

# MINUTES

## ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting**  
**Thursday, September 23, 2010**  
**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 meeting of the Orange County Fire Authority Board of Directors was called to order on September 23, 2010, at 6:37 p.m. by Chairman Neil Blais.

### INVOCATION

The invocation was given by OCFA Chaplain Warren Johnson.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Vice Chair Mark Tettermer.

### ROLL CALL

<b>Present:</b> Joel Bishop, Alternate, Dana Point	Neil Blais, Rancho Santa Margarita
Pat Bates, County of Orange	Gary Capata, Laguna Niguel
Henry Charoen, La Palma	James Dahl, San Clemente
Doug Davert, Tustin	Donald Garcia, Aliso Viejo
Trish Kelley, Mission Viejo	Mark Nielsen, San Juan Capistrano
Brad Reese, Villa Park	Martin Rhodes, Laguna Woods
Nancy Rikel, Yorba Linda	Todd Seymore, Cypress
R. Craig Scott, Laguna Hills	David Shawver, Stanton
Christina Shea, Alternate, Irvine	Fred Smith, Alternate, Buena Park
Ken Stephens, Los Alamitos	Tri Ta, Westminster
Mark Tettermer, Lake Forest	Steven Weinberg, Dana Point
Jeremy Yamaguchi, Placentia	

<b>Absent:</b> Don McCay, Buena Park	Bill Campbell, County of Orange
Sukhee Kang, Irvine	Gordon Shanks, Seal Beach

### Also present were:

Fire Chief Keith Richter	General Counsel Terry Andrus
Deputy Chief Ron Blaul	Assistant Chief Laura Blaul
Assistant Chief Jorge Camargo	Assistant Chief Dave Pierce
Assistant Chief Lori Zeller	Clerk of the Authority Sherry Wentz
Assistant Clerk Lydia Slivkoff	

## **PRESENTATIONS**

### **1. Requests for Commendations and Proclamations**

On motion of Director Seymore and second by Director Davert, the Board voted unanimously to approve request as submitted and make presentations to those present.

A. Lengths of Service Recognitions were provided to the following OCFA employees:

30 Years of Service

Battalion Chiefs Jeff Genoway and Dan Hanson, Captain Joseph Kerr, and Firefighter Steve Markusic

40 Years of Service

Battalion Chief Michael McCoy

B. Chairman Blais presented a token of appreciation to Director Davert for serving as Board Chair during FY 2009/10.

C. Proclamation declaring October 3-9, 2010, as “Fire Prevention Week”

#### **RESOLUTION NO. 2010-13**

**A RESOLUTION OF THE ORANGE FIRE AUTHORITY  
BOARD OF DIRECTORS PROCLAIMING  
OCTOBER 3-9, 2010, AS “FIRE PREVENTION WEEK”**

## **PUBLIC COMMENTS**

Chairman Blais opened the Public Comments portion of the meeting. Chairman Blais closed the Public Comments portion of the meeting without any comments.

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

Budget and Finance Committee Chair Gary Capata reported at the September 8, 2010, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the Change Order Policy Review – Construction Contract Contingencies and Rebudget of FY 2009/10 Uncompleted Projects to the Board of Directors with the recommendation that the Board of Directors approve the items.

## MINUTES

No items.

## CONSENT CALENDAR (2 - 13)

Vice Chair Tetterer pulled Agenda Item No. 5 for questions.

### 2. **Monthly Investment Report**

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

### 3. **Monthly Planning and Development Activity Progress Report for August 2010**

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

### 4. **FY 2009/10 Annual Progress Report on Planning and Development Activity**

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

### 5. **Approval of Hand Crew Firefighter and Crew Supervisors Cost Recovery Rates**

Vice Chair Tetterer pulled this item to ask for General Counsel's opinion on the use of public funds with respect to lowering recovery rates.

General Counsel indicated there would be no conflict as long as there is a benefit to the OCFA.

On motion of Director Dahl and second by Director Seymore, the Board voted to adopt the revised cost recovery rates for the Hand Crew and Crew Supervisors. Director Bates abstained.

### 6. **Change Order Policy Review – Construction Contract Contingencies**

On motion of Director Seymore and second by Vice Chair Tetterer, the Board voted unanimously to approve the submitted changes to the Roles/Responsibilities/Authorities Matrix reducing the normal contingency amount for Board-approved construction contracts from 15% to 10%.

7. **Rebudget of FY 2009/10 Uncompleted Projects**

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

<b>Fund</b>	<b>Increase Revenue</b>	<b>Increase Appropriations</b>	<b>Release Reserves</b>
121	285,511	617,299	331,788
123		1,952,166	1,952,166
124		1,377,063	1,377,063
133		285,291	285,291
171		30,000	30,000

8. **Approval of Appointment to the Executive Committee**

On motion of Director Seymore and second by Vice Chair Tettemer, the Board voted unanimously to ratify the appointment of Director Tri Ta to the Executive Committee.

