 1979	Built in 1977
Cost = \$2.3 million (1996)	Cost = \$10 million (2020)
3 tenants including OCERS –tenant occupy 3,654 sq ft, OCERS occupies 47,046 (no vacant suites)	11 tenants occupy 17,475 sq ft or 58% of space (6 vacant suites totaling 12,824 sq. ft or 42% of space)
Annual rental income (est. 2022) - \$92K	Annual rental income (est. 2022) = \$580K
Annual expenses (est. 2022) - \$740K	Annual expenses (est. 2022) = \$500K



Building Committee Due Diligence



1551 N. Tustin Ave



1251 E Dyer Rd



400 N. Tustin Ave

- Purchase prices estimated to be between \$250/sq. ft - \$300/sq. ft
- Renovations/Tenant Improvements – estimated between \$150-\$200/sq. ft.





Due Diligence – County Administrative Building Tours

CAS cost - \$523/SF
CAN cost - \$772/SF



Research and Planning

- OCERS shared goals for property (long-term HQ on Tustin Ave) with City Building & Planning team
- Discussed zoning restrictions
 - Variances for building height would be needed if more than 2 stories
- Community development team walked the property and shared “visioning” they thought would work for OCERS and City’s General Plan





Visioning Concept



Examples of ground floor retail/commercial with office





Research and Planning

- Meetings to explore project scope and options:
 - County of Orange
 - Real Estate Office
 - Contracting and Procurement
 - Public Works (building tours)
 - Architectural Firms
 - Ware Malcomb
 - LPA
 - Investment Manager (Principal Real Estate)
 - Investment Consultant (Townsend)

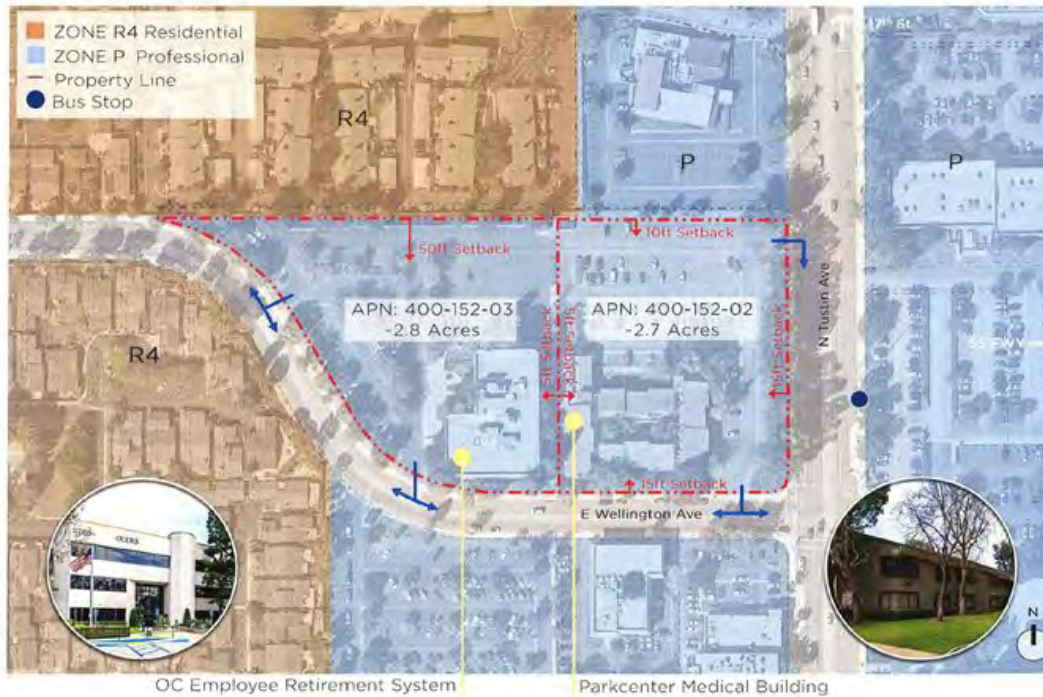


Zoning



OC Employee Retirement System

2223 E Wellington Ave & 1200 N Tustin Ave



P Zoning Regulations:

Building Height:
Maximum 35 ft in height.*

Setbacks:
Front: 15 ft from front property line.*
Side: 15 ft from side property lines abutting a street.*
5 ft setback from interior side property lines.*

Rear: 50 ft if the lot abutting on the rear property line is a parcel used or zoned for residential purposes.*
In all other cases, all structures shall maintain a 10 ft rear setback.*

Parking:
3 spaces for each 1,000 sf of gross floor area.*
(-60,000sf / 1,000sf) x 3 = -180 Spaces
174 Standard + 6 ADA = -180 Spaces
@ 325sf per space
= -58,500 sf of parking

Source: City of Santa Ana Planning and Building Agency
<https://www.santa-anacounty.com/planning-and-building/>

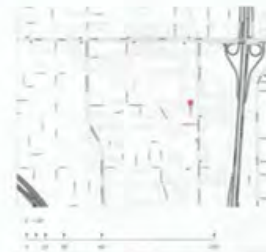
**Conceptual
Site Plan
3 Stories
FP = 20,000
sq ft
60,000 sq ft**



PROJECT DATA

Development Standards	
Jurisdiction	
Zoning Designation	
Max Coverage	
Max F.A.R	
Max Height	
Parking Standards	Min Stall Size Drive Aisle Fire Lane Landscape Islands 8.5'
Required Parking	Per Zoning Dev. Target
Site	
Gross Site Area	148,726 SF
Street Dedication	30,080 SF
Net Site Area	118,646 SF
Coverage	Gross Net
FAR	Gross Net
Building	
Building Area	Floor Plate Stories Total GFA
Cars Required	Per Zoning Dev. Target
Cars Provided	Surface Req. Accessible

- Notes**
- To be confirmed by City
 - Assuming no wildfire risk, the minimum width of a fire access center median is excluded, the required width shall be provide median. In wildfire risk areas, fire lanes shall be at least 25 feet
 - Height tolerance Required



This conceptual design is based upon a preliminary review of environmental requirements and an unperfected and pending entitlements and is intended merely to assist in engineering for the project and is not intended to be developed.

Strategic Management Design
400 WEST WASHINGTON
SUNNYVALE, CA 94085
Boundary Source:
PDF ALTA SURVEY

SCHEME 1

Conceptual Site Study
1200 N Tustin Ave
Santa Ana, CA 92705 - IRV22-0120-00

WARE MALCOMB 2022



Moving Ahead

- Original plan was to draft OCERS's RFP for a developer to emulate what the County did for the next phase of the Civic Center area
- Through a suggestion from the County – OCERS explored the potential to utilize one of the County's A & E contracts to issue a subordinate contract for our project



Next Steps



- RFP for Developer and Architectural Services
 - Finalize building size (current estimates 60,000 sq ft – 100,000 sq ft)
 - Site Plan
 - Building renderings and elevations
 - Floor Plans
 - Determine the use for the excess parcel
 - Construction Plans
- Hire Senior Manager Operations Support (position approved 2020)
- RFP for Construction Management Firm





APPENDIX





Conceptual Site Plan

- 2 Stories
- 60,000 sq ft
- FP = 30,000 sq ft
- Parking Deck



PROJECT DATA

Development Standards	
Jurisdiction	
Zoning Designation	
Max Coverage	
Max F.A.R	
Max Height	
Parking Standards	Min Stall Size Drive Aisle Fire Lane Landscape Islands, B.
Required Parking	Per Zoning Dev. Target
Site	
Gross Site Area	148,726 SF
Street Dedication	30,080 SF
Net Site Area	118,646 SF
Coverage	Gross Net
FAR	Gross Net
Building	
Building Area	Floor Plate Stairs
	Total GFA
Cars Required	Per Zoning Dev. Target
Cars Provided	Surface Req. Accessible

Notes
 1. To be confirmed by City
 2. Assuming no utility risk, the minimum width of a fire as a center marker is included, the required width shall be per section. In whether risk areas, fire lanes shall be at least 20ft

Conceptual Site Plan

- 2 Stories Over Parking Garage
- FP = 30,000 sq ft
- 60,000 sq ft
- Add stories for more sq ft.



This conceptual design is based upon a preliminary review of preliminary requirements and an unrefined and possibly incomplete site and building information, and is intended merely to assist in exploring how the project might be developed.

Site Management Design
 2022-01-10
 Boundary Source
 POF, A/C, Co. Survey

SCHEME 3B

Conceptual Site Study
 1200 N Tuittle Ave
 Santa Ana, CA 92705 - 949-222-0120-00

WARE MALCOMB

Conceptual
 Site Plan
 1 story
 FP= 60,000
 sq ft
 Over Parking





Conceptual Site Plan

- 2 Stories
- FP – 30,000 sf
- Total 60,000 sf
- Aligned with Wellington Ave
- Parking deck



Other conceptual designs in future will be prepared based on additional information and/or available and/or available information, and a detailed study to assist in making how the project might be developed.

Disclaimer: Management Design POLICING/UNDERPINNING SYSTEM

Boundary Survey: REP ALTA SURVEY

SCHEME 4

Conceptual Site Study
1200 N Tustin Ave
Santa Ana, CA 92705 - 0122-0120-00



Conceptual Site Plan

- 3 Stories
- FP = 21,000 sf
- 1 floor = 19,650 sf
- Total = 61,650 sf
- Parking deck



PROJECT DATA

Development Standards	
Jurisdiction	City
Zoning Designation	
Max Coverage	
Max F.A.R	
Max Height	
Parking Standards	
Min Stall Size	
Drive Aisle	
Fire Lane	
Landscape Islands	8.5'X18'
Required Parking	
Per Zoning	
Dev. Target	
Site	
Gross Site Area	148,726 SF
Street Dedication	30,080 SF
Net Site Area	118,646 SF
Coverage	
Gross	
Net	
FAR	
Gross	
Net	
Building	
Building Area	Ground Floor
Typ. Floor Plate	Stories
Total GFA	
Cars Required	Per Zoning
	Dev. Target
Cars Provided	Surface
	Structure
	Total
	Req. Accessible

Notes

1. To be confirmed by City.
2. Assuming no wildfire risk, the minimum width of a fire access on a corner median is included. The required width shall be provided as median. In wildfire risk areas, fire lanes shall be at least 28 feet wide.
3. Height variance required.



This conceptual design is based upon a preliminary review of environmental requirements and an identified and inventory. It is intended merely to assist in examining how the project might be developed.

Stormwater Management Design ASSURED UNDERGROUND SYSTEM

Boundary Survey: POF, ALTA SURVEY

SCHEME: 2A

Conceptual Site Study
1200 N Tustin Ave
Santa Ana, CA 92705 - IRV22-0120-00

WARE MALCOMB 2022.06.1



Conceptual Site Plan



OC Employee Retirement System

2223 E Wellington Ave & 1200 N Tustin Ave



2 - Story Option

Setbacks:
 Front: 15 ft from front property line.*
 Side: 15 ft from side property lines abutting a street.*
 5 ft setback from interior side property lines.*
 Rear: 50 ft if the lot abutting on the rear property line is a parcel used or zoned for residential purposes.*
 In all other cases, all structures shall maintain a 10 ft rear setback.*

Parking:
 3 spaces for each 1,000 sf of gross floor area.*
 (60,000sf / 1,000sf) x 3 = 180 Spaces
 174 Standard + 6 ADA = 180 Spaces
 @ 325sf per space
 = -58,500 sf of parking

- 2 Stories
- FP = 30,00 sf
- Total = 60,000 sf
- Surface parking



Conceptual Site Plan

- 3 Stories
- FP = 20,000 sf
- Total = 60,000 sf
- Surface parking



Memorandum

DATE: September 14, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **RETIREMENT SYSTEMS OF ALABAMA**

Presentation

The keynote speaker of this year's OCERS Board's Strategic Planning Workshop is Dr. David G. Bronner who has served as the Chief Executive Officer of the Retirement Systems of Alabama (RSA) for nearly half a century. He is truly a legend in the public pension industry.

The OCERS Board may recall that I visited RSA in 2019 as part of my yearly outreach to other pension systems, always looking for opportunities to learn from others and build on those insights here at OCERS. COVID interrupted plans to have a focus on RSA at the 2020 OCERS Board Strategic Planning Workshop, so it is with personal pleasure that I can at last serve as host, via Zoom, to Dr Bronner, as he joins us virtually to share highlights of the rather unique history of the Retirement Systems of Alabama.

Dr. Bronner's biography is attached.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

DR. DAVID G. BRONNER

Dr. David Bronner is the CEO of the Retirement Systems of Alabama, a public pension fund with assets in excess of \$53 billion providing benefits for over 380,000 public employees and retirees. RSA is ranked 115 of the world's top 300 largest private/public retirement funds.

Dr. Bronner earned a Ph.D. and law degree from the University of Alabama where he taught in the Graduate Schools of Business and Education and served as Assistant Dean and Lecturer in the School of Law before coming to the RSA.

Dr. Bronner has been featured in *Time*, *Governing* magazine, *The Institutional Investor*, *The Money Manager*, *Wall Street Journal*, *Business Week*, *Forbes Magazine*, and *Pension & Investment Age* for his investment strategies and financial market decisions. In 2003, *PlanSponsor* magazine named the RSA "Plan Sponsor of the Year." Dr. Bronner has also received the Institutional Leadership Award presented by the International Economic Development Council.

High profile investments to help Alabama thrive are a hallmark of Dr. Bronner, including office buildings in Montgomery, Mobile and New York and the development of eight hotels and conference centers in Alabama. Other investments include Gray Television with 150+ TV stations, and Community Newspaper Holdings, Inc., with over 100 newspapers that provide free advertising for the state of Alabama.

The venture of which Dr. Bronner is most proud is the Alabama's Robert Trent Jones Golf Trail, a collection of 26 championship golf courses at 11 sites that has put Alabama at the top of the list of golf destinations worldwide and helped increased tourism from a \$1.8 billion industry to a yearly \$20+ billion industry.



Memorandum

DATE: September 15, 2022
TO: Members of the Board
FROM: Gina M. Ratto, General Counsel
SUBJECT: **BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-09**

Recommendation

That the Board:

- (1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:
 - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; *and/or*
 - ii. State or local officials continue to impose or recommend measures to promote social distancing;and
- (2) If the Board so determines, adopt Board of Retirement Resolution 2022-09 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

Background/Discussion

In March of 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, Governor Newsom declared a state of emergency and issued a series of Executive Orders that modified certain requirements of the Brown Act. The orders waived several requirements for meetings conducted by teleconference, including the requirement that each teleconference location be accessible to the public, that agendas are posted at all teleconference locations, and that each teleconference location be accessible to the public.

On June 11, 2021, the Governor issued Executive Order N-08-21, rescinding the aforementioned modifications of the Brown Act effective September 30, 2021. On September 16, 2021, Assembly Bill 361 was signed into law as urgency legislation. AB 361 provides local agencies with the ability to meet remotely during proclaimed states of emergency under modifications to the Brown Act that are similar in many ways to the rules and procedures established by the Governor's Executive Orders. On September 20, 2021, the Governor signed an executive order waiving the application of AB 361 until October 1, 2021.

AB 361 amended the teleconference rules of the Brown Act and added new provisions for abbreviated teleconferencing procedures that deviate from the traditional teleconferencing procedures during a proclaimed state of emergency, subject to certain requirements specified in the statute.

More specifically, AB 361 amended the Brown Act to add subdivision (e) to Gov't Code § 54953. This subdivision describes the circumstances and procedures for adopting abbreviated teleconferencing procedures during a proclaimed state of emergency, such as the current continuing COVID-19 pandemic. Subdivision (e)(1) of the statute provides the circumstances and requirements under which a local legislative body may adopt the abbreviated teleconferencing procedures. Once a local legislative body meets the requirements for adopting teleconferencing procedures, subdivision (e)(2) provides the requirements for the abbreviated teleconferencing procedures that the local legislative body must implement.

Adopting Abbreviated Teleconferencing Procedures Under AB 361

A local legislative body, such as OCERS and its standing committees, may elect to use the abbreviated teleconferencing procedures under AB 361 where a state of emergency has been formally proclaimed, **provided that**:

- State or local officials have imposed or recommended measures to promote social distancing at the time the legislative body holds the meeting (Gov't Code § 54953(e)(1)(A)); **or**
- The legislative body holds a meeting for the first time for the purpose of determining by majority vote whether, as a result of proclaimed state of emergency, meeting in person would present imminent risks to the health and safety of attendees (Gov't Code § 54953(e)(1)(B)), **or**
- The legislative body has determined (per previous bullet) that, as a result of the proclaimed state of emergency, meeting in person would continue to present imminent risks to the health or safety of attendees (Gov't Code § 54953(e)(1)(C)).

AB 361 further imposes on local legislative bodies a duty to make factual findings to justify the election to continue to use the abbreviated teleconferencing procedures. (Gov't Code § 54953(e)(3).) Local legislative bodies who wish to consider using the AB 361 abbreviated teleconferencing procedures must make the following factual findings within 30 days after teleconferencing for the first time after the expiration of Executive Order N-29-20, and every 30 days thereafter:

- 1) The legislative body has reconsidered the circumstances of the state of emergency; and
- 2) **One or both** of the following circumstances exist:
 - a. The state of emergency continues to directly impact the ability of the members to meet safely in person; **and/or**
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

Until January 1, 2024, public retirement boards and their Boards must reconsider the aforementioned circumstances and make factual findings by majority vote that the circumstances continue to exist in order for the local legislative body to elect and continue to use the abbreviated teleconferencing procedures. (Note that AB 361 was designed not only to deal with COVID-19 but also with other types of states of emergency, as defined in Gov't Code § 8625 of the California Emergency State Services Act.)

On June 20, 2022, the Board adopted Resolution 2022-06 to reflect the findings made by the Board pursuant to AB 361. The Board determined that because state and local officials continue to impose or recommend

measures to promote physical distancing, the Board would elect to continue to use the abbreviated teleconferencing procedures under Government Code section 54953(e)(3), and adopted Resolution 2022-06 after deleting the following language from Section 3 of the Resolution, “that the State of Emergency directly impacts the ability of the OCERS Board, its committees, members and staff to meet safely in person”. At its meetings on July 18, 2022 and August 15, 2022, the Board adopted Resolutions 2022-07 and 2022-08, respectively, again based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing.

Staff recommends the Board now reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic; and if the Board determines the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person *and/or* that state or local officials continue to impose or recommend measures to promote social distancing, that the Board renew its findings and adopt Resolution 2022-09 in order for the Board and its committees to continue to meet by teleconference. Like Resolutions 2022-06, 2022-07 and 2022-08, Resolution 2022-09 is based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing. That is, Resolution 2022-09 *does not* include a determination that the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person.

Reconsideration of the State of Emergency and Requisite Findings

The standards, guidance and recommendations of health officials set forth below support a determination by the Board that the state of emergency continues to directly impact the ability of the members of the Board and its committees to meet safely in person, and confirms that both state and local officials continue to impose or recommend measures to promote social distancing.

The COVID-19 Prevention Emergency Temporary Standards issued by the California Division of Occupational Safety and Health (Cal/OSHA) (codified at 8 C.C.R. § 3205-3205.4) recognizes that physical distancing decreases the spread of COVID-19 and requires it be considered under certain circumstances. For example, the Emergency Temporary Standards **require employers to evaluate whether to implement physical distancing of at least six feet between persons or, where six feet of physical distancing is not feasible, as much distance between persons as feasible, when there has been an outbreak at the workplace** (an "outbreak" is when there have been three or more COVID-19 cases at the workplace during a 14-day period). On May 6, 2022, the Occupational Safety and Health Standards Board readopted the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards for the third time. The draft emergency standards include important revisions to make the workplace rules consistent with the latest requirements and recommendations from the California Department of Public Health (CDPH). The revised emergency standards were effective commencing May 6, 2022. In addition to the emergency temporary standards relevant to OCERS, a fact sheet about the revised emergency standards is attached to the Resolution.

In addition, OSHA has issued guidance on mitigating and preventing the spread of COVID-19 in the workplace that recommends physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers: “[a] **key way to protect such workers is to physically distance** them from other such people (workers or customers) – generally **at least 6 feet of distance is recommended**, although this is not a guarantee of safety, especially in enclosed or poorly ventilated spaces.” (Emphasis added.) **The CDC currently recommends that**

“[t]he closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. **To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others.**”

Moreover, the County of Orange Health Officer’s “Orders and Strong Recommendations” (revised August 19, 2022) states at page 12 that, “[i]n general, 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.” (Emphasis added.) The Health Officer also recognizes, at page 14 of the “Orders and Strong Recommendations”, the Center for Disease Control’s admonition that anyone infected with COVID-19 can spread it even if they do not have symptoms; and (at page 14) that “**the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to** complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, **practice distancing**, frequently wash hands with soap” (Emphasis added.)

Based on the foregoing, if the Board determines either that (1) the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing, staff recommends that the Board renew its findings and adopt Resolution 2022-09 in order for the Board and its committees to continue to meet by teleconference.

Attachments

Submitted by:



Gina M. Ratto
General Counsel

**OCERS BOARD OF RETIREMENT
RESOLUTION NO. 2022-09**

RESOLUTION OF THE BOARD OF THE ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM:

- **RATIFYING (1) THE PROCLAMATION OF A LOCAL HEALTH EMERGENCY BY THE COUNTY OF ORANGE HEALTH OFFICER ON FEBRUARY 26, 2020; (2) THE PROCLAMATION OF A LOCAL EMERGENCY BY THE CHAIRWOMAN OF THE ORANGE COUNTY BOARD OF SUPERVISORS ON FEBRUARY 26, 2020; (3) RESOLUTIONS NO. 20-011 AND 20-012 OF THE ORANGE COUNTY BOARD OF SUPERVISORS RATIFYING THE LOCAL HEALTH EMERGENCY AND THE LOCAL EMERGENCY; AND (4) THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020; AND**
- **AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS COMMITTEES THROUGH OCTOBER 17, 2022, PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Board of the Orange County Employees Retirement System (OCERS Board) is a legislative body under Government Code section 54952; and

WHEREAS, OCERS is committed to preserving and nurturing public access and participation in meetings of the OCERS Board and its committees; and

WHEREAS, all meetings of the OCERS Board and its committees are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the OCERS Board and its committees conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a State of Emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the geographical boundaries within which the OCERS Board and its committees hold their meetings, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in Orange County, specifically, a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County was declared by the County of Orange Health Officer on February 26, 2020; a Local Emergency based on

the imminent and proximate threat to public health from the introduction of COVID-19 that created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County was proclaimed by the Chairwoman of the Board of Supervisors on February 26, 2020; Resolutions No. 20-011 and No. 20-012 of the Orange County Board of Supervisors were adopted on March 2, 2020, ratifying the Local Health Emergency and Local Emergency; and a State of Emergency was proclaimed by Governor Newsom for the State of California on March 4, 2020 based on an outbreak of respiratory illness due to COVID-19; and

WHEREAS, the California Division of Occupational Safety and Health has issued COVID-19 prevention Emergency Temporary Standards recognizing that physical distancing decreases the spread of COVID-19 and requiring the evaluation of the need for physical distancing when there has been an outbreak at the workplace (an "outbreak" is when there have been three or more COVID-19 cases at the workplace during a 14-day period); and

WHEREAS, the County of Orange Health Officer's Orders and Strong Recommendations, last revised on August 19, 2022, state that "the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap"; and

WHEREAS, the CDC currently recommends that "[t]he closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others"; and

WHEREAS, the OCERS Board does hereby find that the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons that are likely to be beyond the control of services, personnel, equipment, and facilities of OCERS; and

WHEREAS, in making the aforementioned finding, the OCERS Board acknowledges the proclamation of State of Emergency by the Governor of the State of California; the proclamation of Local Health Emergency by the County of Orange Health Officer; the proclamation of a Local Emergency by the Chairwoman of the Orange County Board of Supervisors; and the ratification of the Local Health Emergency and Local Emergency by the Orange County Board of Supervisors; as well as CalOSHA's prevention Emergency Temporary Standards requiring the evaluation of physical distancing when a COVID-19 outbreak occurs at the workplace; the County of Orange Health Officer's Orders and Strong Recommendations for at-risk persons to wear well-fitted masks in indoor settings when around others outside of their household and practice distancing; and the CDC's recommendation for unvaccinated persons to avoid crowded areas and maintain physical distance between yourself and others; and

WHEREAS, as a consequence of the State of Emergency, Local Health Emergency and Local Emergency, the OCERS Board does hereby find that conditions exist to enable the OCERS Board and its committees to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the OCERS Board and its committees will comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, members of the public who wish to observe or participate in the meeting may do so via the Zoom application or via telephone, as explained in the agenda for the meeting posted on the OCERS' website and at its business office location at least 72 hours prior to the meeting.

NOW, THEREFORE, THE OCERS BOARD DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Acknowledgement of Proclamation of State and Local Emergency. The OCERS Board hereby acknowledges that a State of Emergency has been proclaimed by the Governor of the State of California effective March 4, 2020; that a Local Health Emergency has been proclaimed by the Orange County Health Officer on February 26, 2020; that a Local Emergency has been proclaimed by the Chairwoman of the Board of Supervisors on February 26, 2020; and that the Local Health Emergency and Local Emergency were ratified by the Orange County Board of Supervisors on March 2, 2020, all of which continue to exist within the geographical boundaries of the territory within which the OCERS Board and its committees hold meetings to conduct business.

Section 3. Determination Regarding Health and Safety Need to Continue Teleconferencing. The OCERS Board finds that state or local officials continue to impose or recommend measures to promote social distancing.

Section 4. Remote Teleconference Meetings. The staff and the OCERS Board and each of its committees are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution will take effect immediately upon its adoption and shall be effective until the earlier of October 18, 2022, or such time the OCERS Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the OCERS Board and its committees may continue to meet by teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of the Orange County Employees Retirement System this 15th day of September, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

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54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public 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 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. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, 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.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public 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 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. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, 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.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member’s private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public’s right to access information concerning the conduct of the people’s business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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DECLARATION OF A LOCAL HEALTH EMERGENCY


WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, based on the Centers for Disease Control and Prevention statements, there is an ongoing risk and likelihood of COVID-19 positive patients being identified in Orange County;

WHEREAS, based on the foregoing, there is an imminent and proximate threat of the introduction of COVID-19 in the County of Orange and a threat to the public health of the County residents;

THEREFORE, the County Health Officer hereby declares a health emergency.



Nichole Quick, MD, MPH
Health Officer

2/26/2020
Date

COUNTY OF ORANGE
STATE OF CALIFORNIA
PROCLAMATION OF A LOCAL EMERGENCY

REQUEST FOR GOVERNOR TO DECLARE A STATE OF EMERGENCY

WHEREAS, in accordance with Government Code Section 8630, a local emergency may be proclaimed by the Board of Supervisors of the County of Orange or by an official so designated by ordinance adopted by the Board of Supervisors; and

WHEREAS, Section 3-1-6(a) of the Codified Ordinances of the County of Orange provides that the Director of Emergency Services shall request the Board of Supervisors to proclaim a local emergency when the Board of Supervisors is in session and the Chair of the Emergency Management Council to so proclaim when the Board of Supervisors is not in session; and

WHEREAS, the Board of Supervisors is not currently in session, and the Director of Emergency Services has requested that the Chair of the Emergency Management Council proclaim a local emergency; and

WHEREAS, a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, the Centers for Disease Control and Prevention has determined the virus to be a very serious public health threat, yet the method and efficacy of transmission of the virus is not yet fully understood and no vaccine currently exists; and

WHEREAS, Orange County has a population of over 3 million residents, is a major tourist destination, has a high volume airport within its jurisdiction and is a significant

destination for business travel all resulting in high volumes of foreign and domestic travelers traveling into and out of the County, which has the potential to result in significant spreading of the disease; and

WHEREAS, the Health Officer of the County of Orange has determined that the County is preparing for an imminent and proximate threat to public health from the virus; and

WHEREAS, communities within the geographic boundaries of Orange County have and will continue to prepare and, as necessary, take significant response actions to any developing contagion and to any other risks that may arise from introduction and possible spread of the virus;

WHEREAS, the above described events are creating a condition of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat;

IT IS HEREBY PROCLAIMED that a local emergency exists within the geographic area of Orange County;

IT IS FURTHER PROCLAIMED AND ORDERED that as of this date all County departments and agencies take those actions, measures and steps deemed necessary to assure the safety and welfare of Orange County residents and property, including requesting mutual aid to the extent such aid is necessary and utilizing EOC Cal Cards and any other available funding stream to acquire resources determined by the DES or an authorized emergency purchaser as necessary to respond to this declared emergency.

ACCORDINGLY, THE CHAIR OF THE BOARD OF SUPERVISORS ACTING AS THE CHAIR OF THE EMERGENCY MANAGEMENT COUNCIL HEREBY REQUESTS that the Governor declare a State of Emergency and make all relevant funds available to the County of Orange and all eligible community members and businesses, including but not limited to, California Disaster Assistance Act funds and State Private Nonprofit Organizations Assistance Program funds, and that the Governor request that the President of the United States make a Presidential Declaration of Emergency in and for the County of Orange and make all relevant funds available to the County of Orange and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration.

Date: 2/26/20

Signed: 

Michelle Steel,
Chairwoman of the Board of Supervisors Acting as
the Chair of the Emergency Management Council
County of Orange

Attachment A

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 2, 2020

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, on February 26, 2020, the County's Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named "COVID-19") in Orange County.

