



**NOTICE AND CALL OF A SPECIAL MEETING  
OF THE  
ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS**

A Special Meeting of the  
Orange County Fire Authority Board of Directors  
has been scheduled for December 11, 2013  
at 1:00 p.m.

The meeting will be held at:  
Orange County Fire Authority  
Regional Fire Operations & Training Center  
Board Room  
1 Fire Authority Road  
Irvine, CA

The business to be transacted at the meeting will be  
posted not less than 72 hours prior to the meeting.

Opportunity will be provided for members of the public to address the  
Orange County Fire Authority Board of Directors  
regarding any item of business on the Agenda.

Steven Weinberg, Board Chair



# ORANGE COUNTY FIRE AUTHORITY

## REVISED AGENDA

**BOARD OF DIRECTORS SPECIAL MEETING**  
**Wednesday, December 11, 2013**  
**1:00 P.M.**

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

*Unless legally privileged, all supporting documentation and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda, which relate to any item on this agenda will be made available for public review in the office of the Clerk of the Authority located on the 2<sup>nd</sup> floor of the OCFA Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602, during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Thursday, and every other Friday, (714) 573-6040. In addition, unless legally privileged, all supporting documentation and any such writings or documents will be available online at <http://www.ocfa.org>.*

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, supporting documents, including staff reports, are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Friday from 8 A.M. to 5 P.M.

If you wish to speak before the Fire Authority Board, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to being heard before the Board. Speaker Forms are available at the counters of both entryways of the Board Room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040.

### **CALL TO ORDER**

**INVOCATION** by OCFA Chaplain Bob George

**PLEDGE OF ALLEGIANCE** by Director Allevato

**ROLL CALL**

## PRESENTATIONS

No items.

## PUBLIC COMMENTS

Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Board on items within the Board's subject matter jurisdiction but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Board as a whole, and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience

The Agenda and Minutes are now available through the Internet at [www.ocfa.org](http://www.ocfa.org). You can access upcoming agendas on the Monday before the meeting. The minutes are the official record of the meeting and are scheduled for approval at the next regular Board of Directors meeting.

## CLOSED SESSION

### **CS1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Position: Fire Chief

Authority: Government Code Section 54954.5

### **CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Name of Case: Orange County Fire Authority V. California Department of Industrial Relations, e.t. al.

Case No.: OC Superior Court Case No. 30-2013-00628178

Authority: Government Code Section 54956.9(a)

## CLOSED SESSION REPORT

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

No report, due to the meeting being dark in December.

## MINUTES

### **1. Request to Review Minutes of the Regular Board of Directors Meeting held on September 26, 2013, and Special Board of Directors Meeting held on October 7, 2013**

Submitted by: Sherry Wentz, Clerk of the Authority

#### Recommended Action:

Approve the Minutes of the regular Board of Directors meeting held on September 26, 2013, as originally submitted, and the Minutes of the special Board of Directors meeting held on October 7, 2013, as amended.

**CONSENT CALENDAR**

No items.

**DISCUSSION CALENDAR****2. Appointment of Professional Labor Negotiator**

Submitted by: Keith Richter, Fire Chief

Recommended Actions:

1. Find that, due to the significant time constraints, it would be impractical to follow the bidding requirements in the OCFA Purchasing Rules and Regulations prior to approval of the selection, and find that the welfare of the public would be promoted by dispensing with the bidding requirements for this appointment.
2. Approve the Professional Services Agreement with, and appoint, Peter Brown (Liebert Cassidy Whitmore) to serve as OCFA's professional labor negotiator, for a cost of \$100,000, covering the period of January through June 2014.
3. Authorize a contingency amount of \$50,000, to be used only if needed, in the event negotiations require more hours of service than initially anticipated.

**3. FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis**

Submitted by: Lori Zeller, Assistant Chief/Business Services Department

Recommended Action:

Receive and file the report.

**4. Proposed Human Resources Committee**

Submitted by: Keith Richter, Fire Chief

Recommended Actions:

1. Authorize the establishment of a Human Resources (HR) Committee as an additional standing committee to serve in an advisory capacity to staff and the Board of Directors.
2. Approve the submitted HR Committee Protocols.
3. Approve the proposed Resolution to amend the Board Rules of Procedure to reflect the additional standing committee.

**PUBLIC HEARING(S)**

No items

**REPORTS****5. Chief's Report****BOARD MEMBER COMMENTS**

**ADJOURNMENT** - The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for January 23, 2014, at 6:30 p.m.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby and front gate public display case of the Orange County Fire Authority, Regional Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 5<sup>th</sup> day of December 2013.

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

**UPCOMING MEETINGS:**

Budget and Finance Committee Meeting	Wednesday, January 8, 2014, 12 noon
Claims Settlement Committee Meeting	Thursday, January 23, 2014, 5:30 p.m.
Executive Committee Meeting	Thursday, January 23, 2014, 6:00 p.m.
Board of Directors Meeting	Thursday, January 23, 2014, 6:30 p.m.

**MINUTES - AGENDA ITEM NO. 1**  
**BOARD OF DIRECTORS MEETING**  
**December 11, 2013**

TO: Executive Committee, Orange County Fire Authority

FROM: Sherry Wentz  
Clerk of the Authority

SUBJECT: **Request to Review Minutes of the Regular Board of Directors Meeting held on September 26, 2013, and Special Board of Directors Meeting held on October 7, 2013**

Summary:

This item is submitted for approval of the referenced Minutes.

Recommended Action:

Approve the Minutes of the regular Board of Directors meeting held on September 26, 2013, as originally submitted, and the Minutes of the special Board of Directors meeting held on October 7, 2013, as amended.

Background:

At the November 21, 2013, Board of Directors meeting, Mission Viejo resident Stephen Wontrobski requested that the Minutes of September 26, 2013, be amended to reflect his opposition to the LSL audit under the Public Comments. A concern was also raised by Directors Barnett and Spitzer that the vote on Agenda Item No. 2 on the October 7, 2013, meeting Minutes was also not accurate. They believed they had indicated their support of the item and that they had not abstained. The Board directed the Clerk to review the tapes from these meetings and make any necessary modifications.

Upon review of the meeting of September 26, 2013, it is noted that at this meeting Mr. Wontrobski did not oppose the upcoming audit, but clearly “supported the upcoming purchasing/procurement audit” as reflected in the proposed Minutes. The following is a verbatim excerpt from Mr. Wontrobski’s Public Comments at the September 26, 2013, meeting: “Next thing is, I would also like to give you Mr. Chairman and I know this sounds uh, I usually don’t how would you say thanks or anything like that, we normally don’t agree on a lot of things, but I’d like to give you a personal thanks to you for supporting me in the need to have the LSL, the outside CPA of OCFA do that procurement department audit, and when this had come up a couple of months ago, we were looking at “Mickey Mouse” audits in my book, okay? But you in the Budget and Finance Committee said we need to have something with teeth in it, meaningful, and you were the one that said let’s do that procurement department audit, and I thank you very much for spearheading that, alright. The only thing I now know is that I have been to the Budget and Finance Committee meetings and nobody even mentions where that audit is. You know that status report. It like died.”

Stephen Wontrobski has been notified regarding our findings, and a copy of our correspondence to Mr. Wontrobski has been attached for your reference.

Upon review of the Minutes for the special meeting of the Board of Directors on October 7, 2013, I have submitted revised Minutes to reflect Directors Barnett's and Spitzer's support of Agenda Item No. 2.

Impact to Cities/County:

Not Applicable.

Fiscal Impact:

Not Applicable.

Staff Contact for Further Information:

Sherry Wentz, Clerk of the Authority  
[sherrywentz@ocfa.org](mailto:sherrywentz@ocfa.org)  
(714) 573-6041

Attachments:

1. Correspondence from OCFA to Stephen Wontrobski regarding 09/26/13 Minutes
2. Minutes of the regular meeting of the Board of Directors held on September 26, 2013
3. Amended Minutes of the special meeting of the Board of Directors held on October 7, 2013



# ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602

Keith Richter, Fire Chief

(714) 573-6000

www.ocfa.org

November 26, 2013

Stephen M. Wontrobski  
27132 Sombras  
Mission Viejo, CA 92692

**Subject: Request to Amend OCFA Board of Directors Minutes from September 26, 2013**

Dear Mr. Wontrobski:

I have reviewed the tape from the OCFA Board of Directors meeting on September 26, 2013, and have determined that the statement that you provided to the Board was in support of the upcoming purchasing/procurement audit. The following is a verbatim excerpt of your statement registered under Public Comments for that evening relating to the purchasing/procurement audit:

*"Next thing is, I would also like to give you Mr. Chairman and I know this sounds uh, I usually don't how would you say thanks or anything like that, we normally don't agree on a lot of things, but I'd like to give you a personal thanks to you for supporting me in the need to have the LSL, the outside CPA of OCFA do that procurement department audit, and when this had come up a couple of months ago, we were looking at "Mickey Mouse" audits in my book, okay? But you in the Budget and Finance Committee said we need to have something with teeth in it, meaningful. and you were the one that said let's do that procurement department audit, and I thank you very much for spearheading that, alright. The only thing I now know is that I have been to the Budget and Finance Committee meetings and nobody even mentions where that audit is. You know that status report. It like died."*

Please feel free to review the meeting tape on our OCFA website. Below is the link to review the WMV video file from that meeting. If you scan to 19:00 this expedite your search and locate the video at the beginning of your Public Comments.

