

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, September 26, 2013
6:30 P.M.

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

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on September 26, 2013, at 6:35 p.m. by Chair Steven Weinberg.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

Director Murray, prior to leading the Pledge of Allegiance, requested for a moment of silence in honor of Laguna Beach Police Officer Jon Coutchie who died in the line of duty on September 21, 2013.

ROLL CALL

Present: Joseph Aguirre, Placentia	Sam Allevato, San Juan Capistrano
Bob Baker, San Clemente	Rick Barnett, Villa Park
Pat Bates, County of Orange	Carol Gamble, Rancho Santa Margarita
Gerard Goedhart, La Palma	Noel Hatch, Laguna Woods
Robert Johnson, Cypress	Trish Kelley, Mission Viejo
Warren Kusumoto, Los Alamitos	Jeffrey Lalloway, Irvine
Jerry McCloskey, Laguna Niguel	Kathryn McCullough, Lake Forest
Al Murray, Tustin	Sal Tinajero, 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	Craig Young, Alternate, Yorba Linda

Absent: Randal Bressette, Laguna Hills

Also present were:

Fire Chief Keith Richter	General Counsel Dave Kendig
Deputy Chief Craig Kinoshita	Assistant Chief Laura Blaul
Assistant Chief Brian Stephens	Assistant Chief Dave Thomas
Assistant Chief Lori Zeller	Clerk of the Authority Sherry Wentz
Assistant Clerk Lydia Slivkoff	

PRESENTATIONS

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

On motion of Vice Chair Murray and second by Director McCullough, the Board voted unanimously to approve the requests as submitted, and make presentations to those present.

Chair Weinberg and Fire Chief Richter presented a token of appreciation to Director Trish Kelley for her work as Chairman of the Board of Directors for the 2012/2013 term. (F: 11.09)

Chair Weinberg and Fire Chief Richter presented a proclamation to Division Chief Kris Concepcion and Battalion Chief Kelly Zimmerman declaring October 6-12, 2013, as "Fire Prevention Week." (F: 11.09A)

Chair Weinberg and Fire Chief Richter presented the City-County Communications & Marketing Association's Silver Circle Award to Battalion Chief Kelly Zimmerman and Multi Media Specialists Kevin Hansen and Jakub Lichtenstein for their excellent work on the OCFA Monthly Briefing. (F: 17.10C)

Chair Weinberg presented the International Association of Fire Chief's Billy Goldfeder Fire Service Organizational Safety Award to Fire Chief Richter, Risk Manager Jonathan Wilby, Battalion Chief Devin Leonard, WEFIT Coordinator Chuck Legg, and Firefighter Jonathan Biegler in recognition of OCFA safety programs. (F: 18.10)

PUBLIC COMMENTS (X: 11.11)

Chair Weinberg opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, provided public comments on past Board action retaining current public comment periods, supported the upcoming purchasing/procurement audit, and his denied access to ambulance provider meetings. (F: 15.02A1) (X: 18.05A)

Chair Weinberg closed the Public Comments portion of the meeting.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS2, Conference with Legal Counsel-Existing Litigation. He also noted the Board would not be considering CS1, Conference with Labor Negotiator.

Chair Weinberg recessed the meeting to Closed Session at 6:53 p.m.

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CS1. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiator: Craig Kinoshita, Deputy Fire Chief

Employee Organizations: Orange County Professional Firefighters' Association, Local 3631, Orange County Fire Authority Chief Officers' Association, and Orange County Employees' Association, and Unrepresented Employees

Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Claim: John Lawrence v. OCFA

Case No. WCAB: ADJ7888335

Authority: Government Code Section 54956.9(a)

Chair Weinberg reconvened the meeting at 6:59 p.m. with all Directors present.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig announced the Board considered and unanimously authorized an offer of settlement on existing litigation claim CS1, the substance of which, upon acceptance by the party will be disclosed after the agreement has been fully executed.