WHEREAS, under Health and Safety Code Section 101080, the local health emergency shall not remain in effect for more than seven days unless ratified by the Board of Supervisors;

WHEREAS, the Board of Supervisors hereby finds that there continues to exist an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County for reasons set forth in the declaration of local health emergency by County's Health Officer, dated February 26, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Supervisors
that:

1. The local health emergency declared by the County's Health Officer on February 26, 2020 is hereby ratified. Under Health and Safety Code Section 101080, the local health emergency may remain in effect for no more than 30 days from the date of this Resolution.
2. The County's Health Officer is directed to bring for review by the Board of Supervisors the need for continuing the local health emergency no later than the date


coinciding with the expiration of this Resolution

3. The Board of Supervisors delegates authority to the County's Health Officer to terminate the local health emergency, pursuant to Health and Safety Code Section 101080, "at the earliest possible date that conditions warrant the terminations."
4. All County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

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APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 2/27/20

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 2, 2020

WHEREAS, Government Code section 8630 and section 3-1-6(a) of the Codified Ordinances of the County of Orange empower the Director of Emergency Services to request the Chair of the Emergency Management Council to proclaim the existence or threatened existence of a local emergency, subject to ratification by the Board of Supervisors within seven days; and

WHEREAS, a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, the Centers for Disease Control and Prevention has determined the virus to be a very serious public health threat, yet the method and efficacy of transmission of the virus is not yet fully understood and no vaccine currently exists; and

WHEREAS, Orange County has a population of over 3 million residents, is a major tourist destination, has a high volume airport within its jurisdiction and is a significant destination for business travel all resulting in high volumes of foreign and domestic travelers traveling into and out of the County, which has the potential to result in significant spreading of the disease; and

WHEREAS, the Health Officer of the County of Orange has determined that the County is preparing for an imminent and proximate threat to public health from the virus; and

WHEREAS, communities within the geographic boundaries of Orange County have and will continue to prepare and, as necessary, take significant response actions to any developing contagion and to any other risks that may arise from introduction and possible spread of the virus;

WHEREAS, the above described events are creating conditions of extreme peril and such conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County, requiring the combined forces of other political subdivisions to combat;
and

WHEREAS, at the request of the Director of Emergency Services, the Chair of the Emergency Management Council, on February 26, 2020, did proclaim the existence of local emergency within the County of Orange; and

WHEREAS, the Board of Supervisors does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency;
and

WHEREAS, the Board of Supervisors also finds a local emergency does exist and shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does hereby ratify the Chair of the Emergency Management Council's February 26, 2020, Proclamation of a Local Emergency.

BE IT FURTHER RESOLVED that all powers, functions, and duties of the emergency organization of the County of Orange shall be vested in such persons as prescribed by federal and state law, by County ordinances and resolutions, and by the Orange County Emergency Plan now in effect.


BE IT FURTHER RESOLVED that all County departments and agencies take those actions, measures, and steps deemed necessary to assure the safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

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Resolution No. _____ Item No. _____
Proclamation of a Local Emergency

APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 2/27/20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and



notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The



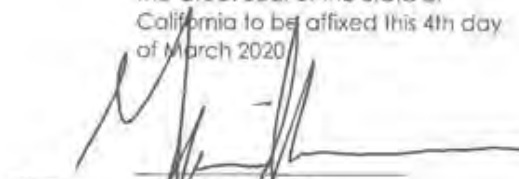
notification requirement of Civil Code section 1798.24, subdivision (f), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



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Subchapter 7. General Industry Safety Orders
Introduction

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§3205. COVID-19 Prevention.

(a) Scope.

(1) This section applies to all employees and places of employment, with the following exceptions:

(A) Work locations with one employee who does not have contact with other persons.

(B) Employees working from home.

(C) Employees with occupational exposure as defined by section 5199, when covered by that section.

(D) Employees teleworking from a location of the employee's choice, which is not under the control of the employer.

(2) Nothing in this section is intended to limit more protective or stringent state or local health department mandates or guidance.

(b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.4.

(1) "Close contact" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the infectious period defined by this section, regardless of the use of face coverings, unless close contact is defined by regulation or order of the CDPH. If so, the CDPH definition shall apply.

EXCEPTION: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with section 5144, whenever they were within six feet of the COVID-19 case during the infectious period.

(2) "COVID-19" (Coronavirus Disease 2019) means the disease caused by SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2).

(3) "COVID-19 case" means a person who:

(A) Has a positive COVID-19 test; or

(B) Has a positive COVID-19 diagnosis from a licensed health care provider; or

(C) Is subject to a COVID-19-related order to isolate issued by a local or state health official; or

(D) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

(4) “COVID-19 hazard” means potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids.

(5) “COVID-19 symptoms” means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

(6) “COVID-19 test” means a test for SARS-CoV-2 that is:

(A) Cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the United States Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g., a viral test); and

(B) Administered in accordance with the authorized instructions.

(C) To meet the return to work criteria set forth in subsection (c)(10), a COVID-19 test may be both self-administered and self-read only if another means of independent verification of the results can be provided (e.g., a time-stamped photograph of the results).

(7) “Exposed group” means all employees at a work location, working area, or a common area at work, where an employee COVID-19 case was present at any time during the infectious period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The following exceptions apply:

(A) For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.

(B) If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.

(C) If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the infectious period, and the COVID-19 case was wearing a face covering during the entire visit, other people at the work location, working area, or common area are not part of the exposed group.

Note: An exposed group may include the employees of more than one employer. See Labor Code sections 6303 and 6304.1.

(8) “Face covering” means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with

no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

This definition includes clear face coverings or cloth face coverings with a clear plastic panel that otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

(9) "Infectious period" means the following time period, unless otherwise defined by CDPH regulation or order, in which case the CDPH definition shall apply:

(A) For COVID-19 cases who develop COVID-19 symptoms, from two days before they first develop symptoms until all of the following are true: it has been 10 days since symptoms first appeared; 24 hours have passed with no fever, without the use of fever-reducing medications; and symptoms have improved.

(B) For COVID-19 cases who never develop COVID-19 symptoms, from two days before until 10 days after the specimen for their first positive test for COVID-19 was collected.

(10) "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.

(11) "Returned case" means a COVID-19 case who returned to work pursuant to subsection (c)(10) and did not develop any COVID-19 symptoms after returning. A person shall only be considered a returned case for 90 days after the initial onset of COVID-19 symptoms or, if the person never developed COVID-19 symptoms, for 90 days after the first positive test. If a period of other than 90 days is required by a CDPH regulation or order, that period shall apply.

(12) "Worksite," for the limited purposes of sections 3205 through 3205.4 only, means the building, store, facility, agricultural field, or other location where a COVID-19 case was present during the infectious period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 case did not enter, locations where the worker worked by themselves without exposure to other employees, or to a worker's personal residence or alternative work location chosen by the worker when working remotely.

Note: The term worksite is used for the purpose of notice requirements in subsections (c)(3)(B)3. and 4. only.

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Prevention Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(1) System for communicating. The employer shall do all of the following in a form readily understandable by employees:

(A) Ask employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible close contacts, and possible COVID-19 hazards at the workplace.

(B) Describe how employees with medical or other conditions that put them at increased risk of severe COVID-19 illness can request accommodations.

(C) Provide information about access to COVID-19 testing as described in subsection (c)(5)(I) when testing is required under this section, section 3205.1, or section 3205.2.

(D) In accordance with subsection (c)(3)(B), communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees and to other employers, persons, and entities

within or in contact with the employer's workplace.

Note: See subsection (c)(3)(C) for confidentiality requirements for COVID-19 cases.

(2) Identification and evaluation of COVID-19 hazards.

(A) The employer shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards.

(B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening indoors at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.

(C) The employer shall develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace.

(D) The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. Employers shall treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

1. This shall include identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

2. This shall include an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. Employers shall consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing stationary work.

(E) For indoor locations, the employer shall evaluate how to maximize ventilation with outdoor air; the highest level of filtration efficiency compatible with the existing ventilation system; and whether the use of portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems, would reduce the risk of COVID-19 transmission.

(F) The employer shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention. These orders and guidance are both information of general application, including Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments by CDPH, and information specific to the employer's industry, location, and operations.

(G) The employer shall evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls. This includes evaluation of controls in subsections (c)(4), (c)(6), and (c)(7).

(H) The employer shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.

(3) Investigating and responding to COVID-19 cases in the workplace.

(A) Employers shall have an effective procedure to investigate COVID-19 cases in the workplace. This includes procedures for seeking information from employees regarding COVID-19 cases and close contacts, COVID-19 test results, and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.

(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

1. Determine the day and time the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.

2. Determine who may have had a close contact. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the infectious period.

Note: See subsection (c)(9) for exclusion requirements for employees after a close contact.

3. Within one business day of the time the employer knew or should have known of a COVID-19 case, the employer shall give written notice, in a form readily understandable by employees, that people at the worksite may have been exposed to COVID-19. The notice shall be written in a way that does not reveal any personal identifying information of the COVID-19 case, and in the manner the employer normally uses to communicate employment-related information. Written notice may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending. The notice shall include the cleaning and disinfection plan required by Labor Code section 6409.6(a)(4). The notice must be sent to the following:

a. All employees who were on the premises at the same worksite as the COVID-19 case during the infectious period. If the employer should reasonably know that an employee has not received the notice, or has limited literacy in the language used in the notice, the employer shall provide verbal notice, as soon as practicable, in a language understandable by the employee.

b. Independent contractors and other employers on the premises at the same worksite as the COVID-19 case during the infectious period.

4. Within one business day of the time the employer knew or should have known of the COVID-19 case, the employer shall:

a. provide the notice required by Labor Code section 6409.6(a)(2) and (c) to the authorized representative, if any, of the COVID-19 case and of any employee who had a close contact; and

b. provide the notice required by Labor Code section 6409.6(a)(4) to the authorized representative, if any, of any employee who was on the premises at the same worksite as the COVID-19 case during the infectious period.

5. Make COVID-19 testing available at no cost, during paid time, to all employees of the employer who had a close contact in the workplace and provide them with the information on benefits described in subsections (c)(5)(B) and (c)(9)(C).

Exception to subsection (c)(3)(B)5.: The employer is not required to make COVID-19 testing available to returned cases.

6. Investigate whether workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

(C) Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms, and any employee medical records required by this section or by sections 3205.1 through 3205.4, shall be kept confidential unless disclosure is required or permitted by law. Unredacted information on COVID-19 cases shall be provided to the local health department, CDPH, the Division, and NIOSH immediately upon request, and when required by law.

(4) Correction of COVID-19 hazards. Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard. This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted under subsections (c)(2) and (c)(3) and implementing the controls required by subsections (c)(6) and (c)(7).

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

(A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards, and how to participate in the identification and evaluation of COVID-19 hazards under subsection (c)(2)(A).

(B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick and vaccination leave, if applicable, workers' compensation law, local governmental requirements, the employer's own leave policies, leave guaranteed by contract, and this section.

(C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

(D) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.

(E) The employer's policies for providing respirators, and the right of employees to request a respirator for voluntary use as stated in this section, without fear of retaliation and at no cost to employees. Whenever respirators are provided for voluntary use under this section or sections 3205.1 through 3205.4, the employer shall provide effective training and instruction to employees regarding:

1. How to properly wear the respirator provided;
2. How to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair interferes with a seal.

(F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.

(G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. COVID-19 is an airborne disease. N95s and more protective respirators protect the users from airborne disease while face coverings primarily protect people around the user.

(H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

(I) Information on the employer's COVID-19 policies; how to access COVID-19 testing and vaccination; and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

(J) The conditions under which face coverings must be worn at the workplace and that employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.

(6) Face coverings.

(A) Employers shall provide face coverings and ensure they are worn by employees when required by orders from CDPH.

(B) Employers shall ensure that required face coverings are clean and undamaged, and that they are worn over the nose and mouth. Face shields are not a replacement for face coverings, although they may be worn together for additional protection.

(C) When employees are required to wear face coverings under this section or sections 3205.1 through 3205.4, the following exceptions apply:

1. When an employee is alone in a room or vehicle.
2. While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.
3. Employees wearing respirators required by the employer and used in compliance with section 5144.
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.
5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

(D) Employees exempted from wearing face coverings pursuant to subsection (c)(6)(C)4. due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it. If their condition or disability does not permit a non-restrictive alternative, the employee shall be tested at least weekly for COVID-19 during paid time and at no cost to the employee.

(E) Any employee not wearing a face covering, pursuant to the exception in subsection (c)(6)(C)5. shall be tested at least weekly for COVID-19 during paid time and at no cost to the employee. Employers may not use the provisions of subsection (c)(6)(E) as an alternative to face coverings when face coverings are otherwise required by this section.

(F) No employer shall prevent any employee from wearing a face covering when not required by this section, unless it would create a safety hazard, such as interfering with the safe operation of equipment.

(G) When face coverings are not required by this section or by sections 3205.1 through 3205.4, employers shall provide face coverings to employees upon request, regardless of vaccination status.

(H) Employers shall implement measures to communicate to non-employees the face coverings requirements on their premises.

(7) Other engineering controls, administrative controls, and personal protective equipment.

(A) For buildings with mechanical or natural ventilation, or both, employers shall maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

(B) To protect employees from COVID-19 hazards, the employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.

(C) Personal protective equipment.

1. Employers shall evaluate the need for personal protective equipment to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed.

2. Upon request, employers shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees who are working indoors or in vehicles with more than one person. Whenever an employer makes respirators for voluntary use available, under this section or sections 3205.1 through 3205.4, the employer shall encourage their use and shall ensure that employees are provided with a respirator of the correct size.

3. Employers shall provide and ensure use of respirators in compliance with section 5144 when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8, section 332.3.

4. Employers shall provide and ensure use of eye protection and respiratory protection in compliance with section 5144 when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

NOTE: Examples of work covered by subsection (c)(7)(C)4. include, but are not limited to, certain dental procedures and outpatient medical specialties not covered by section 5199.

(D) Testing of symptomatic employees. Employers shall make COVID-19 testing available at no cost to employees with COVID-19 symptoms, during employees' paid time.

(8) Reporting, recordkeeping, and access.

(A) The employer shall report information about COVID-19 cases and outbreaks at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department. The employer shall report all information to the local health department as required by Labor Code section 6409.6.

(B) The employer shall maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b).

(C) The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

(D) The employer shall keep a record of and track all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test.

(9) Exclusion of COVID-19 cases and employees who had a close contact. The purpose of this subsection is to limit transmission of COVID-19 in the workplace.

(A) Employers shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(10) are met.

(B) Employers shall review current CDPH guidance for persons who had close contacts, including any guidance regarding quarantine or other measures to reduce transmission. Employers shall develop, implement, and maintain effective policies to prevent transmission of COVID-19 by persons who had close contacts.

(C) For employees excluded from work under subsection (c)(9), employers shall continue and maintain an employee's earnings, wages, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job. Employers may use employer-provided employee sick leave for this purpose to the extent permitted by law. Wages due under this subsection are subject to existing wage payment obligations and must be paid at the employee's regular rate of pay no later than the regular pay day for the pay period(s) in which the employee is excluded. Unpaid wages owed under this subsection are subject to enforcement through procedures available in existing law. If an employer determines that one of the exceptions below applies, it shall inform the employee of the denial and the applicable exception.

Exception 1: Subsection (c)(9)(C) does not apply where the employee received disability payments or was covered by workers' compensation and received temporary disability.

Exception 2: Subsection (c)(9)(C) does not apply where the employer demonstrates that the close contact is not work related.

(D) Subsection (c)(9) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.

(E) At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections (c)(5)(B) and (c)(9)(C).

(10) Return to work criteria. The following return to work criteria shall apply to COVID-19 cases and employees excluded under sections 3205.1 and 3205.2. The employer must demonstrate it has met the applicable requirements below:

(A) COVID-19 cases, regardless of vaccination status or previous infection, who do not develop COVID-19 symptoms or whose COVID-19 symptoms are resolving, shall not return to work until:

1. At least five days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test;
2. At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever reducing medications; and
3. A negative COVID-19 test from a specimen collected on the fifth day or later is obtained; or, if unable to test or the employer chooses not to require a test, 10 days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test.

(B) COVID-19 cases, regardless of vaccination status or previous infection, whose COVID-19 symptoms are not resolving, may not return to work until:

1. At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medication; and
2. Symptoms are resolving or 10 days have passed from when the symptoms began.

(C) Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case shall wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.

(D) The requirements in subsections (c)(10)(A) and (c)(10)(B) apply regardless of whether an employee has previously been excluded or other precautions were taken in response to an employee's close contact or membership in an exposed group.

(E) If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be in accordance with the return to work periods in subsection (c)(10).

(F) If no violations of local or state health officer orders for isolation, quarantine, or exclusion would result, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respirators in the workplace.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3, 144.6 and 6409.6, Labor Code.

HISTORY

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 74, No. 43.
2. Governor Newsom issued Executive Order N-84-20 (2019 CA EO 84-20), dated December 14, 2020, which suspended certain provisions relating to the exclusion of COVID-19 cases from the workplace.
3. Editorial correction of punctuation errors in subsections (b)(1), (c)(3)(D), (c)(10)(C) and (c)(10)(E) (Register 2021, No. 24).
4. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567, 8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.
5. New section, including amendments, refiled 1-5-2022 as an emergency; operative 1-14-2022 (Register 2022, No. 1). A Certificate of Compliance must be transmitted to OAL by 4-14-2022 or emergency language will be repealed by operation of law on the following day.
6. Editorial correction of History 5 (Register 2022, No. 9).

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California Code of Regulations, Title 8, Section 3205. COVID-19 Prevention.

7. Emergency filed 1-5-2022 extended an additional 21 calendar days pursuant to Executive Order N-5-22. A Certificate of Compliance must be transmitted to OAL by 5-5-2022 or emergency language will be repealed by operation of law on the following day.

8. New section, including amendments, refiled 5-5-2022 as an emergency pursuant to EO N-23-21; operative 5-5-2022 pursuant to EO N-23-21 (Register 2022, No. 18). Pursuant to EO N-23-21, a Certificate of Compliance must be transmitted to OAL by 12-31-2022 or emergency language will be repealed by operation of law on the following day.

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§3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

(a) Scope.

(1) This section applies to a workplace covered by section 3205 if three or more employee COVID-19 cases within an exposed group, as defined by section 3205(b), visited the workplace during their infectious period at any time during a 14-day period.

(2) This section shall apply until there are no new COVID-19 cases detected in the exposed group for a 14-day period.

(b) COVID-19 testing.

(1) The employer shall make COVID-19 testing available at no cost to its employees within the exposed group, during employees' paid time, except:

(A) Employees who were not present at the workplace during the relevant 14-day period(s) under subsection (a).

(B) For returned cases who did not develop COVID-19 symptoms after returning to work pursuant to subsection 3205(c)(10), no testing is required.

(2) COVID-19 testing shall consist of the following:

(A) Immediately upon being covered by this section, the employer shall make testing available to all employees in the exposed group, regardless of vaccination status, and then again one week later. Negative COVID-19 test results of employees with COVID-19 exposure shall not impact the duration of any quarantine, isolation, or exclusion period required by, or orders issued by, the local health department.

(B) After the first two COVID-19 tests required by subsection (b)(2)(A), employers shall make COVID-19 testing available once a week at no cost, during paid time, to all employees in the exposed group who remain at the workplace, or more frequently if recommended by the local health department, until this section no longer applies pursuant to subsection (a)(2).

(C) Employees who had close contacts shall have a negative COVID-19 test taken within three and five days after the close contact or shall be excluded and follow the return to work requirements of subsection 3205(c)(10) starting from the date of the last known close contact.

(c) Employers shall make additional testing available at no cost to employees, during employees' paid time, when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8, section 332.3.

(d) The employer shall continue to comply with all applicable provisions of section 3205, and shall also do the following:

(1) Employees in the exposed group shall wear face coverings when indoors, or when outdoors and less than six feet from another person, unless one of the exceptions in subsection 3205(c)(6)(C) applies.

(2) Employers shall give notice to employees in the exposed group of their right to request a respirator for voluntary use under subsection 3205(c)(7)(C)2.

(3) Employers shall evaluate whether to implement physical distancing of at least six feet between persons or, where six feet of physical distancing is not feasible, as much distance between persons as feasible.

(e) COVID-19 Investigation, review and hazard correction. The employer shall immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19. The investigation and review shall be documented and include:

(1) Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient outdoor air; insufficient air filtration; and lack of physical distancing.

(2) The review shall be updated every 30 days that this section continues to apply, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.

(3) The employer shall implement changes to reduce the transmission of COVID-19 based on the investigation and review required by subsections (e)(1) and (e)(2). The employer shall consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as feasible, requiring respiratory protection in compliance with section 5144, and other applicable controls.

(f) In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission and, if so, shall implement their use to the degree feasible.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day.

2. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567,

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California Code of Regulations, Title 8, Section 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 1-5-2022 as an emergency; operative 1-14-2022 (Register 2022, No. 1). A Certificate of Compliance must be transmitted to OAL by 4-14-2022 or emergency language will be repealed by operation of law on the following day.

4. Editorial correction of History 5 (Register 2022, No. 9).

5. Emergency filed 1-5-2022 extended an additional 21 calendar days pursuant to Executive Order N-5-22. A Certificate of Compliance must be transmitted to OAL by 5-5-2022 or emergency language will be repealed by operation of law on the following day.

6. New section, including amendments, refiled 5-5-2022 as an emergency pursuant to EO N-23-21; operative 5-5-2022 pursuant to EO N-23-21 (Register 2022, No. 18). Pursuant to EO N-23-21, a Certificate of Compliance must be transmitted to OAL by 12-31-2022 or emergency language will be repealed by operation of law on the following day.

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§3205.2. Major COVID-19 Outbreaks.

(a) Scope.

(1) This section applies to any workplace covered by section 3205 if 20 or more employee COVID-19 cases in an exposed group, as defined by section 3205(b), visited the workplace during their infectious period within a 30-day period.

(2) This section shall apply until there are fewer than three COVID-19 cases detected in the exposed group for a 14-day period.

(b) Employers shall continue to comply with section 3205.1, except that the COVID-19 testing described in section 3205.1(b) shall be required of all employees in the exposed group, regardless of vaccination status, twice a week or more frequently if recommended by the local health department. Employees in the exposed group shall be tested or shall be excluded and follow the return to work requirements of subsection 3205(c)(10) starting from the date that the outbreak begins.

(c) In addition to the requirements of sections 3205 and 3205.1, the employer shall take the following actions:

(1) The employer shall provide a respirator for voluntary use in compliance with subsection 5144(c)(2) to employees in the exposed group and shall determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.

(2) Any employees in the exposed group who are not wearing respirators required by the employer and used in compliance with section 5144 shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not feasible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible.

(3) The employer shall evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.

(4) Any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day.
2. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567, 8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 1-5-2022 as an emergency; operative 1-14-2022 (Register 2022, No. 1). A Certificate of Compliance must be transmitted to OAL by 4-14-2022 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of History 5 (Register 2022, No. 9).
5. Emergency filed 1-5-2022 extended an additional 21 calendar days pursuant to Executive Order N-5-22. A Certificate of Compliance must be transmitted to OAL by 5-5-2022 or emergency language will be repealed by operation of law on the following day.
6. New section, including amendments, refiled 5-5-2022 as an emergency pursuant to EO N-23-21; operative 5-5-2022 pursuant to EO N-23-21 (Register 2022, No. 18). Pursuant to EO N-23-21, a Certificate of Compliance must be transmitted to OAL by 12-31-2022 or emergency language will be repealed by operation of law on the following day.

 [Go Back to General Industry Safety Orders, Introduction](#)



What Employers and Workers Need to Know about COVID-19 Isolation & Quarantine

May 6, 2022

This fact sheet provides employers and workers not covered by the **Aerosol Transmissible Diseases standard** with information on when and for how long workers must be excluded from the workplace if they test positive or are exposed to someone who has COVID-19. The chart below reflects the new California Department of Public Health (CDPH) isolation and quarantine periods guidance from April 6, 2022 and the third re-adoption of the Cal/OSHA COVID-19 Prevention Emergency Regulation effective May 6, 2022.

More information is available on [Cal/OSHA's ETS FAQs](#) and [CDPH's Isolation and Quarantine Guidance](#).

Employees who test positive for COVID-19 must be excluded from the workplace as described in Table 1. For employees who had a close contact, employers must review [CPDH guidance](#) and implement quarantine and other measures in the workplace to prevent COVID-19 transmission in the workplace. Please refer to table 2 and table 3 below for CDPH quarantine guidance after close contact.

Where the tables below refer to action to be taken on a specified day (e.g. "day 5" or "day 10"), day 1 is the first day following the onset of symptoms or, if no symptoms develop, the day following the first positive test.

Table 1: Exclusion Requirements for Employees Who Test Positive for COVID-19

<p>Requirements apply to all employees, regardless of vaccination status, previous infection, or lack of symptoms.</p>	<ul style="list-style-type: none"> Employees who test positive for COVID-19 must be excluded from the workplace for at least 5 days after start of symptoms or after date of first positive test if no symptoms. Isolation can end and employees may return to the workplace after day 5 if symptoms are not present or are resolving, and a diagnostic specimen* collected on day 5 or later tests negative. If an employee's test on day 5 (or later) is positive, isolation can end and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever-reducing medications. If an employee is unable to or choosing not to test ⁱ, isolation can end, and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever-reducing medications. If an employee has a feverⁱⁱ, isolation must continue and the employee may not return to work until 24 hours after the fever resolves without the use of fever-reducing medications.ⁱⁱⁱ If an employee's symptoms other than fever are not resolving, they may not return to work until their symptoms are resolving or until after day 10. Employees must wear face coverings around others for a total of 10 days. Please refer the FAQs regarding face coverings for additional information <p>*Antigen test preferred.</p>
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ⁱ An employer may require a test. More information is available in the [Department of Fair Employment and Housing FAQ](#).

ⁱⁱ A fever is a measured body temperature of 100.4 degrees Fahrenheit or higher.

ⁱⁱⁱ A fever resolves when 24 hours have passed with no fever, without the use of fever-reducing medications.

Table 2: CDPH Guidance for Close Contacts – Employees Who Are Exposed to Someone with COVID-19. (Applies to All Employees Except those in High-Risk Settings)

<p>For employees who are asymptomatic. Applies to all employees, regardless of vaccination status.</p>	<ul style="list-style-type: none"> Exposed employees must test within three to five days after their last close contact. Persons infected within the prior 90 days do not need to be tested unless symptoms develop. Employees must wear face coverings around others for a total of 10 days after exposure. Please refer to the FAQs on face coverings for additional information. If an exposed employee tests positive for COVID- 19, they must follow the isolation requirements above in Table 1. Employees are strongly encouraged to get vaccinated and boosted
<p>For employees who are symptomatic. Applies to all employees, regardless of vaccination status.</p>	<ul style="list-style-type: none"> Symptomatic employees must be excluded and test as soon as possible. Exclusion must continue until test results are obtained. If the employee is unable to test or choosing not to test, exclusion must continue for 10 days. If the employee tests negative and returns to work earlier than 10 days after the close contact, the employee must wear a face covering around others for 10 days following the close contact. CDPH recommends continuing exclusion and retesting in 1-2 days if testing negative with an antigen test, particularly if tested during the first 1-2 days of symptoms. For symptomatic employees who have tested positive within the previous 90 days, using an antigen test is preferred.

Table 3: CDPH Guidance for Close Contacts – Specified High-Risk Settings

<p>Applies to employees who are:</p> <ul style="list-style-type: none"> Not fully vaccinated, OR Not infected with SARS-CoV-2 within the prior 90 days. <p>AND who work in the following high-risk settings:</p> <ul style="list-style-type: none"> Emergency Shelters Cooling and Heating Centers Long Term Care Settings & Adult and Senior Care Facilities* Local correctional facilities and detention centers* Healthcare settings* <p>* Please note that some employees in these high-risk settings are covered by the Aerosol Transmissible Diseases standard (section 5199) and are subject to different requirements. Please see the Scope of Coverage section of the FAQ for additional information.</p>	<ul style="list-style-type: none"> Exposed employees must be excluded from work for at least five days after the last known close contact. Exclusion can end and exposed employees may return to the workplace after day 5 if symptoms are not present and a diagnostic specimen collected on day 5 or later tests negative. If an employee is unable to test or choosing not to test, and symptoms are not present, work exclusion can end and the employee may return to the workplace after day 10. Employees in these settings must wear a face covering while indoors and around others in accordance with CDPH’s universal masking guidance. Employees are strongly encouraged to get vaccinated or boosted. If employees develop symptoms after returning to work, they must be excluded from the workplace and test as soon as possible. If employees test positive, they must follow the isolation requirements in Table 1.
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Commonly Asked Questions

When do workers need to be paid exclusion pay if exposed to COVID-19?

When workers are required to be excluded from work due to work-related COVID-19 exposure, they must be paid exclusion pay. Workers should speak with their employers about available exclusion pay. Some exceptions apply, for example if the worker can work from home, or they are receiving disability pay or Workers' Compensation Temporary Disability Payments.

What does CDPH guidance require if a worker was exposed to COVID-19 but tests are not available?

If a worker in a non-high-risk setting cannot be tested as required but never develops symptoms, the worker may continue to work but must wear a face covering for 10 days after the close contact. If the worker works in a high-risk setting, they should continue isolation for 10 days, as explained in the table.

This guidance is an overview, for full requirements see Title 8 sections [3205](#), [3205.1](#), [3205.2](#), [3205.3](#), [3205.4](#)

Update History

- January 19, 2022 – Updated to clarify this fact sheet does not apply to workplaces covered by the Aerosol Transmissible Diseases Standard.
- May 6, 2022 – Updated to align with new CDPH guidance for general population and adding high-risk settings.



For assistance with developing a COVID-19 Prevention Program, employers may contact Cal/OSHA Consultation Services at 1 800 963 9424 or InfoCons@dir.ca.gov

For Consultation information or publications, access the following link or copy the site address:
[DOSHConsultation www.dir.ca.gov/dosh/consultation.html](http://www.dir.ca.gov/dosh/consultation.html)



How to Protect Yourself and Others

Updated Aug. 11, 2022

COVID-19 Prevention Actions

There are many ways your actions can help protect you, your household, and your community from severe illness from COVID-19. [CDC's COVID-19 Community Levels](#) provide information about the amount of severe illness in the community where you are located to help you decide when to take action to protect yourself and others.