<http://www.ocfa.org/Menu/AboutOCFA/BoardOfDirectors/BoDAgendas.aspx>

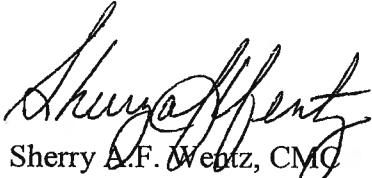


Stephen Wontrobski  
November 26, 2013  
Page 2

Upon the review of the video and verbatim comments, it is very clear, that at this meeting you were in fact in "support of the upcoming purchasing/procurement audit" as indicated in the Minutes. We do understand and acknowledge that at a subsequent meeting of the Executive Committee on October 24, 2013, that you had taken a position in opposition to the audit conducted by the auditing firm of Lance, Soll & Lunghard (LSL) on purchasing/procurement, which will be noted in the applicable Minutes.

The Minutes from the regular meeting of the Board of Directors held on September 26, 2013, will be resubmitted to the Board of Directors with the recommendation that the Minutes be approved as submitted.

Sincerely,



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

cc: OCFA Board of Directors  
David Kendig, OCFA General Counsel  
OCFA Executive Management  
Kirk Wells, OCFA Division Chief

# 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**

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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 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**

<b>Present:</b> 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.

Minutes

OCFA Board of Directors Regular Meeting

September 26, 2013 Page - 2

**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.

**MINUTES**

**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:

<b>Fund</b>	<b>Increase Revenue</b>	<b>Increase Appropriations</b>	<b>Release Fund Balance</b>
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.



**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

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.

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**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.

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

# MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Special Meeting  
Thursday, October 7, 2013  
6:00 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 October 7, 2013, at 6:02 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**

<b>Present:</b> Joseph Aguirre, Placentia	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
Eugene Hernandez, Yorba Linda	Robert Johnson, Cypress
Trish Kelley, Mission Viejo	Jeffrey Lalloway, Irvine
Jerry McCloskey, Laguna Niguel	Kathryn McCullough, Lake Forest
Al Murray, Tustin	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

<b>Absent:</b> Sam Allevato, San Juan Capistrano	Warren Kusumoto, Los Alamitos
Sal Tinajero, Santa Ana	

## **Also present were:**

Fire Chief Keith Richter	General Counsel Dave Kendig
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

## **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 Legal Counsel-Anticipated Litigation.

Director Tsunoda arrived at this point (6:06 p.m.)

Chair Weinberg recessed the meeting to Closed Session at 6:06 p.m.

### **CS1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Section 54956.9(d2)

Case No.: Two Cases

Directors Bates and Ta arrived at this point (6:14 p.m.)

Chair Weinberg reconvened the meeting at 7:20 p.m. with all Directors present.

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

General Counsel David Kendig reported the Board voted unanimously to make public a memorandum dated October 2, 2013, regarding OCFA Ambulance Service RFP competitive process requirements.

## **DISCUSSION CALENDAR**

### **1. Discussion of County Board of Supervisors Consideration of Authority to Award Ambulance Contracts in Unincorporated Areas, and OCFA Ambulance Process for Request for Proposals (F: 18.05B)**

Fire Chief Keith Richter provided an overview of the County Board of Supervisors upcoming agenda item regarding the authority to award ambulance contracts in unincorporated areas, and the OCFA ambulance process for request for proposals.

General Counsel provided a report on Attachment 5, a legal opinion from General Counsel, which included a history of the ambulance service RFP process for OCFA jurisdictions and his analysis on the outcome should the Board of Supervisors rescind Resolution 04-120 in its entirety.

Assistant Chief Lori Zeller provided a report on staff's inability to conduct a full analysis of the impact to affected cities, due to the short notice of the County's agenda item. She indicated the staff report included an OCFA Board of Director's recommendation that the County Board of Supervisors defer the ambulance item until a thorough analysis is complete. She noted the Fire Chief and staff would be attending the meeting.

A lengthy discussion ensued.

Stephen Wontrobski, Mission Viejo resident, provided public comments on his denied access to ambulance provider meetings, and his opposition to OCFA conducting the ambulance RFP process.

Finance Manager Jim Ruane provided a PowerPoint presentation on the OCFA request for proposal process for ambulance service contracts.

Director Bates left at this point (8:36 p.m.)

Additional discussion ensued.

On motion of Director Gamble and second by Vice Chair Murray, the Board, by a roll call vote, directed the Fire Chief to appear before the Orange County Board of Supervisors to apologize for the OCFA staff email regarding the ambulance provider meetings, to request the Board of Supervisors delay the rescinding of Resolution 04-120, and reply to the Orange County Health Care Agency OCFA's intent to comply with its terms set forth regarding the upcoming ambulance request for proposals process.

**SUPPORT (20)**

Joseph Aguirre, Placentia	Bob Baker, San Clemente
Rick Barnett, Villa Park	Randal Bressette, Laguna Hills
Carol Gamble, Rancho Santa Margarita	Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods	Eugene Hernandez, Yorba Linda
Robert Johnson, Cypress	Trish Kelley, Mission Viejo
Jeffrey Lalloway, Irvine	Jerry McCloskey, Laguna Niguel
Kathryn McCullough, Lake Forest	Al Murray, Tustin
David Shawver, Stanton	David Sloan, Seal Beach
Elizabeth Swift, Buena Park	Tri Ta, Westminster
Phillip Tsunoda, Aliso Viejo	Steven Weinberg, Dana Point

**OPPOSED (0)**

None

**ABSTAINED (1)**

Todd Spitzer, County of Orange

**ABSENT (4)**

Sam Allevato, San Juan Capistrano	Pat Bates, County of Orange
Warren Kusumoto, Los Alamitos	Sal Tinajero, Santa Ana

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**2. Consider Circulation of Board Member Contact Information by the Clerk of the Authority (F: 11.17)**

Director Spitzer provided an overview on the benefits of having access to colleague's personal contact information.

On motion of Director Lalloway and second by Director Goedhart, the Board, by roll call vote, directed the Clerk of the Authority create a confidential Board directory containing personal contact information as provided by the Directors.

**SUPPORT (21)**

Joseph Aguirre, Placentia	Bob Baker, San Clemente
Randal Bressette, Laguna Hills	Carol Gamble, Rancho Santa Margarita
Gerard Goedhart, La Palma	Noel Hatch, Laguna Woods
Eugene Hernandez, Yorba Linda	Robert Johnson, Cypress
Trish Kelley, Mission Viejo	Jeffrey Lalloway, Irvine
Jerry McCloskey, Laguna Niguel	Kathryn McCullough, Lake Forest
Al Murray, Tustin	David Shawver, Stanton
David Sloan, Seal Beach	Elizabeth Swift, Buena Park
Tri Ta, Westminster	Phillip Tsunoda, Aliso Viejo
Rick Barnett, Villa Park	Todd Spitzer, County of Orange
Steven Weinberg, Dana Point	

**OPPOSED (0)**

None

**ABSTAINED (0)**

None

**ABSENT (4)**

Sam Allevato, San Juan Capistrano	Pat Bates, County of Orange
Warren Kusumoto, Los Alamitos	Sal Tinajero, Santa Ana

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

No comments were received.

**ADJOURNMENT** – Chair Weinberg adjourned the meeting at 9:07 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for November 21, 2013, at 9:07 p.m.

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

**DISCUSSION CALENDAR – AGENDA ITEM NO. 2**  
**BOARD OF DIRECTORS MEETING**  
**December 11, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Keith Richter, Fire Chief

SUBJECT: **Appointment of Professional Labor Negotiator**

Summary:

This agenda item is submitted to propose the appointment of a professional labor negotiator.

Recommended Actions:

1. Find that, due to the significant time constraints, it would be impractical to follow the bidding requirements in the OCFA Purchasing Rules and Regulations prior to approval of the selection, and find that the welfare of the public would be promoted by dispensing with the bidding requirements for this appointment.
2. Approve the Professional Services Agreement with, and appoint, Peter Brown (Liebert Cassidy Whitmore) to serve as OCFA's professional labor negotiator, for a cost of \$100,000, covering the period of January through June 2014.
3. Authorize a contingency amount of \$50,000, to be used only if needed, in the event negotiations require more hours of service than initially anticipated.

