

# MINUTES

## ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular and Special Meeting**  
**Thursday, July 24, 2014**  
**6:30 P.M.**

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

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### CALL TO ORDER

A regular and special meeting of the Orange County Fire Authority Board of Directors was called to order on July 24, 2014, at 6:10 p.m. by Vice Chair Al Murray.

### INVOCATION

Chaplain Ken Krikac offered the invocation.

### PLEDGE OF ALLEGIANCE

Vice Chair Murray led the assembly in the Pledge of Allegiance to our Flag.

### ROLL CALL

**Present:** Joseph Aguirre, Alternate, Placentia  
Bob Baker, San Clemente  
Randal Bressette, Laguna Hills  
Gerard Goedhart, La Palma  
Gene Hernandez, Yorba Linda  
Trish Kelley, Mission Viejo  
Jeffrey Lalloway, Irvine  
Kathryn McCullough, Lake Forest  
Roman Reyna, Santa Ana  
David Sloan, Seal Beach  
Elizabeth Swift, Buena Park  
Phillip Tsunoda, Aliso Viejo  
Sam Allevato, San Juan Capistrano  
Pat Bates, County of Orange  
Carol Gamble, Rancho Santa Margarita  
Noel Hatch, Laguna Woods  
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

**Absent:** Rick Barnett, Villa Park  
Steven Weinberg, Dana Point  
Chad Wanke, Placentia

### Also present were:

Deputy Chief Craig Kinoshita  
Assistant Chief Lori Zeller  
Assistant Chief Lori Smith  
Clerk of the Authority Sherry Wentz  
General Counsel Dave Kendig  
Interim Assistant Chief Jon Jones  
Assistant Chief Brian Stephens  
Assistant Clerk Lydia Slivkoff

## **PUBLIC COMMENTS (F: 11.11)**

Vice Chair Murray opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, provided public comments regarding his concerns on OCFA procurement practices, disability filings, staff misconduct, and favoritism. He provided a letter, which is on file in the Office of the Clerk.

Vice Chair Murray closed the Public Comments portion of the meeting.

## **REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR**

Budget and Finance Committee (BFC) Chair Beth Swift indicated she would provide report at the beginning of Discussion Calendar Agenda Item No. 10.

Director Bates arrived at this point (6:15 p.m.)

Director Reyna arrived at this point (6:18 p.m.)

## **MINUTES**

### **1. Minutes from June 26, 2014, Regular Board of Directors Meeting (F: 11.06)**

On motion of Director Johnson and second by Director Bressette, the Board voted to approve the Minutes from the June 26, 2014, Regular Board of Directors meeting. Directors Allevato and Reyna noted abstentions.

## **CONSENT CALENDAR**

Agenda Items No. 9 was pulled for separate consideration. Abstentions were noted on Agenda Items Nos. 4 and 8.

### **2. Proclamations – Fire Prevention Week (F: 11.09A)**

On motion of Director Johnson and second by Director Gamble, the Board voted to approve the Fire Prevention Week Proclamation, and direct the Clerk to transmit the item to all member agencies. Director Shawver noted his abstention.

### **3. FY 2013/14 Annual Progress Report on Planning and Development Activity (F: 18.03A)**

On motion of Director Johnson and second by Director Gamble, the Board voted to receive and file the report. Director Shawver noted his abstention.

**4. Approval of Amendment No. 3 to Secured Fire Protection Agreement with The Irvine Company for Entitlements for Irvine Development (F: 18.14)**

On motion of Director Johnson and second by Director Gamble, the Board voted to approve and authorize the Fire Chief to enter into an amendment to the Secured Fire Protection Agreement with The Irvine Company (TIC) for the purpose of changing the site location for construction of permanent Fire Station 20. Directors Bates, Hernandez, and Shawver noted abstentions.

**5. Final Update: Santiago and Freeway Complex Fire After Action Reports (F: 18.08A3) (F: 18.08A5)**

On motion of Director Johnson and second by Director Gamble, the Board voted to receive and file the final reports. Director Shawver noted his abstention.

