

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, July 25, 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 July 25, 2013, at 6:35 p.m. by Vice Chair Steven Weinberg.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Joseph Aguirre, Placentia
Bob Baker, San Clemente
Pat Bates, County of Orange
Carol Gamble, Rancho Santa Margarita
Gerri Graham-Mejia, Alternate, Los Alamitos
Robert Johnson, Cypress
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
Elizabeth Swift, Buena Park
Tri Ta, Westminster
Steven Weinberg, Dana Point

Sam Allevato, San Juan Capistrano
Rick Barnett, Villa Park
Randal Bressette, Laguna Hills
Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
David Shawver, Stanton
Janet Nguyen, Alternate, County of Orange
Phillip Tsunoda, Aliso Viejo

Absent: Eugene Hernandez, Yorba Linda
Warren Kusumoto, Los Alamitos
Todd Spitzer, County of Orange

Trish Kelley, Mission Viejo
David Sloan, Seal Beach
Sal Tinajero, Santa Ana

Also present were:

Fire Chief Keith Richter
Deputy Chief Craig Kinoshita
Assistant Chief Brian Stephens
Assistant Chief Lori Zeller
Assistant Clerk Lydia Slivkoff

General Counsel Dave Kendig
Assistant Chief Laura Blaul
Assistant Chief Dave Thomas
Clerk of the Authority Sherry Wentz

PRESENTATIONS

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

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

- A. Vice Chair Weinberg and Fire Chief Richter presented a Certificate of Heroism Chief's Award to City of Tustin resident Roger Costa for his heroic actions on November 2, 2012, when he attempted to save a burn victim from her balcony, and was also severely injured.
- B. Vice Chair Weinberg and Fire Chief Richter presented a V.H. Blackinton & Co. Inc., 2012 Heroism & Community Service Medal of Award to Firefighter/Paramedic Robert Davidson for his heroic actions on Interstate 15 on January 17, 2012, when he assisted an accident victim whose vehicle was on fire and was trapped in the car. Firefighter Davidson used protective measures to keep the victim and himself from being burned.
- C. Vice Chair Weinberg and Fire Chief Richter 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).

PUBLIC COMMENTS (X: 11.11)

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

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

Doug Davert, Chairman of the Orange County Fire Authority Foundation (OCFAF), thanked the Board of Directors and community partners for their support in raising \$33,000 for the Fire Explorer Academy. He indicated 45 Explorers completed the program, and Foundation scholarships were provided to 15 youths who would not have been able to participate without the donations. (F: 13.03F4)

Stephen Wontrobski, Mission Viejo resident, commented on his concern regarding OCFA bankruptcy and long-term unfunded liability. He provided a letter, which is on file in the Office of the Clerk. (F: 12.03E3)

Kenny Gabrielson, Vice-President, Orange County Professional Firefighters Association (OCPFA), Local 3631, provided public comments in support of a Worker's Compensation Alternative Dispute Resolution (ADR) program. (F: 17.04B)

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Vice 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 CS1, Conference with Labor Negotiator.

Vice Chair Weinberg recessed the meeting to Closed Session at 7:00 p.m.

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

Authority: Government Code Section 54957.6

Vice Chair Weinberg reconvened the meeting at 7:42 p.m.

CLOSED SESSION REPORT (F: 11.15)

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

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

Budget and Finance Committee Chair Al Murray reported at the July 10, 2013, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the Monthly Investment Report and the Internal Control Review on Billing and Revenue Recognition of Fire Prevention Fees to the Board of Directors with the recommendation that the Board approve the items. He also reported the Committee received a monthly status update on the Orange County Employees' Retirement System.

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2. Minutes from May 23, 2013, Regular Board of Directors Meeting (A) and June 27, 2013, Special Board of Directors Meeting (B) (F: 11.06)

On motion of Director McCullough and second by Director Ta, the Board voted to approve the Minutes from the May 23, 2013, Regular Board of Directors and June 27, 2013, Special Board of Directors meetings. Directors Bates, Bressette, Gamble, Graham-Mejia, and Lalloway noted abstentions for the May 23, 2013, Regular Board of Directors meeting. Directors Bates and Lalloway noted abstentions for the June 27, 2013, Special Board of Directors meeting.

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CONSENT CALENDAR

Vice Chair Weinberg pulled Consent Calendar Agenda Items No. 3-7 for Board Member and/or public comments.

3. **Monthly Investment Report** (F: 11.10D2)

Director Baker pulled this item for questions on the use of an outsourced portfolio manager.

Treasurer Tricia Jakubiak indicated the OCFA Investment Policy allows us to use an Investment Advisor, and to date, OCFA has not used an advisor due to low interest rates and the coverage of their costs, and OCFA's restrictive investment policy.