Background:

The OCFA has three Memorandums of Understanding (MOUs) in place with its labor groups, which are due to expire as follows:

- Orange County Professional Firefighters Association (OCPFA) – June 30, 2014
- Orange County Employees Association (OCEA) – December 18, 2014
- Orange County Chief Officers Association (COA) – December 11, 2015

With the first of the three MOUs expiring at the end of this fiscal year, staff has begun planning for negotiations. At the direction of the Board Chair, the planning efforts were recently modified to include appointment of an outside professional labor negotiator. With the exception of the first MOUs adopted following the formation of the OCFA in 1995, the OCFA has historically used internal staff to conduct labor negotiations. However, considering the complexity of the current economic environment, the Board Chair found it appropriate to augment staff through the expertise of an independent-professional negotiator for this round of labor negotiations.

As directed by the Board Chair, an Ad Hoc Committee was convened to perform interviews of proposed labor negotiators. The Ad Hoc Committee included the following Board Members:

Steven Weinberg, Dana Point, Chair  
Al Murray, Tustin, Vice Chair  
Trish Kelley, Mission Viejo  
Eugene Hernandez, Yorba Linda

Jeff Lalloway, Irvine  
Dave Shawver, Stanton  
Todd Spitzer, County of Orange

The Ad Hoc Committee met on December 3-4, 2013, to conduct interviews with five potential labor negotiators. A brief profile derived from their written submittals is provided below for each candidate.

***Bruce Barsook – Liebert Cassidy Whitmore (LCW)***

LCW has represented a variety of public entities and non-profit organizations in all aspects of employment law and labor relations since 1980. Bruce Barsook, who has been with LCW since 1981, has concentrated in education and public sector employment and labor law for more than 30 years. As a result, he has extensive expertise in every facet of employment law issues including traditional and collaborative bargaining, arbitrations, fact findings, litigation and every facet of employment law administrative proceedings.

***Peter Brown – Liebert Cassidy Whitmore***

Peter Brown has been involved in all areas of LCW's practice since 1989, representing public agencies in litigation, collective bargaining negotiations and many different types of administrative hearings. Mr. Brown has developed an expertise in most of the laws which impact public agencies such as the Fair Labor Standards Act, the Family Medical Leave Acts, and the state labor relations laws. Mr. Brown has extensive experience in labor negotiations with police and fire associations.

***Irma Rodriguez Moisa – Atkinson, Andelson, Loya, Ruud & Romo (AALRR)***

AALRR has represented and advised public agency clients in labor and employment matters by providing general counsel advice, representation in litigation and arbitrations, and collective bargaining. Irma Rodriguez Moisa serves as the Chair of the firm's Public Entity Labor and Employment Practice Group and Workplace Investigations Team. Ms. Rodriguez Moisa began negotiations on behalf of public agencies in 1999. Since that time, she has served as lead negotiator for numerous agencies.

***Steve Filarsky – Filarsky & Wyatt LLP***

Filarsky & Wyatt has specialized in representing public sector employers statewide in matters pertaining to employer-employee relations since 1986. Steve Filarsky, the managing partner of the firm, has served as a chief management-spokesperson in collective bargaining negotiations with law enforcement, fire protection, transit, teacher, and miscellaneous public employee bargaining units. Mr. Filarsky has also represented many public employers in administrative hearings before councils, commissions and boards, as well as representing public employers in all levels of court proceedings.

***Arthur Hartinger – Meyers Nave***

Meyers Nave provides a full scope of legal services to cities, counties, successor agencies, special districts, school districts, and private clients from offices throughout California. Arthur Hartinger is the Chair of the firm's Labor and Employment Practice Group. He represents public and private clients in complex state and federal litigation pertaining to labor and employment issues. Mr. Hartinger is also experienced in labor relations and negotiations.

***Interview Process***

Separate interviews were conducted with the above candidates, lasting approximately one hour each. One exception to the interview process included a phone-interview with Mr. Hartinger, who was requested to participate as a candidate with little advance notice, and therefore, he did not have adequate time to travel to OCFA from his office in Oakland.

The Committee members were provided with detailed profiles, client lists, and firm overviews for each candidate. The Committee then utilized ten pre-scripted questions, which were augmented with various follow-up questions, to gain insight into each candidate's background, experience, unique labor negotiation issues, techniques, and styles.

Upon completion of the interviews, each Committee member ranked his/her first and second candidate (Attachment 1). The majority of Committee members ranked Peter Brown as their top candidate, and those members who did not rank Mr. Brown as their top candidate were very supportive of his qualifications. Following a thorough discussion, the Committee unanimously recommended that the Board of Directors select and appoint Peter Brown, LCW, as OCFA's labor negotiator.

***Professional Services Agreement – Peter Brown, Liebert Cassidy Whitmore***

The proposed Professional Services Agreement (Attachment 2) reflects an estimated cost of \$100,000 for six months of services from January through June 2014, to cover negotiations with the Orange County Professional Firefighters Association. This includes services provided by Mr. Brown, billed at a rate of \$325 per hour. Included in the cost of \$100,000 is the completion of an audit of OCFA's compliance with all aspects of the Fair Labor Standards Act (FLSA), which is a project OCFA already had planned in the Adopted Budget for FY 2013/14.

In addition, staff is requesting approval for a contingent amount of \$50,000, to be used only if needed, in the event negotiations require more hours of service than initially anticipated.

Impact to Cities/County:

Not Applicable.

Fiscal Impact:

The cost of an independent labor negotiator was not included in the Adopted 2013/14 Budget; however, \$25,000 was included in the budget for the FLSA audit. A supplemental budget adjustment for the additional cost of \$75,000 will be requested for inclusion in the Mid-Year Budget Adjustments, scheduled for approval in March 2014. Should the contingency amount be required for use, the additional \$50,000 will also be included in the budget adjustment.

Staff Contacts for Further Information:

Keith Richter, Fire Chief

[keithrichter@ocfa.org](mailto:keithrichter@ocfa.org)

(714) 573-6010

Janet Wells, Human Resources Director  
[janetwells@ocfa.org](mailto:janetwells@ocfa.org)  
(714) 573-6801

Attachments:

1. Ad Hoc Committee Rankings
2. Professional Services Agreement (Note: The Professional Services Agreement will be distributed as a supplement to this agenda upon completion. Since the Ad Hoc Committee just completed their interviews and recommendation on December 4, and the agenda is being distributed on December 5, there was insufficient time to complete the Agreement with the recommended firm prior to agenda distribution.)

**Orange County Fire Authority  
Ad Hoc Committee  
Rankings for Recommended Labor Negotiator**

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Evaluator	Ranked #1	Ranked #2
Committee Member A	Steve Filarsky	Irma Moisa Rodriguez
Committee Member B	Peter Brown	Art Hartinger
Committee Member C	Irma Moisa Rodriguez	Steve Filarsky
Committee Member D	Irma Moisa Rodriguez	Steve Filarsky
Committee Member E	Peter Brown	Bruce Barsook
Committee Member F	Peter Brown	Steve Filarsky
Committee Member G	Peter Brown	Irma Moisa Rodriguez

**DISCUSSION CALENDAR - AGENDA ITEM NO. 3**  
**BOARD OF DIRECTORS MEETING**  
**December 11, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Lori Zeller, Assistant Chief  
Business Services Department

SUBJECT: **FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis**

Summary:

This agenda item is submitted to provide an overview and analysis of Fiscal Year 2012/13 Backfill and Overtime earnings.

Committee Action:

At its November 6, 2013, meeting, the Budget and Finance Committee reviewed and unanimously recommended approval of this item.

Recommended Action:

Receive and file the report.

Background:

The Orange County Fire Authority's annual General Fund budget consists primarily of labor costs with approximately 92% of the final FY 2012/13 budget allocated to salaries and employee benefits. The 2012/13 budget for backfill/overtime costs was \$34,893,229 and final backfill/overtime expenditures were \$38,157,263. The overtime costs in excess of the overtime budget were 100% offset by savings in the base salary budget, as further explained in this report. The primary factors driving OCFA's backfill/overtime costs are:

- s OCFA's Constant Staffing Policy
- s Major Emergency Incident Response
- s Training Requirements
- s Frozen Positions

Further discussion regarding each of these driving factors is provided below, along with a review of the methods used to budget for annual backfill/overtime and to monitor backfill/overtime spending, both discretionary and non-discretionary.

***OCFA's Constant Staffing Policy (Non-Discretionary)***

The OCFA maintains a Constant Staffing Policy that requires suppression personnel to backfill (i.e., work overtime) for any suppression post-position<sup>1</sup> that is vacant. Listed below are situations that result in a backfill requirement to maintain constant staffing:

- s Positions temporarily vacant due to personnel on leave (sick, vacation, jury duty, military leave, bereavement, workers' compensation, etc.)

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<sup>1</sup> A suppression post-position is a seat on a fire or EMS response unit (including engines, trucks and paramedic vans) that must be filled to meet the staffing requirement of that unit.

- S Positions vacant due to cost control measures (open positions per MOU side agreement)
- S Positions vacant as a result of retirements, promotions, or the opening of a new station (open positions pending recruitment)
- S Positions temporarily vacant due to personnel responding to major in/out of county incidents

Whether to hold a position open or hire/promote to fill the position is a discretionary decision of management or, at times it can be a term that is negotiated with labor. Once management decides to hold the position open, then that overtime is deemed to be non-discretionary.