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

Budget and Finance Committee Chair Beth Swift reported at the September 11, 2013, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the Rebudget of FY 2012/13 Uncompleted Projects, 2013 Long Term Liability Study, paying down OCFA's Unfunded Pension Liability with Orange County Employees Retirement System, and the proposed Capital Improvement Program Projects – FY 2013/14 to the Board of Directors with the recommendation that the Board approve the items. She also reported the Committee received a status update on the Orange County Employees' Retirement System, Workers' Compensation Program, and Equity Working Group.

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2. Minutes from July 25, 2013, Regular Board of Directors Meeting (F: 11.06)

On motion of Vice Chair Murray and second by Director McCullough, the Board voted to approve the minutes from the July 25, 2013, Regular Board of Directors meeting. Directors Kelley, Kusumoto, Sloan, Spitzer, and Tinajero abstained.

CONSENT CALENDAR

Director Spitzer pulled Agenda Item Nos. 3, 8, and 9; Director Bates pulled Item 7, for separate consideration.

3. Ratify Appointment to Executive Committee (F: 12.02A1)

Director Spitzer pulled this agenda item to indicate he would be assuming the duty of representing the County on the Executive Committee, with Director Bates concurrence.

On motion of Director Lalloway and second by Director McCullough, the Board voted unanimously to ratify the appointments of Todd Spitzer, as the County representative, Eugene Hernandez as an at-large member, and Noel Hatch as an alternate member to the Executive Committee.

4. Adoption of a Resolution of the Orange County Fire Authority Temporarily Expanding the Dates of the Regular Board of Directors Meetings for Calendar Year 2014 (F: 11.05)

On motion of Vice Chair Murray and second by Director Kelley, the Board voted unanimously to adopt Resolution No. 2013-12, establishing the 2014 Meeting Schedule for the Orange County Fire Authority Board of Directors.

RESOLUTION NO. 2013-12
A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY
BOARD OF DIRECTORS AUTHORIZING TO TEMPORARILY
EXPAND THE REGULAR MEETING DATES OF THE
BOARD OF DIRECTORS FOR CALENDAR YEAR 2014

5. Rebudget of FY 2012/13 Uncompleted Projects (F: 15.04 FY12/13)

On motion of Vice Chair Murray and second by Director Kelley, the Board voted unanimously to authorize the following budget adjustments:

Fund	Increase Revenue	Increase Appropriations	Release Fund Balance
121	1,089,231	1,220,504	131,273
123		2,206,900	2,206,900
124		2,347,400	2,347,400
133		3,963,049	3,963,049
171		536,758	536,758

6. Reserve Firefighter Program Status Update (F: 17.11A)

On motion of Vice Chair Murray and second by Director Kelley, the Board voted unanimously to receive and file the report.

7. Grant Award Acceptance (F: 16.02E)

Director Bates pulled this agenda item for clarification on OCFA's expenditure portion of the grant.

Assistant Chief Zeller indicated the expenditure portion had already been budgeted, and the acceptance of the grant would further recover grant program costs.

On motion of Director Bates and second by Vice Chair Murray, the Board voted unanimously to accept California Fire Safe Council grant and direct staff to increase the FY 2013/14 General Fund (Fund 121) budget by \$158,064 in revenue and \$33,000 in appropriations.

8. Proposed Capital Improvement Program Projects – FY 2013/14

Director Spitzer pulled this agenda item with concern with that staff was seeking warehouse approval base upon projected developer contributions.

Assistant Chief Brian Stephens conveyed that tonight's action would allow staff to search for an appropriate facility, and that no purchase would take place without returning for Board approval.