Stephen Wontrobski, Mission Viejo resident, provided public comments on his opposition to the use of UBS Financial Services as a broker/dealer. He provided a letter, which is on file in the Office of the Clerk.

On motion of Director Baker and second by Director Ta, the Board voted unanimously to receive and file the report.

4. **Internal Control Review on Billing and Revenue Recognition of Fire Prevention Fees** (F: 15.02A1)

Director Goedhart pulled this item for questions on software, training, and supervision of the billing and revenue recognition of Fire Prevention Fees.

Stephen Wontrobski, Mission Viejo resident, commented on the internal control review on billing and revenue recognition of Fire Prevention Fees.

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

1. Direct staff to implement the recommendations as stated in the attached report.
2. Authorize staff to amend the Master Position Control to add a limited term Finance Manager to assist with the implementation of the recommended actions and to assist in strengthening the overall internal control environment surrounding fee-funded programs.
3. Direct staff to increase General Fund (121) appropriations in the FY 2013/14 Adopted Budget by \$100,000 to cover the cost of a temporary and part-time Finance Manager.

Directors Bates, Barnett, and Gamble registered in opposition to this item.

5. Information Management Technologies Sole Source Purchase Order (F: 19.08A7)

Director Goedhart pulled this item for questions on a method for limiting overtime. Chief Richter indicated IT staff is making changes to the system, which will allow a maximum of 180 hours overtime per month.

On motion of Director Bressette and second by Director Allevato, the Board voted unanimously to authorize the Purchasing Manager to issue a sole source Purchase Order to Information Management Technologies for an amount not-to-exceed \$16,700 for a single-scope programming project relating to implementation of an overtime cap for suppression personnel.

6. Contract for Aircraft Rescue Fire Fighting Services at John Wayne Airport (F: 10.08 JWA)

Director Shawver pulled this item for questions on competitive pricing.

Assistant Chief Zeller provided clarification on the contract that allows us to keep the existing service levels, and includes a 3% cap on annual contract increases.

On motion of Director Shawver and second by Director Ta, the Board voted to approve and authorize the Fire Chief to execute the proposed contract for Aircraft Rescue Fire Fighting Services at John Wayne Airport. Directors Bates and Nguyen abstained.

7. Status Update – Refunds for Unverified Hazardous Materials Disclosure Inspections (F: 18.11A1)

Stephen Wontrobski, Mission Viejo resident, commented on the Hazardous Materials Inspection Fee audit. He provided a letter, which is on file in the Office of the Clerk.

On motion of Director Ta and second by Director McCullough, the Board voted unanimously to receive and file report.

8. FY 12/13 Annual Progress Report on Planning and Development Activity (F: 18.03A)

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

9. Authorization to Negotiate and Execute Lease Amendments and/or New Leases for Current and Future Tenants of the Newly Acquired Hangars at Fire Station 41 (Fullerton Airport), Air Operations Maintenance Facility (F: 19.07C41a)

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

1. Approve and authorize the Fire Chief to negotiate and execute lease amendments for Hangars 1, 3, and 4 respectively, in substantial compliance with the proposed amendments.
2. Approve and authorize the Fire Chief to negotiate, approve and execute any future leases and/or lease amendments for FS 41 Hangers.
3. Amend the Orange County Fire Authority Roles/Responsibilities/Authorities Matrix to authorize the Fire Chief to negotiate, approve and execute leases and/or amendments for FS 41 Hangers.

10. Annual Update: Santiago and Freeway Complex Fire After Action Reports (F: 18.08A3) (F: 18.08A5)

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

DISCUSSION CALENDAR

Directors Nguyen and Tsunoda left at this point (8:43 p.m.)

11. Annual Workers' Compensation Update and Actuarial Report for CY 2012 (F: 18.10A2a)

Deputy Chief Craig Kinoshita introduced OCFA Risk Manager Jonathan Wilby and Risk Management Analyst Rhonda Haynes who provided a PowerPoint presentation on the Annual Workers' Compensation Update and Actuarial Report for CY 2012.

On motion of Director Murray and second by Director McCullough, the Board voted unanimously to receive and file report. Directors Nguyen and Tsunoda were absent.

PUBLIC HEARING(S)

No items.

REPORTS

Director Bates left at this point (9:10 p.m.)

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12. Orange County Employees' Retirement System Status Report (F: 17.06)

Assistant Chief Lori Zeller provided an update on the Orange County Employees' Retirement System (OCERS).

Stephen Wontrobski, Mission Viejo resident, commented on information in the OCERS report. He provided a letter, which is on file in the Office of the Clerk.