9. **Adoption of Resolution Amending the Board of Directors Rules of Procedure**

On motion of Director Seymore and second by Vice Chair Tettemer, the Board voted unanimously to adopt Resolution No. 2010-14 amending the Board of Directors Rules of Procedure.

RESOLUTION NO. 2010-14

A RESOLUTION OF THE ORANGE FIRE AUTHORITY  
BOARD OF DIRECTORS AMENDING  
THE BOARD OF DIRECTORS RULES OF PROCEDURE

10. **Adoption of Revised Conflict of Interest Code**

On motion of Director Seymore and second by Vice Chair Tettemer, the Board voted unanimously to adopt Resolution No. 2010-15 adopting a Conflict of Interest Code which supersedes all prior Conflict of Interest Codes and amendments previously adopted, and direct the Clerk of the Authority to submit the resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval.

RESOLUTION NO. 2010-15

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE FIRE  
AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE WHICH  
SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND  
AMENDMENTS PREVIOUSLY ADOPTED

11. **Approval of Amendment to County Island Fire Protection Agreement Between OCFA and the City of Fountain Valley**

On motion of Director Seymore and second by Vice Chair Tettemer, the Board voted unanimously to authorize the Chair to execute the amendment to the agreements with the City of Fountain Valley for the period July 1, 2010, through June 30, 2015.

12. **Approval of Replacement License Agreements with the City of Seal Beach for Fire Stations 44 and 48 (Seal Beach)**

On motion of Director Seymore and second by Vice Chair Tettemer, the Board voted unanimously to authorize the Board Chair to sign the submitted license agreements between the City of Seal Beach and the OCFA for Fire Stations 44 and 48.

13. **Sunset Beach Annexation Update**

Chair Blais indicated staff was deferring this item to a later meeting.

**END OF CONSENT CALENDAR**

**DISCUSSION CALENDAR (14)**

14. **Reserve Firefighter Program – Six-Month Review (January – June 2010)**

Fire Chief Richter provided an overview of the Reserve Firefighter Program – Six-Month Review (January – June 2010).

Deputy Chief Ron Blaul provided an in depth PowerPoint presentation on the Reserve Firefighter Program – Six-Month Review (January – June 2010), and its proposed changes.

Public comments were received from the following in support to the proposed changes to the Reserve Firefighter Program:

Dave Phillips, President, Orange County Chief Officer's Association  
Joe Kerr, President, Orange County Professional Firefighters Association

Public comments were received from the following in opposition to the proposed changes to the Reserve Firefighter Program:

Anthony Gaetano, Reserve Firefighter, Fire Station 19  
Dr. Robert Alton, former Villa Park City Council Member and current resident  
Frank Carano, Reserve Firefighter, Fire Station 25  
James Rhimes, Villa Park resident

Craig Sample, Reserve Firefighter, Fire Station 25  
Dave Carmany, Seal Beach City Manager  
Gary Miller, Seal Beach City Council Member, District Four  
Richard Ulmer, Villa Park City Council Member  
Steve Palmer, former Reserve Firefighter, Fire Station 23  
Todd Litfin, Rutan & Tucker, LLC, Villa Park City Attorney  
Terry Bridges, Reserve Firefighter, Fire Station 18,

Director Weinberg arrived at this point (8:25 p.m.)

The Board ensued in a lengthy discussion, and a few Directors expressed concern with Villa Park City Attorney Todd Litfin's Board member letter, which he provided during his public comments.

On motion by Director Shea and second by Director Capata, the Board voted to recess to Closed Session, as recommended by General Counsel, for discussion on potential litigation. Director Weinberg registered a No vote.

Chairman Blais recessed the meeting to Closed Session at 9:52 p.m.

Chairman Blais reconvened the meeting at 10:07 p.m., with all members present.

General Counsel Terry Andrus announced there were no reportable actions from Closed Session.

On motion by Director Reese and second by Director Bates, the Board voted by roll call to continue the agenda item until December 31, 2010, with a decision to remove the deficient stations after the six month review period. The motion failed. The Board voted as follows:

SUPPORT (8):

Pat Bates, County of Orange  
Henry Charoen, La Palma  
Donald Garcia, Aliso Viejo  
Mark Nielsen, San Juan Capistrano  
Brad Reese, Villa Park  
Nancy Rikel, Yorba Linda  
Mark Tettermer, Lake Forest  
Jeremy Yamaguchi, Placentia

OPPOSE (14):

Neil Blais, Rancho Santa Margarita  
Gary Capata, Laguna Niguel  
James Dahl, San Clemente  
Doug Davert, Tustin  
Trish Kelley, Mission Viejo  
Martin Rhodes, Laguna Woods

Todd Seymore, Cypress  
R. Craig Scott, Laguna Hills  
David Shawver, Stanton  
Christina Shea, Alternate, Irvine  
Fred Smith, Alternate, Buena Park  
Ken Stephens, Los Alamitos  
Tri Ta, Westminster  
Steven Weinberg, Dana Point