**6. Purchase Approval - Modular Shower and Bathroom Trailer for Fire Station 18 (Trabuco Canyon) (F: 19.07C18)**

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

1. Approve the purchase of the 12'x 60' shower and bathroom trailer unit currently located at Fire Station 18, for the OCFA Hand Crew for a total amount of \$66,477.90.
2. Authorize a budget adjustment increasing appropriation in Fund 122 in the amount of \$66,477.90 for the purchase of the shower and bathroom trailer.

Director Shawver noted his abstention.

**7. Grant Purchase Approval - Generator and Backup Power for Fire Station 41 (Fullerton Airport) (F: 19.07C41) (X: 16.03)**

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

1. Approve a CIP budget adjustment to Fund 122 (Facilities Maintenance and Improvement) for FY 2014/15 to increase appropriations by \$437,000.
2. Increase FY 2014/15 revenue in Fund 122 (Facilities Maintenance and Improvement) by \$252,000.

Director Shawver noted his abstention.

**8. Approval of Extension to 911 Ambulance Service Contracts (F: 18.05B) (X: 18.05A1)**

On motion of Director Johnson and second by Director Gamble, the Board voted to approve and authorize the Chair to execute the submitted contract extensions for the provision of 911 emergency medical transportation and related services. Directors Bates and Shawver noted abstentions.

## **DISCUSSION CALENDAR**

### **S1. Teleconferencing of Closed Session Meetings (F: 11.10M)**

General Counsel David Kendig provided an overview of the teleconferencing of Closed Session meetings.

Public comments were received from Carrie O'Malley, Senior Policy Advisor for Supervisor Spitzer's office, conveying Director Spitzer's support in implementation of teleconferencing.

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

1. Authorize the use of teleconferencing by individual Board members during the closed session portions of meetings of the Board of Directors, including any closed sessions of the Executive Committee, such authorization to be effective immediately and to remain in effect through and including the August 28, 2014, meeting of the Board.
2. Direct staff to return to the Board at the August 28, 2014, meeting with information about the technological and other requirements, and the estimated costs thereof, to enable teleconferencing during open and closed session meetings of the Board and its committees.

### **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 CS1, Conference with Labor Negotiator, CS2, Conference with Legal Counsel-Anticipated Litigation, and CS3, CS4, of which both are Public Employee Appointment/Employment.

Vice Chair Murray recessed the meeting to Closed Session at 6:34 p.m.

Directors Kelley and Spitzer joined the meeting via teleconferencing at this point (6:34 p.m.)

Director McCullough arrived at this point (6:45 p.m.)

Directors Ta 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-ANTICIPATED LITIGATION**

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

#### **CS3. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**

Title: Interim Fire Chief

Authority: Government Code Section 54957(b)

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**CS4. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**

Title: Director of Communications

Authority: Government Code Section 54957(b)

Directors Kelley, Spitzer, and Ta left the meeting at this point (10:24 p.m.)

Vice Chair Murray reconvened the meeting at 10:25 p.m.

**CLOSED SESSION REPORT (F: 11.15)**

General Counsel David Kendig indicated the Board had taken no reportable action.

**CONSENT CALENDAR - CONTINUED**

**9. Request for Proposal No. DC1954 – Executive Search Services – Fire Chief (F: 17.10A1)**

Director Gamble pulled this item to address concerns with the Professional Services Agreement, including advanced payment and the amount of travel fees.

On motion of Director Bates and second by Vice Chair Murray, the Board voted to approve and authorize the Fire Chief to sign the Professional Services Agreement for Executive Search Services with Ralph Andersen & Associates for an amount not to exceed \$35,000. Director Gamble registered in opposition.

On motion of Director Bates and second by Director Bressette, the Board voted unanimously to authorize an adjustment to the FY 2013/14 Budget to increase appropriations in the General Fund (Fund 121) by \$35,000 to provide funding for the Fire Chief recruitment. Directors Kelley, Spitzer, and Ta were absent for the vote.