13. Chief's Report (F: 11.14)

Chief Richter reported the OCFA is the recipient of the 2013 Departmental Fire Safety Award from the International Association of Firefighters, because of its various safety programs provided for firefighters and the community. He indicated Kidde, Inc., a smoke alarm manufacturer, and ABC 7 teamed up to donate 5,000 smoke alarms to OCFA. Chief Richter indicated OCFA firefighters would be installing alarms in homes that don't have them. Chief Richter also noted there was a Fire Command multi-purpose vehicle in the RFOTC parking area for Board members to look at. He indicated two fifth wheel vehicles were acquired through Federal grant funds, and the vehicles were typically used as mobile communication command vehicles, but could also be converted to other types of command use.

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

Vice Chair Weinberg opened the nominations for Chair and Vice Chair of the OCFA Board of Directors.

Director Allevato nominated Steven Weinberg for Chair and Al Murray for Vice Chair, with second by Director Bressette. Director Lalloway nominated Al Murray for Chair and Steven Weinberg for Vice Chair, with second by Director Gerri-Mejia. There were no additional nominations.

By consensus of the Board, the Board opted to take separate votes for Chair and Vice Chair, starting with the vote for Steven Weinberg as Chair of the OCFA Board of Directors.

The Board, by roll call vote, voted to elect Steven Weinberg as Chair of the OCFA Board of Directors for the ensuing term.

SUPPORT (12)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Gerri Graham-Mejia, Alternate, Los Alamitos
Robert Johnson, Cypress
Kathryn McCullough, Lake Forest
Tri Ta, Westminster

Sam Allevato, San Juan Capistrano
Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods
Jerry McCloskey, Laguna Niguel
David Shawver, Stanton
Steven Weinberg, Dana Point

OPPOSED (6)

Rick Barnett, Villa Park
Carol Gamble, Rancho Santa Margarita
Al Murray, Tustin

Randal Bressette, Laguna Hills
Jeffrey Lalloway, Irvine
Elizabeth Swift, Buena Park

ABSTAINED (0)

None

ABSENT (7)

Pat Bates, County of Orange
Janet Nguyen, Alternate, County of Orange
Phillip Tsunoda, Aliso Viejo
Trish Kelley, Mission Viejo

Sal Tinajero, Santa Ana
David Sloan, Seal Beach
Eugene Hernandez, Yorba Linda

The Board of Directors voted, by unanimous acclaim, to elect Al Murray as Vice Chair for the ensuing term.

BOARD MEMBER COMMENTS (F: 11.13)

Director Lalloway thanked Assistant Chief Zeller and OCFA staff for meeting with the City of Irvine in their efforts to resolve equity issues. He indicated the Equity Working Group continues to meet, and will soon bring possible solutions to the OCFA Board of Directors.

Director Barnett requested staff agendaize an item for the level of compensation necessary to hire firefighters, along with retaining a consultant to do a survey.

Director Swift thanked Assistant Chief Blaul for attending the City of Buena Park Council Meeting and providing a report on the 4th of July, and a fire in the city.

Vice Chair Murray thanked Division Chief Concepcion for attending the City of Tustin Council Meeting and providing a report on refund of Hazardous Materials inspection fees.

Director Bressette commended Battalion Chief Mike Contreras for his actions during a landslide in the City of Laguna Hills. He indicated Chief Contreras was a calming presence, and immediately evacuated 20 homes and handled public relations until Division Chief Concepcion arrived. He also thanked Chief Concepcion for working with the media and using helicopters to assist with the incident. Director Bressette also thanked Senior Fire Prevention Specialist Dave Montgomery for immediately stopping the 4th of July program in the City of Laguna Hills when he discovered a safety issue.

Director McCullough thanked OCFA staff for providing a presentation to the Senior Citizen Advisory Council Housing Transportation, specifically on the dangers of mobile home fires. She asked OCFA to target some of the free smoke alarms provided by Kidde, Inc. to the mobile homes without alarms in the City of Lake Forest. Director McCullough also asked we remember the 19 City of Prescott Hotshot Firefighters who lost their lives on June 30, 2013.

Chair Weinberg thanked the Board members for electing him Chair.

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Director Barnett thanked Assistant Chief Blaul for providing information to the City of Villa Park regarding the 4th of July event.

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 9:40 p.m.

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)

CS3. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: People of the State of California v. Nicolas Alejandro Cendoya
Case No.: Superior Court Case No. 13CF1410
Authority: Government Code Section 54956.9(d)(1) and (d)(4)

CS4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9(c) (1 case)

Chair Weinberg reconvened the meeting at 10:09 p.m.

CLOSED SESSION REPORT

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

ADJOURNMENT - Chair Weinberg adjourned the meeting at 10:10 p.m. in memory of the 19 Granite Mountain Hotshots from the Prescott Fire Department who lost their lives on June 30, 2013, while battling the Yarnell Hill Wildfire. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for September 26, 2013, at 6:30 p.m. (F: 11.17)


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