All backfill/overtime costs associated with the Constant Staffing Policy are considered non-discretionary. For FY 2012/13, \$31.8M (83%) of the total backfill/overtime expenditures was attributable to the Constant Staffing Policy.

***Major Emergency Incident Response (Non-Discretionary)***

Another form of non-discretionary backfill/overtime costs that are incurred by OCFA is for major emergency incident response. OCFA responds to emergency incidents at the request of surrounding fire agencies (Mutual Aid), California Department of Forestry (CAL FIRE), Cleveland National Forest Service (CNF), and the California Office of Emergency Services (OES).

Backfill/overtime costs for responding to major emergency incidents in FY 2012/13 totaled \$2.6M and represented approximately 7% of total backfill/overtime expenditures. Approximately 90-100% of these emergency related incident response costs (except Mutual Aid) are reimbursable.

All backfill/overtime costs associated with the Constant Staffing Policy and Major Emergency Incident responses as stated above are considered non-discretionary. For FY 2012/13, the sum of these two expenditures represents \$34.4M (90%) of the total backfill / overtime expenditures for the fiscal year.

***Training Requirements (Discretionary & Non-Discretionary)***

OCFA incurs additional backfill/overtime costs related to various training requirements for suppression personnel. Examples include mandatory training requirements for federal, state, and local programs including Urban Search and Rescue (US&R), Airport Rescue Firefighting (ARFF), Weapons of Mass Destruction (WMD), and Incident Command. Additionally, OCFA historically incurs overtime and backfill costs to provide training academies for new and/or promoted Dispatchers, Firefighters, Engineers, Captains, Battalion Chiefs, and Reserve Firefighters.

Backfill/overtime costs as a result of training activities in FY 2012/13 totaled \$2.4M and represented 6% of the total backfill/overtime expenditures. Approximately \$780,000 or 1/3 of the training costs incurred resulted from promotional and new recruit academies.



***Discretionary Backfill/Overtime***

For FY2012/13, total discretionary backfill/overtime was \$1.3M or 3.4%, including the following types of expenditures:

- S Employees staffing special events, participating on project teams, and Fire Explorer program activities
- S Information systems, GIS, automotive, communications services, and fire prevention personnel requested to work outside their normal work schedule

***Method for Budgeting Annual Backfill/Overtime***

When building the budget for OCFA's salary and employee benefits (S&EB), a budget is established for each authorized position, regardless of whether that position is currently filled or vacant (with the exception of vacant-frozen positions). Positions that remain vacant for a portion of the year (due to retirements, promotions, etc.) generate savings in the budget categories for employee salaries and benefits. Therefore, it is typical for OCFA to end each fiscal year showing budget savings in these budget categories.

In the case of constantly-staffed suppression positions, when the budgeted positions remain vacant for a portion of the fiscal year, other employees are required to backfill, or work overtime to fill them. This backfill/overtime activity generates overtime expenses beyond the level that was anticipated in the overtime budget; therefore, it is typical for OCFA to end each fiscal year showing expenses in excess of budget for this backfill/overtime category. The savings noted in the paragraph above offset the expenditure discussed herein, and as a result, bottom-line S&EB expenditures do not exceed the bottom-line S&EB budget.

The backfill/overtime budget that is developed annually as part of OCFA's budget process anticipates the level needed to fill behind employees who will be off for typical leave earned during a fiscal year, including sick and vacation leave. The backfill/overtime budget also anticipates a base level of funding for open positions created by promotions and retirements, as well as activity for responding to emergency incidents, but not for major incidents. Funding for a major emergency incident is requested at mid-year, if and when an actual event occurs.

***Backfill/Overtime Monitoring & Analysis***

OCFA financial staff prepares quarterly reports to track and monitor backfill/overtime activity. Reports are provided internally to management to show expenditures by section and by cause (reason) so that they can monitor and, if required, adjust activities as needed in their respective area. As discussed in this report, the majority of backfill/overtime incurred by OCFA is non-discretionary. Staff is bringing this FY 2012/13 Backfill/Overtime Analysis forward to the Budget and Finance Committee and the Board of Directors to expand upon the routine internal analysis that has been conducted. Staff will continue to provide this report annually following each fiscal year-end.

***Compensation Cost Transparency***

On September 27, 2012 the OCFA Board approved staffs response to the Grand Jury Report on Compensation Cost Transparency. One of the Grand Jury recommendations, that OCFA concurred with, is total employee compensation costs be posted and readily available on the OCFA website. Prior to the Grand Jury Report, the State Controllers employee compensation data, which defines compensation differently than the Grand Jury requirement, was posted on the OCFA website. While the State Controller again made significant changes to the employee compensation reporting requirements this year, it still varies from the Grand Jury reporting requirements.

The Grand Jury Report includes all earnings, regardless of pretax deductions, segregated by base salary, overtime, payouts, special pay, and other. Additionally, OCFA paid retirement and benefits are also included in the employee compensation report posted on the website. The Grand jury report was posted to the OCFA website on September 26, 2013 and the State Controller report was submitted to the State on October 10, 2013 in compliance with the October 18, 2013 due date.

Attached to this staff report is a list of frequently asked questions (Attachment 1) and an analysis (Attachment 2) that provides a historical overview of backfill/overtime expenditures for FY 2012/13 along with an analysis of firefighter total earnings for Calendar Year 2012. Attachment 2 also provides a summary of Firefighter and all OCFA employee total compensation which includes both earnings and employer provided benefits. All the analysis included in the staff report and attachments utilizes the Grand Jury compensation data. The Grand Jury compensation is an accurate reflection of actual employee earnings.

OCFA Management is working with the Orange County Professional Firefighter’s Association to develop a “Cap” on the number of backfill/overtime hours a firefighter may work (with certain exceptions) within a six-month timeframe.

Impact to Cities/County:

Not Applicable.

Fiscal Impact:

None.

Staff Contact for Further Information:

Jim Ruane, Finance Manager/ Auditor

Orange County Fire Authority

[jimruane@ocfa.org](mailto:jimruane@ocfa.org)

(714) 573-6304

Attachments:

1. Frequently Asked Questions and Responses
2. FY 2012/13 OCFA Firefighter Backfill/Overtime and Total Earnings Compensation Analysis

**FY 2012/13 BACKFILL/OVERTIME ANALYSIS  
FREQUENTLY ASKED QUESTIONS**

**1. What is a firefighter's standard work schedule?**

Firefighters assigned to suppression positions work 24-hour shifts which equate to a 56-hour average work week or 2,912 hours per year. When firefighters are assigned to staff positions on a 40-hour work week, they average 2,080 regular hours per year.

**2. What is the difference between backfill and overtime?**

The OCFA maintains constant staffing levels. This means that everyday, all authorized Operations post-positions are staffed. A post-position is a seat on a fire or EMS response unit (including engines, trucks and paramedic vans) that must be filled to meet the staffing requirement of that unit. Backfill occurs when there is a vacancy in a position that requires constant staffing and the employee either volunteers or is forced to work to fill the vacancy. Overtime is used for work done above and beyond the constant staffing requirements. Examples of overtime include strike team or overhead assignments to emergency incidents, either in or out of the County, and mandatory training classes that occur on other than the employee's regularly assigned shift.

**3. Because our backfill/overtime budget is significant, does that mean we are understaffed?**

OCFA's backfill/overtime budget is significant due to the reasons outlined in #2 above. Due to retirements, promotions, and the hiring freeze, there are positions that have gone unfilled. In addition, a labor agreement includes provisions to hold 15 positions open for each rank in the firefighter labor group. As of June 2013, there were 64 positions being filled and required constant staffing on an Overtime/Backfill basis. Recent academies, promotional exams, and the transition of Santa Ana Fire to OCFA significantly reduced the number of vacancies and open positions.

**4. How many continuous hours may a firefighter work?**

The maximum number of continuous hours (regular and backfill/overtime) an employee may work is 96. Employees enter their availability to work into the OCFA's Staffing System. The staffing system hires employees based upon the premise of an equal distribution of overtime and agreed upon hiring list procedures. The Assistant Chief of Operations may suspend the 96-hour rule to ensure sufficient incident response capability and adequate station coverage. Personnel assigned to out of county strike teams or to overhead positions are often deployed for periods of 14 days. When assigned to these extended incidents, employees work within established work/rest cycles.

**5. Is the OCFA concerned about employee fatigue as the result of the continuous work hour rules?**

The OCFA recognizes that employee fatigue is a factor that impacts employee performance. Severe fatigue may increase the dangers inherent in the performance of emergency operations. The OCFA takes steps to protect employees from these dangers. The OCFA ensures that firefighters are trained, equipped and supervised to work as safely as possible. There is an additional emphasis on employee health and wellness provided through the WEFIT Program. Supervisors have the means by which to ensure employees are either adequately rested or relieved of duty where appropriate. Firefighters on extended incidents adhere to specified work/rest periods.

