

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, June 26, 2014
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 June 26, 2014, at 6:30 p.m. by Chair Steven Weinberg.

INVOCATION

Chaplain Warren Johnson offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Joseph Aguirre, Alternate, Placentia	Angelica Amezcua, Alternate, Santa Ana
Bob Baker, San Clemente	Rick Barnett, Villa Park
Pat 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
Jerry McCloskey, Laguna Niguel	Kathryn McCullough, Lake Forest
Al Murray, Tustin	Gordon Shanks, Alternate, Seal Beach
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: Sam Allevato, San Juan Capistrano	Roman Reyna, Santa Ana
Chad Wanke, Placentia	

Also present were:

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

PRESENTATIONS

1. Canine Badge Ceremony (X: 11.09)

By unanimously concurrence, the Board approved the presentation to those present.

Chair Weinberg and Fire Chief Richter presented badges to California Task Force Five's newest canine search team, Ollie and Winnie, and their respective trainers Firefighters, Donovan George and Alex Van, after completing a year-long training program to become "Live Find" search and rescue canines. (F: 21.15)

PUBLIC COMMENTS (F: 11.11)

No comments were received.

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, Conference with Labor Negotiator and CS2, Conference with Legal Counsel-Existing Litigation.

Chair Weinberg recessed the meeting to Closed Session at 7:08 p.m.

Director Tsunoda arrived at this point (7:08 p.m.)

Director Amezcua arrived at this point (7:10 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 LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Orange County Fire Authority and City of Irvine v All Persons
Interested in the Matter of the Validity of that Second Amendment to
Amended Joint Powers Authority

Case No.: OC Superior Court Case No. 30-2013-006945527

Authority: Government Code Section 54956.9(d)(1)

Directors Barnett and Lalloway left at this point (8:27 p.m.)

Chair Weinberg reconvened the meeting at 8:27 p.m.

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CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig reported the Board of Directors approved a Side Letter of Agreement with the Orange County Professional Firefighters Association, Local 3631 on April 24, 2014, and indicated Local 3631 approved the same agreement on May 28, 2014, noting copies of the agreement were available upon request. General Counsel Kendig also reported the Board unanimously directed General Counsel prepare a staff report regarding Civil Openness in Negotiations (COIN).

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

Budget and Finance Committee (BFC) Chair Beth Swift indicated she would provide reports at the beginning of each agenda item on the discussion calendar.

MINUTES (F: 11.06)

2. Minutes from May 22, 2014, Regular Board of Directors Meeting

On motion of Vice Chair Murray and second by Director Bressette, the Board voted to approve the Minutes from the May 22, 2014, Board of Directors Regular meeting. Directors Kelley, McCloskey, and Sloan noted abstentions.

CONSENT CALENDAR

Agenda Item No. 3 was pulled for separate considerations.

3. Amendments to the Board Rules of Procedure (F: 11.03) (X: 12:02A) (X: 12:02)

Director Bressette pulled the item to indicate the Executive Committee approved and is requesting to move its regular meeting day to the third Thursday of the month to avoid future interference with regular Board meetings.

On motion of Director Bressette and second by Vice Chair Murray, the Board voted unanimously to adopt the proposed Resolution to amend the Board Rules of Procedure to change the regular meeting times of the Executive Committee to the third Thursday of the month at 6:00 p.m., the regular meeting time of the Claims Settlement Committee to 5:30 p.m., and the regular meeting time of the Board of Directors to 6:00 p.m., and amend the number of members for the Human Resources Committee.

4. Secured Fire Protection Agreement with Kelvin and Jamboree Properties, LLC, a Delaware Limited Liability Company, for Entitlements in the 2801 Kelvin Apartments Development, Tract 17616, in the City of Irvine (F: 18.14)

On motion of Director Bressette and second by Director Johnson, the Board voted unanimously to:

1. Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Kelvin and Jamboree Properties, LLC, a Delaware Limited Liability Company, for Entitlements in the 2801 Kelvin Apartments Development, Tract 17616, 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 Kelvin and Jamboree Properties, LLC, a copy of the conformed document within fifteen (15) days of recordation.

5. Approval of Assignment to Orange County Fire Authority of Cooperative Fire Protection Agreement #7CA02358 between the State of California Department of Forestry and Fire Protection and County of Orange (F: 21.13A)

On motion of Director Bressette and second by Director Johnson, the Board voted unanimously to approve and authorize the Board Chair to sign the Assignment of three-year Cooperative Fire Protection Agreement #7CA02358 between the State of California Department of Forestry and Fire Protection and the County of Orange to OCFA.

6. Approval of the Resolution Authorizing Fire Chief to Execute an Agreement to Transfer Property or Funds for 2011 Homeland Security Grant Program Purposes between the County of Orange Sheriff-Coroner Department and the Orange County Fire Authority (F: 16.02A)

On motion of Director Bressette and second by Director Johnson, the Board voted unanimously to:

1. Adopt the proposed Resolution authorizing the Fire Chief, or his designee, to execute the Agreement to Transfer Property or Funds for 2011 Homeland Security Grant Program Purposes.
2. Increase revenue and appropriations in the FY 2014/15 General Fund by \$12,000 for the purchase of gas monitors.

PUBLIC HEARING

7. Approval of the Updated OCFA Advanced Life Support (ALS) Paramedic and Basic Life Support (BLS) Medical Supplies Reimbursement Rates (F: 15.12)

Budget and Finance Committee Chair Beth Swift indicated at its June 11, 2014, meeting the Committee voted unanimously to recommend that the Board approve the agenda item.

Fire Chief Richter introduced Finance Manager Jim Ruane who provided a report on the OCFA Advanced Life Support (ALS) Paramedic and Basic Life Support (BLS) Medical Supplies Reimbursement Rates.