COVID-19 County Check

Find community levels and prevention steps by county. Data updated we

Select a Location (all fields required)

Prevention Actions to Use at All COVID-19 Community Levels

In addition to basic health and hygiene practices, like [handwashing](#), CDC recommends some prevention actions at all COVID-19 Community Levels, which include:

- Staying Up to Date with COVID-19 Vaccines
- Improving Ventilation
- Getting Tested for COVID-19 If Needed
- Following Recommendations for What to Do If You Have Been Exposed
- Staying Home If You Have Suspected or Confirmed COVID-19
- Seeking Treatment If You Have COVID-19 and Are at High Risk of Getting Very Sick
- Avoiding Contact with People Who Have Suspected or Confirmed COVID-19

Staying Up to Date with COVID-19 Vaccines



COVID-19 vaccines help your body develop protection from the virus that causes COVID-19. Although vaccinated people sometimes get infected with the virus that causes COVID-19, [staying up to date](#) on COVID-19 vaccines significantly lowers the risk of getting very sick, being hospitalized, or dying from COVID-19. CDC recommends that everyone who is eligible get a booster and [stay up to date on their COVID-19 vaccines](#), especially [people with weakened immune systems](#).

If you are moderately or severely immunocompromised or severely allergic to COVID-19 vaccines: Talk with a healthcare provider about whether you are eligible for a medicine called Evusheld that you can take before you are exposed to the virus. This medicine is a combination of two monoclonal antibodies provided together. Evusheld can help prevent infection from the virus that causes COVID-19 for 6 months. See [additional information](#) for making a COVID-19 plan to protect yourself from infection.

To find COVID-19 vaccine locations near you: Search vaccines.gov, text your ZIP code to 438829, or call 1-800-232-0233.

Improving Ventilation and Spending Time Outdoors



Improving ventilation (moving air into, out of, or within a room) and **filtration** (trapping particles on a filter to remove them from the air) can help prevent virus particles from accumulating in indoor air. Improving ventilation and filtration can help protect you from getting infected with and spreading the virus that causes COVID-19. Spending time outside when possible instead of inside can also help: Viral particles spread between people more readily **indoors than outdoors**.


Actions that can **improve ventilation and filtration** include:

- Bringing in as much outdoor air as possible—for example, opening windows.
- Increasing air filtration in your heating, ventilation, and air conditioning (HVAC) system, such as by changing filters frequently and using filters that are properly fitted and provide higher filtration.
- Using portable high-efficiency particulate air (HEPA) cleaners.
- Turning on exhaust fans and using other fans to improve air flow.
- Turning your thermostat to the “ON” position instead of “AUTO” to ensure your HVAC system provides **continuous airflow and filtration**.

CDC’s interactive ventilation tools can help you see how much you can improve ventilation in your **home** or **school**.

Moving indoor activities outdoors

You are less likely to be infected with COVID-19 during outdoor activities because virus particles do not build up in the air outdoors as much as they do indoors. As the COVID-19 Community Level rises, consider increasing the number of group activities you move outside.

[Financial support](#)  may be available to certain entities, like schools, to make ventilation improvements.

Getting Tested for COVID-19 If Needed



[Get tested](#) if you have [COVID-19 symptoms](#). A viral test tells you if you are infected with the virus that causes COVID-19. There are two types of viral tests: rapid tests and laboratory tests. These tests might use samples from your nose or throat, or saliva. Knowing if you are infected with the virus that causes COVID-19 allows you to take care of yourself and take actions to reduce the chance that you will infect others.

CDC's [Viral Testing Tool](#) is an online, mobile-friendly tool that asks a series of questions and recommends actions and resources based on your responses. It can help you interpret what your test result means.

You can also access tests the following ways:

- Order free self-tests at [COVIDtests.gov](https://www.covidtests.gov) [↗](#) . Free tests are also available through [local health departments](#).
- If you have Medicare Part B, including those enrolled in a Medicare Advantage plan, Medicare will cover up to 8 free self-tests each calendar month from participating pharmacies and providers. Private health insurance may also reimburse the cost of purchasing self-tests. Visit [FDA's website](#) [↗](#) for a list of authorized tests.
- Call your healthcare provider, visit a [community testing site](#) [↗](#) , or call your local health department for more options.

Following Recommendations for What to Do If You Have Been Exposed

If



you were exposed to someone with COVID-19, you may have been infected with the virus. Follow CDC's recommendations for [what to do if you were exposed](#). This includes wearing a high-quality mask when indoors around others (including inside your home) for 10 days, testing, and monitoring yourself for symptoms.

Staying Home When You Have Suspected or Confirmed COVID-19

If



you have COVID-19, you can spread it to others, even if you do not have symptoms. If you have symptoms, get tested and stay home until you have your results. If you have tested positive (even without symptoms), follow CDC's [isolation recommendations](#). These recommendations includes staying home and away from others for at least 5 days (possibly more, depending on how the virus affects you) and wearing a high-quality mask when indoors around others for a period of time.

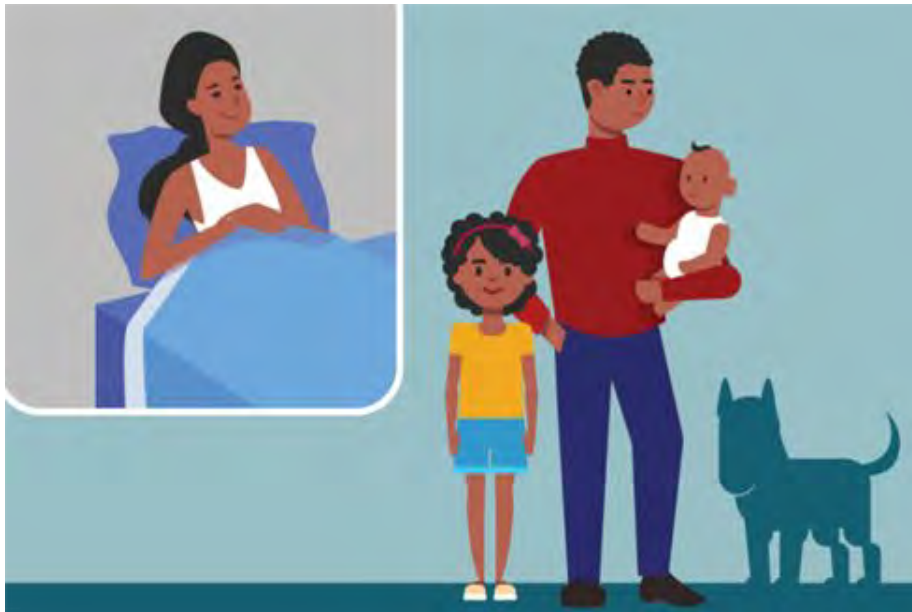
Seeking Treatment If You Have COVID-19 and Are at High Risk of Getting Very Sick



Effective treatments are now widely available and free, and you may be eligible.

- Contact your healthcare provider, [health department](#), or [Community Health Center](#) [🔗](#) to learn about [treatment options](#).
- Don't delay! Treatment must be started within a few days after you first develop symptoms to be effective.
- If you don't have timely access to a healthcare provider, check if a [Test to Treat location](#) [🔗](#) is in your community. You can get tested, receive a prescription from a healthcare provider (either onsite or by telehealth), and have it filled all at one location.

Avoiding Contact with People Who Have Suspected or Confirmed COVID-19



Avoiding contact with people who have COVID-19, whether or not they feel sick, can reduce your risk of catching the virus from them. If possible, avoid being around a person who has COVID-19 until they can [safely end home isolation](#). Sometimes it may not be practical for you to stay away from a person who has COVID-19 or you may want to help take care of them. In those situations, use as many prevention strategies as you can, such as practicing hand hygiene, consistently and correctly wearing a high-quality mask, improving ventilation, and keeping your distance, when possible, from the person who is sick or who tested positive.

Prevention Actions to Add as Needed

There are some additional prevention actions that may be done at any level, but CDC especially recommends considering in certain circumstances or at medium or high [COVID-19 Community Levels](#).

- [Wearing Masks or Respirators](#)
- [Increasing Space and Distance](#)

Wearing Masks or Respirators



Masks are made to contain droplets and particles that you breathe, cough, or sneeze out. A variety of masks are available. Some masks provide a higher level of protection than others.

Respirators (for example, N95) are made to protect you by fitting closely on the face to filter out particles, including the virus that causes COVID-19. They can also block droplets and particles you breathe, cough, or sneeze out so you do not spread them to others. Respirators (for example, N95) provide higher protection than masks.

When wearing a mask or respirator (for example, N95), it is most important to choose one that you can wear correctly, that fits closely to your face over your mouth and nose, that provides good protection, and that is comfortable for you.

Increasing Space and Distance



Small particles that people breathe out can contain virus particles. The closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others. These actions also protect people who are at [high risk for getting very sick from COVID-19](#) in settings where there are [multiple risks for exposure](#).

Additional Resources

[COVID-19 Community Levels](#)

[Science Brief: SARS-CoV-2 Transmission](#)

[Science Brief: Indicators for Monitoring COVID-19 Community Levels and Making Public Health Recommendations](#)

[Science Brief: Community Use of Masks to Control the Spread of SARS-CoV-2](#)

[Science Brief: COVID-19 Vaccines and Vaccination](#)

Last Updated Aug. 11, 2022
Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\), Division of Viral Diseases](#)



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**COUNTY OF ORANGE HEALTH OFFICER'S
ORDERS AND STRONG RECOMMENDATIONS
(Revised August 19, 2022)**

In light of recent Face Mask Guidance issued by the California Department of Public Health (CDPH) and certain recent orders issued by the State Public Health Officer regarding COVID-19 vaccine requirements, the following Orders and Strong Recommendations shall revise and replace the prior Orders and Strong Recommendations of the County Health Officer that were issued on June 15, 2022. The Orders and Strong Recommendations issued on June 15, 2022, are no longer in effect as of August 19, 2022.

Pursuant to California Health and Safety Code sections 101030, 101040, 101470, 120175, and 120130, the County Health Officer for County of Orange orders and strongly recommends the following:

ORDERS

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories of Orange County, California:

I. Self-Isolation of Persons with COVID-19 Order

NOTE: This Self-Isolation Order DOES NOT in any way restrict access by first responders to an isolation site during an emergency.

1. Persons who are symptom-free but test positive for COVID-19.
If you do not have any COVID-19 symptoms (as defined below in this Order) but test positive for COVID-19, you shall immediately isolate yourself in your home or another suitable place for at least 5 days from the date you test positive and may end your self-isolation after day 5:

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- If you continue not having any COVID-19 symptoms and a diagnostic specimen collected on day 5 or later tests negative.
 - While an antigen test, nucleic acid amplification test (NAAT), or LAMP test are acceptable, use of an antigen test is recommended. Use of Over-the-Counter tests are also acceptable to end isolation.

Exceptions.

- If you are unable or choose not to test on day 5 or after, or if you test positive after day 5, you shall continue your self-isolation through day 10 from the date of your initial positive test and may end your self-isolation after 10 days from the date of your initial positive test.
- If you develop COVID-19 symptoms during the time of your self-isolation, you shall isolate yourself for at least 10 days from the date of symptom(s) onset. You may end your self-isolation sooner if a diagnostic specimen collected on day 5 (or later) from the date of symptom(s) onset tests negative.

All persons who test positive for COVID-19 should continue to wear a well-fitting mask at all times around other people through day 10.

2. Persons who have COVID-19 symptoms.

If you have COVID-19 symptoms, you shall immediately isolate yourself in your home or another suitable place for 10 days from the date of your symptom(s) onset and may end your self-isolation sooner under any of the following conditions:

- If a diagnostic specimen collected as early as the date of your symptom(s) onset tests negative.

II. While an antigen test, nucleic acid amplification test (NAAT), or LAMP test are acceptable, use of an antigen test is recommended. Use of Over-the-Counter tests are also acceptable to end isolation.

- Note: A negative PCR or antigen test collected on day 1-2 of symptom onset should be repeated in 1-2 days to confirm negative status. While isolation may end after the first negative test, it is strongly recommended to end isolation upon negative results from the repeat test.

III. If you obtain an alternative diagnosis from a healthcare provider.

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Exception:

If you have COVID-19 symptoms and test positive for COVID-19, you shall isolate yourself for at least 10 days from the date of symptom(s) onset. You may end your self-isolation sooner if a diagnostic specimen collected on day 5 (or later) from the date of symptom(s) onset tests negative.

You are not required to self-isolate for more than 10 days from the date of your COVID-19 symptom(s) onset regardless of whether your symptoms are present on Day 11.

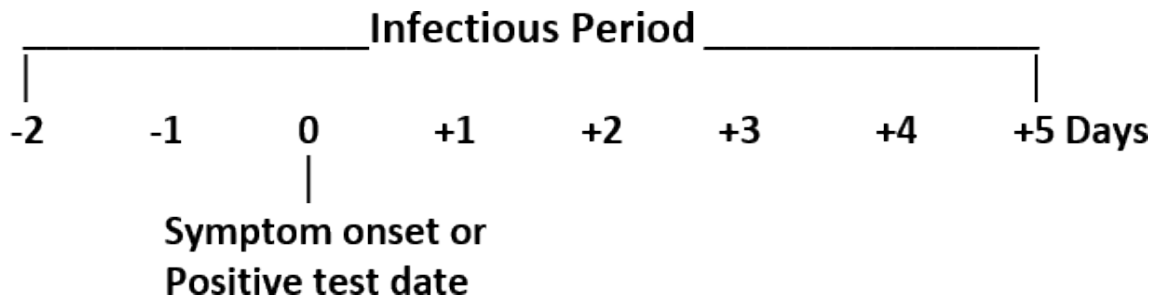
All persons who have COVID-19 symptoms should continue to wear a well-fitting mask at all times around other people through at least Day 10.

3. Additional Considerations for Self-Isolation.

- A person who is self-isolated may not leave his or her place of isolation except to receive necessary medical care.
- If a more specific and individualized isolation order is issued by the County Health Officer for any county resident, the resident shall follow the specific order instead of the order herein.
- People who are severely ill with COVID-19 might need to stay in self-isolation longer than 5 days and up to 20 days after symptoms first appeared. People with weakened immune systems should talk to their healthcare provider for more information.
- Rebound: Regardless of whether an individual has been treated with an antiviral agent, risk of transmission during COVID-rebound can be managed by following CDC's guidance on isolation (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>). An individual with rebound may end re-isolation after 5 full days of isolation with resolution of their fever for 24 hours without the use of fever-reducing medication and if symptoms are improving. The individual should wear a mask for a total of 10 days after rebound symptoms started.
 - More information can be found at <https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/CAHAN-Paxlovid-Recurrence-06-07-22.aspx>.

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Timing for "Day 0" - As noted in CDPH Isolation and Quarantine Q&A, the 5-day clock for isolation period starts on the date of symptom onset or (day 0) for people who test positive after symptoms develop, or initial test positive date (day 0) for those who remain asymptomatic. If an asymptomatic person develops symptoms, and test positive, date of symptom onset is day 0.



NOTE: In workplaces, employers and employees are subject to the Isolation and quarantine requirements as stated in the CalOSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the Governor's Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol transmissible Diseases (ATD) Standard. Information about CalOSHA COVID-19 Emergency Temporary Standards (ETS) can be found at <https://www.dir.ca.gov/dosh/coronavirus>.

Definition.

Whenever the term "symptom" or "*COVID-19 symptom*" is used, it shall mean COVID-19 symptom. People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness. Symptoms may appear 2-14 days after exposure to the virus. Anyone can have mild to severe symptoms. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache

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- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea
- The list above does not include all possible symptoms.

IV. Face-Coverings/Masks:

To help prevent the spread of droplets containing COVID-19, all County residents and visitors are required to wear face coverings in accordance with the Guidance for the Use of Face Coverings issued by CDPH, dated April 20, 2022. The Guidance is attached herein as Attachment "A" and can be found at:

A: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>.

Masks are required for all individuals in the following indoor settings, regardless of vaccination status:

- Emergency shelters and cooling and heating centers.
- Healthcare settings (applies to all healthcare settings, including those that are not covered by State Health Officer Order issued on July 26, 2021).
- Local correctional facilities and detention centers.
- Long Term Care Settings & Adult and Senior Care Facilities.

NOTE:

1) When using public transit, individuals shall follow the guidance and requirements set by the Federal government. More information about the guidance on public transportation can be found at <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>.

2) In workplaces, employers are subject to the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS) or in some workplaces the Cal/OSHA Aerosol

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Transmissible Diseases (ATD) Standard (PDF) and should consult those regulations for additional applicable requirements, as modified by the Governor's Executive Order N-5-22. Additional information about how CDPH isolation and quarantine guidance affects ETS-covered workplaces may be found in Cal/OSHA FAQs.

3) In accordance with State Health Officer Order, issued on July 26, 2021, and found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>, in certain healthcare situations or settings, surgical masks are required.

No person shall be prevented from wearing a mask as a condition of participation in an activity or entry into a business.

No person shall be prevented from wearing a mask as a condition of participation in an activity or entry into a business.

Exemptions to masks requirements.

The following individuals are exempt from this mask order:

- Persons younger than two years old.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Additional exceptions to masking requirements in high-risk settings can be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Face-Coverings-QA.aspx>.

V. Health Care Workers COVID-19 Vaccine Requirement Order: To help prevent transmission of COVID-19, all workers who provide services or work in facilities described below shall comply with the COVID-19 vaccination and booster dose requirements as set forth in the February 22, 2022, State Health Officer Order. A copy of the State Health Officer Order is attached herein as Attachment "B" and can be found at the following link:

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B: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>

Facilities covered by this order include:

- General Acute Care Hospitals
- Skilled Nursing Facilities (including Subacute Facilities)
- Intermediate Care Facilities
- Acute Psychiatric Hospitals
- Adult Day Health Care Centers
- Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
- Ambulatory Surgery Centers
- Chemical Dependency Recovery Hospitals
- Clinics & Doctor Offices (including behavioral health, surgical)
- Congregate Living Health Facilities
- Dialysis Centers
- Hospice Facilities
- Pediatric Day Health and Respite Care Facilities
- Residential Substance Use Treatment and Mental Health Treatment Facilities

The word, "worker," as used in this Order shall have the same meaning as defined in the State Health Officer's Order, dated December 22, 2021.

VI. Requirements and Guidance for Specific Facilities

Requirements for COVID-19 Vaccination Status Verification, COVID-19 Testing, and Masking for Certain Facilities.

To help prevent transmission of COVID-19, all facilities described below shall comply with the State Health Officer Order, issued on July 26, 2021 and effective August 9,

Order and Strong Recommendations of the County of Orange Health Officer
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2021. A copy of the State Health Officer Order is attached herein as Attachment "C" and can be found at the following link:

C: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>

Facilities covered by this order include:

- Acute Health Care and Long-Term Care Settings:
 - General Acute Care Hospitals
 - Skilled Nursing Facilities (including Subacute Facilities)
 - Intermediate Care Facilities
- High-Risk Congregate Settings:
 - Adult and Senior Care Facilities
 - Homeless Shelters
 - State and Local Correctional Facilities and Detention Centers
- Other Health Care Settings:
 - Acute Psychiatric Hospitals
 - Adult Day Health Care Centers
 - Adult Day Programs Licensed by the California Department of Social Services
 - Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
 - Ambulatory Surgery Centers
 - Chemical Dependency Recovery Hospitals
 - Clinics & Doctor Offices (including behavioral health, surgical)
 - Congregate Living Health Facilities
 - Dental Offices
 - Dialysis Centers
 - Hospice Facilities

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- Pediatric Day Health and Respite Care Facilities
- Residential Substance Use Treatment and Mental Health Treatment Facilities
- **Requirements for COVID-19 Vaccine Status Verification and COVID-19 Testing for School Workers in Transitional Kindergarten through Grade 12.**

To prevent the further spread of COVID-19 in K-12 school settings, all public and private schools serving students in transitional kindergarten through grade 12 shall comply with the State Health Officer Order, effective August 12, 2021, regarding verification of COVID-19 vaccination status and COVID-19 testing of all workers. A copy of the State Health Officer Order is attached herein as Attachment "D" and can be found at the following link:

D: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Vaccine-Verification-for-Workers-in-Schools.aspx>

This Order does not apply to (i) home schools, (ii) child care settings, or (iii) higher education.

- **Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement.**

To prevent the further spread of COVID-19 in local correctional facilities and detention centers, all individuals identified in the State Health Officer Order, effective December 22, 2021, shall comply with the State Health Officer's Order with regards to obtaining COVID-19 vaccination and booster doses. A copy of the State Health Officer Order is attached herein as Attachment "E" and can be found at the following link:

E: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>

- **Adult Care Facilities and Direct Care Worker Vaccination Requirements.**

To help prevent transmission of COVID-19, all individuals specified below shall comply with the COVID-19 vaccination and booster dose requirements as set forth in the February 22, 2022, State Health Officer Order. A copy of the State

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Health Officer Order is attached herein as Attachment "F" and can be found at the following link:

F: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Adult-Care-Facilities-and-Direct-Care-Worker-Vaccine-Requirement.aspx>

Individuals covered by this order include:

- All workers who provide services or work in Adult and Senior Care Facilities licensed by the California Department of Social Services;
- All in-home direct care services workers, including registered home care aides and certified home health aides, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;
- All waiver personal care services (WPCS) providers, as defined by the California Department of Health Care Services, and in-home supportive services (IHSS) providers, as defined by the California Department of Social Services, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;
- All hospice workers who are providing services in the home or in a licensed facility; and
- All regional center employees, as well as service provider workers, who provide services to a consumer through the network of Regional Centers serving individuals with developmental and intellectual disabilities, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services.

7. Requirements for Visiting Acute Health Care and Long-Term Care Settings.

To help prevent transmission of COVID-19, all acute health care and long-term care settings shall comply with the indoor visitation requirements set forth in the State Health Officer issued February 7, 2022. A copy of the State Health Officer Order is attached herein as Attachment "G" and can be found at the following link:

G. <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Requirements-for-Visitors-in-Acute-Health-Care-and-Long-Term-Care-Settings.aspx>

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VII. Seasonal Flu Vaccination Order:

Seasonal Flu Vaccination for Certain County Residents.

All individuals who reside or work in Orange County and fall under one of the following categories, shall obtain the seasonal flu vaccination unless a medical or religious exemption applies: (i) current providers for congregate settings; (ii) current health care providers; and (iii) current emergency responders. However, nothing herein shall be construed as an obligation, on the part of employers, public or private, to require employees obtain the seasonal flu vaccination as a term or condition of employment.

- *Emergency responder* shall mean military or national guard; law enforcement officers; correctional institution personnel; fire fighters; emergency medical services personnel; physicians; nurses; public health personnel; emergency medical technicians; paramedics; emergency management personnel; 911 operators; child welfare workers and service providers; public works personnel; and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency; as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.
- *Health care provider* shall mean physicians; psychiatrists; nurses; nurse practitioners; nurse assistants; medical technicians; any other person who is employed to provide diagnostic services, preventive services, treatment services or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care; and employees who directly assist or are supervised by a direct provider of diagnostic, preventive, treatment, or other patient care services; and employees who do not provide direct health care services to a patient but are otherwise integrated into and necessary to the provision those services – for example, a laboratory technician who processes medical test results to aid in the diagnosis and treatment of a health condition. A person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services. For example, IT professionals, building maintenance staff, human resources personnel, cooks, food services workers, records managers, consultants, and billers are not health care providers, even if they work at a hospital of a similar health care facility.

STRONG RECOMMENDATIONS

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories in Orange County, California:

1. **Self-quarantine of Persons Exposed to COVID-19**

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- If you are known to be exposed to COVID-19 (regardless of vaccination status, prior disease, or occupation), it is strongly recommended to follow CDPH Quarantine guidance found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx>.
- **K-12 Schools and Child Care**
 - Schools/school districts are advised to follow CDPH COVID-19 Public Health Guidance for K-12 Schools in California, 2022-2023 School Year found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2022-23-School-Year.aspx>
 - Child care providers and programs are advised to follow CDPH Guidance for Child Care Providers and Programs found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Child-Care-Guidance.aspx>.
- **Workplaces**
 - In workplaces, employers and employees are subject to the Quarantine requirement as stated in the CalOSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the Governor's Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) Standard.

Exposed to COVID-19 or exposure to COVID-19 means sharing the same indoor space (e.g. home, clinic waiting room, airplane, etc.) for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5- minute exposures for a total of 15 minutes) during an infected person's (laboratory-confirmed or a clinical diagnosis) infectious period.

2. **For Vulnerable Populations.** In general, 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. For more information see <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.
3. **COVID-19 Vaccination for County Residents.** All Orange County residents should receive COVID-19 vaccination in accordance with the Federal Food and Drug Administration (FDA) and CDC guidance. Minors, who are eligible to receive COVID-19 vaccination in accordance with the applicable CDC guidelines, should be vaccinated in the presence of their parent or legal guardian.

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CDC Guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>

4. **Seasonal Flu Vaccination for County Residents**. All County residents who are six months of age or older should obtain the seasonal flu vaccination unless a medical or religious exemption applies.
5. **COVID-19 Vaccination and Testing for Emergency Medical Technicians, Paramedics and Home Healthcare Providers**. To help prevent transmission of COVID-19, it is strongly recommended that all Emergency Medical Technicians, Paramedics, and Home Healthcare Providers (including In Home Supportive Services Program workers) remain up-to-date as defined by CDC with COVID-19 vaccination. CDC Guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>
6. Furthermore, it is strongly recommended that all unvaccinated Emergency Medical Technicians, Paramedics, and Home Healthcare Providers (including In Home Supportive Services Program workers) undergo at least twice weekly testing for COVID-19 until such time they are fully vaccinated.

GENERAL PROVISIONS

1. The Orders and Strong Recommendations, above, shall not supersede any conflicting or more restrictive orders issued by the State of California or federal government. If any portion of this document or the application thereof to any person or circumstance is held to be invalid, the remainder of the document, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the orders and strong recommendations are severable.
2. The Orders contained in this document may be enforced by the Orange County Sheriff or Chiefs of Police pursuant to California Health and Safety Code section 101029, and California Government Code sections 26602 and 41601. A violation of a health order is subject to fine, imprisonment, or both (California Health and Safety Code section 120295).

REASONS FOR THE ORDERS AND STRONG RECOMMENDATIONS

1. On February 26, 2020, the County of Orange Health Officer declared a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County.
2. On February 26, 2020, the Chairwoman of the Board of Supervisors, acting as the Chair of Emergency Management Council, proclaimed a Local Emergency in that the imminent and proximate threat to public health from the introduction of COVID-19 created

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conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County.

3. On March 2, 2020, the Orange County Board of Supervisors adopted Resolutions No. 20-011 and No. 20-012 ratifying the Local Health Emergency and Local Emergency, referenced above.
4. On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.
5. As of August 19, 2022, the County has reported a total of 652,703 recorded confirmed COVID-19 cases and 7,280 of COVID-19 related deaths.
6. Safe and effective authorized COVID-19 vaccines are recommended by the CDC. According to CDC, anyone infected with COVID-19 can spread it, even if they do NOT have symptoms. The novel coronavirus is spread in 3 ways: 1) Breathing in air when close to an infected person who is exhaling small droplets and particles that contain the virus. 2) Having these small droplets and particles that contain virus land on the eyes, nose, or mouth, especially through splashes and sprays like a cough or sneeze. 3) Touching eyes, nose, or mouth with hands that have the virus on them. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>.
7. The CDPH issued a revised Guidance for the Use of Face Coverings, effective April 20, 2022, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>
8. According to the CDC and CDPH, older adults, individuals with medical conditions, and pregnant and recently pregnant persons are at higher risk of severe illness when they contract COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>
9. The Orders and the Strong Recommendations contained in this document are based on the following facts, in addition to the facts stated under the foregoing paragraphs: (i) Safe and effective FDA authorized COVID-19 vaccines have become widely available, but many Orange County residents have not yet had the opportunity to be vaccinated, or have not completed their vaccination series to be fully vaccinated or boosted; (ii) the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap (iii) some individuals who contract COVID-19 have no symptoms or have only mild symptoms and so are unaware that they carry the virus and are transmitting it to others; (iv) current evidence shows that the novel coronavirus can survive on surfaces and can be indirectly transmitted between individuals; (v) older adults and individuals with medical conditions are at higher risk of severe illness; (vi) sustained COVID-19 community transmission continues to occur; (vii) the age, condition, and health of a portion of Orange County's residents place them at risk for serious health

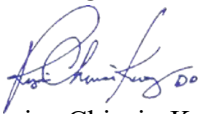
Order and Strong Recommendations of the County of Orange Health Officer
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complications, including hospitalization and death, from COVID-19; (viii) younger and otherwise healthy people are also at risk for serious negative health outcomes and for transmitting the novel coronavirus to others.

10. The orders and strong recommendations contained in this document are necessary and less restrictive preventive measures to control and reduce the spread of COVID-19 in Orange County, help preserve critical and limited healthcare capacity in Orange County and save the lives of Orange County residents.
11. The California Health and Safety Code section 120175 requires the County of Orange Health Officer knowing or having reason to believe that any case of a communicable disease exists or has recently existed within the County to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.
12. The California Health and Safety Code sections 101030 and 101470 require the county health officer to enforce and observe in the unincorporated territory of the county and within the city boundaries located with a county all of the following: (a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters; (b) Orders, including quarantine and other regulations, prescribed by the department; and (c) Statutes relating to public health.
13. The California Health and Safety Code section 101040 authorizes the County of Orange Health Officer to take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction. "Preventive measure" means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.
14. The California Health and Safety Code section 120130 (d) authorizes the County of Orange Health Officer to require strict or modified isolation, or quarantine, for any case of contagious, infectious, or communicable disease, when such action is necessary for the protection of the public health.