**6. Is a portion of administrative overtime driven by fire prevention activities?**

The OCFA has begun to experience increases in demands for planning and development services, although staffing levels in this section are still low following the economic recession. If activity levels remain consistently high, OCFA will fill vacant positions. In the interim, some work is being performed on overtime.

# ORANGE COUNTY FIRE AUTHORITY

FY 2012/13

## Backfill/Overtime & Total Earnings/Compensation Analysis



Board of Directors Meeting  
December 11, 2013

Presented by:  
Jim Ruane, Finance Manager/Auditor

# Overview

## Definitions & Background

- Backfill, Overtime, Discretionary, Non-Discretionary, Policy

## Regular Vs. Overtime Analysis Fiscal Year 2012/13

- Estimated Cost Savings

## Backfill/Overtime Historical Review Fiscal Year 2012/13

- Summary Charts

## Firefighter Earnings for Calendar Year 2012

- Earning Analysis & Top 10


## Firefighter/Employee Total Compensation Calendar Year 2012

- Grand Jury Version

# Definitions & Background

## Non-Discretionary

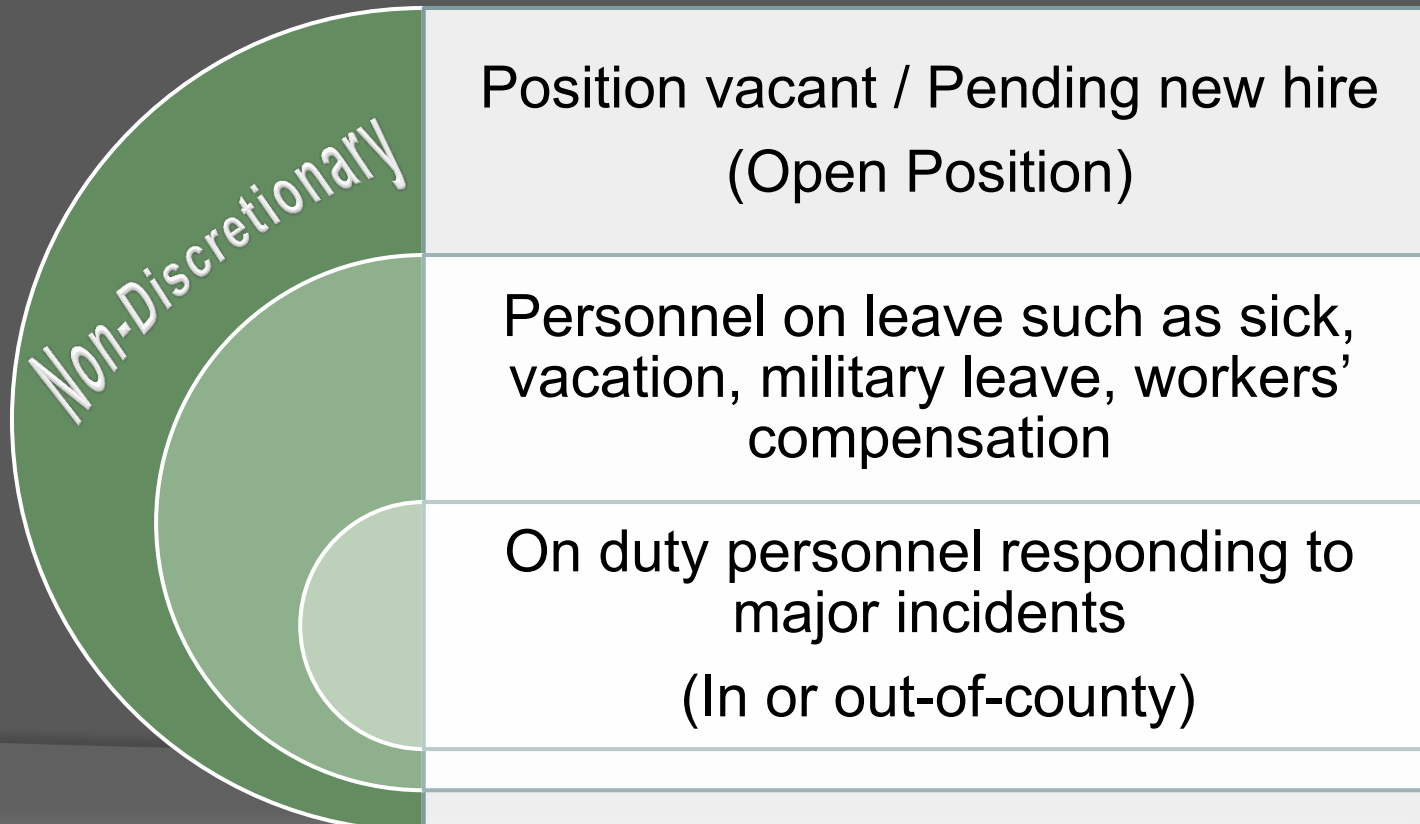
### Constant Staffing Policy

- Maintains the minimum staffing level required to keep a suppression unit operational
  - Required by Memorandum of Understanding
    - Alternatives
      - Units out of service
      - Station Closures
    - Impact
      - Longer response times
      - Decreased resources available for response to incidents
- 

# Definitions & Background

## Backfill

Requires suppression personnel, in addition to the normal work schedule, to backfill a position primarily due to the following reasons:



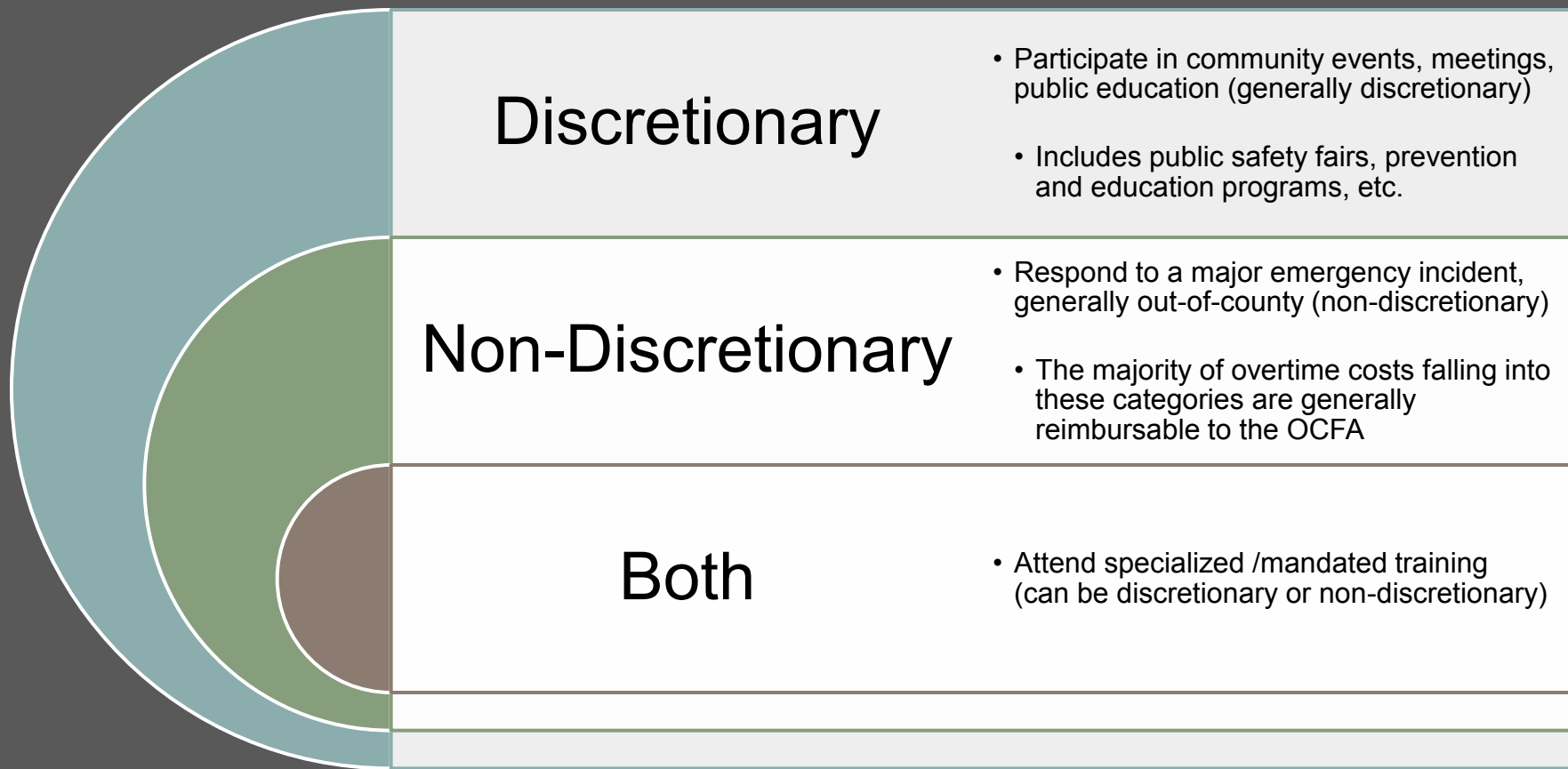
Non-Discretionary	Position vacant / Pending new hire (Open Position)
	Personnel on leave such as sick, vacation, military leave, workers' compensation
	On duty personnel responding to major incidents (In or out-of-county)