**PUBLIC HEARING**

**10. Community Risk Reduction Fee Study and Adoption of Associated Fee Schedules (F: 15.05)**

Budget and Finance Committee Chair Beth Swift indicated at its July 9, 2014, meeting the Committee received a presentation from Finance Manager Jim Ruane and had an extensive discussion on the item, and voted unanimously to recommend the Board adopt the proposed Community Risk Reduction Fee Study and Associated Fee Schedules.

Finance Manager Jim Ruane provided a PowerPoint presentation on the proposed Community Risk Reduction Fee Study and Associated Fee Schedules.

Vice Chair Murray opened the Public Hearing.

Public comments were received from Victor Cao, Building Industry Association in support of the proposed fee schedules.

Vice Chair Murray closed the Public Hearing.

A lengthy discussion ensued.

On motion of Director Swift and second by Director McCloskey, the Board voted to:

1. Find that, in accordance with California Government Code Section 66014, the proposed fees do not exceed the cost of providing services and are only for the purpose of meeting operational expenses and are, therefore, exempt from compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21080.
2. Approve and adopt Resolution 2014-08 and Exemption Policy approving changes in Community Risk Reduction and Miscellaneous Fees with the proposed modifications and effective date of no later than September 29, 2014.

#### RESOLUTION NO. 2014-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
ORANGE COUNTY FIRE AUTHORITY SUPERSEDING RESOLUTION  
NOS. 2007-17, 2008-26, 2009-10, 2011-04, AND 2012-09, 2013-05 AND  
APPROVING CHANGES IN COMMUNITY RISK REDUCTION  
AND MISCELLANEOUS (FORMERLY FIRE PREVENTION) FEES

Director Lalloway voted in opposition. Directors Kelley, Spitzer, and Ta were absent for the vote.

#### DISCUSSION CALENDAR CONTINUED

- 11. Communications LAB – Short & Long Term Communication Plans (F: 17.10C1)**

This agenda item was deferred to a future meeting of the Board

- 12. OCFA Recommended Action Plan - Management Partners Report (F: 17.16)**

This agenda item was deferred to a future meeting of the Board.

#### REPORTS

- 13. Chief's Report (F: 11.14)**

Deputy Chief Kinoshita indicated Assistant Chief Thomas would be off-duty for a short period of time; Division Chief Jon Jones would be serving as Interim Assistant Chief/Operations Department during this period. He also indicated Battalion Chief Cliff Bramlette would be Interim Division Chief during Chief Jones' temporary assignment.

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**ELECTION OF CHAIR/VICE CHAIR (F: 11.02B)**

Vice Chair Murray opened the nominations for Chair of the Board of Directors.

Director Lalloway nominated Al Murray, with a second by Director McCullough.

Vice Chair Murray hearing no additional nominations closed the nominations for Board Chair.

Al Murray was elected Board Chair by unanimous vote.

Chair Murray opened the nominations for Vice Chair of the Board of Directors.

Director Johnson nominated Gene Hernandez, with a second by Director McCullough.

Director McCloskey nominated Beth Swift, with a second by Director Shawver.

Chair Murray hearing no additional nominations closed the nominations for Board Vice Chair.

Chair Murray and Directors Aguirre, Allevato, Bates, Bressette, Gamble, Hatch, Hernandez, Johnson, Kusumoto, Lalloway, McCullough, and Reyna voted in support of Director Hernandez.

Directors Baker, Goedhart, McCloskey, Shawver, Sloan, Swift, and Tsunoda voted in support of Director Swift.

Directors Kelley, Spitzer, and Ta were absent from the vote.

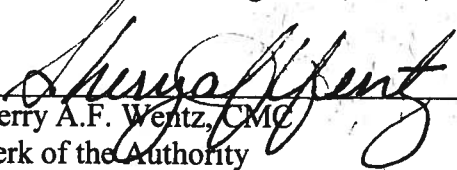
Gene Hernandez was elected the Vice Chair for the ensuing term.

**BOARD MEMBER COMMENTS (F: 11.13)**

The Board offered no comments.

**ADJOURNMENT**

Chair Murray adjourned the meetings at 11:12 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for August 28, 2014, at 6:00 p.m.

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