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

1. Continue the existing Reserve Program in the following stations:

- Station 7, San Juan Capistrano
- Station 11, Emerald Bay
- Station 14, Silverado Canyon
- Station 16, Modjeska Canyon
- Station 18, Trabuco Canyon
- Station 26, Irvine
- Station 30, Dana Point
- Station 32, Yorba Linda
- Station 41, Fullerton Airport
- Crew 18, Trabuco Canyon

2. Modify the Reserve Program in the following stations eliminating the emergency response role, and offer existing Reserve Firefighters and the community-at-large alternative opportunities for volunteerism in the OCFA:

- Station 2, Los Alamitos
- Station 3, Sunset Beach
- Station 10, Yorba Linda
- Station 13, La Palma
- Station 19, Lake Forest
- Station 21, Tustin
- Station 23, Villa Park
- Station 24, Mission Viejo
- Station 25, Midway City
- Station 40, Coto de Caza
- Station 44, Seal Beach

3. Develop an OCFA Citizen Fire Corps volunteer program to offer participation in a non-emergency response capability to community volunteers. This national program is utilized in many fire departments across the United States. Community volunteers are trained and utilized for incident support, fire prevention, community relations, and general assistance.

4. Evaluate the feasibility of the development and implementation of a Firefighter Cadet or Journeyman Program.
5. Continue evaluation of the Reserve Program on a periodic basis and make program changes as necessary and in consultation with the affected community.
6. Continue to improve and support recruitment, hiring, and training efforts based on new roster sizes and program capacities.
7. Develop reporting mechanisms for semi-annual status reports to the Board of Directors.

SUPPORT (15):

Neil Blais, Rancho Santa Margarita  
Gary Capata, Laguna Niguel  
James Dahl, San Clemente  
Doug Davert, Tustin  
Trish Kelley, Mission Viejo  
Mark Nielsen, San Juan Capistrano  
Martin Rhodes, Laguna Woods  
Todd Seymore, Cypress  
R. Craig Scott, Laguna Hills  
David Shawver, Stanton  
Christina Shea, Alternate, Irvine  
Fred Smith, Alternate, Buena Park  
Ken Stephens, Los Alamitos  
Tri Ta, Westminster  
Steven Weinberg, Dana Point

OPPOSE (6):

Pat Bates, County of Orange  
Donald Garcia, Aliso Viejo  
Brad Reese, Villa Park  
Nancy Rikel, Yorba Linda  
Mark Tettermer, Lake Forest  
Jeremy Yamaguchi, Placentia

ABSTAIN (1)

Henry Charoen, La Palma



## **REPORTS (15)**

### **15. Chief's Report**

Chief Richter thanked Board members for their support during the loss of Firefighter/Paramedic Jimmy M. Owen, and thanked staff and the Orange County Professional Firefighters Association for going above and beyond to honor Jimmy. He also indicated OCFA would be hosting Fire Prevention Open House at several fire stations throughout OCFA on Saturday, October 2, 2010, and there would be an Open House at the Regional Fire and Training Center (RFOTC) in Irvine on Saturday, October 9, 2010.

### **BOARD MEMBER COMMENTS**

Chairman Blais indicated he attended the funeral for Jimmy Owen and was inspired by how the OCFA came together to honor him. He also indicated Chief Richter presented Jimmy's 30-year badge to his family.

### **CLOSED SESSION**

General Counsel Terry Andrus reported the Board would be convening in Closed Session to consider the matter on the Agenda identified as CS.

### **CS. CONFERENCE WITH LABOR NEGOTIATOR**

Negotiators: Keith Richter, Fire Chief; Ron Blaul, Deputy Fire Chief, Laura Blaul, Assistant Chief/Fire Marshal/Fire Prevention Department; Jorge Camargo, Assistant Chief/Operations Department; Dave Pierce, Assistant Chief/Support Services Department; Lori Zeller, Assistant Chief/Business Services Department; and Zenovy Jakymiw, Director of Human Resources

Employee

Organizations: Orange County Professional Firefighters' Association, Local 3631, Orange County Fire Authority Chief Officers' Association, and Orange County Employees' Association, and all unrepresented employees.

Authority: Government Code Section 54957.6

Chairman Blais recessed the meeting to Closed Session at 10:18 p.m.

Chairman Blais reconvened the meeting at 10:25 p.m.

## **CLOSED SESSION REPORT**

General Counsel Terry Andrus announced there were no reportable actions from Closed Session.

## **ADJOURNMENT**

Chairman Blais adjourned the meeting at 10:26 p.m. memory of Firefighter/Paramedic James “Jimmy” Michael Owen who passed away on Wednesday, September 16, 2010.

The next meeting of the Orange County Fire Authority Board of Directors is scheduled for October 7, 2010, at 6:30 p.m.

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