# Definitions & Background

## *Discretionary Vs. Non-Discretionary*

### Overtime Definition:

Requires suppression personnel to work outside the normal work schedule due primarily to the following reasons:



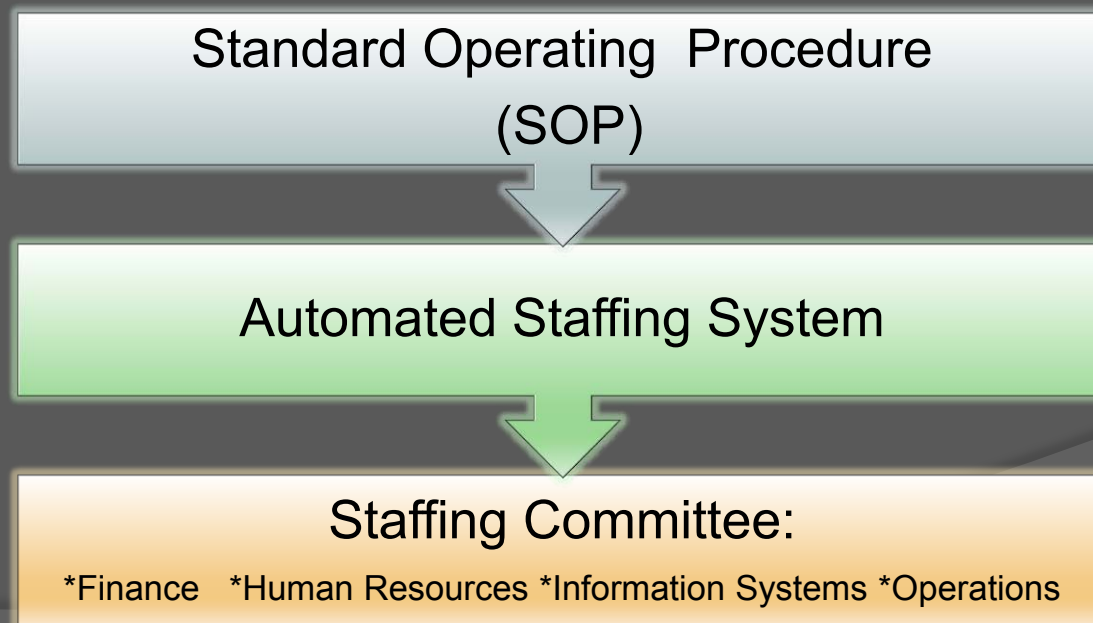


# Definitions & Background

## Backfill/Overtime Distribution

### Backfill/Overtime Distribution

- ***Memorandum of Understanding (MOU)*** requires distribution be “fair and equitable”
- Staffing requirements are managed by:



# Definitions & Background

## Backfill/Overtime Distribution

Equitable  
Distribution  
of Backfill/  
Overtime is  
based on:

Employee availability

Special qualifications  
required of the position  
(Paramedic, Hazmat, etc.)

Backfill/Overtime hours  
previously worked

# FY 2012/13 Regular vs. Overtime Analysis

RANK*	HOURS	(A)	(B)	(C)	(D)	TOTAL HOURLY S&EB	FY 2012/13	
		BASE HOURLY RATE	OTHER PAYS	BENEFITS	OT PREMIUM		\$ DIFFERENCE	% DIFFERENCE FROM FTE
Fire Captain (FC)	<b>REGULAR</b>	\$ 37.30	\$ 6.01	\$ 31.60		74.91	16.32	<b><u>21.79%</u></b>
	<b>OVERTIME</b>	37.30		2.64	\$18.65	58.59		
Fire Apparatus Engineer (FAE)	<b>REGULAR</b>	\$ 31.86	\$ 5.33	\$ 27.96		65.15	15.11	<b><u>23.19%</u></b>
	<b>OVERTIME</b>	31.86		2.25	15.93	50.04		
Firefighter (FF)	<b>REGULAR</b>	\$ 28.41	\$ 4.92	\$ 25.65		58.98	14.35	<b><u>24.33%</u></b>
	<b>OVERTIME</b>	28.41		2.01	14.21	44.63		

## NOTES:

(A) Salaries based on top step for each rank (at 56 hour equivalent) per Salary Schedule effective January 2013

(B) Other Pays include Holiday Pay, Education Incentive, EMT, FLSA (10 Hrs.)

(C) Benefits include Retirement, Health Insurance, Medicare, and Worker's Compensation

(D) OT premium calculated at 50% of base hourly rate

REGULAR HOURS	FC	FAE	FF	Avg. % of Pay
Retirement	\$23.03	\$19.78	\$17.72	<b>53%</b>
Workers Comp	2.12	1.82	1.63	<b>5%</b>
Unemployment	0.01	0.01	0.01	<b>0%</b>
Health Insurance	5.81	5.81	5.81	<b>16%</b>
Medicare	0.63	0.54	0.48	<b>0%</b>
<b>Total Benefits</b>	<b>\$31.60</b>	<b>\$27.96</b>	<b>\$25.65</b>	<b>74%</b>

OVERTIME HOURS	FC	FAE	FF	Avg. % of Pay
Retirement	\$0.00	\$0.00	\$0.00	<b>0%</b>
Workers Comp	1.83	1.56	1.39	<b>4%</b>
Unemployment	0.00	0.00	0.00	<b>0%</b>
Health Insurance	0.00	0.00	0.00	<b>0%</b>
Medicare	0.81	0.69	0.62	<b>2%</b>
<b>Total Benefits</b>	<b>\$2.64</b>	<b>\$2.25</b>	<b>\$2.01</b>	<b>6%</b>

# Regular vs. Overtime Analysis

## Fiscal Year 12/13 Firefighter Estimated Cost Savings:

Classification	Actual Overtime Hours Worked FY 12/13	<u>FTE Equivalent*</u>	Estimated** FTE Cost	Estimated ** Overtime Cost	Estimated** Cost Saving by Utilizing Overtime/Backfill
Fire Captain	179,559	61.7	\$ 13,450,765	\$ 10,520,362	\$ 2,930,403
Engineer	187,704	64.5	\$ 12,230,793	\$ 9,392,708	\$ 2,838,084
Firefighter	313,540	<u>107.7</u>	<u>\$ 18,492,589</u>	<u>\$ 13,993,290</u>	<u>\$ 4,499,299</u>
		233.8	\$ 44,174,147	\$ 33,906,360	<b>\$ 10,267,786</b>

\* Assumes 2,912 hours worked per year.  
 \*\* Utilizes estimated hourly rates for top step within a classification.

- The **\$10,267,786** savings is a direct result of utilizing overtime/backfill rate rather than a full time employee at a savings of 21-24% .

# Backfill /Overtime Historical Review

<b>Final Approved Fiscal Year Budget</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12*</b>	<b>2012/13*</b>
Salaries (excluding Backfill / Overtime)	\$113,352,938	\$112,566,785	\$113,878,158	\$122,191,222	\$137,426,689
Backfill / Overtime	\$29,697,983	\$28,686,805	\$29,502,168	\$31,732,530	\$34,893,229
Employee Benefits	\$69,428,298	\$72,303,089	\$73,512,947	\$83,099,775	\$95,452,132
<b>Total Salaries &amp; Employee Benefits (S&amp;EB)</b>	<b>\$212,479,219</b>	<b>\$213,556,679</b>	<b>\$216,893,273</b>	<b>\$237,023,527</b>	<b>\$267,772,050</b>
Services and Supplies / Fixed Assets	\$24,331,253	\$21,363,544	\$20,174,283	\$24,305,378	\$24,448,510
<b>Total General Fund Budget</b>	<b>\$236,810,472</b>	<b>\$234,920,223</b>	<b>\$237,067,556</b>	<b>\$261,328,905</b>	<b>\$292,220,560</b>
<b>S&amp;EB as a Percentage of Total General Fund</b>	<b>89.7%</b>	<b>90.9%</b>	<b>91.5%</b>	<b>90.7%</b>	<b>91.6%</b>
<b>Actual Backfill/Overtime Expenditures</b>	<b>\$31,957,554</b>	<b>\$28,327,471</b>	<b>\$29,651,858</b>	<b>\$34,917,079</b>	<b>\$38,157,263</b>
<b>Actual Total S&amp;EB Expenditures</b>	<b>\$208,674,813</b>	<b>\$211,783,330</b>	<b>\$215,354,060</b>	<b>\$233,571,264</b>	<b>\$265,194,626</b>
<b>Backfill/Overtime as a % of Total Budget</b>	<b>13.5%</b>	<b>12.1%</b>	<b>12.5%</b>	<b>13.4%</b>	<b>13.1%</b>

\*Includes Santa Ana effective April 20, 2012.