On motion of Director Spitzer and second by Director Goedhart, the Board voted to:

1. Approve a CIP budget adjustment to Fund 123 (Facilities Replacement) for FY 2013/14 to increase appropriations by \$5,500,000 for the purchase/modification of an Urban Search and Rescue central warehouse, utilizing developer contribution revenue from the existing Secured Fire Protection Agreement with Heritage Fields El Toro, LLC.
2. Authorize the Fire Chief or his designee to enter into discussions with property owners for the purchase of a warehouse.
3. Direct the Fire Chief to return to the Board for final approval to enter escrow and purchase the identified property.
4. Approve a CIP budget adjustment to Fund 133 (Vehicle Replacement) for FY 2013/14 to increase appropriations by \$208,000 for the purchase of a Compressed Air Foam System Patrol vehicle.

Directors Barnett, Gamble, and Young registered in opposition.

9. Approval for Body Repair of Type I Fire Engine E61 (F: 19.09A)

Director Spitzer pulled this agenda item to comment his review of the investigation report, his disappointment in the communication process regarding the initial accident, and personnel not abiding by safety practices including disabling on-board safety systems.

Discussion ensued regarding the accident, notification processes, disabled safety equipment, and personnel accountability.

On motion of Director Spitzer and second by Vice Chair Murray, the Board voted unanimously to:

1. Approve and authorize the Purchasing Manager to issue a purchase order to A2Z Fire Apparatus for the repair of E61 in an amount not to exceed \$241,114.04.
2. Direct staff to increase revenue and appropriations in the General Fund (Fund 121) in the amount of \$241,114.04.
3. Direct the Fire Chief to develop a policy for Board notifications on risk management related issues.

10. Agreement between the City of Santa Ana and the Orange County Fire Authority (OCFA) For the Use of U.S. Department of Housing and Urban Development Community Development Block Grant Funds (F: 16.04G)

On motion of Vice Chair Murray and second by Director Kelley, the Board voted unanimously to:

1. Approve and authorize the Fire Chief to sign the Agreement between the City of Santa Ana and OCFA for use of Community Development Block Grant Funds.
2. Direct staff to make the necessary budget adjustments.

11. Secured Fire Protection Agreement with Cal I Crown Valley, LLC, for Entitlements in the Crown Development, in the City of Laguna Niguel (F: 18.14)

On motion of Vice Chair Murray and second by Director Kelley, the Board voted unanimously to:

1. Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Cal I Crown Valley, LLC, for Entitlements in the Crown Development, in the City of Laguna Niguel.
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 Cal I Crown Valley LLC a copy of the conformed document within fifteen (15) days of recordation.

12. Amended Secured Fire Protection Agreement with UCR/Pacific Los Alisos L.P., for Entitlements in the Los Alisos Apartments Development, in the City of Mission Viejo (F: 18.14)

On motion of Vice Chair Murray and second by Director Kelley, the Board voted unanimously to:

1. Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with UCR/Pacific Los Alisos L.P., for Entitlements in the Los Alisos Apartments Development, in the City of Mission Viejo.
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 UCR/Pacific Los Alisos L.P. a copy of the conformed document within fifteen (15) days of recordation.

DISCUSSION CALENDAR

13. Equity Working Group – Final Report (F: 12.03E3)

Assistant Chief Lori Zeller provided a PowerPoint presentation on the Equity Working Group – Final Report.

Dave Rose, President, Orange County Professional Firefighters Association, Local 3631, provided public comments in support of the approval of the Second Amendment to the Amended JPA.

Devin Leonard, Vice President, Orange County Chief Officers Association, provided public comments in support of the approval of the Second Amendment to the Amended JPA.

A lengthy discussion ensued.

On motion of Director Gamble and second by Director Allevato, the Board voted by roll call vote to:

1. Approve the form of the Second Amendment to the Amended JPA.
2. Direct staff to submit the Second Amendment to the Amended JPA to the OCFA's member agencies for consideration by each member agencies' governing body.
3. Upon approval by 2/3 of the member agencies' governing bodies (16 agencies):
 - a. Authorize staff and General Counsel to submit the Second Amendment to the Amended JPA for judicial review to pursue Court Validation of the contract.
 - b. Direct staff to include an adjustment in the mid-year budget adjustments to provide for payment of the required equity rebate for FY 2013/14.
4. Direct staff to provide a status update to the Board of Directors at its meeting in November 2013.
5. Direct staff to pursue the delivery of in-kind services for agencies impacted by the five-year phase-in.