On motion of Director Bressette and second by Director Hernandez, the Board voted that upon approval of the proposed increase to the maximum BLS emergency 9-1-1 transportation billing rate by the Orange County Board of Supervisors, to authorize staff to increase OCFA's Advanced Life Support (ALS) and Basic Life Support (BLS) Medical Supply reimbursement rates by the same percentage increase effective on or after July 1, 2014.

The motion carried with Director Ta voting in opposition, and Directors Bates and Spitzer noting abstentions.

DISCUSSION CALENDAR

8. Updated Cost Reimbursement Rates (F: 15.12)

Budget and Finance Committee Chair Beth Swift indicated at its June 11, 2014, meeting the Committee voted unanimously to recommend the Board adopt the proposed Cost Reimbursement Rate schedules effective July 1, 2014.

Finance Manager Jim Ruane provided a presentation on the updated cost reimbursement rates.

On motion of Director Bressette and second by Director Johnson, the Board voted unanimously to approve and adopt the proposed Cost Reimbursement Rate schedules effective July 1, 2014.

9. Request from City of Santa Ana for Release of Escrow (F: 10.03 Santa Ana)

Budget and Finance Committee Chair Beth Swift indicated at its June 11, 2014, meeting the Committee had a lengthy and productive discussion, and recommended the Board authorize the release of escrow.

Assistant Chief Zeller provided a report on the financial analysis of the request from City of Santa Ana for release of its escrow funds, and indicated staff was confident the City's financial position has improved.

City Manager David Cavazos provided a PowerPoint presentation on the financial status of the City of Santa Ana.

On motion of Director Shawver and second by Director Kelley, the Board voted unanimously to:

1. Find that the City of Santa Ana's financial condition has improved such that the need for Security has changed and that the Security should be eliminated.
2. Authorize the release of \$2.9 million held in escrow as Security for the City of Santa Ana's financial obligations under the Fire Services and Emergency Medical Services Agreement.

10. Executive Recruiting Firm - Fire Chief Recruitment (F: 17.10A1)

Fire Chief Richter introduced the Human Resources Director Jeremy Hammond who provided an update on the Fire Chief recruitment process.

A lengthy discussion ensued.

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

1. Direct staff to pursue an open recruitment using the services of an external Executive Recruiting Firm for completion of the OCFA Fire Chief recruitment.
2. Direct staff to complete a Request for Proposals (RFP) process to facilitate selection of an Executive Recruiting Firm.
3. Direct the Fire Chief Recruitment Ad Hoc Committee to conduct interviews with the top firms, following evaluation of proposals by staff, and to make a recommendation to the Executive Committee and Board of Directors for final contract award.

The motion passed with Director Goedhart voting in opposition.

11. Director of Communications Recruitment Process (F: 17.10C)

Assistant Chief Zeller provided a report on the status of the Director of Communications recruitment process.

A lengthy discussion ensued.

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

1. Delegate responsibility to the Executive Committee to conduct closed session interviews with the top Director of Communications candidates and recommend final candidates to the Board of Directors, as proposed.
2. Authorize this Director of Communication recruitment process for a one-time basis, with subsequent recruitments conducted by the Fire Chief.

The motion passed with Chair Weinberg and Directors Goedhart, McCullough, and Swift voting in opposition.

12. Supplemental Agenda Item - Legislation Update (F: 11.17E)

Management Analyst Jay Barkman provided a report on the Pension Obligation Legislation update.

Public comments were received from Mission Viejo resident Stephen Wontrobski requesting the Board direct General Counsel prepare a legal opinion regarding member agency's pension obligation liability should there be a collapse of the OCFA.

On motion of Director Spitzer and second by Vice Chair Murray, the Board voted unanimously to allow the public release of General Counsel's legal opinion regarding Pension Obligation Legislation. Legal Counsel indicated the opinion would be available upon request.

REPORTS

13. Chief's Report (F: 11.14)

Fire Chief Richter reported the California Governor requested emergency funds be available to up-staff fire units as needed during the wildfire season. He also reported 11 employees had graduated from the Fire Apparatus Engineers (FAE) Academy, and would be promoting to their new FAE assignments.

BOARD MEMBER COMMENTS (F: 11. 13)

Director Kelley thanked OCFA staff, Fire Communications Relations/Education Supervisor Lynnette Round, and Battalion Chief Mike Ferdig for conducting a drowning prevention program and simulation in the City of Mission Viejo. She also indicated she recorded a 30-minute Mayor's City Talk Program with a mother of a near drowning child and that the video was available to view on the city's website.

Director McCullough wished everyone a safe 4th of July.

Director Amezcua thanked OCFA staff and Board Members for supporting the release of escrow funds for the City of Santa Ana.

Director Baker asked for an update on the voting system. Clerk of the Authority Sherry Wentz indicated staff is in the process of replacing the entire audio and voting system.

Director Shawver asked what OCFA's position was on the tax for firework providers. Management Analyst Jay Barkman indicated OCFA took a support on the position. Director Shawver reported he and others contacted legislators in Sacramento to oppose the bill.

Vice Chair Murray thanked Division Chief Kris Concepcion for conducting a drowning prevention program and video at the Tustin City Council meeting. He also indicated the Orange County Bomb Squad provided a well-received media presentation. He wished everyone a good and safe July 4th.

Chair Weinberg encouraged Board Members to attend the Fire Station 41 (Fullerton Airport) Open House Dinner on June 27, 2014, and indicated tickets were still available.

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ADJOURNMENT - Chair Weinberg adjourned the meetings at 9:49 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for July 24, 2014, at 6:00 p.m.



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