# Backfill/Overtime

Categories of Backfill/Overtime	FY 2011/12		FY 2012/13		Change from Prior Year	
	Expenditures**	% of Total	Expenditures**	% of Total		
<b><i>Non-Discretionary</i></b>						
<b>Backfill:</b>						
Vacation	3,737,464	10.7%	4,612,948	12.1%	875,484	
Sick Leave	4,464,273	12.8%	5,973,224	15.7%	1,508,951	
Workers' Comp.	3,533,247	10.1%	3,432,663	9.0%	(100,584)	
Open Positions	14,761,183	42.3%			(19,706)	
Open Position-Pending Recruitments			10,210,772	26.8%		
Open Position-Side Agreement (Up to 15 FF, FAE, FC)			4,530,705	11.9%		
Other Leaves (Military, Bereavement, Jury Duty, etc.)	678,461	1.9%	803,877	2.1%	125,416	
Other Non-Discretionary (Holdover, Modified Duty, HC, etc.)	308,071	0.9%	286,848	0.8%	(21,223)	
Other Non-Discretionary (Emergency Communications)	1,097,536	3.1%	555,083	1.5%	(542,453)	
Other Non-Discretionary (FLSA adj.)	1,123,833	3.2%	1,398,163	3.7%	274,330	
<i>Subtotal of Non-Discretionary</i>	29,704,068	85.1%	31,804,283	83.4%	2,100,215	-1.7%
<b>Overtime:</b>						
Emergency (primarily out of county incidents)	1,614,769	4.6% *	2,640,732	6.9% *	1,025,963	2.3%
<i>Total Non-Discretionary</i>	31,318,837	89.7%	34,445,015	90.3%	3,126,178	0.6%
<b><i>Training</i></b>						
Academy-New Recruit/Promotional/Reserve	738,897	2.1%	783,919	2.1%	45,022	
Emergency Preparedness (ICS, US&R, WMD)	743,177	2.1%	913,614	2.4%	170,437	
Specialty Training (Paramedic, ARFF)	584,723	1.7%	627,559	1.6%	42,836	
Reserve Program (On-going)	90,593	0.3%	77,080	0.2%	(13,513)	
<i>Total Training</i>	2,157,390	6.2%	2,402,172	6.3%	244,782	0.1%
<b><i>Discretionary</i></b>						
Special Activity (Comm. events, Explorer Program, Project Teams, etc.)	372,977	1.1%	423,160	1.1%	50,183	
Other Discretionary (Comm. Services, Special Ops, Auto)	1,007,139	2.9%	800,331	2.1%	(206,808)	
Administrative	60,737	0.2%	86,585	0.2%	25,848	
<i>Total Discretionary</i>	1,440,853	4.1%	1,310,076	3.4%	(130,777)	-0.7%
<b>Total</b>	<b><u>34,917,080</u></b>	<b><u>100.0%</u></b>	<b><u>38,157,263</u></b>	<b><u>100.0%</u></b>	<b>3,240,183</b>	<b>0.0%</b>

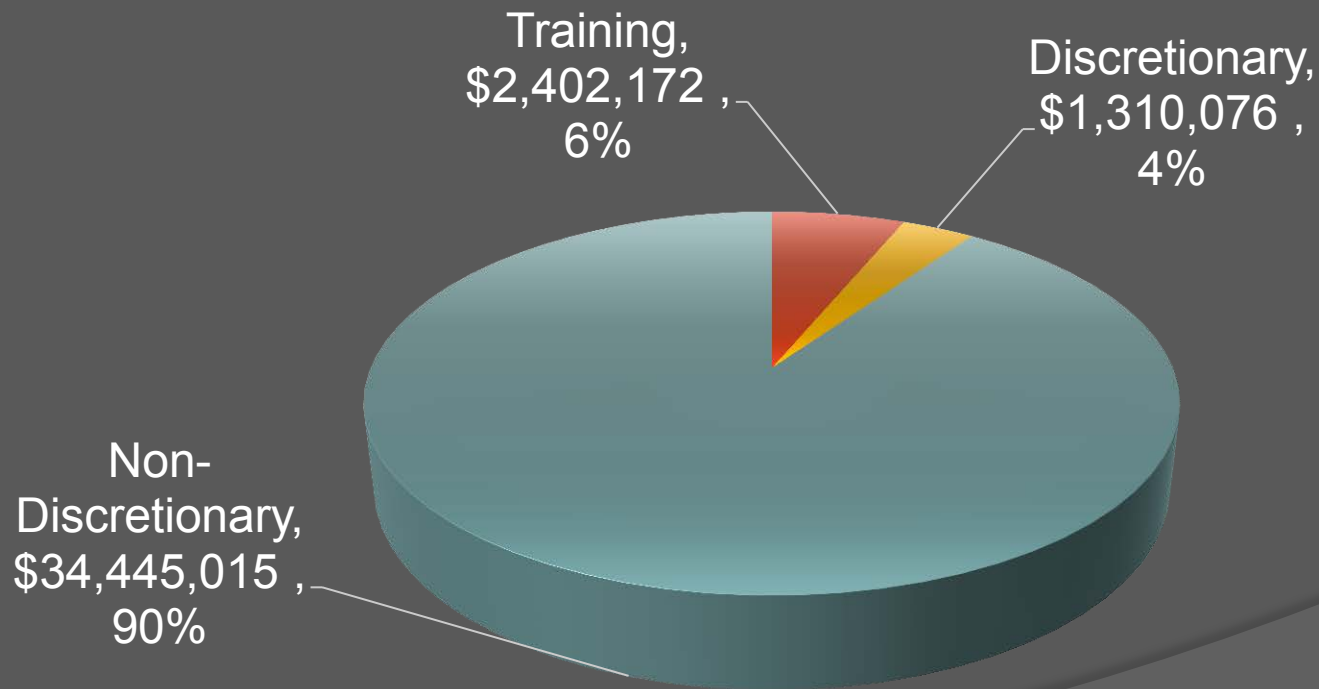
\* Emergency overtime is generally 90%-100% reimbursable.

\*\*Includes Santa Ana effective April 20, 2012.