IT IS SO ORDERED:

Date: August 19, 2022



Regina Chinsio-Kwong, DO
County Health Officer
County of Orange



State of OCERS- An Overview

Presented on September 15, 2022

by

Steve Delaney, CEO



The Current State of OCERS



More than \$19.4 billion in assets as of Dec. 2021



The Current State of OCERS

Total Membership (as of Dec. 2021) 49,075

2021	49,075	2.6%
2020	47,796	1.3%
2019	47,196	3.4%
2018	45,629	2.6%
2017	44,471	2.6%
2016	43,485	2.3%
2015	42,427	2.4%
2014	41,418	2.3%
2013	40,486	2.2%
2012	39,618	



The Current State of OCERS

PEPRA (Public Employees Pension Reform Act) - January 2013

Legacy and PEPRA Membership as of December 2021

	2019	2020	2021
Legacy Active and Deferred Members	18,921	18,442	17,828
PEPRA Active and Deferred Members	9,856	9,935	11,421
Total	28,777	28,377	29,249
Percentage of PEPRA to Legacy Members	34%	35%	39%

- Between 4% and 5% of Legacy member payroll has been replaced by PEPRA member payroll each year.
- Assuming the trend continues, employer normal costs will decrease by about 0.2% annually until there are no more active Legacy members.



The Current State of OCERS



Total Retirees (as of Dec. 2021)

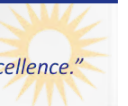
19,826

2021	19,826
2020	19,419
2019	18,420
2018	17,674
2017	16,947
2016	16,369
2015	15,810
2014	15,169
2013	14,505
2012	13,947



1.1 active members to retired members

"We provide secure retirement and disability benefits with the highest standards of excellence."





The Current State of OCERS

As of today:

- 100 years young – 22
- Oldest payee – 107 years young
- Number of people who received birthday cards from OCERS to date: 8
- 90-99 years young: 689

2021 year's presentation:

- 100 years young – 17
- 90-99 years young – 632



The Current State of OCERS



Benefit Payroll for Calendar Year 2021

\$1,030,000,000

2020	\$973,325,000
2019	\$900,902,000
2018	\$828,278,000
2017	\$764,344,000
2016	\$717,976,000
2015	\$675,963,000
2014	\$630,678,000
2013	\$586,284,000
2012	\$541,154,000





The Current State of OCERS



Total Contributions (as of Dec. 2021)

Member Contributions: \$271,334

Employer Contributions: \$698,791

\$970,125,000





The Current State of OCERS



The Promise (as of Dec. 2021)

\$24,016,073,000

2020	\$22,904,975,000
2019	\$21,916,730,000
2018	\$20,703,349,000
2017	\$19,635,427,000
2016	\$17,933,000,000
2015	\$17,050,000,000
2014	\$16,413,000,000
2013	\$15,785,000,000
2012	\$15,144,000,000

"We provide secure retirement and disability benefits with the highest standards of excellence."





The Current State of OCERS

THE PROMISE

Actuarial Valuation Date as of December 31	Valuation Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b) - (a)	Funded Ratio (%) (a) / (b)	Projected Covered Payroll (c)	UAAL as a Percentage of Projected Covered Payroll (%) [(b) - (a)] / (c)
2012	\$9,469,208,000	\$15,144,888,000	\$5,675,680,000	62.52%	\$1,609,600,000	352.55%
2013	10,417,125,000	15,785,042,000	5,367,917,000	65.99%	1,604,496,000	334.55%
2014	11,449,911,000	16,413,124,000	4,963,213,000	69.76%	1,648,160,000	301.14%
2015	12,228,009,000	17,050,357,000	4,822,348,000	71.72%	1,633,112,000	295.29%
2016	13,102,978,000	17,933,461,000	4,830,483,000	73.06%	1,759,831,000	274.49%
2017	14,197,125,000	19,635,427,000	5,438,302,000	72.30%	1,811,877,000	300.15%
2018	14,994,420,000	20,703,349,000	5,708,929,000	72.43%	1,875,370,000	304.42%
2019	16,036,869,000	21,916,730,000	5,879,861,000	73.17%	1,952,534,000	301.14%
2020	17,525,117,000	22,904,975,000	5,379,858,000	76.51%	1,962,869,000	274.08%
2021	19,488,761,000	24,016,073,000	4,527,312,000	81.15%	2,052,706,000	220.55%



The Current State of OCERS



Fund Assets (as of Dec. 2021)

\$19,488,761,000

2020	\$17,525,117,000
2019	\$16,036,869,000
2018	\$14,997,420,000
2017	\$14,197,125,000
2016	\$13,102,978,000
2015	\$12,228,009,000
2014	\$11,450,911,000
2013	\$10,417,125,000
2012	\$9,469,208,000

(Valuation Value of Assets)





The Current State of OCERS

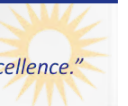


Unfunded Actuarially Accrued Liability

(as of Dec. 2021)

\$4,527,312,000

2020	\$5,379,858,000
2019	\$5,879,861,000
2018	\$5,708,929,000
2017	\$5,438,302,000
2016	\$4,830,483,000
2015	\$4,822,000,000
2014	\$4,963,000,000
2013	\$5,367,000,000
2012	\$5,675,000,000

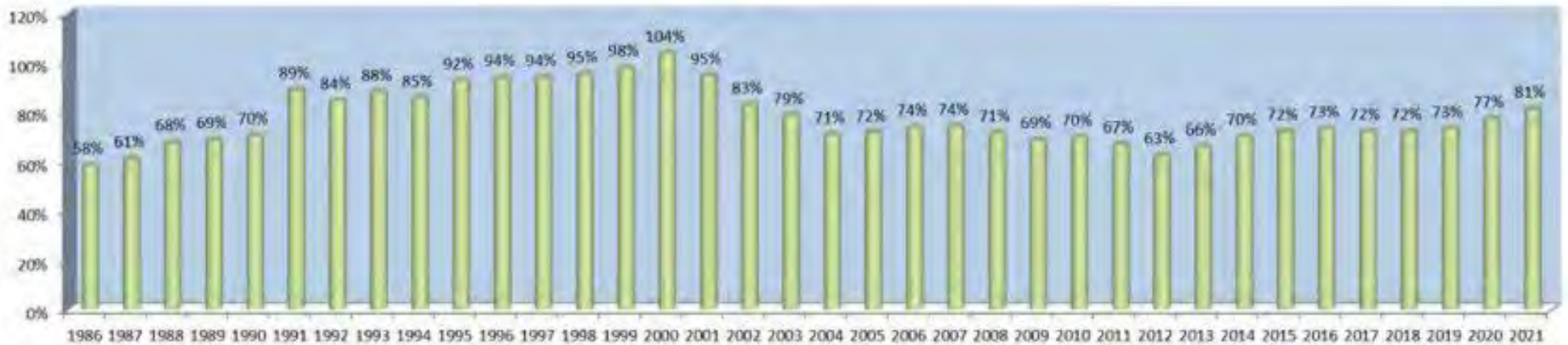




The Current State of OCERS



Funded Ratio by Calendar Years
(Rounded)



(Valuation value) **81.15%**

THE OCERS INVESTMENT PROGRAM



- Some thoughts on the OCERS Investment Portfolio through calendar year 2021



The Current State of OCERS

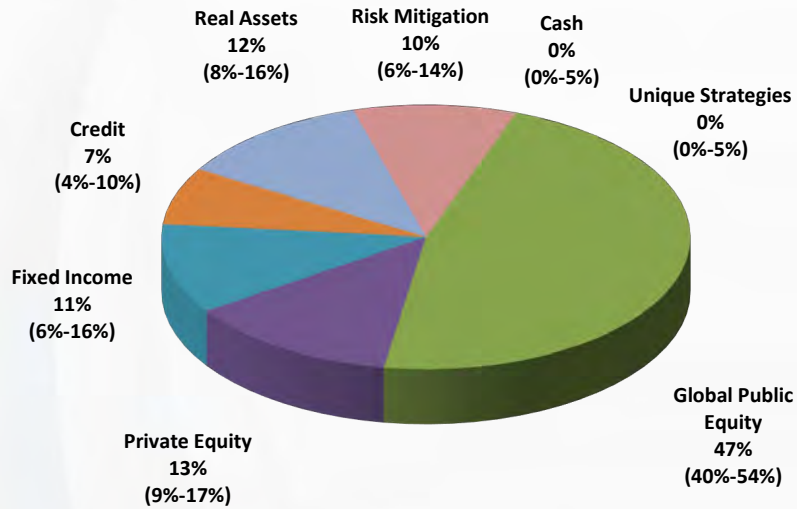
2021 Performance

- OCERS' portfolio returned 16.6% net of fees in 2021, significantly outperforming its actuarial assumed rate of return of 7.0%
- 2021 was a positive year for risk assets as more and more vaccines were being distributed and global fiscal and monetary stimulus continued to aid an economic recovery from COVID
- OCERS' global public equity portfolio earned 17.8% net of fees for the year, and the private equity portfolio returned an impressive 50.2% in 2021
- As the U.S. 10-year Treasury yield increased from 0.9% to 1.5% in 2021, OCERS' fixed income portfolio produced a muted 0.3% net return

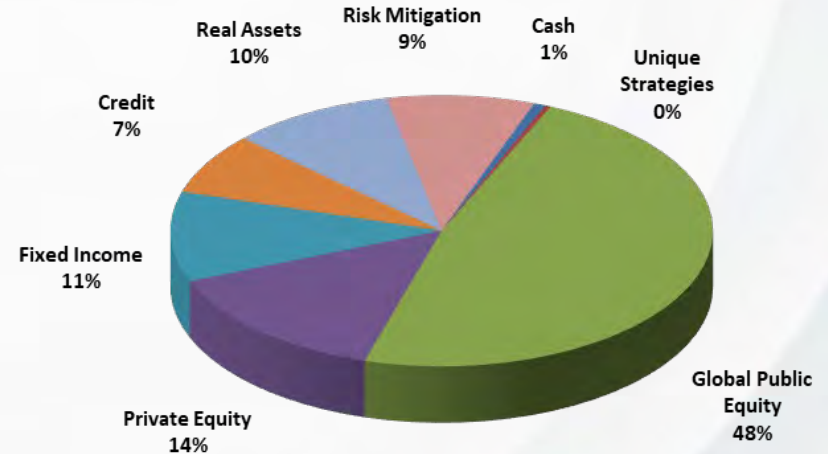
The Current State of OCERS

Asset Allocation

Target Asset Allocation



Actual Asset Allocation





The Current State of OCERS



OCERS' STAFF





Staffing Summary as of September 23, 2022



Staffing Summary	Total
Budgeted Positions	113
Employees on Staff	97
Vacancies	16
Total New Hires (OCERS Direct- 8/ County-9)	17
Extra Help (OCERS Direct – 2 / County – 3)	5
New Employees Transferred In (County Employees)	2
Third Party Contractors:	3
Temporary (Staffing Agency)	3
Employees Promoted	12
Separated Employees (3 Retirement)	13

The Current State of OCERS

SUCCESSION PLANNING

“The Board of Retirement will from time to time as determined to be in the best interests of OCERS: Ensure that appropriate succession plans are in place to provide continuity in the OCERS management”

- Section 18(b) OCERS Board of Retirement Charter

The Current State of OCERS

SUCCESSION PLANNING – It's about growing people

Succession planning is the long term development of staff and skill sets that will serve the agency





The Current State of OCERS

Succession
Planning
Continues...



The Current State of OCERS

SUCCESSION PLANNING Laying the Foundation

- Determine critical positions
- Identify expected vacancies
- Identify competencies, skills needed for each of those positions
- Assess where current staff stands in meeting those long-term needs





Challenges in 2023 and beyond

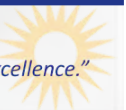




Challenges in 2023 and beyond

COVID TODAY (September 2022)

- Just coming off yet another “Outbreak”. I sent the team home for two weeks rather than work from the office with masks and risk a furtherance of the outbreak.
- The Disaster Recovery Team continues to meet as long as the Governor’s Emergency Declaration remains in place, though we are presently only meeting once a month.
- The OCERS Building is open to the public, with service available from the front lobby desk due to protective glass.
- Otherwise working a hybrid work schedule: Three days in the office, and two days from home.
 - Is this the ongoing future?
 - CalPERS will revisit in 2023 with Two days in the office possible
- Current equipment allows team to answer all phone calls from home. That was an early win for the OCERS team back in March 2020.
- OCERS unofficial COVID Tsar, Ms. Shott, with assistance from the Legal team, has kept our OCERS COVID-19 Prevention Plan up-to-date



Challenges in 2023 and beyond

- **COVID-19 pandemic**
 - Phone system fully functional from home
 - Zero turnover due to COVID process changes
 - Future Hybrid in-person/remote work plan
- **The *Alameda* recalculation**
 - Project manager assisting w/formal plan
- **100% Accuracy goal**
 - Additional staff to assist initially
 - Allows creation of Quality Assurance Unit
 - Leverage of technology long term approach
 - Project Manager assisting with Master Repository of Processes

Challenges in 2023 and beyond



FUNDING LEVEL

81.15%
(December 31, 2021)



Challenges in 2023 and beyond

Improving Mortality and its impact on Liabilities

Age Range	Payee Count
90-99	689
100+	22



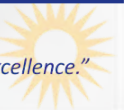
Challenges in 2023 and beyond

CYBER SECURITY





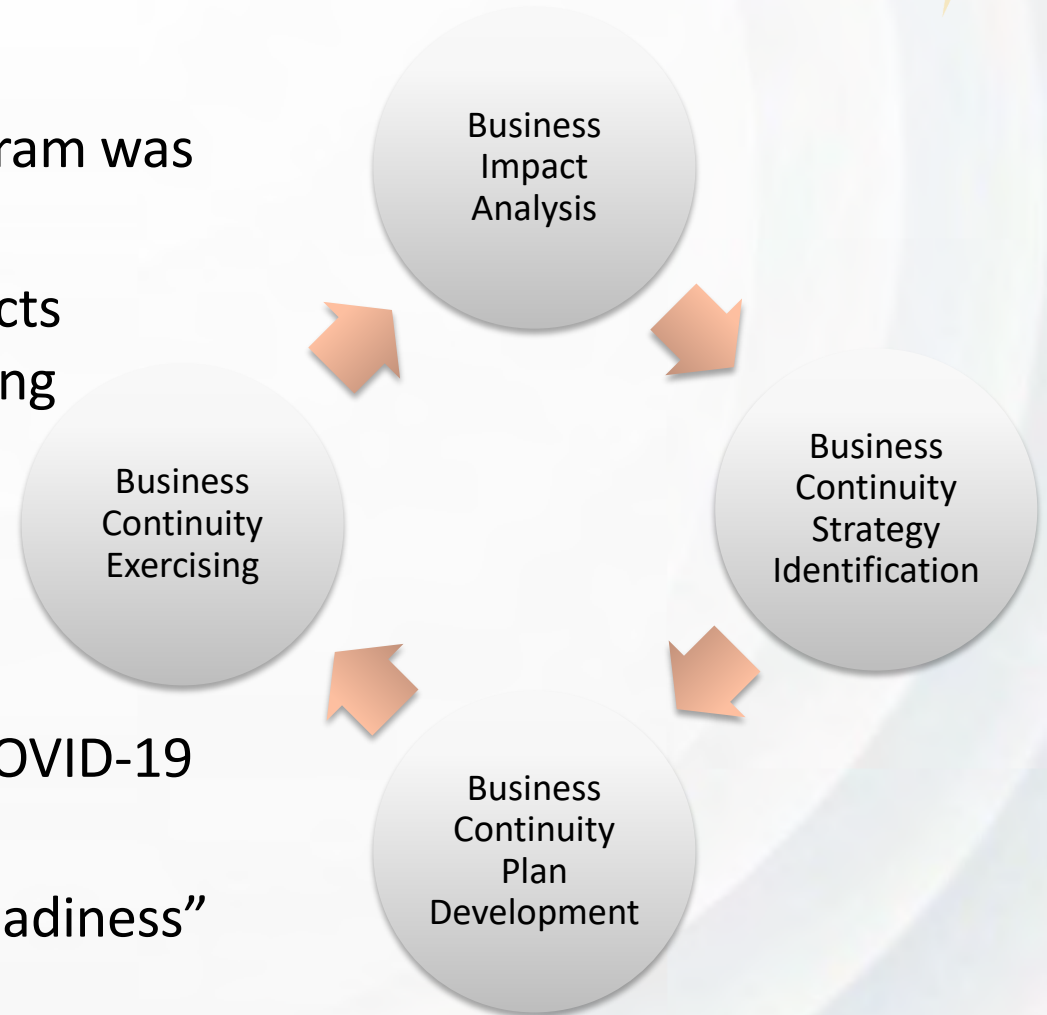
Opportunities in 2023 and Beyond



Opportunities in 2023 and beyond

Business Continuity Program

- OCERS Business Continuity Program was rebooted in 2015
- Crisis Management Team conducts annual tabletop exercises, working through a given scenario to identify plan weaknesses and opportunities for improvement
- Business Continuity Program allowed for quick transition to COVID-19 “new normal”
- OCERS in a state of “practiced readiness” for future events





Opportunities in 2023 and beyond

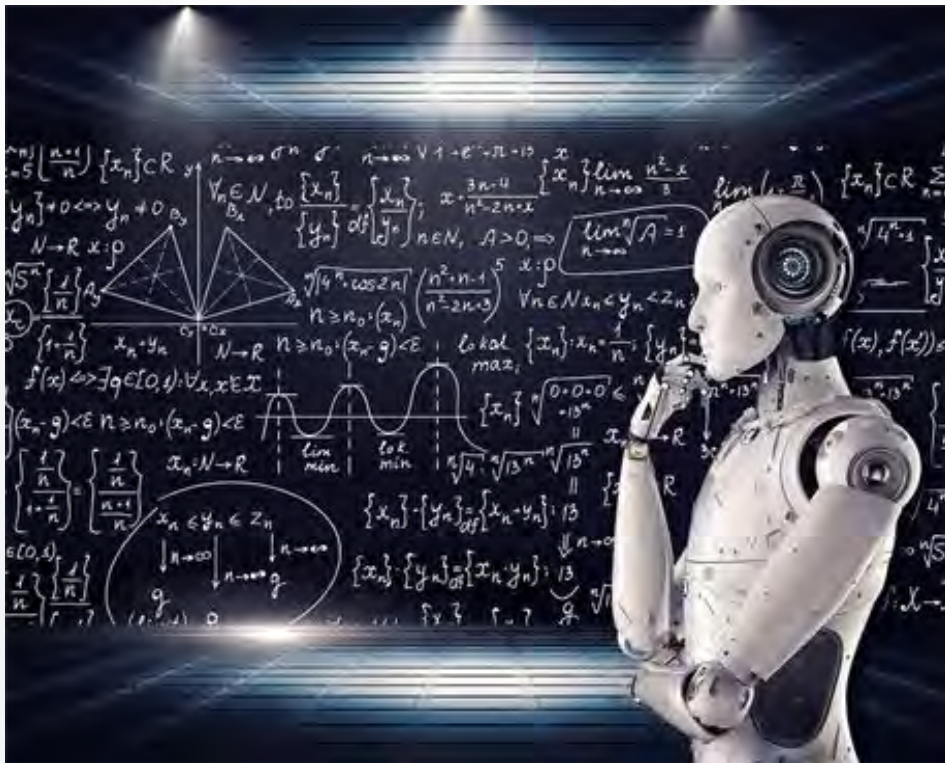


New OCERS Headquarters building determinations



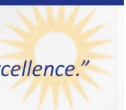
Opportunities in 2023 and beyond

VISION 2030



Artificially Intelligent Pension Administration System (PAS) and Investment Program

- 2022 – RFP for Futurist consultant
- 2022 – Initial use cases with V3
- 2023 – 2026 Build new PAS
- 2027 – Launch of new PAS
- 2023-29 – Machine Learning
- 2030 – OCERS includes Artificial Intelligence modules within PAS





Opportunities in 2023 and Beyond

- An oversight Board concerned with volatility
- Conservative assumptions
- 20 year amortization plan
- PEPRA (2013) reduced benefit costs over the long term
- OCERS is still cash flow positive (the hard flip in future)
- Employers' efforts to accelerate the payment of the UAAL:
 - OC Sanitation District
 - OCFA
 - OC Public Law Library
 - Cemetery District
 - Children and Families Commission

In summation





Memorandum

DATE: September 15, 2022
TO: Members of the Board of Retirement
FROM: Jeff Lamberson G.B.A., Director of Member Services
SUBJECT: STATE OF OCERS- ANNUAL QUALITY OF MEMBER SERVICES REPORT

Written Report

Background

In accordance with the Board of Retirement Charter, Monitoring and Reporting, section 23(e), the Board *will annually review the quality of services delivered to OCERS members*. This report serves to inform the Board of the continuing efforts made during the COVID-19 Pandemic to deliver quality service with the highest standards of excellence to our members. The *Member Services Customer Service* policy provides specific quantifiable goals for measuring customer service levels and is used as a guide to drive the initiatives the Member Services team undertakes to ensure quality service is provided to our members on a daily basis. Metrics associated to these goals are reported to the CEO on a monthly basis and the goals are monitored regularly to ensure ongoing achievement of optimal customer service levels.

In addition, continuous updates to information on the OCERS website, improvements made to enhance the member portal, transition to virtual pre-retirement seminars and member retirement counselling sessions, and the continued usage of our DialPad phone system are all integral in our commitment to providing superior service to our members. The Member Services Department achieved the following Quality Goals during the period covering January 1 to June 30, 2022:

- **Customer Interactions** – positive responses to surveys- goal is 95% positive; **GOAL ACHIEVED**

Positive Responses average 98% positive (in the 12-month period of 01/01/2022-06/30/2022)
(During COVID-19, this is based on positive or negative direct member feedback to management regarding interactions with team members)
- **Benefit Recalculations**— Unplanned benefit recalculations should be less than 5% of the total; **GOAL ACHIEVED**

Unplanned Recalculations = 2 or less than 1% (in the 6-month period of 01/01/2022-06/30/2022)

*Unplanned recalculations are defined as a recalculation of a member account required based on errors found during a OCERS Internal Audit review or via an external audit/member requested review.
- **Payroll initiations** – 1st Benefit payment within one full month of separation; **GOAL ACHIEVED**

Nearly all payments initiated on the first full month following the member's benefit effective date. Only exceptions were Option 4 DROs which require additional actuarial calculation, and retirement applications received late in the month (i.e. after the 23rd of each month).

- **Benefit Estimates** – Estimates are available 24/7 via member self-service portal; **GOAL ACHIEVED**

Website provides instantaneous estimates via a public facing calculator as well as member specific estimates accessible via the secure member portal

- **Initiate Retirement Electronically** - Retirements can be initiated electronically via member self-service portal; **GOAL ACHIEVED**

96.665% of all retirement applications submitted between January 1 and June 30, 2022 were submitted via the online member portal (30 paper applications out of 897 total)

- **Member Statements are available real time 24/7** – Statements are available via member self-service portal; **GOAL ACHIEVED**

Submitted by:



J.L. Approved

Jeff Lamberson G.B.A.,
Director of Member Services



Memorandum

DATE: September 15, 2022
TO: Members of the Board of Retirement
FROM: Suzanne Jenike, Assistant Chief Executive Officer, External Operations
SUBJECT: STATE OF OCERS- ANNUAL EMPLOYER REPORT

Presentation

OCERS Staff has been preparing this employer report annually since May 2014. The purpose of the report is to provide the Board with information regarding the Employers financial position to ascertain their capacity to meet their ongoing financial obligations to OCERS. The report captures financial information from publicly posted financial information as of the prior fiscal year, in this case FY20/21, as well as OCERS most recent approved actuarial valuation, December 31, 2021.

County of Orange

- The total assets of the County exceeded total liabilities at June 30, 2021 by \$3.6 billion

Orange County Fire Authority

- \$15.9 million in additional payments towards UAAL in FY20/21, for a total of \$124.2 million in additional UAAL payments from FY13/14 to FY20/21

Orange County Transportation Authority

- 91 Express Lanes traffic revenue is forecasted to increase by 29% due to expected travel volumes returning to pre-pandemic levels,
- Construction is underway on OC Streetcar, which is being built in Santa Ana and Garden Grove and will be the first streetcar in Orange County

Submitted by:



SJ – APPROVED

Suzanne Jenike
Assistant CEO, External Operations



OCERS' 2022 Annual Employer Report

Report Date: September 14, 2022

**Suzanne Jenike
Assistant CEO
External Operations**

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Executive Summary

The Orange County Employees Retirement System (OCERS) is a public pension plan that partners with 13 active Employers to provide a defined benefit lifetime pension to many of Orange County's public servants. As of December 31, 2021, OCERS manages a \$22.5 billion fund from which members received pension benefit payments totaling \$1.0 billion for the year ending December 31, 2021. The pension benefits our members receive are funded from three main sources: fund earnings (58%), employee contributions (13%) and employer contributions (29%).

The OCERS 2022 Annual Employer Report (Employer Report) provides the OCERS Board of Retirement with a summary of key financial information on OCERS' Employers based upon information provided by their 2021 audited financial statements and 2021 budget and forecast documents.

- All the audited financial statements obtained from the Employers contained an external auditor's unmodified ("clean") opinion. In addition, no external auditor disclosed any "Going Concern" issues regarding the Employer's ability to continue as a governmental entity.
- All OCERS' Employers have made their required OCERS contribution payments since the prior year's report.
- In addition, a few Employers have continued to make additional payments toward their unfunded actuarial accrued liability (UAAL).
- Upon review of the reported financial information from the Employers, no further action is planned from OCERS' Executive Management.

Although this report includes financial information on OCFA and the Orange County Sheriff's Department, it does not include financial information from the cities that contract with OCFA and/or the Orange County Sheriff's Department. A financial summary of the 19 contract cities that contract with OCFA and/or the Orange County Sheriff's Department would require a separate report.

Introduction

At its May 19, 2014, Regular Meeting, the OCERS Board of Retirement (Board) directed the OCERS Team to start creating this report of key financial information such as revenue sources and net position of OCERS' Employers.

Scope

This report includes financial information on OCERS' Employers for fiscal year ending June 30, 2021, if publicly available. There were 22,011 active members within OCERS' thirteen active Employers as of December 31, 2021, and 7,238 deferred members.

Background

Active Member Count for year ending December 31:					
Employer	2017	2018	2019	2020	2021
County of Orange	16,780	17,048	17,154	16,474	16,899
Superior Court	1,455	1,419	1,418	1,397	1,384
OCTA	1,313	1,279	1,350	1,319	1,315
OCFA	1,288	1,262	1,417	1,457	1,508
Sanitation District	592	616	608	618	620
OCERS	70	84	87	87	90
San Juan Capistrano	81	78	76	67	51
The Toll Roads	64	62	61	54	61
In-Home Supportive Services	24	26	25	24	25
Cemetery District	25	25	24	25	25
Public Law Library	14	14	14	14	14
Children & Families Commission	10	11	12	14	14
LAFCO	5	5	5	4	5
Total:	21,721	21,929	22,251	21,554	22,011

Annual revenues for OCERS' five largest Employers:

Revenues as of Fiscal Year Ending June 30 (000's):					
Employer	6/30/2017	6/30/2018	6/30/2019	6/30/2020	6/30/2021
Orange County	\$ 4,186,000	\$ 4,404,000	\$ 4,503,000	\$ 4,802,000	\$ 5,597,000
OCTA	\$ 892,000	\$ 860,000	\$ 954,000	\$ 913,000	\$ 994,000
OCFA	\$ 374,000	\$ 422,000	\$ 414,000	\$ 473,000	\$ 495,000
Sanitation District	\$ 432,000	\$ 422,000	\$ 477,000	\$ 492,000	\$ 476,000
Superior Court	\$ 193,000	\$ 202,000	\$ 202,000	\$ 204,000	\$ 204,000
Total	\$ 6,077,000	\$ 6,310,000	\$ 6,550,000	\$ 6,884,000	\$ 7,781,000

Primary Revenue Sources for OCERS' five largest Employers - Year Ending June 30, 2021:

Revenue Category	Orange County	OCFA	Superior Court	OCTA	OCSD
Monies from CA/Federal	60%	-	100%	32%	4%
Property Tax/Other Tax	23%	72%	-	4%	25%
Sales Tax	-	-	-	57%	-
Service Charges	17%	28%	-	7%	71%
% of Total Revenues	100%	100%	100%	100%	100%
Total Revenues:	\$5.6 billion	\$495 million	\$204 million	\$994 million	\$476 million

Net Position - Total assets less total liabilities for OCERS' five largest Employers - Year Ending June 30, 2021:

Net Position, as of Year Ending June 30 (000's):					
Employer	6/30/2017	6/30/2018	6/30/2019	6/30/2020	6/30/2021
Orange County*	\$ 2,505,151	\$ 2,464,735	\$ 2,527,108	\$ 2,844,388	\$ 3,663,267
OCTA	\$ 1,580,417	\$ 1,611,223	\$ 1,751,910	\$ 1,793,191	\$ 1,858,000
OCFA	\$ (176,774)	\$ (299,453)	\$ (298,070)	\$ (274,665)	\$ (207,511)
Sanitation District	\$ 2,041,225	\$ 2,194,789	\$ 2,360,502	\$ 2,539,010	\$ 2,710,382
Superior Court**	-	-	-	-	-

*The Unrestricted portion of County's Net Position actually has a deficit of \$2.5 billion.