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SUPPORT (20)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Carol Gamble, Rancho Santa Margarita
Robert Johnson, Cypress
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Sloan, Seal Beach
Elizabeth Swift, Buena Park
Steven Weinberg, Dana Point

Sam Allevato, San Juan Capistrano
Pat Bates, County of Orange
Gerard Goedhart, La Palma
Trish Kelley, Mission Viejo
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
David Shawver, Stanton
Todd Spitzer, County of Orange
Tri Ta, Westminster
Craig Young, Alternate, Yorba Linda

OPPOSED (3)

Noel Hatch, Laguna Woods
Sal Tinajero, Santa Ana

Phillip Tsunoda, Aliso Viejo

ABSTAINED (1)

Rick Barnett, Villa Park

ABSENT (1)

Randal Bressette, Laguna Hills

14. 2013 Long Term Liability Study (F: 17.06A)

Treasurer Tricia Jakubiak provided a PowerPoint presentation on the 2013 Long Term Liability Study.

On motion of Director Bates and second by Vice Chair Murray, the Board voted unanimously to:

1. Direct staff to transmit a copy of the report to the County Board of Supervisors and the OCERS Board of Retirement, for their consideration of potential cost-containment actions relating to Pension Cost of Living Adjustments (COLAs) under the authority granted by the '37 Act.
2. Direct staff to pursue a special actuarial study relating to the OCFA's Retiree Medical Defined Benefit Plan to evaluate options for potential plan amendments which could improve plan funding, subject to future negotiation with OCFA's labor groups.
3. Direct staff to evaluate the financial feasibility of paying off the outstanding lease financing obligations associated with the OCFA's helicopters, as part of the 2014/15 budget development process.
4. Direct staff to evaluate options for mitigating the budget and liability impacts of payouts for accumulated sick and vacation balances, subject to future negotiation with OCFA's labor groups.
5. Receive and file the report.

15. Paying Down OCFA's Unfunded Pension Liability with Orange County Employees Retirement System (F: 17.06)

Assistant Chief Lori Zeller provided a PowerPoint presentation on paying down OCFA's Unfunded Pension Liability with Orange County Employees Retirement System.

Dave Rose, President, Orange County Professional Firefighters Association, Local 3631, provided public comments in support of the agenda item.

A lengthy discussion ensued.

Director Gamble left at this point (8:30 p.m.)

On motion of Vice Chair Murray and second by Director Ta, the Board voted by roll call vote to:

1. Direct staff to provide updates to the Board each year as part of the mid-year budget presentation, indicating the amount of Fund Balance Available (FBA) from the prior fiscal year, and directing those amounts to be paid to OCERS as annual lump-sum payments towards the OCFA's UAAL.
2. Direct staff to include additional payments towards the OCFA's UAAL in the annual budget, including the following factors:
 - a. Savings that result from the new Public Employees' Pension Reform Act provisions and other reductions in OCFA's retirement contribution rates shall be used as a source for additional UAAL payments.
 - b. Beginning in FY 2016/17, an additional \$1 million should be added to the OCFA's annual budget each year for 5 years, for retirement contributions to OCERS as a base-building source for additional UAAL payments
 - c. Provide updates to the Board each year as part of the annual budget presentation, indicating the amount planned in each yearly budget as additional payments towards the OCFA's UAAL, resulting from the factors above.

