

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular and Special Meeting
Thursday, September 25, 2014
6:00 P.M.

Regional Fire Operations and Training Center Board Room
1 Fire Authority Road
Irvine, CA 92602-0125

CALL TO ORDER

A regular and special meeting of the Orange County Fire Authority Board of Directors was called to order on September 25, 2014, at 6:20 p.m. by Chair Murray.

INVOCATION

Chaplain Krikac offered the invocation.

PLEDGE OF ALLEGIANCE

Director Spitzer led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL

Present: Joseph Aguirre, Placentia	Sam Allevato, San Juan Capistrano
Patricia Bates, County of Orange	Randal Bressette, Laguna Hills
Carol Gamble, Rancho Santa Margarita	Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods	Gene Hernandez, Yorba Linda
Robert Johnson, Cypress	Trish Kelley, Mission Viejo
Warren Kusumoto, Los Alamitos	Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest	Al Murray, Tustin
Roman Reyna, Santa Ana	David Shawver, Stanton
David Sloan, Seal Beach	Todd Spitzer, County of Orange
Elizabeth Swift, Buena Park	Tri Ta, Westminster
Phillip Tsunoda, Aliso Viejo	Steven Weinberg, Dana Point

Absent: Bob Baker, San Clemente	Rick Barnett, Villa Park
Jerry McCloskey, Laguna Niguel	

Also present were:

Fire Chief Jeff Bowman	Deputy Chief Craig Kinoshita
Assistant Chief Brian Stephens	Assistant Chief Dave Thomas
Assistant Chief Lori Zeller	Communications Director Sandy Cooney
Clerk of the Authority Sherry Wentz	General Counsel Dave Kendig

PRESENTATIONS

1. **Requests for Commendations and Proclamations (X: 11.09B)**

These items were previously approved at the August 28, 2014, meeting. The recipients were presented with their recognitions at this meeting, due to scheduling conflicts.

- A. Presentation of Certificate of Achievement to the Business Services Department – Finance Division, Orange County Fire Authority for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR). (F: 17.10F)
- B. Presentation of National Procurement Institute’s Annual Achievement of Excellence in Procurement Award for 2014. (F: 17.10I)

Chair Murray and Fire Chief Bowman recognized Finance Manager/Auditor Jim Ruane and Senior Accountant Tammie Pickens of the Business Services Department Finance Division for receiving a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for OCFA’s Comprehensive Annual Financial Report (CAFR).

Chair Murray and Fire Chief Bowman recognized Purchasing and Materials Manager Debbie Casper, Assistant Purchasing Agent James Aguila, Supervising Purchasing Agent Monica Dorfmeier, Buyer Roth Ong, and Management Assistant Marilee Freville for receiving the National Procurement Institute’s Annual Achievement of Excellence in Procurement Award for 2014.

2. **Presentations (X: 11.09)**

- A. **Public Safety Systems Update**
Assistant Chief/Support Services Brian Stephens provided an oral presentation to update the Board on the recent go-live launch of the new Computer Aided Dispatch (CAD) System. (F: 19.08A3)
- B. **California Fire Museum**
California Fire Museum Vice President Don Croucher made an oral presentation to introduce and educate the Board on the organization and its mission. He provided written materials, which are on file in the office of the Clerk. (F: 23.07)
- C. **Silverado Wildland Fire Incident Overview**
Assistant Chief/Operations Dave Thomas provided an oral report on OCFA’s support associated with the recent wildland fire in the Silverado Canyon area. (F: 18.08A)

PUBLIC COMMENTS (X: 11.11)

Stephen Wontrobski, Mission Viejo resident, provided his proposal to establish an OCFA Citizen Review Commission to act as a taxpayer oversight body. He provided written materials, which are on file in the office of the Clerk. (F: 12.01)

REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR (F: 11.12)

Budget and Finance Committee Chair Bressette reported at the September 10, 2014, meeting, the Committee received its monthly status update on the Orange County Employees' Retirement System, voted unanimously to send the Monthly Investment Report and the 4th Quarter Financial Newsletter to the Executive Committee for its approval, and voted unanimously to send the Rebudget of FY 2013/14 Uncompleted Projects to the Board of Directors for its approval.

REPORT FROM THE HUMAN RESOURCES COMMITTEE CHAIR (F: 11.12)

Human Resources Committee Chair Shawver reported at the September 2, 2014, meeting, the Committee received and filed the Fourth Quarter Workers' Compensation Update, discussed and voted unanimously to send the consideration of the Claim Settlement Committee Membership, which requests the Board include the addition of a representative from the Human Resources Committee to participate on the Claims Settlement Committee, to the Board of Directors with the recommendation that the Board approve the item. The Committee also designated the first Tuesday of each month at 12 noon as its regular meeting date/time, noting that staff will prepare a staff report for the Board's consideration to amend the Board Rules of Procedure to include this designation.