**Superior Court's financial statements are blended within those of the State of California.

Employers' Bond Ratings, Purpose of Debt, and Form of Security (where applicable):

Orange County	OCTA	Sanitation District	Toll Roads	City of SJC
AA+/AA for \$442 MM of Revenue Bonds. AA+ for \$0.5 MM of Pension Obligation Bonds. County's Default Rating is AAA.	AA+ for \$618 MM of M2 Tax Revenue Bonds. A1 for \$85 MM of Toll Road Revenue Bonds.	AAA for \$0.9 BB of Certificate of Participation Notes and Revenue Bonds.	A/A- for \$5.0 BB of Toll Road Revenue bonds.	AAA for \$25 MM in General Obligation Bonds. \$20 MM in Water Refunding Bonds.
Debt issued to make pension prepayments, construction of facilities, and to finance the Teeter plan.	Debt issued to pay for Measure M2 projects and acquisition of 91 Express Toll Roads.	Debt issued to pay for treatment plant upgrades and water recycling facilities.	Debt issued to construct the 73, 241, & 261 toll roads.	Debts issued to acquire, preserve, and improve land; and to construct a ground water recovery plant.
Secured by lease payments from the County, general purpose revenues, airport revenues, and waste management revenues.	Secured by M2 sales tax revenues and 91 Express Lanes toll fees.	Secured by sewer usage fees.	Secured by toll road revenues.	Secured by property tax revenues and water usage fees.

Pension Debt - Net Pension Liability (NPL) is the accounting-based equivalent of UAAL that Employers must report on their financial statements (GASB 68). The Employers' NPL for the fiscal years ending 2017 through 2021 calculated by OCERS' actuary, Segal Consulting using an actuarial measuring date of December 31 (chart below). Total NPL decreased approximately \$2 billion, from \$4.2 billion as of December 31, 2020, to \$2.1 billion as of December 31, 2021, because of a 16.56% return on the market value of assets during 2021 that was higher than OCERS' targeted investment earnings rate of 7.0%.

GASB 68 Net Pension Liability (in '000s), per Segal Consulting:					
Employer	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Orange County	3,983,695	4,918,576	4,124,212	3,547,545	2,047,576
OCFA	370,675	466,731	354,395	181,122	(104,907)
Superior Court	332,590	392,761	336,766	299,663	186,751
OCTA	212,117	269,789	224,285	186,024	73,424
Sanitation District	(39,571)	29,029	(49,447)	(68,643)	(178,731)
City of San Juan Capistrano	26,139	32,142	26,192	20,116	11,742
OCERS	21,427	28,845	26,824	24,954	16,376
TCA	10,243	13,254	(1,753)	(3,881)	(10,882)
LAFCO	1,268	1,583	1,490	1,248	913
In-Home Supportive Services	706	1,097	719	304	(233)
Cemetery District	(174)	962	(228)	(145)	(1,395)
Children & Families Commission	962	631	(646)	(612)	(812)
Public Law Library	(36)	573	(75)	(949)	(2,630)
UCI *	27,645	34,809	30,214	25,337	17,134
Dept of Education *	2,530	3,517	3,099	2,661	1,523
Vector Control *	1,167	2,493	(626)	(1,681)	(5,502)
Cypress Recreation and Parks*	718	409	262	185	(103)
City of Rancho Santa Margarita *	(2)	1	(2)	(3)	(6)
Net Pension Liability	\$4,952,099	\$6,197,202	\$5,075,682	\$4,213,245	\$2,050,238

Gray-shaded employers represent 99% of the total pension liability.

* Denotes an Inactive Employer

Contributions - OCERS' five largest Employers paid 98% of employer and employee contributions received by OCERS for the year ending December 31, 2021. The County is OCERS' largest Employer and paid 74% of employer and employee contributions received by OCERS for the year ending December 31, 2021.

OCERS Employers have paid all actuarially required contribution payments.

County of Orange

A five-member Board of Supervisors, who each serve four-year terms, and annually elect a Chair and Vice-Chair, governs the County of Orange (the County). A County Executive Officer, who reports to the Board of Supervisors, oversees 15 County departments, and elected department heads oversee six County departments.

The County is OCERS' largest Employer, with 16,899 active members or 77% of OCERS' total active members. The County and its employees contributed \$715.8 million to OCERS for the year ended December 31, 2021 (representing 74% of total contributions received by OCERS in that period).

Although the County's Net Position is a positive \$3.7 billion entity wide, the unrestricted portion of the Net Position has a deficit of \$2.5 billion primarily due to the recognition of the net pension liability on its Balance Sheet and OPEB liability on the financial statements.

County of Orange As of Fiscal Year Ending:

	6/30/18	6/30/19	06/30/20	06/30/21
Total Assets	\$9.6 billion	\$10.4 billion	\$10.6 billion	\$11.4 billion
Total Liabilities	\$7.1 billion	\$7.8 billion	\$7.8 billion	\$7.7 billion
Net Position	\$2.5 billion	\$2.5 billion	\$2.8 billion	\$3.7 billion
Cash and Cash Equivalents	\$3.0 billion	\$3.2 billion	\$3.9 billion	\$4.2 billion
Net Pension Liability	\$4.0 billion	\$4.9 billion	\$4.1 billion	\$ 3.5 billion

Pension Contribution Rates, per Segal's actuarial valuation dated:

	12/31/18	12/31/19	12/31/20	12/31/21
Employer Contribution Rate - Safety	55%/65%*	59%/67%*	56%/63%*	53%/59%*
Avg. Employee Contribution Rate - Safety	17%	17%	17%	17%
Employer Contribution Rate - General	37%	39%	40%	38%
Avg. Employee Contribution Rate - General	11%	11%	11%	11%

*OC Probation Department / OC Sheriff's Department

Revenues

The County's total governmental activities and business-type activities revenues (which exclude draws from reserves and intra-governmental fund transfers) were \$5.6 billion for the year ending June 30, 2021.

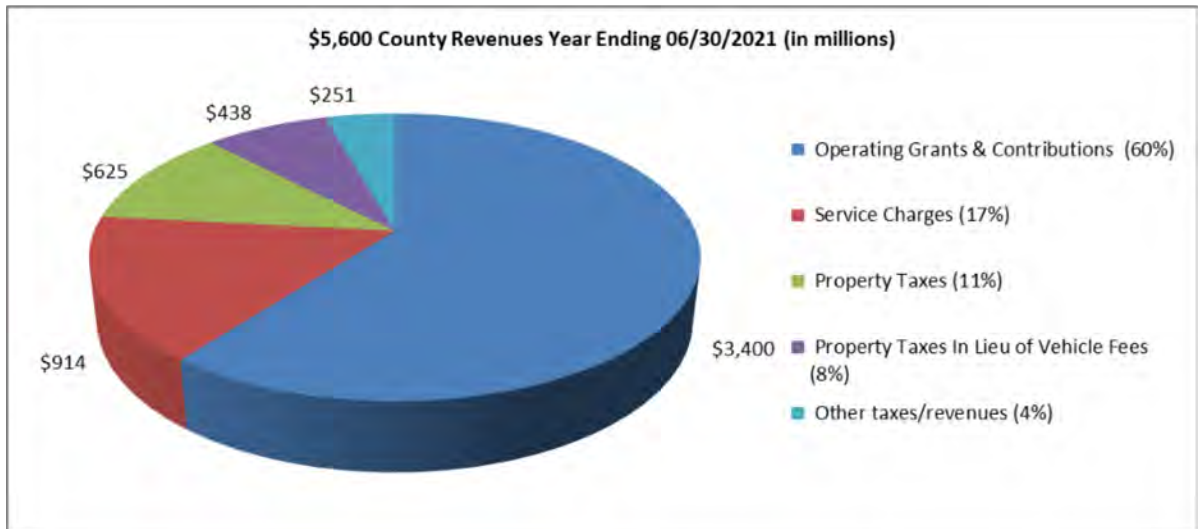
The County’s governmental activities rely on several sources of revenue to finance ongoing operations. Operating/capital grants and contributions comprised the largest revenue source for the County at \$3.4 billion, followed by charges for services at \$914 million, property taxes at \$625 million, property taxes (in lieu of motor vehicle license fees) at \$438 million, and \$251 million in other taxes/general revenue sources.

Operating Grants and Contributions (\$3.4 billion) are monies received from parties outside the County and are generally restricted to one or more specific programs such as State and Federal revenues for public assistance programs and for health care programs.

Charges for services (\$914 million) are revenues that arise from charges to customers or applicants who purchase, use, or directly benefit from the goods, services, or privileges provided. Examples of the types of services that fall under this category include engineering services provided to cities under contract, park and recreation fees, and law enforcement services provided to cities under contract.

Property taxes (\$625 million) are levied by the County. The 1% tax rate is the general levy for property tax based on assessed property values within the County.

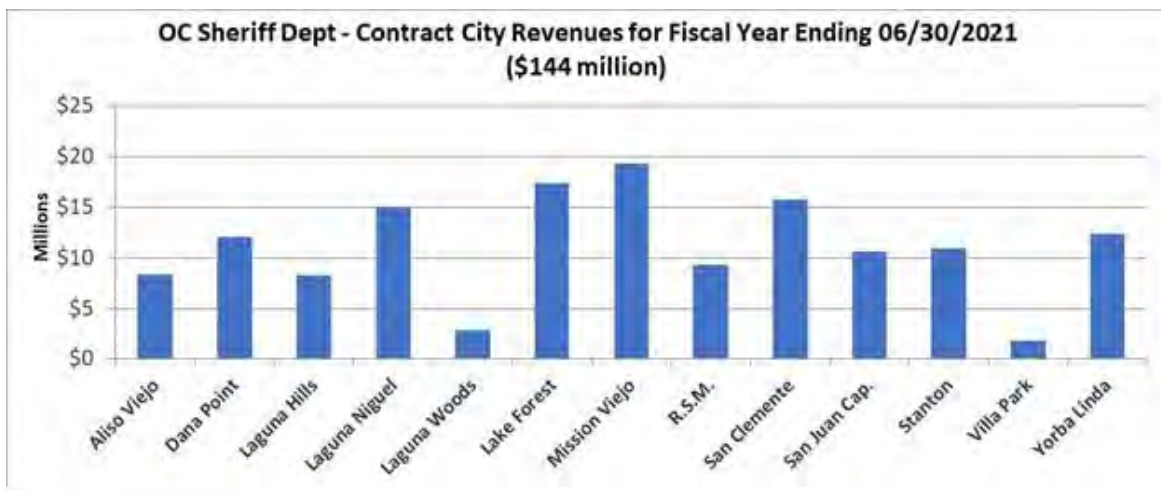
The County receives property taxes “In-Lieu of Motor Vehicle License Fees” (\$438 million in 2021) as part of the California State Budget Act of 2004. The Legislature reduced the backfill to cities and counties for reductions in the Vehicle License Fee and in return gave cities and counties additional property tax revenue.



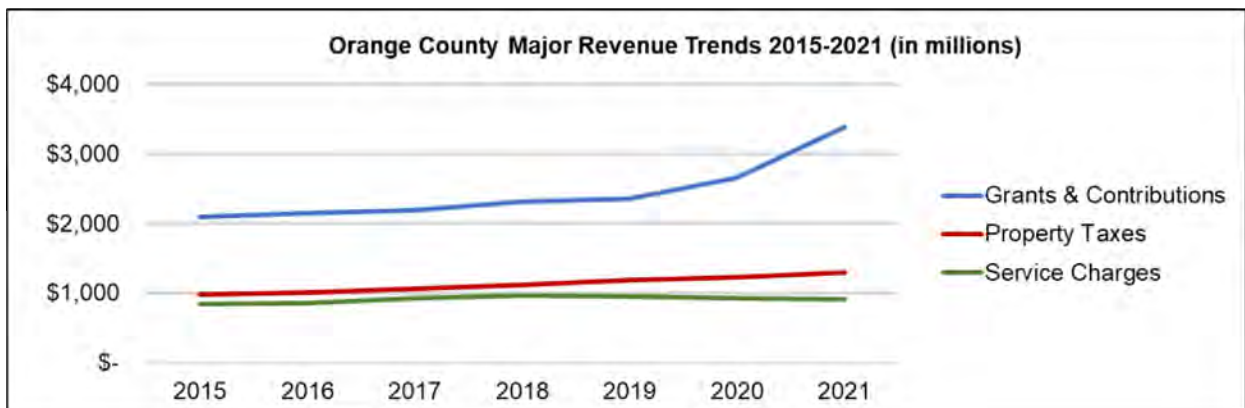
Sheriff's Department

Public safety is a large component of the services provided by the County of Orange through the Orange County Sheriff's Department (Department) on behalf of the 13 contract cities, unincorporated areas of the County, Orange County Transportation Authority, Harbor Patrol and John Wayne Airport. The Department has more than 3,800 sworn and professional staff members in addition to over 800 reserve personnel. The Department receives financial support from the Proposition 172 Public Safety ½ Cent Sales Tax which will provide approximately \$286 million for fiscal 2021-2022. For fiscal year ending June 30, 2021, 13 contract cities also paid approximately \$144 million to obtain the services of the Department. Service charges for law enforcement services provided to contract cities are budgeted to increase by an average of 5.82% for next fiscal year ending June 30, 2022.

The Sheriff's Department has annual and multi-year contracts with the cities, and either party can terminate the agreement with 180 days written notice.



County Revenue Trends



County's Long-Term Debt and Bond Ratings (Non-UAAL liability), as stated in its 2021 Annual Comprehensive Financial Report:

The County has \$563 million in long-term debt as of June 30, 2021. Most of this debt was lease revenue bonds of \$442 million with AA ratings from Standard & Poor's.

LONG-TERM DEBT RATINGS June 30, 2021			
	S&P	Moody's	Fitch
2018 Lease Revenue Bonds	AA	NR	NR
2017 Lease Revenue Bonds	AA	NR	AA+
Teeter Plan Notes	NR	NR	NR
1997A Pension Obligation Bonds	NR	Aa1	AA+
Airport 2019A Revenue Refunding Bonds	A+	NR	NR
Airport 2019B Revenue Refunding Bonds	A+	NR	NR

Net Position as of June 30, 2021

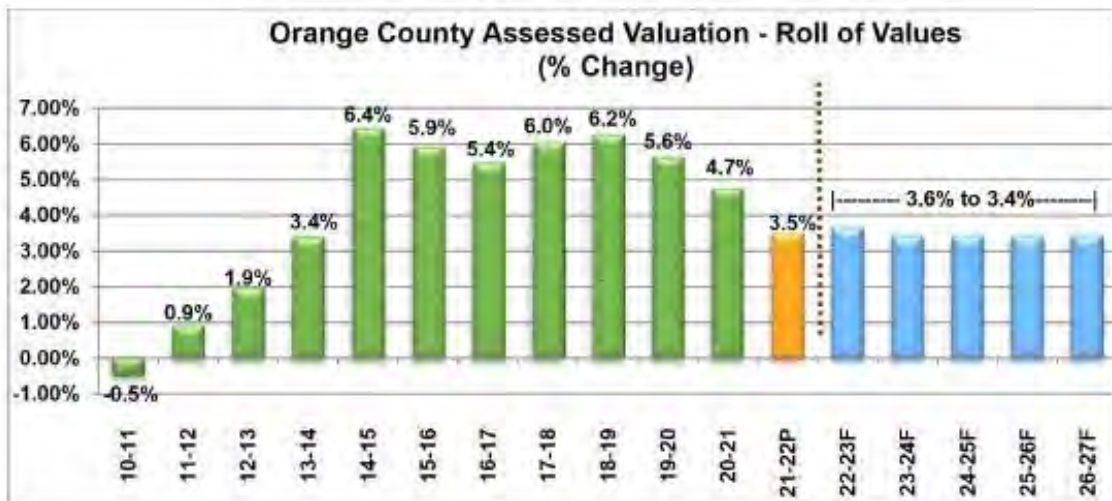
The total assets of the County exceeded total liabilities on June 30, 2021, by \$3.7 billion. The County's Net Position was comprised of the following:

- **Net Investments in capital assets** of \$4.4 billion includes buildings, equipment, and land, construction in progress, structures, equipment, software, and infrastructure.
- **Restricted** was \$1.7 billion, which combined amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government) through constitutional provisions or by enabling legislation and was primarily for social services/welfare grants, pension obligation bonds, future capital projects, and the County's debt service.
- **Unrestricted** has a deficit of \$2.5 billion. The unrestricted fund balance is to be made available for any purpose approved by the Board of Supervisors but is negative due to the recognition of the net pension liability (GASB 68).

Budgeting and Forecasting by the County

On September 15, 2020, the budget for the fiscal year ending June 30, 2021, was adopted by the Board of Supervisors. On December 14, 2021, the County Executive Office presented to the Board of Supervisors the 2021 Strategic Financial Plan, which included its forecast and key indicators utilized to prepare the plan. The Strategic Financial Plan is influenced by several economic factors, measuring the County against the nation and other counties and against its own past performance.

According to the Orange County Assessor’s Office, the County’s most recent total net taxable value on the Roll (listing of all taxable county property) is \$678 billion. The Roll of Values is up 3.47% or \$23 billion more than last year. Each of the County’s 34 cities and the unincorporated areas had a year-to-year increase in net taxable value. Within the County’s “2021 Strategic Financial Plan,” the following chart illustrates the history of the percent change in Orange County’s Secured Assessment Roll of Value and the County’s forecast for upcoming years:



Orange County Fire Authority (OCFA)

OCFA was formed on March 1, 1995, transitioning from the Orange County Fire Department to a Joint Powers Authority (JPA). The OCFA is an independent special district that services twenty-three member cities and the unincorporated areas of Orange County. The OCFA Board of Directors consists of elected officials appointed by the member cities. This Board also includes two representatives from the County Board of Supervisors. An appointed Fire Chief who reports to the Board of Directors manages the OCFA. Emergency response services are provided to 1.9 million residents in a 587 square mile area of Orange County.

OCFA is one of OCERS' five largest Employers. OCFA has 1,508 active employees, or 7% of OCERS' active membership. OCFA and its employees contributed \$125.2 million to OCERS for the year ended December 31, 2021 (representing 13% of total contributions received by OCERS in that period).

OCFA's Net Position has a deficit of \$208 million entity-wide; the unrestricted portion of the Net Position has a deficit of \$430 million primarily due to the recognition of the net pension liability (GASB 68).

OCFA As of Fiscal Year Ending:

	6/30/2018	6/30/2019	6/30/2020	6/30/2021
Total Assets and Deferred Outflows of Resources	\$541 million	\$595 million	\$578 million	\$640 million
Total Liabilities and Deferred Inflows of Resources	\$840 million	\$893 million	\$853 million	\$847 million
Net Position	(\$299 million)	(\$298 million)	(\$275 million)	(\$207 million)
Cash and Investments	\$176 million	\$180 million	\$189 million	\$201 million
Net Pension Liability	\$371 million	\$467 million	\$354 million	\$181 million

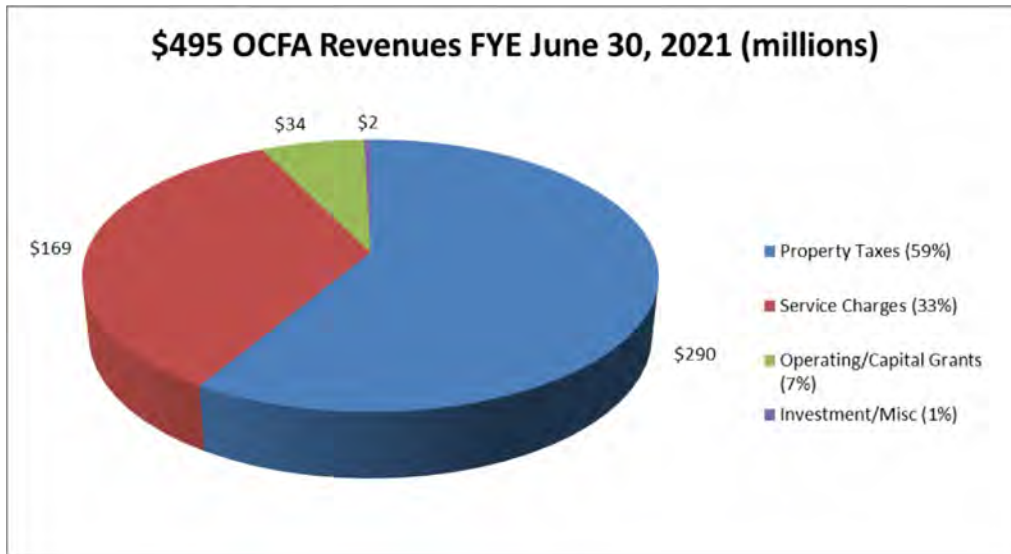
Pension Contribution Rates, per Segal's actuarial valuation dated:

	12/31/18	12/31/19	12/31/20	12/31/21
Employer Contribution Rate - Safety	49%	49%	41%	36%
Avg. Employee Contribution Rate - Safety	16%	16%	16%	16%
Employer Contribution Rate - General	28%	27%	24%	22%
Avg. Employee Contribution Rate - General	12%	12%	11%	11%

Revenues

OCFA’s total revenues were \$495 million for the year ending June 30, 2021.

Two primary sources of OCFA revenue are the Structural Fire Fund (SFF) and contract cities as outlined in the Joint Powers Agreement for the OCFA. Most revenues came from \$290 million in property taxes, and \$169 million in service charges. OCFA also received \$34 million in both operating grants and capital grants from other governmental agencies. There were \$2.4 million in miscellaneous revenues, investment income and gain on disposal of assets.

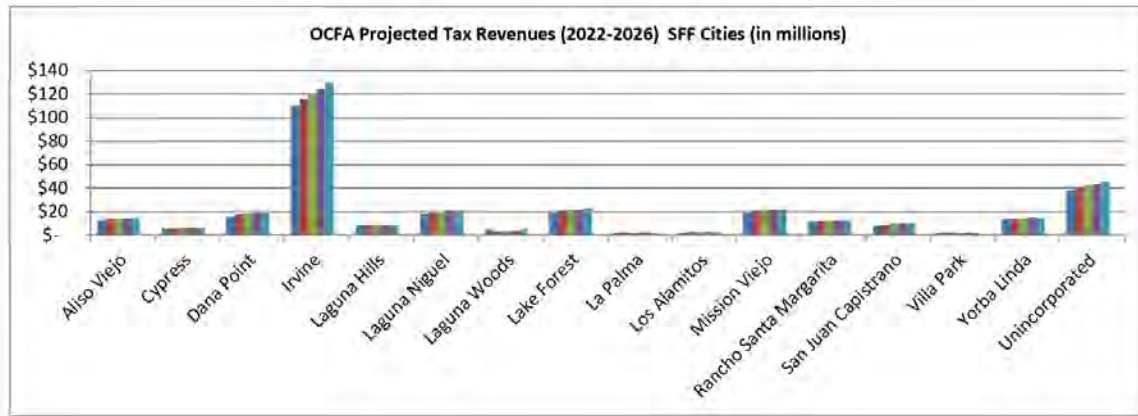


Structural Fire Fund (SFF)

The County of Orange remits a portion of property taxes collected from SFF cities to OCFA in accordance with the County’s tax apportionment procedures and schedules. In fiscal year ending June 30, 2021, the effective weighted rate of 11.47% of the county’s 1% general levy tax was remitted to OCFA from SFF cities. Rates by SFF city ranged from a low of 8.54% in the City of Cypress to 12.48% in the city of Irvine (Irvine alone provides 37% of total property tax revenue).

SFF members currently include Aliso Viejo, Cypress, Dana Point, Irvine, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, La Palma, Los Alamitos, Mission Viejo, Rancho Santa Margarita, San Juan Capistrano, Villa Park, Yorba Linda, and unincorporated areas of the County.

OCFA’s consultant for property tax forecasting, Harris & Associates, expects an average increase of between 4.61% and 5.93% in property tax revenues through 2023. Below is OCFA’s multi-year projection of forecasted property tax revenues for each of the SFF cities, also per Harris & Associates.

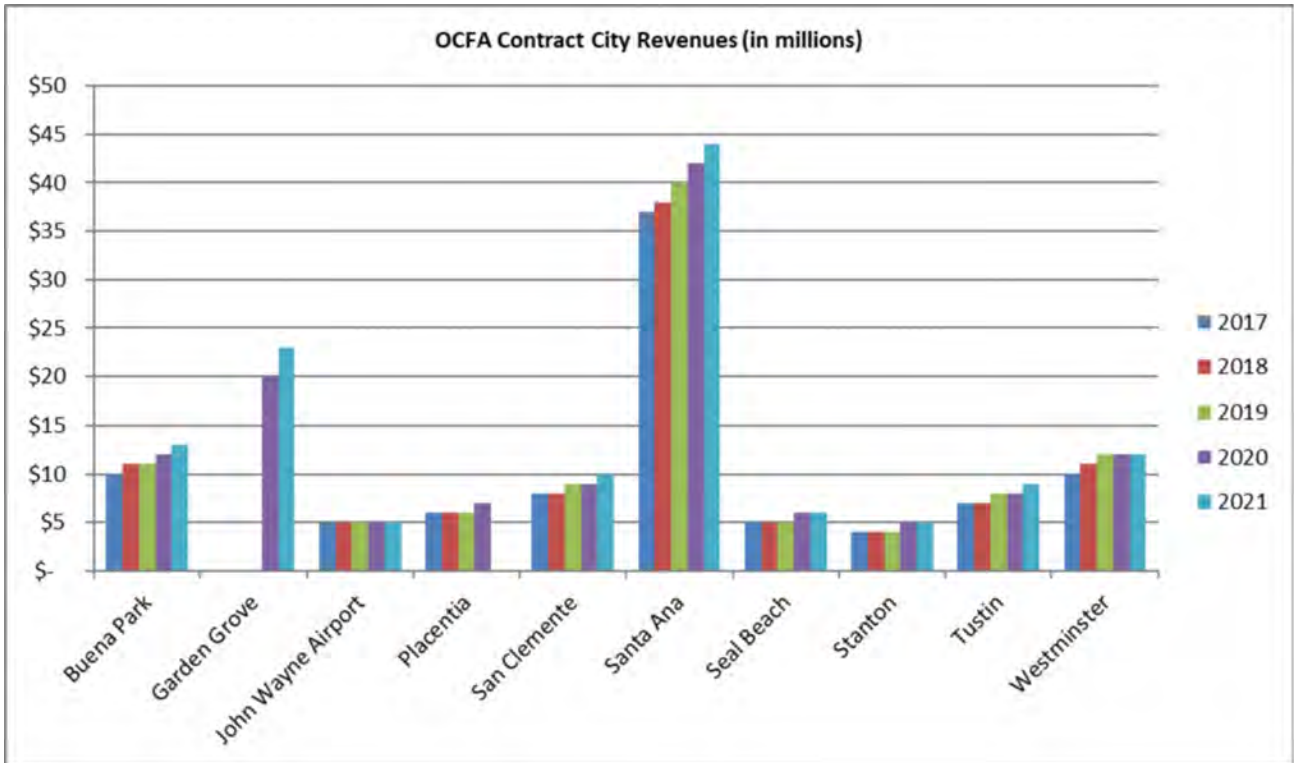


Contract Cities

Contract cities pay the OCFA for fire services out of their general funds. Contract cities currently include Buena Park, Garden Grove, San Clemente, Santa Ana, Seal Beach, Stanton, Tustin, and Westminster. There is also a contract with the State Department of Forestry (CAL FIRE) that renews every three years and a contract with John Wayne Airport that has renewed in varying intervals ranging from one-year intervals to five-year intervals.

Annually, OCFA calculates the total fire service charges for each contract city. The charge includes a base service charge, vehicle replacement costs, and station maintenance costs. The base service charge is the sum of the prior year total service charge plus cost increases capped at no more than 4.5%. Generally, salary and benefits historically account for more than 90% of the base service charge. Thus, increases in salary and benefits have been the general drivers of the annual increase in base service charges.

Periodically, OCFA compares actual operational costs for the fiscal year against the annual service charge of each contract city. Depending on the size of the variance, the contract city may potentially end up paying to OCFA the entire difference in the current year or amortizing payment over a specified length of time.



OCFA’s Long-Term Liabilities

OCFA’s long-term liabilities as of June 30, 2021, were \$616 million composed of the following: \$181 million in net pension liability, \$115 million in accrued workers’ compensation claims, \$293 million in other post-employment benefits (OPEB), \$21 million in compensated balances for vacation and sick pay, and \$5 million in lease liabilities.

OCFA’s Fund Balances

At FYE June 30, 2021, OCFA’s governmental funds reported combined ending fund balances of \$240 million. Approximately \$20 million or 8% constitutes unassigned fund balance, which is available for spending for any purpose. The remaining \$220 million or 92% of fund balance has already been restricted, committed, or assigned for specific purposes, or it is in a non-spendable form.

OCFA’s “Expedited Pension UAAL Payment Plan”

In September 2013, the OCFA Board of Directors approved an “Expedited Pension UAAL Payment Plan” with an expected payment of the entire UAAL balance over 13 years by 2026-2027.

OCFA has made the following additional payments towards its UAAL:

- FY 13/14 \$5.2 million
- FY 14/15 \$21.4 million
- FY 15/16 \$15.4 million
- FY 16/17 \$13.5 million
- FY 17/18 \$19.9 million
- FY 18/19 \$19.2 million
- FY 19/20 \$13.7 million
- FY 20/21 \$15.9 million

Total of \$124.2 million in additional payments towards its UAAL.

Segal Consulting reports that OCFA has saved \$46.8 million in interest by making the above additional payments towards its UAAL and has achieved 93% funding as of December 31, 2021. OCFA is expected to achieve 100% funding by December 31, 2025.

Net Position as of June 30, 2021

The total liabilities and deferred inflows of resources of OCFA exceeded its total assets and deferred outflows of resources on June 30, 2021, by \$208 million. The negative net position is in part due to the GASB 68 requirement to include long-term unfunded pension liabilities in the Statement of Net Position, implemented in 2015; and the GASB 75 requirement to include the liability for other postemployment benefits (OPEB) in the Statement of Net Position, implemented in 2018.

The Unrestricted portion of the Net Position has a deficit of \$430 million.