SUPPORT (23)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Pat Bates, County of Orange
Noel Hatch, Laguna Woods
Trish Kelley, Mission Viejo
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
Sal Tinajero, Santa Ana
David Sloan, Seal Beach
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo
Craig Young, Alternate, Yorba Linda

Sam Allevato, San Juan Capistrano
Rick Barnett, Villa Park
Gerard Goedhart, La Palma
Robert Johnson, Cypress
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Shawver, Stanton
Todd Spitzer, County of Orange
Tri Ta, Westminster
Steven Weinberg, Dana Point

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OPPOSED (0)

None

ABSTAINED (0)

None

ABSENT (2)

Randal Bressette, Laguna Hills

Carol Gamble, Rancho Santa Margarita

Director Tinajero left at this point (8:56 p.m.)

16. Paramedic Assessment Unit ALS Escort Study (F: 18.05)

This item was deferred at the request of staff for consideration at a future meeting.

17. Board Member Request for Salary and Benefit Survey (F: 17.03A)

Deputy Chief Craig Kinoshita provided an overview on the Board member's request for salary and benefit survey agenda item.

As the requestor for this agenda item, Director Barnett provided an oral presentation regarding his request and the need to conduct a salary and benefit survey.

Stephen Wontrobski, Mission Viejo resident, provided public comments on his concerns with escalating salaries and benefits.

A lengthy discussion ensued.

On motion of Chair Weinberg and second by Director Ta, the Board voted by roll call vote to receive the report.

SUPPORT (19)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Gerard Goedhart, La Palma
Robert Johnson, Cypress
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
David Shawver, Stanton
Todd Spitzer, County of Orange
Tri Ta, Westminster
Steven Weinberg, Dana Point

Sam Allevato, San Juan Capistrano
Rick Barnett, Villa Park
Noel Hatch, Laguna Woods
Trish Kelley, Mission Viejo
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Sloan, Seal Beach
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo

OPPOSED (2)

Warren Kusumoto, Los Alamitos

Craig Young, Alternate, Yorba Linda

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ABSTAINED (1)
Pat Bates, County of Orange

ABSENT (3)
Randal Bressette, Laguna Hills
Sal Tinajero, Santa Ana

Carol Gamble, Rancho Santa Margarita

Director Tinajero returned at this point (9:24 p.m.)

PUBLIC HEARING(S)

No items.

REPORTS

18. Chief's Report (F: 11.14)

Fire Chief Richter thanked Assistant Chief Lori Zeller and the Finance Department staff for their hard work on the various financial based and complicated reports presented to the Board this evening.

BOARD MEMBER COMMENTS (F: 11.13)

Director Shawver commended Assistant Chief Lori Zeller and her staff for working with OCERS to develop a viable program.

Director Tinajero thanked Firefighters for assisting with the Reviving the Past, Maintaining Tradition community event held in the City of Santa Ana. He also thanked them for their response to a recent four alarm fire in the city.

Vice Chair Murray thanked OCFA for participating in a 9-11 Ceremony at the Tustin City Hall.

Director Lalloway indicated on October 13, 2013, the Orange County Great Park will start its Solar Decathlon, and encouraged everyone to attend.

Director Barnett requested his vote on Agenda Item No. 15 be changed to a support vote, with the consensus of the Board Director Barnett's vote was changed to support.

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 CS3, Conference with Legal Counsel-Existing Litigation and CS4, Conference with Legal Counsel-Initiation of Litigation, and indicated the Board would not be discussing CS2, Conference with Legal Counsel-Existing Litigation.

Chair Weinberg recessed the meeting to Closed Session at 9:26 p.m.

CS3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b) (1 case)

CS4. CONFERENCE WITH LEGAL COUNSEL–INITIATION OF LITIGATION


Authority: Government Code Section 54956.9(c) – Initiation of Litigation (County Procurement for Airport Rescue and Firefighting Services for John Wayne Airport)

Chair Weinberg reconvened the meeting at 10:30 p.m. with all prior Directors present.

CLOSED SESSION REPORT (F: 11.15)

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

ADJOURNMENT - Chair Weinberg adjourned the meeting at 10:31 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for November 21, 2013, at 6:30 p.m.



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