REORDERING OF AGENDA

At the request of the Fire Chief and by the Chair's discretion, the Chief's Report and 120-day Action Plan were moved forward on the agenda.

13. Chief's Report (F: 11.14)

Fire Chief Jeff Bowman deferred his comments in order to move on to the presentation of the 120-day Action Plan, and suggested the Chief's Report be moved to this location on a permanent-basis.

11. 120-Day Action Plan (F: 17.10A)

Fire Chief Jeff Bowman and Director of Communications Sandy Cooney presented a PowerPoint presentation on the proposed 120-day Plan.

Stephen Wontrobski, Mission Viejo resident, related his support and full concurrence on the proposed plan.

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Discussion ensued regarding a variety of topics including preliminary progress reports on the plan, importance of improved communications, difficult Board interactions and stress, micro-management versus policy-making roles, condensing staff reports, promotional lists and fundamental fairness in processes, outcome of equity lawsuit, and re-energizing employees and the Board.

On motion of Director Bressette and second by Director Lalloway, the Board voted to receive and file the report.

Director Tsunoda was absent for the vote.

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3. Minutes from August 28, 2014, Regular Board of Directors Meeting (F: 11.06)

On motion of Director Johnson and second by Director Swift, the Board voted to approve the Minutes from the August 28, 2014, regular Board of Directors meeting. Directors Bates, Bressette, Hernandez, and Reyna abstained, due to their absence from the meeting.

Director Tsunoda was absent for the vote.

CONSENT CALENDAR (Agenda Item Nos. 5 and 10 were pulled for separate consideration.)

4. Rebudget of FY 2013/14 Uncompleted Projects (F: 15.14)

On motion of Vice Chair Hernandez and second by Director Lalloway, the Board voted to authorize the following budget adjustments:

Fund	Increase Revenue	Increase Appropriations	Appropriate Fund Balance
121	\$567,420	\$690,809	\$123,389
12270	872,780	861,300	
123	4,056,050	5,749,437	1,693,387
124		6,753,008	6,753,008
133	643,106	5,807,347	5,164,241
171		216,213	216,213

Director Tsunoda was absent for the vote.

5. Amendments to Board Rules of Procedure Regarding the Human Resources Committee and the Claims Settlement Committee (F: 11.03)(X: 12.02D & 12.02D1)

Clerk of the Authority Sherry Wentz requested this item to be pulled from the Consent Calendar to amend the recommended action to include the Fire Chief's request to

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permanently re-order the agenda by moving the Fire Chief's Report to immediately follow the Committee Reports.

On motion of Chair Murray and second by Director Swift, the Board voted to adopt the proposed Resolution, as amended, to add the Chair of the Human Resources Committee to the membership of the Claims Settlement Committee, identify the regular meeting date and time of the Human Resources Committee, and to re-order the agenda to move-up the Fire Chief's Report to immediately follow the Committee Reports.

Director Tsunoda was absent for the vote.

6. Ratify Appointment to Executive Committee (F: 12.0A1)

On motion of Vice Chair Hernandez and second by Director Lalloway, the Board voted to ratify the appointment of Trish Kelley to the Executive Committee as a Structural Fire Fund Alternate.

Director Tsunoda was absent for the vote.

7. Secured Fire Protection Agreement with 360 Irvine, LLC, a California Corporation, Related to the 360 Fusion Apartments Development, Tract 17614, in the City of Irvine (F: 18.14)

On motion of Vice Chair Hernandez and second by Director Lalloway, the Board voted to:

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with 360 Irvine, LLC, related to the 360 Fusion Apartments Development, Tract 17614, in the City of Irvine.
2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange and furnish to 360 Irvine, LLC, a copy of the conformed document within fifteen days of recordation.

Director Tsunoda was absent for the vote.

8. Secured Fire Protection Agreement with Taylor Morrison of California, LLC, Related to the Camden Square Development, Tract 17439, in the City of Lake Forest (F: 18.14)

On motion of Vice Chair Hernandez and second by Director Lalloway, the Board voted to:

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with Taylor Morrison of California, LLC, related to the Camden Square Development, Tract 17439, in the City of Lake Forest.

2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange and furnish to Taylor Morrison of California, LLC, a copy of the conformed document within fifteen days of recordation.

Director Tsunoda was absent for the vote.

9. Award of Contract and Approval of Plans and Specifications for Renovation of Santa Ana Fire Stations (F: 16.02G1)

On motion of Vice Chair Hernandez and second by Director Lalloway, the Board voted to:

1. Approve the plans and specifications for the facilities upgrade for OCFA Santa Ana Fire Stations 72, 73, 74, 75, 76, and 78.
2. Accept the Plyco Corp. bid of August 27, 2014.
3. Approve and award the public works contract to Plyco Corp. in the amount of \$714,630.
4. Authorize a contingency fund of \$145,188 from the Community Development Block Grant (CDBG) of \$859,818 allocated for the fire station upgrades.
5. Approve and authorize the Purchasing Manager to amend the proposed Contractor Services Agreement with Plyco Corp., and if sufficient funds are available after completion of Fire Stations 72, 74, 75, and 76, to add back the project scopes for Fire Station 73, and/or Fire Station 78.