Contract Cities Agreements and UAAL

Neither the original March 1995 OCFA Joint Powers Authority Agreement, nor the March 2000 amendment, nor the July 2010 amendment renewing the OCFA membership of contract cities, structural fire fund cities (SFFs), and the County, explicitly mentions any requirement for a member city to pay a portion of OCFA’s unfunded actuarial accrued liability to OCERS upon the member city’s withdrawal from OCFA. However, the March 2012 “Fire Services and Medical

Services Agreement” between the City of Santa Ana and OCFA (executed when the City of Santa Ana initially joined OCFA) states:

Upon termination or expiration of this Agreement or other cessation of city’s membership in OCFA, city agrees to pay OCFA the amount of the unfunded pension liability that had accrued during the term of this Agreement for the number of OCFA employees serving the city. In the event of any dispute regarding the amount of the unfunded pension liability at that time, the parties agree that the amount shall be determined by an independent actuary selected either by mutual agreement of the parties, or failing that, by the actuary used by the Orange County Employees Retirement System (OCERS).

This same language was included in the Fire and Emergency Medical Services Agreement between the City of Garden Grove and OCFA.

Withdrawing from the JPA

Under the OCFA joint powers agreement, both SFF and contract cities are members of OCFA for a twenty-year term commencing July 1, 2010. Twenty-year membership terms automatically renew in 2030. However, a city may give written notice of withdrawal prior to July 1 of the second to last year of every ten-year interval of a twenty-year term. So, for the current ten-year interval, notice must be given by June 30, 2028, to withdraw by July 1, 2030.

Impact on OCERS from Withdrawal or Termination of Members from or Dissolution of the OCFA JPA

Under joint powers authority law, the “debts, liabilities, and obligations of the agency shall be debts, liabilities, and obligations of the parties to the agreement, unless the agreement specifies otherwise.” Govt. Code sec. 6508.1. Although the OCFA joint powers agreement expressly disclaims members’ liability for debts incurred by OCFA, Government Code section 6508.1 was amended effective January 1, 2019, to state that the JPA agreement cannot “specify otherwise” with respect to the retirement liabilities of the JPA. As a result of the amendment, JPA agreements can no longer relieve the members of the JPA entirely from the retirement liabilities of the JPA. The apportionment of the retirement liability of the JPA among the member agencies in the event of JPA termination is subject to the provisions set forth in Government Code section 6508.2 (described in detail below).

As stated above, SFF cities, contract cities and the County all have a contractual right to withdraw from OCFA on July 1, 2030. Additionally, each participating city may be terminated by OCFA for non-payment of its annual obligations to OCFA. In the event of a member withdrawal or termination, OCFA remains liable to OCERS for the full amount of OCFA’s UAAL. In the event of JPA termination, the then-current and former member agencies are subject to potential apportionment of the retirement liability of the JPA under provisions set forth

in Government Code section 6508.2 (see below). Cities that joined the JPA within the last ten years (Santa Ana and Garden Grove) remain liable to OCFA for their share of those liabilities generated during the period of their membership in OCFA.

The withdrawal or termination by OCFA of a SFF city would not alter the County's obligation to pay into OCFA that city's share of annual property taxes collected by the County, subject to applicable law such as SB 302, which was passed in 2017. Senate Bill 302 (2017-2018) amended the California Revenue and Taxation Code to provide additional protections for SFF property tax revenues by conditioning transfers of SFF property tax revenues on approval of the County Board of Supervisors, the city councils of a majority of member cities, and the agency currently receiving those funds for fire protection services (i.e., OCFA). In this manner, these approving parties could condition any approval of a transfer of SFF property tax revenues upon (at a minimum) retaining a continuous flow of ongoing property tax revenue with OCFA sufficient to meet OCFA's anticipated UAAL payments to OCERS into the future. Further, OCFA has the authority to impose new special taxes or assessments in order to make up any funding shortage. Finally, under the County Employees Retirement Law (CERL), the California Constitution and OCERS' policies, OCERS has the right to accelerate the amortization of OCFA's UAAL so that it could become immediately due and payable in the event of a threatened dissolution of OCFA.

Assembly Bill 1912 (2017-2018) amended the Joint Exercise of Powers Act to add a provision (Government Code section 6508.2) to require, prior to a decision by the governing body of a JPA to dissolve or to cease operations, the member agencies of the JPA to mutually agree to the apportionment of the JPA's retirement obligations, provided that the agreement equals 100 percent of retirement liability of the JPA. If the member agencies are unable to mutually agree, the board of the retirement system shall apportion the retirement liability of the JPA to each member agency based on the share of service received from the JPA or the population of each member agency, such that the apportionment equals 100 percent of the retirement liability of the JPA. Section 6508.2 (a)(2) sets forth a process by which member agencies may appeal the board's determination to apportion the retirement liability. Such an appeal would be referred to an arbitrator for apportionment at the arbitrator's discretion. The mutual agreement among the member agencies or the determination by the board of the retirement system as to the apportionment of the JPA's retirement liability may include apportionment of the liability to a former member of the JPA. The decision of the JPA to dissolve or cease to operate does not become effective until the determination as to apportionment of the retirement liability is final.

Accordingly, if OCFA were to cease operations, new section 6508.2 of the Government Code provides OCERS with the authority to force an apportionment of the UAAL (\$174.3 million as of December 31, 2021) among the current and former members of OCFA before OCFA could cease operations. OCERS would then be entitled to proceed directly against any SFF or contract city for its apportioned share of the pension obligations.

Orange County Superior Court

The State of California has 58 superior courts—one in each of the state’s 58 counties. Based on the number of authorized judicial officers, the Superior Court of Orange County is the third largest of the 58 courts (with 144 authorized judicial positions). The County of Orange mostly funded the Orange County Superior Court until January 1998 when it transitioned to being funded by the State of California. In 2004, the Court became an Employer in OCERS.

Orange County Superior Court is one of OCERS’ five largest Employers. Orange County Superior Court has 1,384 active employees, or 6% of OCERS’ active membership. The Court and its employees contributed \$53 million to OCERS for the year ended December 31, 2021 (representing 5% of total contributions received by OCERS in that period).

Orange County Superior Court does not issue stand-alone audited financial statements. Instead, Internal Audit used information provided by the Court’s adopted budget for FYE June 30, 2021.

As Noted for Superior Court Year Ending:

	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Net pension liability	\$333 million	\$393 million	337 million	300 million	187 million

Pension Contribution Rates, per Segal’s actuarial valuation dated:

	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Employer Contribution Rate	35%	37%	39%	40%	38%
Avg. Employee Contribution Rate	11%	11%	12%	11%	11%

Trial courts in California are predominantly state-funded entities, whose funding appropriations are included in the State of California Budget under the Judicial Branch State Trial Court Funding. Consequently, the trial courts are subject to the level of funding that is negotiated between the Governor and the state Legislature.

Revenue Allocation from the State

In 2012, the Governor and Legislature tasked the Judicial Branch with developing a new funding methodology to distribute funding more equitably to the 58 trial courts. In 2013, the new methodology named the Workload-Based Allocation and Funding Methodology (WAFM) established a baseline calculated funding need for each court using data such as total court filings, filing-driven costs, and U.S. Bureau of Labor Statistics labor cost data.

The funding need is updated annually and can change depending on actual filing trends, workload costs, and other various adjustments. WAFM also established a method for allocating new ongoing funding and reallocating pre-WAFM historical funding from less underfunded courts like Orange County Superior Court to more severely underfunded courts.

During the five-year period when WAFM was in effect, Orange County Superior Court lost about \$13 million or 7% of its ongoing base funding. In FY 2018-19, WAFM ended and was replaced by the Workload Formula. While the Workload Formula keeps the funding need calculation established by WAFM, it eliminates the drastic reallocation of pre-WAFM historical funding that affected the Court greatly. The Workload Formula will instead use the Court's actual funding level as a percentage of its funding need. This percentage will then be compared to the statewide average funding percentage to determine each court's funding share given various funding scenarios. For FYE June 30, 2021, the Orange County Superior Court received 74.2% of its calculated funding need. The statewide average funding ratio was 74.3%.

Due to these funding limitations and a 3% cap on unrestricted ending fund balance Orange County Superior Court does not participate in OCERS' prepayment plan for discounted employer contributions.

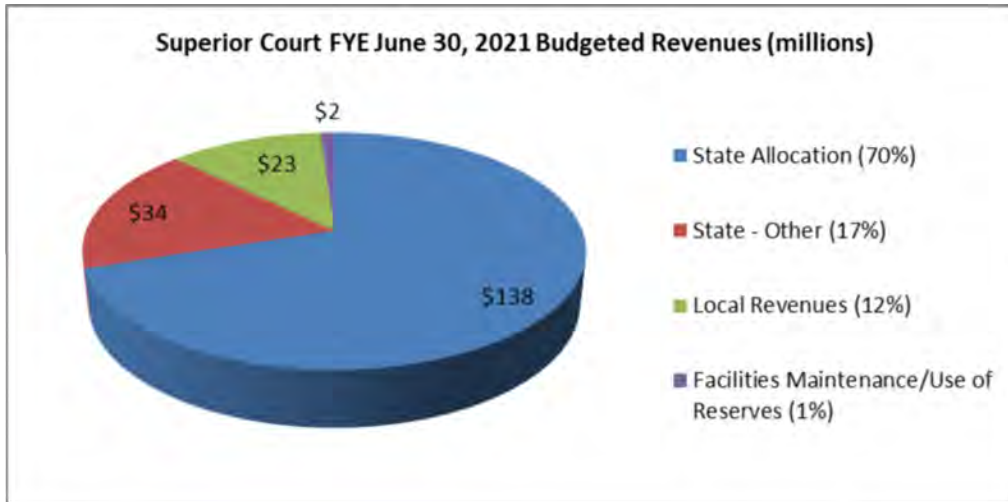
Revenues

Orange County Superior Court's total financing sources were budgeted for \$204.4 million for the fiscal year ending June 30, 2021. Included in financing sources were \$197.6 million in revenues and \$6.8 million in use of reserves. \$138.3 million of the total budget (70.0%) was from California's state base allocation of revenues to the Court.

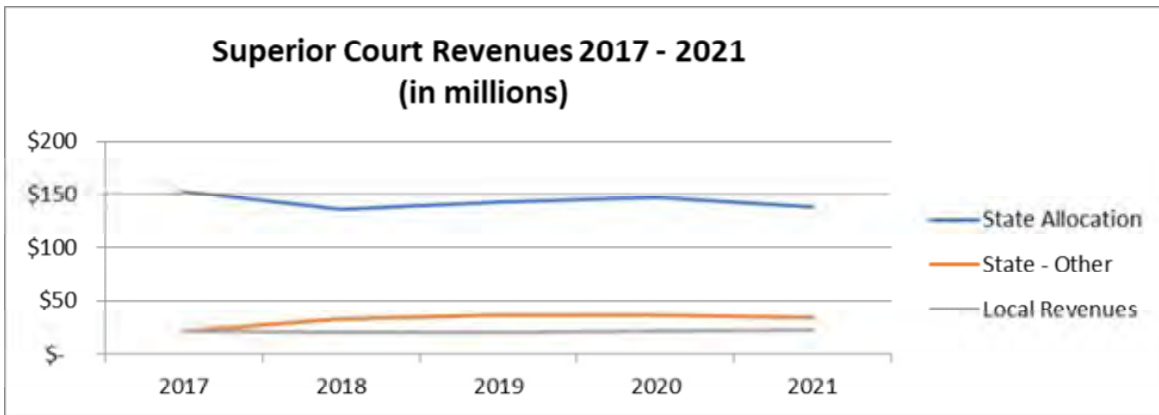
"Other State Revenue" was budgeted at \$34.2 million. This includes civil assessment, court interpreters, dependency court appointed counsel, and grant funds.

Local Revenue was budgeted for \$22.9 million and includes enhanced collections program cost, fines, fees, reimbursement for alternate defense, pre-trial, civil jury, convenience fee, Small Claims Advisory, Grand Jury, and other county services.

Facilities Maintenance revenues were budgeted at \$2.1 million; this is a program in which the Court is reimbursed for facility maintenance and modification projects.



Superior Court’s Past Revenue Trend



Orange County Transportation Authority (OCTA)

State law established OCTA on June 20, 1991. OCTA is governed by an 18-member Board of Directors that includes of five members of the Orange County Board of Supervisors, ten city representatives, two public members selected by the OCTA Board, and a non-voting representative appointed by the Governor of California. A Chief Executive Officer manages OCTA and acts in accordance with the directions, goals, and policies approved by the OCTA Board of Directors. OCTA serves County residents and commuters by providing countywide bus and paratransit service, Metrolink commuter rail service, freeway improvements, street and road improvements, the 91 Express Lanes, motorist aid services, and taxi program regulation.

OCTA is one of OCERS' five largest Employers. OCTA has 1,315 active employees, or 6% of OCERS' active membership. OCTA and its employees contributed \$39 million to OCERS for the year ended December 31, 2021 (representing 4% of total contributions received by OCERS in that period).

OCTA As of Fiscal Year Ending:

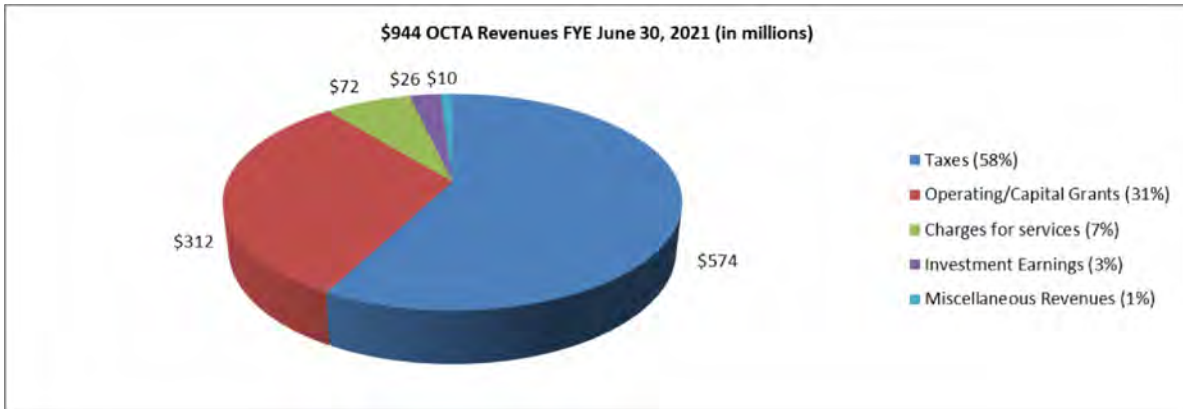
	6/30/17	6/30/18	6/30/19	6/30/20	6/30/21
Total Assets	\$2.5 billion	\$2.6billion	\$3.3 billion	\$3.3 billion	\$3.5 billion
Total Liabilities	\$0.9 billion	\$1.0 billion	\$1.6 billion	\$1.5 billion	\$1.6 billion
Net Position	\$1.6 billion	\$1.6 billion	\$1.87 billion	\$1.8 billion	\$1.9 billion
Cash and Investments	\$1.4 billion	\$1.5 billion	\$2.1 billion	\$2 billion	\$2.0 billion
Net Pension Liability	\$230 million	\$213 million	\$272 million	\$226 million	\$186 million

Pension Contribution Rates, per Segal's actuarial valuation dated:

	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Employer Contribution Rate	28%	31%	31%	31%	29%
Avg. Employee Contribution Rate	10%	10%	10%	10%	11%

2021 Revenues

OCTA's total revenues were \$994 million. Most revenues were tax revenues, totaling \$574 million for the year ended June 30, 2021. Other revenues included \$312 million in operating and capital grants from the State of California and the Federal Government and \$72 million in charges for services. Finally, OCTA earned \$26 million in investment earnings and received \$10 million in miscellaneous revenues.



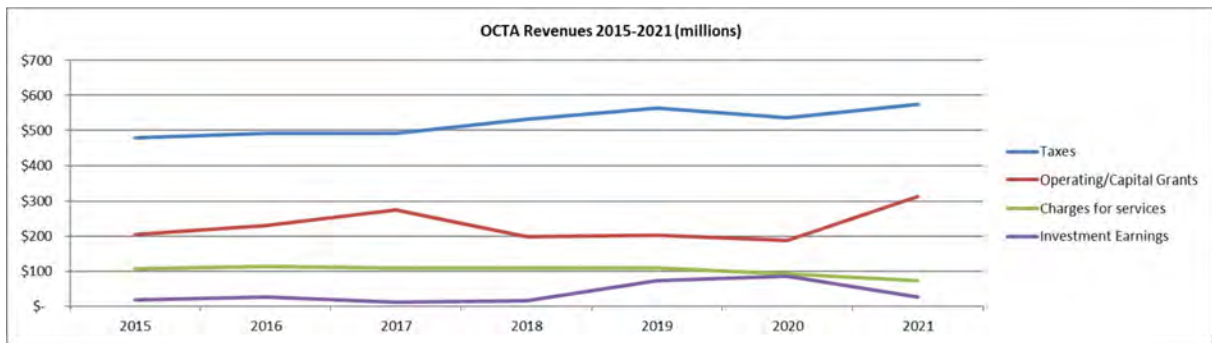
Tax revenues noted above were comprised of Orange County’s Measure M2, California’s Transportation Development Act, and State Transit Assistance programs:

- Measure M ½-cent local sales tax - In 2006, Orange County voters renewed the M2 ½-cent sales tax for an additional 30 years (2011-2041). Allocation of M2 funds remains the same as the original M1 program with 43% slated for freeway improvements, 32% for streets and roads, and 25% for transit projects and programs.
- California’s Transportation Development Act (TDA) ¼-cent state sales tax - TDA provides funding for public transportation via the Local Transportation Fund (LTF). This fund exists for the development and support of public transportation needs that exist in California and are allocated to areas of each county based on population, taxable sales, and transit performance.
- State Transit Assistance (STA) revenue is generated by the state sales tax on diesel fuel as specified under the gas tax swap enacted in March 2010. STA revenues are then distributed based on several demographic factors.

Operating and capital grants noted above include Federal Operating Assistance Grants, Federal Capital Assistance Grants, and other federal or state grants. These funds are available for para-transit operating assistance, preventive maintenance, capital cost of contracting, demonstration projects, transportation planning, and acquisition and construction of facilities, transit vehicles and related support equipment. Federal grant funds are allocated on a formula and competitive basis for capital projects. The decrease in capital grants and contributions is due to federal capital assistance grants received in the prior year for the purchase of transit vehicles.

Charges for services noted above include toll revenues from the 91 Freeway Express Lanes and revenues from operating bus routes and Metrolink railway routes.

OCTA’S Past Revenue Trends

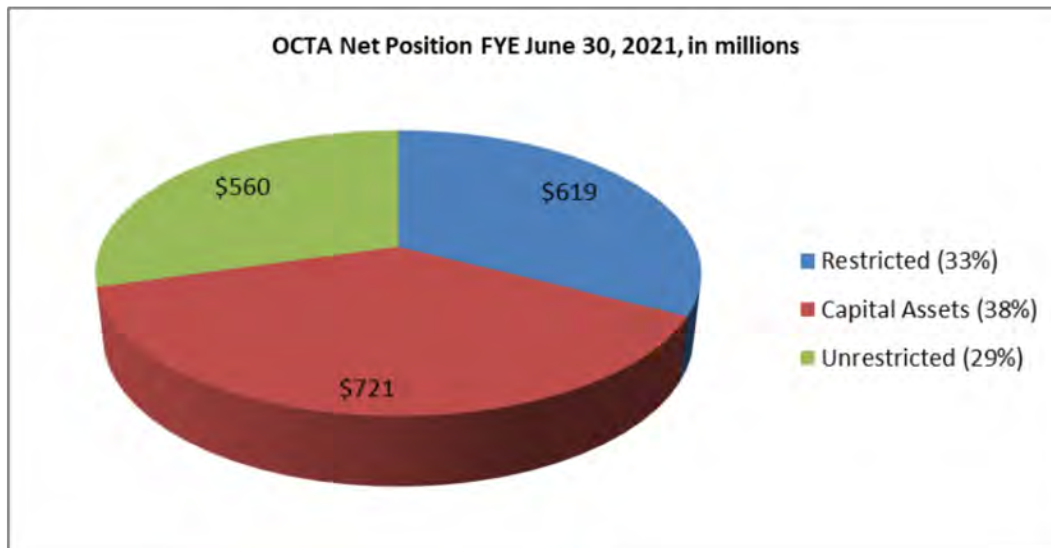


Net Position as of June 30, 2021

The total assets of OCTA exceeded its total liabilities on June 30, 2021, by \$1.9 billion. Of this amount, \$560 million is unrestricted and may be used to meet OCTA’s ongoing obligations to citizens and creditors.

The OCTA’s Net Position was assigned or restricted to the funds listed below:

- **Net Investments in capital assets** of \$721 million includes buildings and improvements, machinery, equipment, furniture, transit vehicles, and transponders.
- **Restricted** was \$577 million, represents net position that is not accessible for general use because their use is subject to restrictions enforceable by third parties. This is mostly comprised of \$351 million of net assets restricted by Measure M2 legislation.
- **Unrestricted** was \$560 million. These are available for any purpose approved by the Board of Directors.



Budgeting and Forecasting by OCTA

As per OCTA's June 30, 2021, annual comprehensive financial report: OCTA experienced sales tax growth in the 2020-2021 fiscal year and anticipates continued growth for both sales taxes in the coming year based on the planned reopening of the Orange County economy. In fiscal year 2021-22, the growth rate for the Measure M2 (M2) sales tax is forecasted to be 3.6 percent. The growth rate for the Transportation Development Act sales tax, which supports bus operations, is forecasted to be 3.2 percent.

Under the M2 Program, improvements to freeways, streets and roads, and transit programs will continue. Included in the M2 Program budget is \$334.6 million to fund freeway improvement projects and \$141.5 million is budgeted to improve streets and roads. The budget also includes \$63.7 million for M2 Transit programs, including \$35.5 million for ongoing construction of the OC Streetcar.

Though Bus Program revenues have been negatively impacted due to COVID-19, the use of federal supplemental revenue will help backfill the decreases in revenue. The fiscal year 2021-22 budget includes the flexibility to increase service hours from the current levels of 1.2 million to 1.45 million based on ridership demand and public health considerations.

In 2011, when M2 was initiated, the revenue forecast at that time assumed M2 would generate \$24.3 billion during the 30-year program. However, OCTA's current economic assumptions and forecasting methodology anticipates that total taxable sales available for the M2 Program will be \$13.2 billion over the same 30-year period. In addition, according to OCTA's tax forecasting methodology, the forecasted average annual growth rate of taxable sales from 2022 through 2041 is estimated at 3.4%. This rate is a blended rate based on forecasts from Chapman University, California State University, Fullerton, and University of California, Los Angeles, plus an outside consultant (MuniServices).

OCTA anticipates being able to deliver on all projects in the M2 Program. Currently construction is underway on the I-405 Freeway Improvement Project, which is a \$2.1 billion-dollar project to improve traffic on the nation's busiest freeway. In addition, construction is underway on OC Streetcar, which is being built in Santa Ana and Garden Grove and will be the first streetcar in Orange County.

In fiscal year 2020-2021, the 91 Express Lanes traffic volume increased by 2.5% to 15.4 million trips, resulting in an increase in toll revenues offset by a decrease in violation collection fees. In fiscal year 2021-22, budgeted toll revenue is forecasted to increase by 29% from the fiscal year 2020-21 budgeted value. This increase is due to a forecasted increase in trips due to travel volumes returning to pre-coronavirus pandemic (COVID-19) levels. The budgeted average long-term rate of growth for 91 Express Lanes toll road revenue beyond fiscal year 2021-22 is 3.6%.

Long-Term Obligations and Bond Ratings (Non-Pension Related)

As of FYE June 30, 2021, OCTA has \$618.6 million in outstanding sales tax revenue bonds. M2 sales tax revenue is the revenue source assigned to pay down this debt. OCTA maintains Aa2, AA+, and AA+ ratings from the major credit rating agencies: Moody's, Standard & Poor, and Fitch, respectively.

As of FYE June 30, 2021, OCTA has \$85.3 million in outstanding revenue refunding bonds. The 91 Express Lane toll revenue is the revenue source assigned to pay down this debt. OCTA maintains A1, AA-, and A+ ratings from the major credit rating agencies: Moody's, Standard & Poor, and Fitch, respectively.

As of FYE June 30, 2021, OCTA has drawn \$314 million (includes accrued interest) on the TIFIA Loan (with \$315 million available for future draws). OCTA has ratings of Baa2 by Moody's.

Orange County Sanitation District

The Orange County Sanitation District (OC San) is a special district established by the California Legislature and governed by a 25-member Board of Directors. The directors are appointed from 20 cities, two sanitary districts and one representative from the Orange County Board of Supervisors.

OC San owns and operates certain wastewater facilities to provide regional wastewater collection, treatment, and disposal services to approximately 2.6 million people living in a 479-square-mile area central and northwest Orange County – 182 million gallons of daily wastewater.

OC San is one of OCERS' five largest Employers. OC San has 620 active employees, or 3% of OCERS' active membership. OC San and its employees contributed \$16.6 million to OCERS for the year ended December 31, 2021 (representing 2% of total contributions received by OCERS in that period).

OC San as of Fiscal Year Ending:

	6/30/17	6/30/18	6/30/19	6/30/20	6/30/21
Total Assets	\$3.3 billion	\$3.5 billion	\$3 billion	\$3.6 billion	\$3.8 billion
Total Liabilities	\$1.3 billion	\$1.3 billion	\$1.2 billion	\$1.1 billion	\$1.1 billion
Net Position	\$2.0 billion	\$2.2 billion	\$2.4 billion	\$2.5 billion	\$2.7 billion
Cash and Cash Equivalents	\$126 million	\$136 million	76 million	\$107 million	\$97 million
Net Pension Liability	(\$10) million	(\$40) million	\$29 million	(\$49) million	(\$69) million

Pension Contribution Rates, per Segal's actuarial valuation dated:

	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Employer Contribution Rate	12%	13%	12%	12%	12%
Avg. Employee Contribution Rate	12%	12%	12%	11%	11%

Revenues

OC San's revenues were \$476 million for the year ending June 30, 2021.

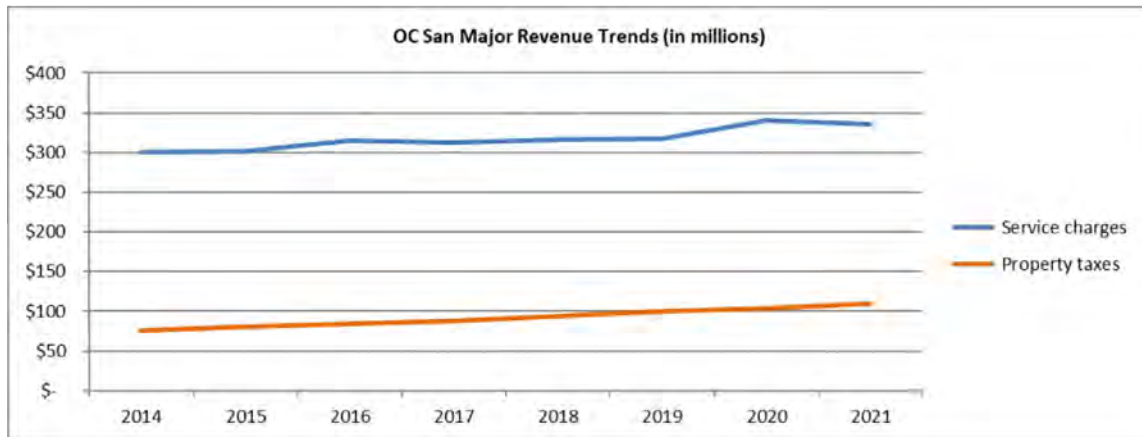
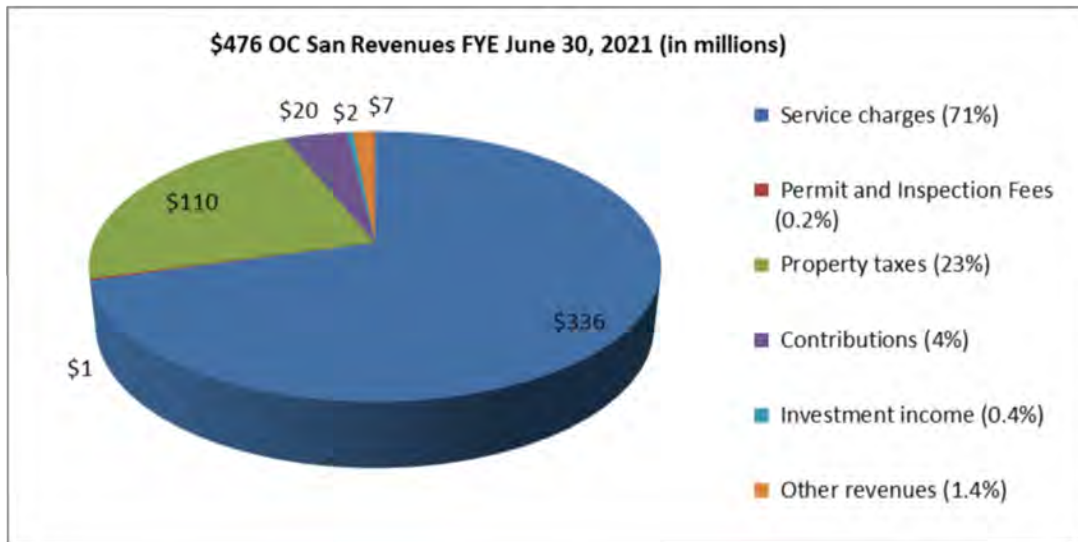
Service charges were \$336 million. Service charges are ongoing fees for service paid by customers connected to the sewer system. A property owner, or user, does not pay user fees until connected to the sewer system. Once connected, a user is responsible for his or her share of the system's costs in proportion to demand on the system. These fees are for both single-family residences and multiple family residences. The 2020-21 single-family residential rate, the underlying basis for all sewer rates, is \$339. Rates for commercial and residential use are modified upward for the additional water flow that comes from these types of structures.

Property taxes were \$110 million. The County is permitted by State law (Proposition 13) to levy taxes at one percent of full market value and can increase the assessed value no more than two percent per year. OC San receives a share of the basic levy proportionate to what was received from 1976 to 1978. OC San’s share of this revenue is dedicated for the payment of debt service.

Contributions from other government were \$20 million. This represents service charges to the Irvine Ranch Water District for its use of OC San’s collection, treatment, and disposal system.

Permit and inspection fees were \$1 million. Large industrial and commercial properties that discharge high volumes or high strength wastewater are required to obtain a discharge permit and pay extra fees. These fees are for the owner’s share of the system’s costs, both fixed and variable, in proportion to the demand placed on the system.

Investment interest was \$2 million in 2021, with other income of \$7 million.

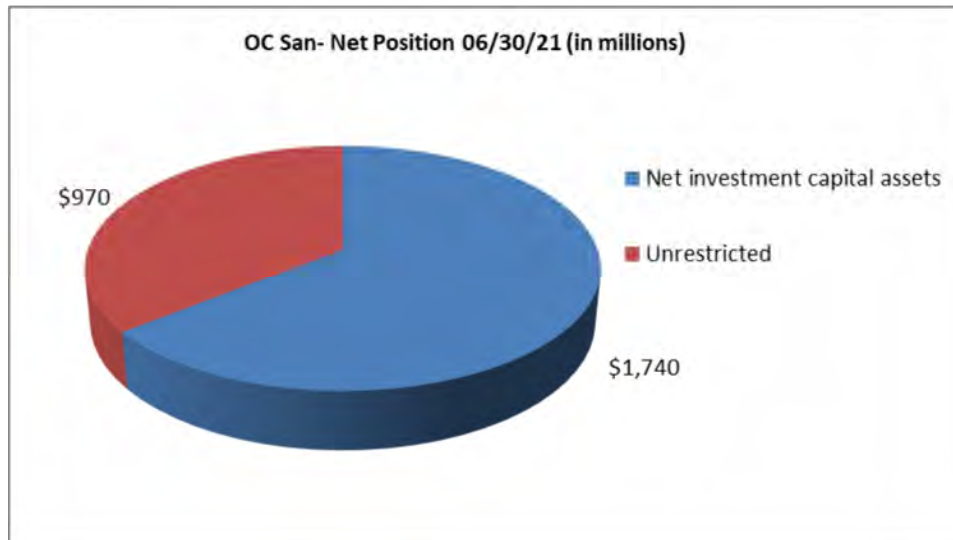


Net Position as of June 30, 2021

The total assets of OC San exceeded its total liabilities on June 30, 2021, by \$2.7 billion. Of this amount, \$970 million is unrestricted and may be used to meet OC San’s ongoing obligations to citizens and creditors.

OC San’s Net Position was assigned or restricted to the funds listed below:

- Net investment in capital assets: \$1.7 billion:
 - Collection system/land: \$608 million
 - Treatment and disposal system/land: \$2.1 billion
 - (Less: debt of \$1 billion)
- Unrestricted: \$970 million: These are available for any purpose approved by the Board of Directors.



Long-Term Obligations and Bond Ratings (Excluding Net Pension Liability)

All the outstanding debt of OC San (\$910 million as of June 30, 2021) has rate covenants that require a minimum coverage ratio of 1.25. The minimum coverage ratio is the ratio of net annual revenues available for debt service requirements to total annual debt service requirements. As of June 30, 2021, the coverage ratio for senior lien debt was 4.25.

Moody’s, Standard and Poor’s Corporation and Fitch Ratings reaffirmed their AAA rating of the OC San in the past fiscal year.

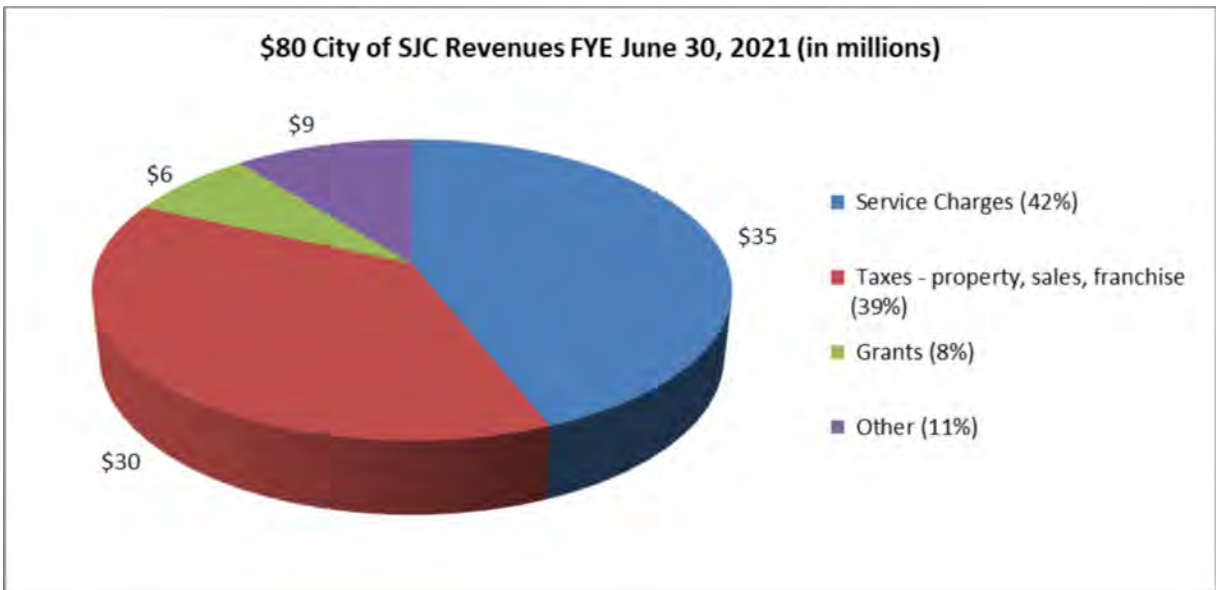
City of San Juan Capistrano

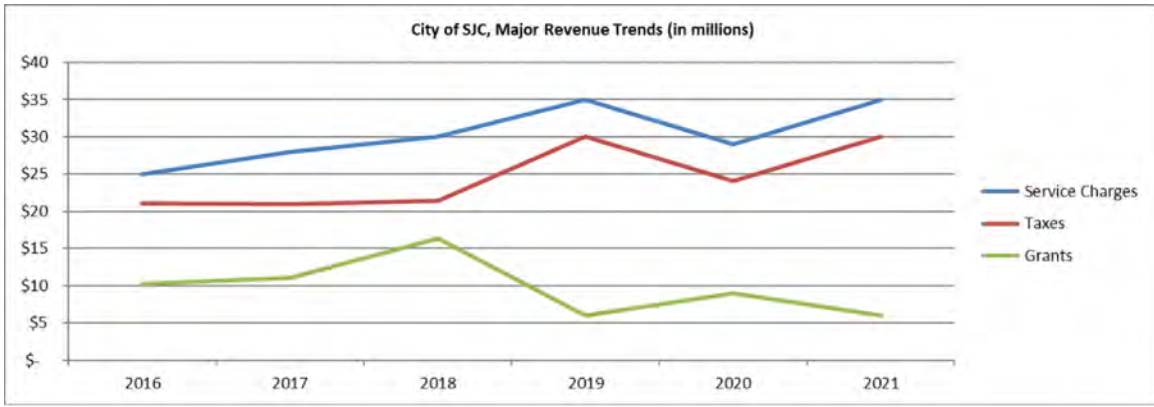
The City of San Juan Capistrano (City) and its employees contributed \$9.5 million to OCERS for the year ended December 31, 2021. The City has 51 active members. The City’s net pension liability was \$20.1 million as of June 30, 2021.

The City has grown from a community of 10,000 persons in 1974 to a developed city of 34,593 in 2020. The City is governed by a City Council of five members elected to four-year overlapping terms.

Revenues

The City’s total revenues were \$80 million for the year ending June 30, 2021, and are broken down as follows:

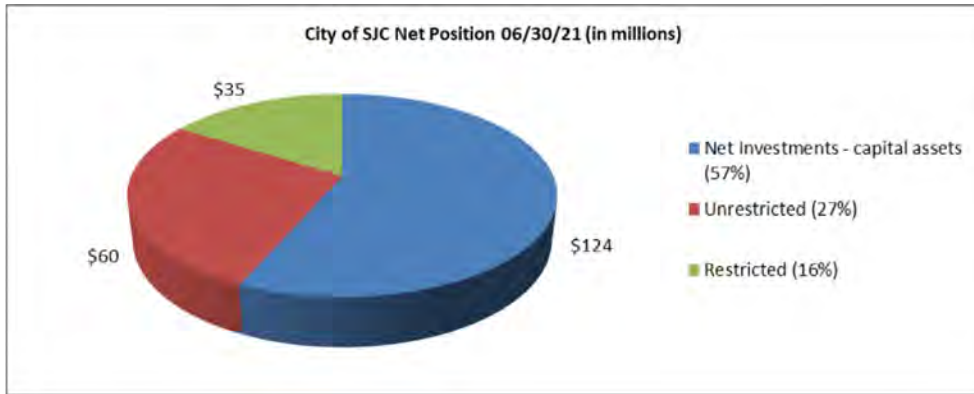




Net Position as of June 30, 2021

The total assets of the City exceeded its total liabilities on June 30, 2021, by \$219 million. Of this amount, \$60 million is unrestricted and may be used to meet the City’s ongoing obligations to citizens and creditors. The City’s Net Position was assigned or restricted to the funds listed below:

- **Net Investments in capital assets** of \$124 million includes buildings, equipment, and land and included construction-in-progress, structures, equipment, software, and infrastructure.
- **Restricted** was \$35 million, which combined amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government) through constitutional provisions or by enabling legislation. These funds are restricted to various public and development works projects and for the water rate stabilization project.
- **Unrestricted** was \$60 million. These are available for any purpose approved by the City Council.



Orange County Employees Retirement System (OCERS)

OCERS is an Employer and its employees contributed \$4.5 million to the OCERS pension fund for the year ended December 31, 2021. OCERS has 90 active members. Its net pension liability as an Employer was \$16.4 million as of December 2021.

As permitted by Government Code section 31580.2, administrative expenses, which include contributions to the OCERS retirement plan, are charged directly against the earnings of the OCERS pension trust fund.

According to OCERS' 2021 Annual Comprehensive Financial Report, administrative expenses of \$20.0 million were approximately \$30 million less than the allowable limit under the CERL (Gov. Code §31580.2.).

Transportation Corridor Agencies

The Transportation Corridor Agencies (TCA), or the Toll Roads, and its employees contributed approximately \$1.6 million to OCERS for the year ended December 31, 2021. It has 61 active members. TCA’s net pension liability (asset) was (\$4) million as of June 30, 2021.

TCA is comprised of the two joint powers agencies - the San Joaquin Hills Transportation Corridor Agency (SJHTCA) and the Foothill/Eastern Transportation Corridor Agency (FETCA) - formed in 1986 to manage the planning, financing, construction, and operation of State Routes 73, 133, 241 and 261. TCA’s Board of Directors is composed of elected officials from 18 cities and 3 members of the County Board of Supervisors.

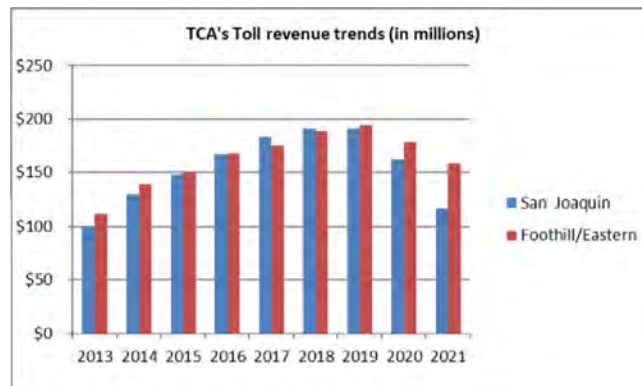
The San Joaquin Hills Transportation Corridor, commonly known as the 73 Toll Road, opened to traffic in 1996. For the year ending June 30, 2021, approximately 20 million transactions were recorded on the 73 Toll Road.

The Foothill/Eastern Transportation Corridor consists of the 241, 261, and 133 Toll Roads and first opened to traffic in 1993. For the year ending June 30, 2021, approximately 50 million transactions were recorded.

Revenues

TCA’s total operating revenues (SJHTCA and FETCA combined) were \$295 million for the year ending June 30, 2021.

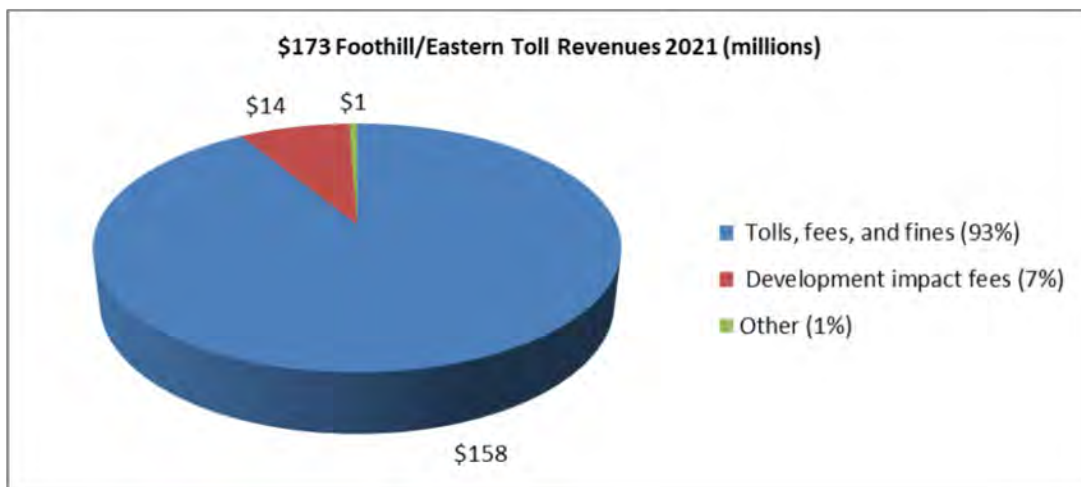
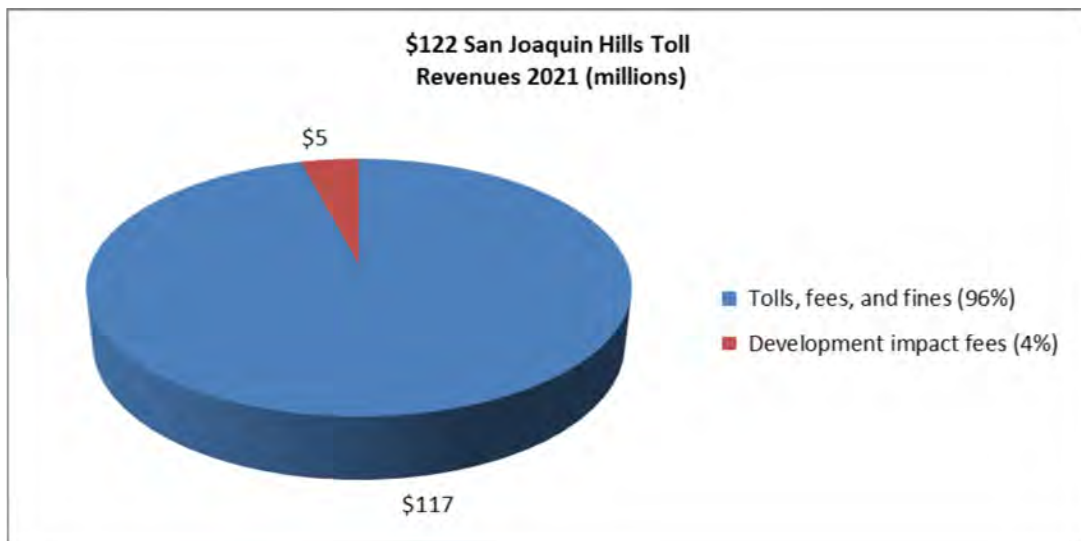
SJHTCA earned \$117 million in tolls, fees, and fines during the year ended June 30, 2021. FETCA earned \$158 million in tolls, fees, and fines during the year ended June 30, 2021. The years ended June 30, 2020, and 2021 were impacted by the COVID pandemic. Revenues have recovered in 2022 according to TCA.



Development impact fees during the year ended June 30, 2021:

- SJHTCA earned \$5 million in development impact fees during the year ended June 30, 2021.
- FETCA earned \$14 million in development impact fees during the year ended June 30, 2021.

Development impact fees are fees charged for new residential units and new commercial square footage developed in certain cities that surround and benefit from the Toll Roads. The cities collect these fees from property developers and remit them directly to the Toll Roads. Of the \$19 million development impact fees noted above, the City of Irvine was the city with the largest amount of fees remitted, or \$13 million during the year ending June 30, 2021.



Long-Term Debt

SJHTCA's long-term debt of \$2.3 billion as of June 30, 2021, has maturities extending up to 2050. FETCA's \$2.7 billion in long-term debt as of June 30, 2021, has maturities extending up to 2053.

In 2021, S&P Global upgraded the SJHTCA's senior-lien toll road refunding revenue bonds and junior-lien toll refunding revenue bonds to A and A-, with outlook stable. In 2022, S&P Global Ratings upgraded the FETCA's senior-lien and junior-lien bonds to A and A- respectively, with outlook stable.

Net Position as of June 30, 2021

- **Restricted** – \$472 million and \$284 million, respectively, for SJHTCA and FETCA. This portion of Net Position is subject to externally imposed conditions that can be fulfilled by the actions of the agency or by the passage of time and is related primarily to restricted bond proceeds and certain revenues collected.
- **Unrestricted** – \$157 million and \$569 million, respectively, for SJHTCA and FETCA. These amounts are available for any purpose approved by the Board of Directors.
- **Net Investment in Capital Assets** – Negative \$2.3 billion and negative \$2.3 billion, respectively, for SJHTCA and FETCA. The portion of Net Position related to investment in capital assets is a negative balance because ownership of the toll roads and related rights-of-way had been transferred to the State of California's Department of Transportation, and these assets are not presented within each agency's financial statements. Thus, the balances presented include only certain other capital assets, offset by the debt that financed construction of the toll roads.

Orange County Public Law Library

The Orange County Public Law Library (Public Law Library) and its employees contributed approximately \$0.3 million to OCERS for the year ended December 31, 2021. It has 14 active members. The Public Law Library's net pension liability (asset) was (\$2.6) million as of December 31, 2021.

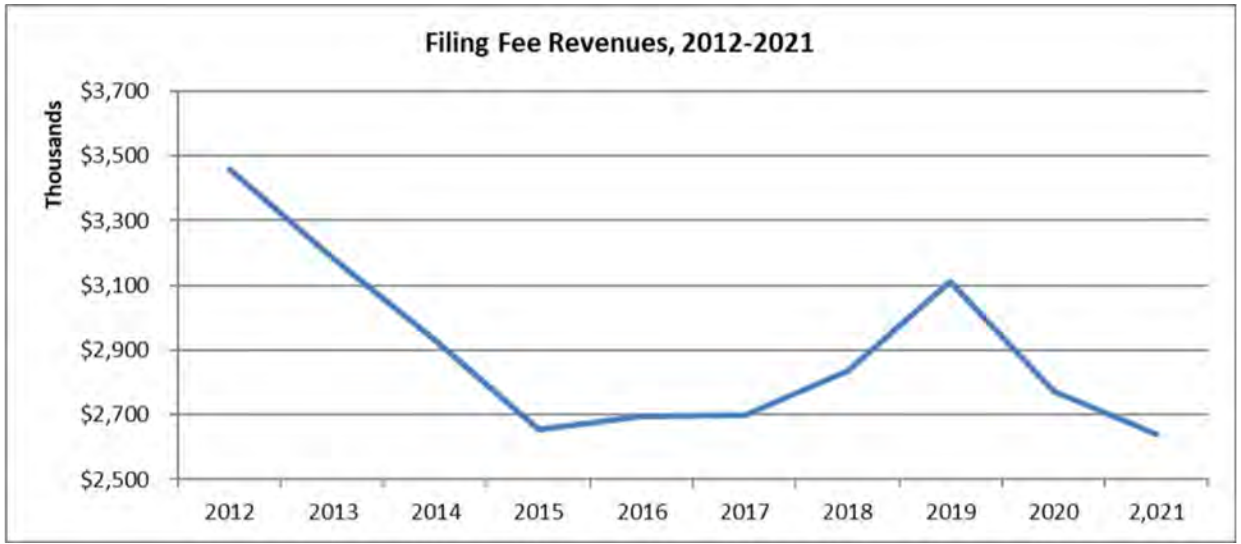
The Public Law Library's Board of Trustees is composed of five judges chosen by the Orange County Superior Court and two attorneys chosen by the County Board of Supervisors.

Revenues

The Public Law Library's total revenues were \$3.6 million for the year ending June 30, 2021.

Civil case filing fee revenue, the library's primary source of funding, plummeted to zero during the final quarter of FY 2019-20 due to COVID-19-related court closures. To help offset these losses, the state of California contributed \$0.9 million to the Law Library to supplement the \$2.6 million in filing fee revenues earned during FY 2020-21. Filing fee revenues during the first three quarters of FY 2020-21 increased more than what was anticipated.

Filing Fees received by the Public Law Library accounted for 72% of total revenues for the FY 2020-21. The Public Law Library's court filing fees are derived from a filing fee paid for every civil action filed in Orange County Superior Court. The filing fee is set statutorily by the State of California and this rate has been stable for several years. The number of civil cases filed in court had previously declined 31% since FY 2009-2010. Fee waivers granted by the Court for civil cases also have a negative impact on revenues. Accordingly, the Public Law Library has no control over the number of civil filings, nor the filing fee rate set by the State of California.



As per the FYE June 30, 2021 financial statements, the Public Law Library's assets exceed its liabilities by \$7.1 million.

Children and Families Commission of Orange County

The Children and Families Commission of Orange County (CFCOC) and its employees contributed approximately \$0.3 million to OCERS for the year ended December 31, 2021. The CFCOC has 14 active members. Its net pension liability (asset) was (\$0.6) million as of June 30, 2021.

CFCOC was created because of Proposition 10, the California Children and Families Act of 1998. The proposition added a 50-cent sales tax on tobacco products sold in California and requires that funds raised be used to support education, health, and child development programs for children from the prenatal stage through age five. The State Commission, or First 5 California, receives 20 percent of Proposition 10 funds for statewide programs and public outreach. The remaining 80 percent of funds are allocated to commissions in each of California's 58 counties by birth rate. Only Los Angeles and San Diego counties surpass Orange County in terms of birth rate totals within the state of California.

CFCOC is governed by a nine-member board consisting of the County's Health Care Agency director, the County's Social Services Agency Director, one member of the County's Board of Supervisors, and six members from the public appointed by the Board of Supervisors.

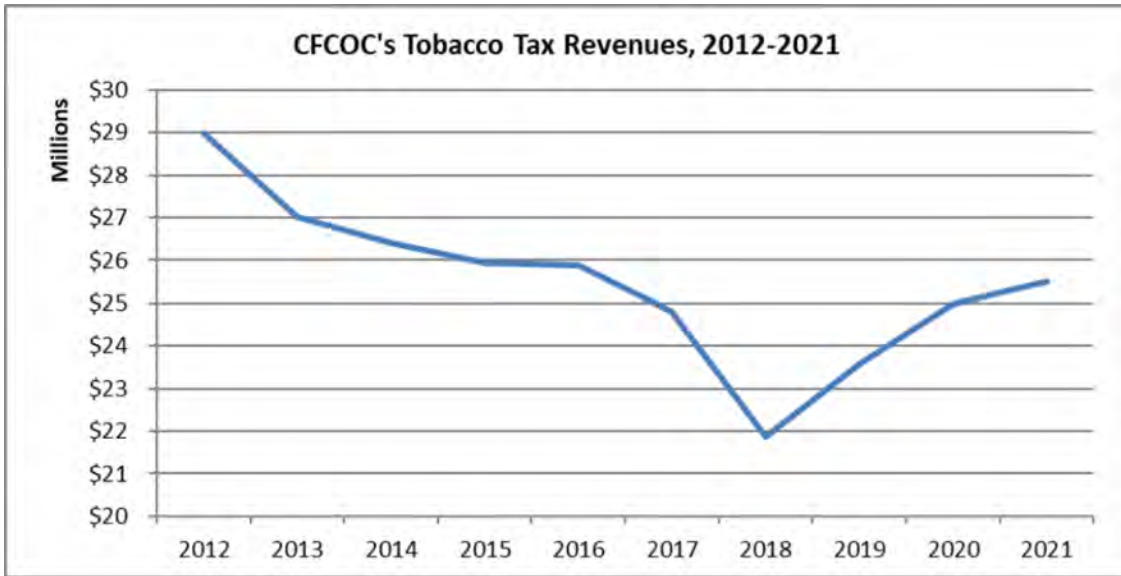
Revenues

The CFCOC's total revenues were \$35.8 million for the year ending June 30, 2021.

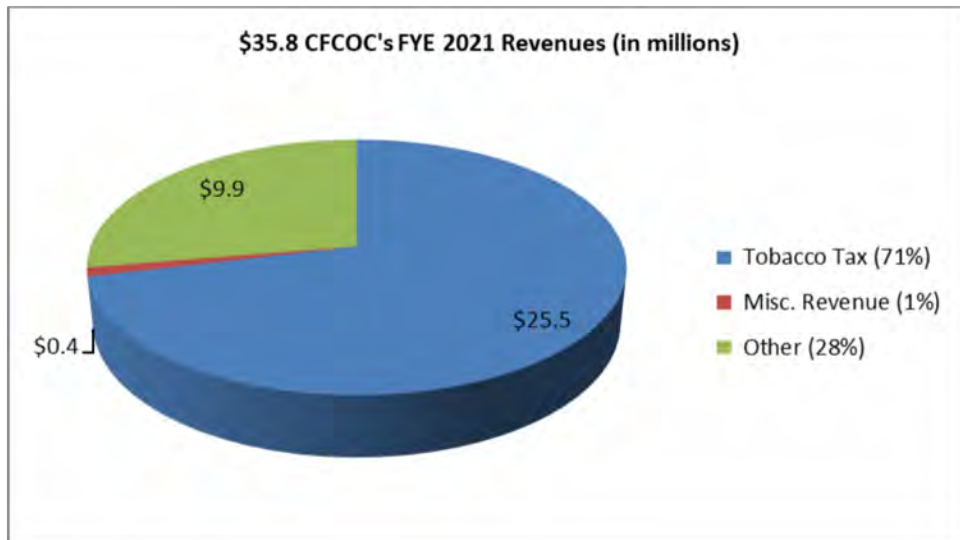
Tobacco Tax revenues received by the commission in 2021 amounted to \$25 million (71% of total revenues). The CFCOC continues to anticipate annual decreases in tobacco tax revenues (i.e., Proposition 10). Since its peak in 2000 (with \$50 million in tobacco tax revenues), the CFCOC has had an overall reduction of over 50% in tobacco tax revenue, and projects that tobacco tax revenue will continue declining at an annual rate of 2.5% going forward.

To address the above inherent decrease in revenues, the CFCOC's long-term financial plan includes planned reductions in annual program funding to account for declining revenues. The plan also assumes the usage of fund balance in future years to account for the difference between needed services and projected revenue.

Other revenues of \$8.5 million were from various local and state grants for children's programs such as the statewide First 5 IMPACT program, Dental Transformation Initiative, and the CalWORKS Home Visiting Program. The remaining miscellaneous revenues included investment income and other program reimbursements.



CFCOC forecasts that Tobacco Tax revenues will have dropped to less than \$23.0 million by the 2025/2026 fiscal year.



Net Position as of June 30, 2021

The total assets of the CFCOC exceeded its total liabilities on June 30, 2021, by \$57.2 million. The entire amount is unrestricted and may be used to meet the CFCOC’s ongoing obligations to citizens and creditors as directed by its Board of Commissioners.

Orange County Cemetery District

The Orange County Cemetery District (OCCD) and its employees contributed approximately \$0.4 million to OCERS for the year ended December 31, 2021. OCCD has 25 active members. OCCD's net pension liability (asset) was (\$0.1) million as of June 30, 2021.

The OCCD is an independent special district governed by an appointed five-member Board of Trustees who serve staggered four-year terms. Although privately owned in the beginning, the cemeteries were formed into separate independent districts in 1926. In 1985, the districts were consolidated under one governing board to create the OCCD. OCCD has three active cemeteries located in Anaheim, Lake Forest, and Santa Ana. OCCD was given 283.3 acres of land by the County of Orange in December of 2018 for the purposes of developing a fourth public cemetery on half of the property and setting aside the other half of the property for a State Veterans Cemetery. The additional land will help address inventory shortages experienced at all three of the OCCD's cemeteries. OCCD typically averages 1,050 interment space sales per year, for the fiscal year ended June 30, 2021, the OCCD had 1,468 space sales. For interment services, OCCD conducted 1,407 for the fiscal year ended June 30, 2021.

On July 28, 2021, the Orange County Board of Supervisors unanimously approved allocating \$20 million exclusively for the site development of a Veterans Cemetery at Gypsum Canyon and adopted a resolution to move forward with the planning and development of the proposed site in conjunction with the State of California.

Restricted funds have been set aside to fund the perpetual maintenance and care of cemeteries in accordance with the provisions of the Health and Safety Code, which will require continued staffing. The OCCD had committed funds of \$12.7 million for future land development at June 30, 2021 with an anticipated balance of \$16 million by the end of the fiscal year ending June 30, 2023.