Director Tsunoda was absent for the vote.

10. Resolution Reaffirming Approval of the Second Amendment to the Amended Joint Powers Authority Agreement (F: 10.02)

This item was pulled by Stephen Wontrobski, Mission Viejo resident, to voice his continued opposition to the amendment.

On motion of Director Lalloway and second by Director Weinberg, the Board voted to:

1. Approve the form of the proposed Resolution making findings related to approval of the Second Amendment to the Amended Orange County Fire Authority Joint Powers Agreement.
2. Direct staff to submit the final Resolution to the OCFA's member agencies for consideration by each member agency's governing body.

Directors Bates and Spitzer abstained. Director Tsunoda was absent for the vote.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matters on the Agenda identified as CS1 and CS2, Conference with Labor Negotiator, and CS3 Public Employee Appointment/Employment, and Special meeting Agenda item CS1 Conference with Legal Counsel-Existing Litigation.

Director Tsunoda arrived during Closed Session. (8:45 p.m.)

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Peter Brown, Liebert Cassidy Whitmore
Employee Organizations: Orange County Professional Firefighters' Association,
Local 3631 and Orange County Employees Association
Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representatives: Board Chair Al Murray, Board Vice Chair
Gene Hernandez, Budget, and Finance Committee Chair Randy Bressette
Unrepresented Employee: Interim Fire Chief
Authority: Government Code Section 54957.6

CS3. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Title: Fire Chief
Authority: Government Code Section 54957(b)

SPECIAL MEETING - CLOSED SESSION (F: 11.15)

(This was the sole item agenized by a special meeting notice.)

CS1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Orange County Fire Authority V. California Department of
Industrial Relations, e.t. al.
Case No.: OC Superior Court Case No. 30-2013-00628178
Authority: Government Code Section 54956.9(a)

Chair Murray reconvened the meeting at 10:35 p.m., with Directors Bates, Sloan, Spitzer, and Weinberg absent.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig indicated the Board took no reportable action during Closed Session.

DISCUSSION CALENDAR

12. Interim Fire Chief Contract Amendment

The Clerk of the Authority distributed and made available the proposed contract amendment. General Counsel David Kendig noted that the contract before the Board is a Revised Limited Term Employment Agreement between the OCFA and Jeffrey Bowman.

On motion of Director Lalloway and second by Director Bressette, the Board voted to approve the Revised Limited Term Employment Agreement.

Directors Bates, Sloan, Spitzer, and Weinberg were absent for the vote.

PUBLIC HEARING(S)

No items.

BOARD MEMBER COMMENTS

Director Allevato inquired if the Board has ever considered scheduling Closed Session from 5:00–7:00 p.m. and then begin the Public Session at 7:00 p.m., as to be considerate of the members of the public in attendance who are waiting for the Board to reconvene from sometimes very lengthy Closed Sessions.

Chair Murray noted that this may be a subject for further Board consideration.

Director Kelley thanked Division Chief Kirk Wells for his participation in Mission Viejo's Patriot's Day Event. She thanked Fire Chief Jeff Bowman and Communications Director Sandy Cooney for the value they've brought to the OCFA in just a short amount of time.

Chair Murray echoed Director Kelley's comments regarding the Fire Chief and Communications Director. He thanked the firefighters for their service on the recent Silverado Canyon area fire. He wished the Jewish community a very happy Rosh Hashanah, and reminded everyone to attend the upcoming OCFA Open House events on October 11.

Vice Chair Hernandez thanked the Fire Chief for his attendance at Yorba Linda's State of the City Event.

Director McCullough thanked the OCFA for all of its work in containing the Silverado Canyon area fire, and also announced the upcoming Veteran's Stand Down Event in Tustin.

Director Hatch noted Division Chief Bryan Brice's recent assignment to a wildfire in Weed, California, its devastation to that community, and that he was looking forward a presentation on the Weed wildfire at the next Laguna Wood's Council meeting.

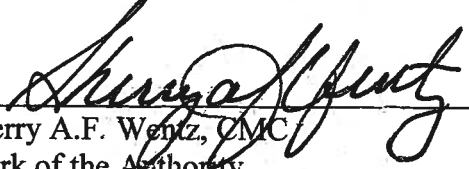
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Director Shawver reported on the recent Orange County Employee's Retirement System meeting.

ADJOURNMENT - Chair Murray adjourned the meeting at 10:43 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for October 23, 2014, at 6:00 p.m.



Sherry A.F. Wentz, CMC
Clerk of the Authority