Revenues

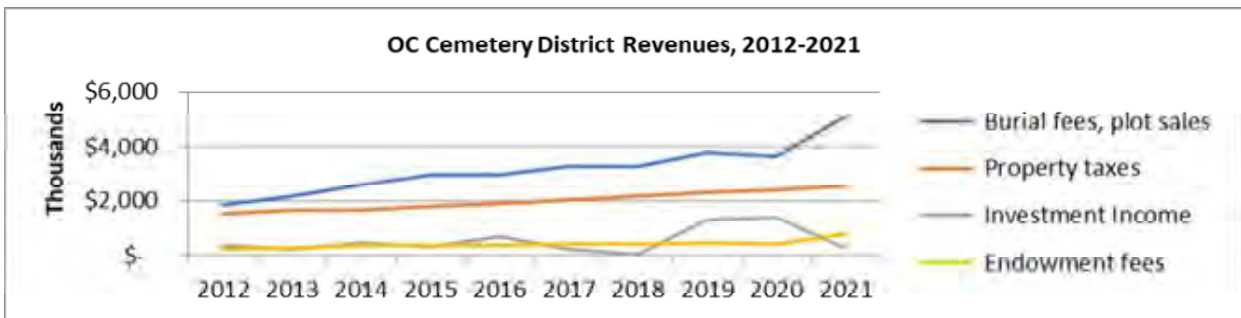
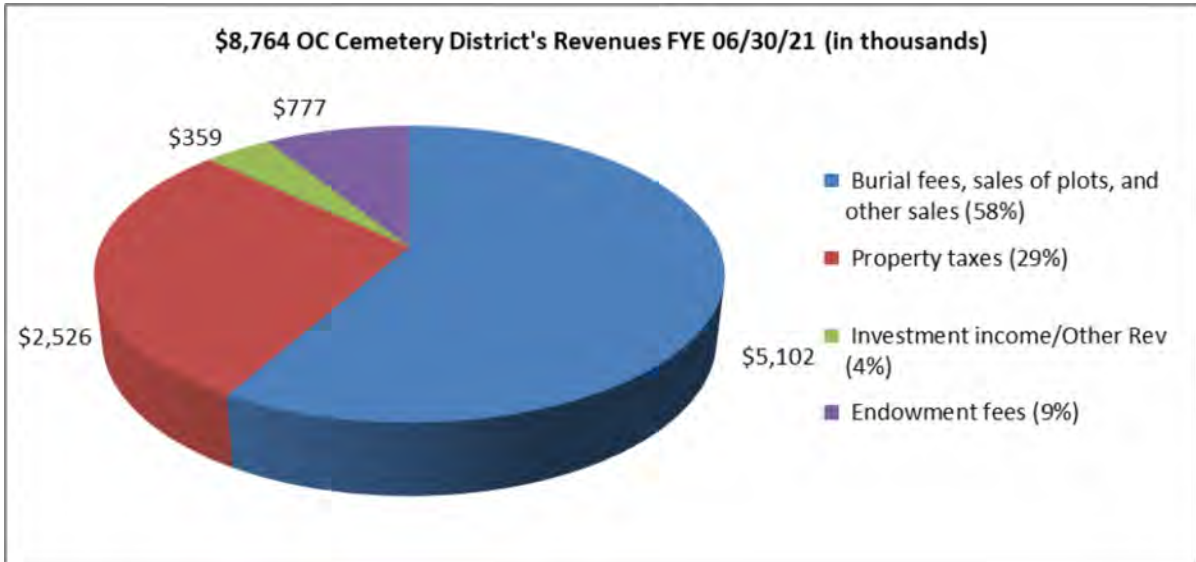
OCCD's total revenues were \$8.8 million for the year ending June 30, 2021.

Interment fees, interment space sales, and other sales were \$5.1 million, which represents 58% of revenues received by OCCD in 2021. Since OCCD is a government agency, general interment fees are meant to help recover costs, keeping in line with inflation and OCCD's expected share of property tax revenues.

Property taxes were \$2.5 million, or 29% of revenues, and were allocated to OCCD in 2021 from their share of County property tax revenues.

Investment Income and Other Revenues were \$0.4 million.

Endowment fees were \$0.8 million. Endowment fees of \$425-\$525 per regular burial/cremation were collected and placed into an endowment principal fund during the fiscal year ended June 30, 2021, established to provide for the maintenance and care of all three cemeteries in accordance with the provisions of the County’s Health and Safety Code.



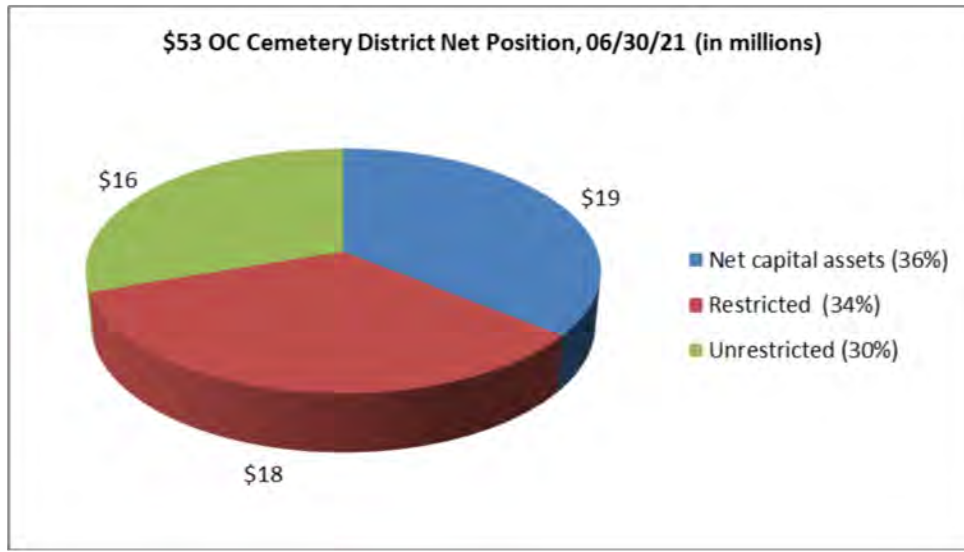
Net Position as of June 30, 2021

The total assets of OCCD exceeded its total liabilities on June 30, 2021, by \$53 million. Of this amount, \$16 million is unrestricted and may be used to meet the OCCD’s ongoing obligations to citizens and creditors.

OCCD’s Net Position was assigned or restricted to the funds listed below:

- **Net Investments in capital assets** was \$19 million, invested in capital assets (e.g., land, structures and improvements, and furniture and equipment) that are used to provide services to citizens.

- **Restricted** was \$18 million, restricted for the perpetual care of the cemetery grounds. These funds are invested to earn interest income that will eventually be used for the future maintenance and operation of OCCD’s cemeteries.
- **Unrestricted** was \$16 million. These are available for any purpose approved by the Board of Trustees.



OC In-Home Supportive Services Public Authority

The Orange County (IHSS) Public Authority and its employees contributed approximately \$0.3 million to OCERS for the year ended December 31, 2021. There are 25 active members. The IHSS Public Authority net pension liability (asset) was (\$0.2) million as of December 31, 2021.

The financial statements of the IHSS Public Authority are blended with other government fund units in the County of Orange's 2021 Annual Comprehensive Financial Report.

Orange County Local Agency Formation Commission (LAFCO)

The Orange County Local Agency Formation Commission (LAFCO) and its employees contributed approximately \$0.2 million to OCERS for the year ended December 31, 2021. LAFCO has 5 active members. LAFCO’s net pension liability was \$1.2 million as of June 30, 2021.

In 1963, the California state legislature formed a Local Agency Formation Commission for each of the 58 counties in the state. These commissions are primary responsible for monitoring the boundaries of cities and special districts with the goal of ensuring municipal services are allocated efficiently and cost-effectively. This process includes the review and approval of incorporating cities within the county, annexing unincorporated areas to cities and special districts, and forming special districts among other actions.

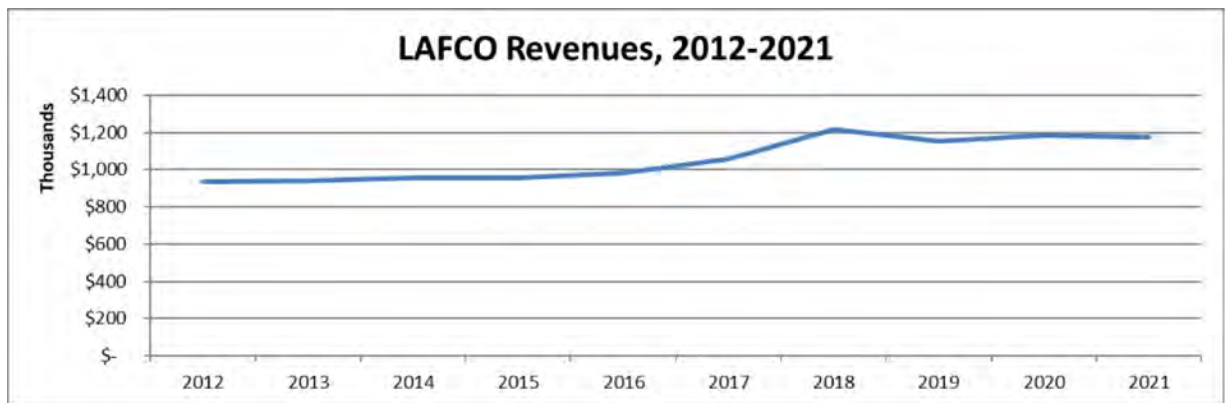
The appointed Board of Commissioners of LAFCO consists of two commissioners representing the County, two commissioners representing cities; two represent special districts, and one commissioner representing the public. An alternate also exists for each of these positions.

2021 Revenues

LAFCO’s total revenues were \$1.2 million for the year ending June 30, 2021.

Total assessments and service charges received by LAFCO in 2021 amounted to 98% of total revenues for the year.

LAFCO’s revenue is comprised of apportionments allocated among the commission’s funding agencies. The County pays One-third. One-third is paid collectively by the 34 cities within the County. The final one-third is paid by special districts, such as the Orange County Water District, that operate in the County. Revenues are set annually by the commissioners to fully recover the costs of operating LAFCO.



Net Position as of June 30, 2021

The total liabilities and deferred inflows of resources of LAFCO exceeded its total assets and deferred outflow of resources on June 30, 2021, by \$0.1 million, primarily due to the GASB 75 recognition of an OPEB (other postemployment benefits) liability on its financial statements.

UC Irvine – Medical Center & Campus (Inactive Employer)

The UC Irvine Medical Center & Campus (UCI) has no active participants. UCI's net pension liability was \$17.1 million as of December 31, 2021 for its remaining retirees. UCI contributed \$3.3 million to OCERS for the year ended December 31, 2021.

UCI Irvine – Medical Center & Campus is reported within the University of California's audited 2021 financial statements:

- \$46.0 billion in total 2021 revenues (variety of revenue sources, mainly tuition, federal and state support, medical center revenues, and investment income).
- \$4.9 billion Net Position (\$13.8 billion in Net Investment in Capital Assets, (\$21.1) billion deficit is unrestricted and \$12.2 billion is restricted).

Orange County Department of Education (Inactive Employer)

The Orange County Department of Education has no active participants. The Department of Education contributed \$0.3 million to OCERS for the year ended December 31, 2021. The Department of Education's net pension liability was \$2.7 million as of June 30, 2021 for its remaining retirees. From its 2021 annual comprehensive financial report:

- \$388 million in total 2021 revenues (32% - revenues from property taxes, 29% - operating/capital grants, 16% - Federal/State aid, 13% - other revenues, 10% - service charges).
- \$260 million Net Position (\$89 million is Unrestricted).

The Orange County Vector Control District (Inactive Employer)

Vector Control has no active participants. Vector Control's net pension liability (asset) was (\$1.7) million as of June 30, 2021 for its remaining retirees. From its June 30, 2021 annual comprehensive financial report:

- \$17 million in total 2021 revenues (94% - property taxes and assessments, 6% - other revenues).
- \$29 million Net Position (\$22 million is Unrestricted).

The City of Rancho Santa Margarita (Inactive Employer)

The City of Rancho Santa Margarita has no active participants. Rancho Santa Margarita's net pension liability (asset) was (\$6k) as of December 31, 2021 for its remaining retirees. From its June 30, 2021, annual comprehensive financial report:

- \$25 million in total 2021 revenues (64% - property/sales tax, 26% - grants, 8% - Fees and Permits, and 2% - other).
- \$133 million Net Position (\$22 million is Unrestricted).

Cypress Recreation and Parks District (Inactive Employer)

Cypress Recreation and Parks District (District) has no active participants, and its net pension liability will be paid by the City of Cypress. The District's net pension liability was \$0.19 million as of June 30, 2021 for its remaining retirees. The City of Cypress did not contribute to OCERS for the year ended December 31, 2021.

From the City of Cypress June 30, 2021, annual comprehensive financial statements:

- \$46 million in total 2021 revenues (78% - sales tax, 9% - service charges, 9% - grants, and 4% in other revenues).
- \$316 million Net Position (\$88 million is Unrestricted).



Memorandum

DATE: September 15, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **PROPOSED 2023-2025 STRATEGIC PLAN**

Presentation

On Thursday, September 15, I will be reviewing the 2022-2024 Strategic Plan with the Board to determine if this document continues to capture the Board's priorities and consider changes that we may want to make in the next edition covering the period of 2023-2025.

To assist in seeing our current goals in a different light, I have dissected more than a dozen other public pension strategic plans, and placed behind each page of our 2022-2024 plan, the wording used by those systems when addressing a similar goal or issue.

After our discussion on September 15, I will adjust the proposed 2023-2025 strategic plan based on the Board's input, and I then return to the Board at the October 17, 2022, meeting to request Board approval.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer



Proposed 2023-2025 Strategic Plan

Steve Delaney

CEO, OCERS

September 15, 2022



MISSION, VISION AND VALUES

MISSION STATEMENT:

- We provide secure retirement and disability benefits with the highest standards of excellence.

VISION STATEMENT:

- To be a trusted partner providing premier pension administration, distinguished by consistent, quality member experiences and prudent financial stewardship.

VALUES:

- **O**pen and Transparent
- **C**ommitment to Superior Service
- **E**ngaged and Dedicated Workforce
- **R**eliable and Accurate
- **S**ecure and Sustainable





STRATEGIC PLAN



2022-2024 STRATEGIC GOALS

- Fund Sustainability
- Excellent Service and Support
- Risk Management
- Talent Management
- Effective Governance





FUND SUSTAINABILITY



Strengthen the long-term stability of the Pension Fund

Objective A: Mitigate the risk of significant investment loss

Objective B: Prudent Use and Security of Resources





FUND SUSTAINABILITY (OTHER EXAMPLES 1)



- **Trusted Stewards**
 - Ensure a well-governed, financially sound trust fund
- **Pension Sustainability**
 - Strengthen the long-term sustainability of the pension fund
- **Fortify Agency financial resilience and adaptability**
 - Establish and implement a framework to monitor and mitigate funding risk to the system
- **Funding Integrity and Sustainability**
 - Prudent and effective funding policies and practices that assist in producing low contribution rate volatility and plan sustainability
- **Investment Planning and Growth**
 - An investment program that meets OCERS assumed rate of return over time and carefully manages investment risk
- **Trust Fund Sustainability**
 - Managing an investment program that will maintain the diversification of Trust Fund assets and gain exposure to the long-term growth of the economy while minimizing the risk of loss and maximizing returns.
- **Financial Health**
 - Achieve and maintain a funding level that sustains the plan





FUND SUSTAINABILITY (OTHER EXAMPLES 2)



- **Fund Sustainability**
 - Fund designed to be sustainable and adaptive to meet the needs of our members, employers and retirees
- **Achieve Investment Goals**
 - Design, implement and maintain an investment management program that maximizes rates of return for acceptable levels of risk
- **Achieve and Maintain a Funding Level that Ensures the Long Term Sustainability of the Retirement System**
 - Actuarial Funding
 - Investment Program
 - Plan Sponsor and Stakeholder Relationships
- **Sustainable Organization**
 - Fully integrate a unified environmental, social and governance ethos in all we do
- **Maintain Sustainable Benefit Plans**
 - Ensure cost-effectiveness and sustainability
- **Sustain a Financially Sound Pension System**
 - Improve communication regarding pension funding needs





EXCELLENT SERVICE AND SUPPORT



ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

- Objective A:** Provide accurate and timely benefits
- Objective B:** Provide education to our members and employers
- Objective C:** Continuously improve business processes and procedures to be efficient and effective





EXCELLENT SERVICE AND SUPPORT (OTHER EXAMPLES 1)



- **Leading Innovation and managing change**
 - Innovate to grow resiliency and efficiency in service of our members
- **Member Experience**
 - Ensure member satisfaction through accuracy, responsiveness, and respect
- **Stakeholder Engagement**
 - Promote collaboration, support and transparency
- **Elevate Agency Identity among Stakeholders to that of a Partner in providing valued retirement security options**
 - Clarify role and value to members, retirees, beneficiaries and related constituency groups
- **Quality Delivery Methods**
 - Improve members' online experience and access to secure content
- **Excellence in Providing Member Services**
 - Provide superior customer service and ensure a positive member experience by timely and accurate benefit payments, effective communication and education, and customer service culture that fosters a positive member experience
- **Provide High-Quality Stakeholder Services, Education and Experience**
 - Service Delivery
 - Education
 - Engagement





EXCELLENT SERVICE AND SUPPORT (OTHER EXAMPLES 2)

- Improve retirement security outcomes through “best fit” products, services and education
 - Align education, products and services to respond to member and employer needs
- Customer Engagement
 - Foster and maintain engaged members and employers
- Customer Service and Experience
 - Customers satisfied with timely, friendly, convenient, an accurate pension administration services
- Service Delivery
 - Responsive and shaped by the needs of those we serve
- Continuously Improve our Benefit Delivery
 - Improve the customer service experience for members and employers
- Stakeholder Communications and Outreach
 - Transparent communication among stakeholders to support clear understanding of roles and responsibilities, and the value of defined benefit pensions
- Communications and Engagement
 - Communications and stakeholder engagement promotes awareness, transparency, accountability and trust



RISK MANAGEMENT



CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Objective A: Provide system and data security and a robust business continuity solution

Objective B: Ensure a safe and secure workplace and public service facility





RISK MANAGEMENT (OTHER EXAMPLES)



- **Organizational Excellence**
 - Cultivate a diverse, risk-intelligent, and innovative culture through our team and processes
- **Data Reliability**
 - Establish members as the primary quality check point on their data of record
- **Data Constancy**
 - Ensure data remains static after it is used in a transaction or payment
- **Enterprise Capability and Technology**
 - Enterprise cross-functional capabilities and technology platforms, continuously enhanced to improve performance, productivity and efficiency
- **Responsibly Manage the Risks of the System**
 - Enterprise Risk
 - Cyber and Information Security
 - Risk Awareness
- **Enhance Risk Management Capabilities**
 - An enterprise risk-management program that identifies, manages, and mitigates risks associated with data security, privacy protection, and cash controls
- **Modernization of Information Technology**
 - Ensure a robust, secure, and reliable information technology network. Assess available technologies and applications to increase efficiencies in operations and improve customer service





TALENT MANAGEMENT



RECRUIT, RETAIN AND INSPIRE A HIGH-PERFORMING WORKFORCE

- Objective A:** Recruit and retain a high-performing workforce to meet organizational priorities
- Objective B:** Develop and empower every member of the team
- Objective C:** Cultivate a collaborative, inclusive and creative culture





TALENT MANAGEMENT (OTHER EXAMPLES)



- **Workforce Development**
 - Develop and support culture of workforce excellence and effective leadership practices
- **Identify Opportunities to Capitalize on Organizational Strengths**
 - Assessment
 - Talent Management
 - Investment Internal Innovation
- **Workforce**
 - To recruit, retain, mentor, empower, and promote a high-performing workforce
- **Ensure Operational Continuity**
 - Recruit, retain and develop a high-performing and engaged workforce capable of achieving agency goals, and implement workforce plans that prepare future leaders and ensure continuity in key positions
- **High Performing Workforce**
 - Attract, develop and maintain a skilled and adaptable workforce
- **Culture**
 - Promotes a high-performing team driven by mission and continuous improvement
- **Ensure People, Processes and Technology Align to Achieve Excellence in the Delivery of Services to Members**
 - Attract, retain and develop a diverse and highly competent staff
- **Workforce Engagement**
 - Foster and maintain an engaged workforce





EFFECTIVE GOVERNANCE

IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE BOARD AND STAFF BY CLARIFYING ROLES AND RESPONSIBILITIES, IMPROVING OVERSIGHT, CLARIFYING ACCOUNTABILITY AND IMPROVING DECISION MAKING

Objective A: Employ a governance structure that supports a dynamic System

Objective B: Improve the governance and management of OCERS' records



EFFECTIVE GOVERNANCE (OTHER EXAMPLES FOR THE BOARD)



- Governance
 - To uphold good governance practices which affirm transparency, accountability and fiduciary duty
- Identify and Implement Leading Practices in Board Governance, Pension Administration, and Investment Management
 - Governance
 - Administration
 - Investment Management





EFFECTIVE GOVERNANCE (OTHER EXAMPLES FOR THE AGENCY)

- Strengthen organizational health and performance
 - Enhance the organization’s ability to manage change
- Organizational Communication
 - Foster and enhance transparency, relevancy, and employee satisfaction with internal communications
- Organizational Development and Culture
 - A high performance organizational structure and workforce that is not dependent on any one person
- Effective Administrative Governance
 - Focus on the following areas: records management, business continuity planning, data analytics for continuous improvement, strong internal control environment
- Operational Excellence
 - Provide world class customer service at a reasonable cost
- Operations
 - Systems and processes foster organization wide efficiency, agility, and accountability
- Organization
 - To increase organizational effectiveness, efficiency and resiliency
- Optimize Operational Effectiveness
 - Manage budgets and implement strategies designed to improve operational effectiveness and make agency more cost-effective



LOOKING AHEAD 5-10 YEARS



Objective A: Investment best practices as fund approaches \$35 billion

- Address by developing investment technology and team resources needed to manage the anticipated Portfolio

Objective B: Preparing for the new pension administration system

- Address by determining how to maximize current pension administration system while determining level of next generation technology, including Artificial Intelligence (AI) capabilities to be added to new system.





LOOKING AHEAD 5-10 YEARS

Objective C: Investigate OCERS management/oversight of member medical coverage upon retirement

Objective D: Short Term (Next 5 Years) – Multi-Factor Authentication for Member and Employer Accounts

Objective E: Long Term (Next 10 Years) – Use of Artificial Intelligence and Machine Learning to Detect Fraudulent Activity and Transactions

2011



2023 BUSINESS PLAN

STRATEGIC PLANNING MEETING

Presented on: Thursday, September 14, 2022

Objectives for Today

- Review initiatives proposed by the Executive Team
 - Rough estimate of costs
- Discuss and determine which initiatives should be carried forward to the 2023 Business Plan





Mission, Vision & Values

MISSION STATEMENT:

We provide secure retirement and disability benefits with the highest standards of excellence.

VISION STATEMENT:

To be a trusted partner providing premier pension administration, distinguished by consistent, quality member experiences and prudent financial stewardship.

VALUES:

- O**pen and Transparent
- C**ommitment to Superior Service
- E**ngaged and Dedicated Workforce
- R**eliable and Accurate
- S**ecure and Sustainable

Fund Sustainability

GOAL: STRENGTHEN THE LONG-TERM STABILITY OF THE PENSION FUND

Business Plan Initiatives

A. Mitigate the Risk of Significant Investment Loss

Executive Lead: Molly Murphy

1. Issue an RFP for a Risk System
2. Issue an RFP for Custodian Services

A. Prudent Use and Security of Resources

Executive Lead: Molly Murphy

1. Asset Allocation Study

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

A. Provide Accurate and Timely Benefits

Executive Lead: Suzanne Jenike & Jeff Lamberson

Excellent
Service and
Support

1. 100% Accuracy
 - a. Process Automation
 - b. County Payroll System Data Requirements
 - c. Complete the development of a Quality Assurance Performance Dashboard
2. Enhance Member Service Team Member training and job tools
 - a. Training videos for Member Services processes - **\$10,000**
 - b. Create a formal RPS training program
 - c. Improve FAQs
 - d. Key performance indicators dashboard
3. Create a dedicated Call Center
 - a. Assign existing staff to Call Center team
 - b. Set up the physical space for Call Center team - **\$20,000**
4. Investigate options of enhancing the online calculator to provide disability estimates - **\$25,000**

Excellent Service and Support

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

B. Provide Education to our Members and Employers

Executive Lead: Suzanne Jenike

1. Enhance Member and Employer Experience
 - a. Make all member and employer forms electronic
 - b. Update/Revisit older videos on the website
 - c. Investigate using digital signatures for member forms - **\$10,000**

2. Implement digital distribution of OCERS newsletter to active and deferred members - **\$35,000**

Excellent Service and Support

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

- C. Continuously Improve Business Processes and Procedures to be Efficient and Effective

Executive Leads: Delaney/Shott/Jenike/Lamberson/Sadoski

1. Next Generation PAS
 - a. Master repository - **\$450,000**
 - b. RFP for Consultant/Implementation Partner - **\$200,000**
 - c. Requirement Gathering
 - d. V3 Data Validation and Clean-Up procedures
 - e. RFP for System
2. RPA/ML/AI Initiatives
 - a. Electronic Content and Document Management System - **\$250,00**
 - b. Futurist Roadmap
 - c. Continue RPA use cases - **\$600,000**
 - d. Add Automation Developer to IT Team (full year) - **\$233,000**
 - e. Add Testing Coordinator to IT Team (full year) - **\$247,000**
3. Investigate options for an enhanced digital member survey platform **\$5,000**
4. Continue the implementation of a helpdesk solution for internal use - **\$35,000**
 - a. Add a dedicated Help Desk Technologist to IT Team - **\$122,000**
5. Scanning disability documents and terminated withdrawn files for SCP - **TBD**

Risk Management

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

A. Enhance Governance of Technology Risks

Executive Leads: Matt Eakin & Jenny Sadoski

1. Develop Information Security policies (Year 3) - **\$3,000**
2. Develop and enhance Information Technology policies
3. Enhance Information Security operations (add a Staff Analyst 2nd Qtr) - **\$132,000**
4. Increase Information Security Program maturity

B. Continuously Assess Technology Environment and Address Risk

Executive Lead: Jenny Sadoski

1. Continue Phased Implementation of Microsoft 365 - **\$80,000**
2. Replace End of Life Server Virtualization Infrastructure - **\$250,000**

Risk Management

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

C. Ensure Compliance with Industry Frameworks and Best Practices

Executive Leads: Steve Delaney & Gina Ratto

1. Create a Project Management Office
 - a. Hire dedicated PMO (full year) - **\$233,000**
 - b. Develop and implement project intake and prioritization process
 - c. Implement PMO framework
2. Create a Compliance Office
 - a. Hire Chief Compliance Officer (mid-year) - **\$140,000**
3. Expand In-House Legal Resources
 - a. Hire a Staff Attorney assigned to support the Investments Division and to Ethical and Conflict of Interest legal and regulatory requirements (hire 2nd QTR) - **\$196,000**

Risk Management

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

D. Ensure a Safe and Secure Workplace and Public Service Facility

Executive Lead: Brenda Shott

1. Design and build a new OCERS HQ facility **\$TBD**
2. Replace physical security system in current HQ **\$20,000**
3. Update Conference Room Technology and Guest Wifi - **\$65,000**

Talent Management

GOAL: RECRUIT, RETAIN AND EMPOWER A HIGH-PERFORMING WORKFORCE

Business Plan Initiatives

A. Recruit and Retain a Diverse High-Performing Workforce to Meet Organizational Priorities

Executive Lead: Delaney/Hockless/Ratto

1. One Agency
 - a. New County Classification and Salary Study **-\$20,000**
 - b. Pursue legislation to allow 100% OCERS direct workforce
2. Develop a long-range staffing plan in preparation for Vision 2030
 - a. Consider timing of backfilling positions to dedicate SMEs to new PAS
3. Prepare for the growth of OCERS team
 - a. Space management to ensure adequate workspace for all team members **\$300,000**
 - b. Additional HR Recruiter position to assist with getting fully staffed (full year) **-\$159,000**
 - c. Procure additional equipment and upgrade end-of-life surface tablets **\$300,000**
4. Investigate HR System for automation potential
 - a. Onboarding software solution
 - b. Migrate HR workflows out of SharePoint
 - c. Implement video interview platform **\$8,000**
5. Enhance Mental Health Awareness
 - a. Onsite mental health awareness coach OCERS wide

Talent Management

GOAL: RECRUIT, RETAIN AND EMPOWER A HIGH-PERFORMING WORKFORCE

Business Plan Initiatives

B. Develop and empower every member of the team

Executive Lead: Cynthia Hockless

1. Comprehensive Training Program **\$126,000**
 - a. OCERS University
 - b. Research Job Shadowing program
 - c. Microlearning videos
 - d. Develop Specialized/Personal/Cross-Department Training Program
 - e. Develop an in-house training program for Mid-Level Leaders **\$15,000**
 - f. Add a Staff-Assistant position to the LOD team (full year) **\$97,000**

C. Cultivate a Collaborative, Inclusive and Creative Culture

Executive Lead: Cynthia Hockless

1. Continue to implement strategies that promote an inclusive workplace **\$23,500**
2. Investigate proven methods for fostering a creative culture

Effective Governance

GOAL: IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE BOARD AND STAFF BY CLARIFYING ROLES AND RESPONSIBILITIES, IMPROVING OVERSIGHT, CLARIFYING ACCOUNTABILITY AND IMPROVING DECISION MAKING

Business Plan Initiatives

- A. Employ a Governance Structure that Supports a Dynamic System

Executive Lead: Gina Ratto

1. Create Electronic Board Member Resources and Training Guides

QUESTIONS?