# Backfill/Overtime Overview Summary

## Fiscal Year 2012/13 Overtime Summary by Type

**Total = \$38,157,263**

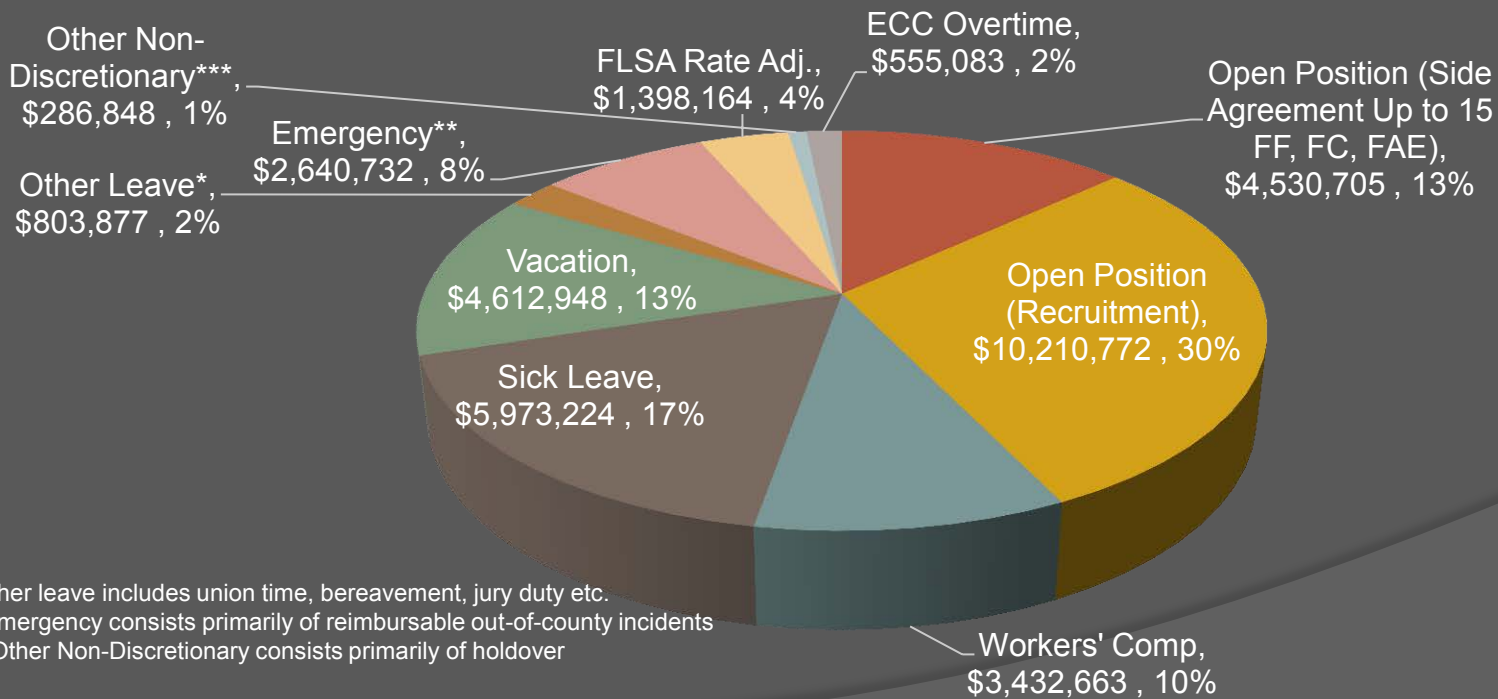


# Backfill/Overtime Overview

## Non-Discretionary

### Fiscal Year 2012/13 Non-Discretionary Overtime by Category

**Total Non-Discretionary = \$34,445,015**

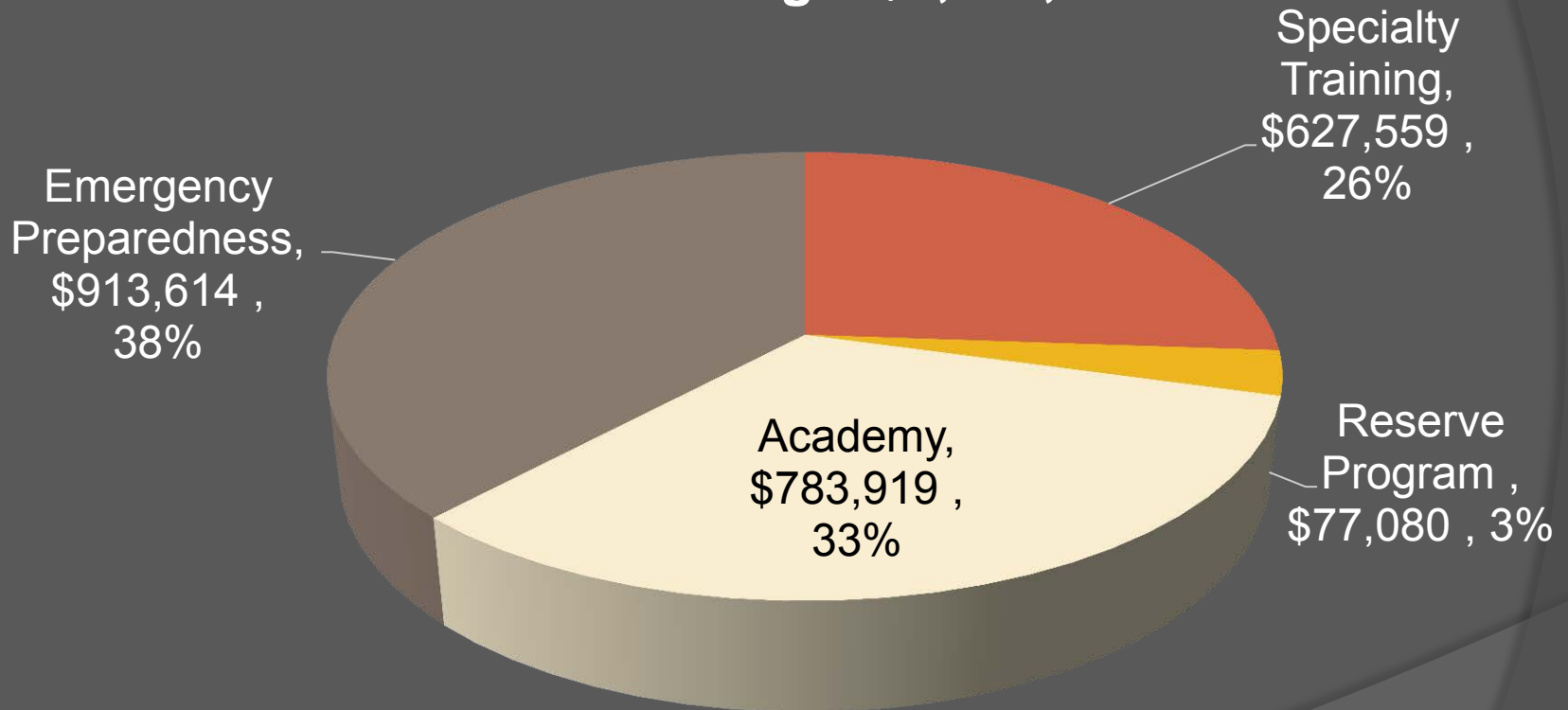




# Backfill/Overtime Overview

## Fiscal Year 2012/13 Training Overtime

**Total Training = \$2,402,172**

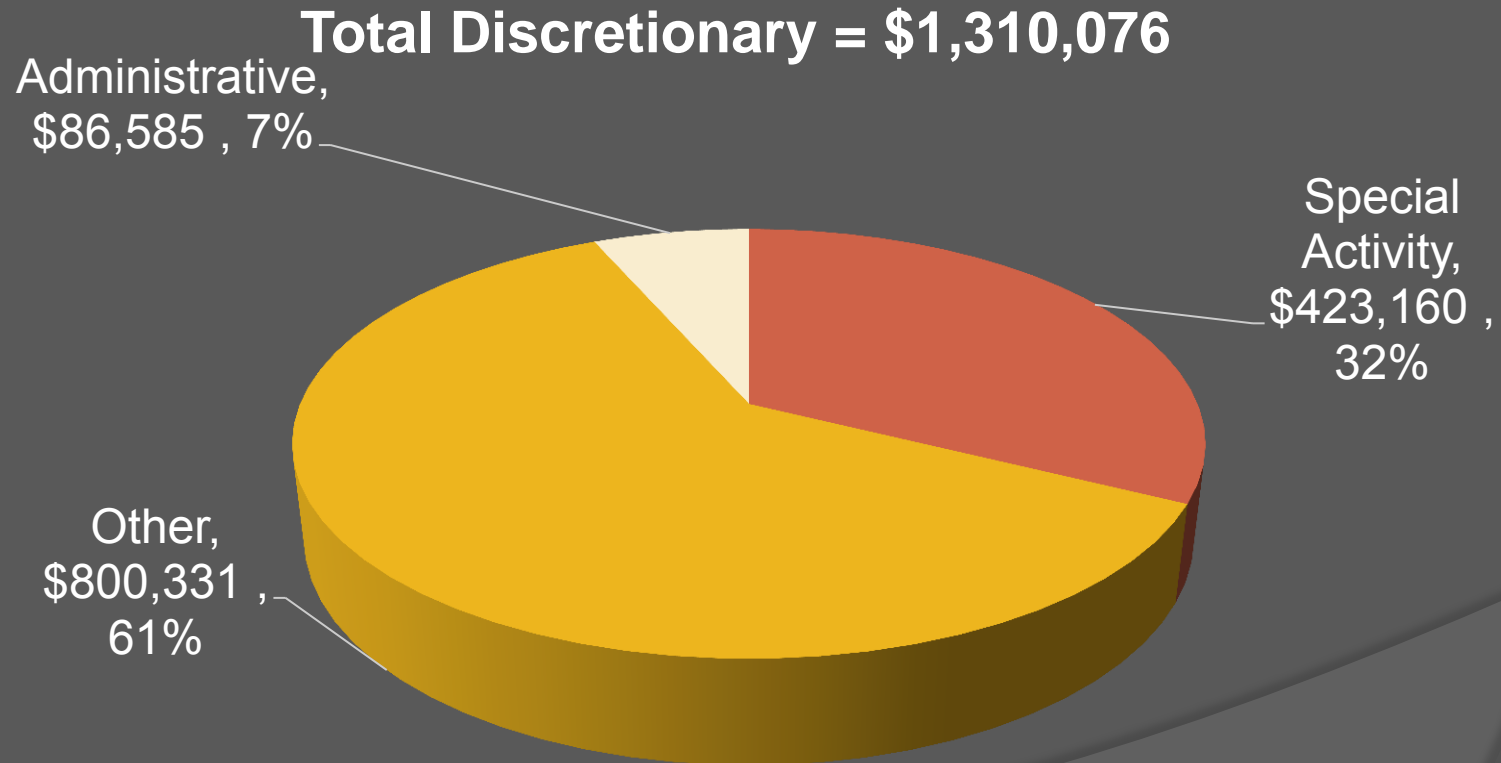


\*Specialty Training includes: Hazmat, Air Operations, Training Activities Group, Wildland, Paramedic, ARFF, Swift Water, Investigator, and Other

\*\*Emergency Training includes: Dispatch, Urban Search & Rescue, Incident Command, National Fire Academy, Weapons of Mass Destruction

# Backfill/Overtime Historical Review Discretionary

## Fiscal Year 2012/13 Discretionary Overtime by Category



\*Other: Comm. Services, Special Operations, Auto

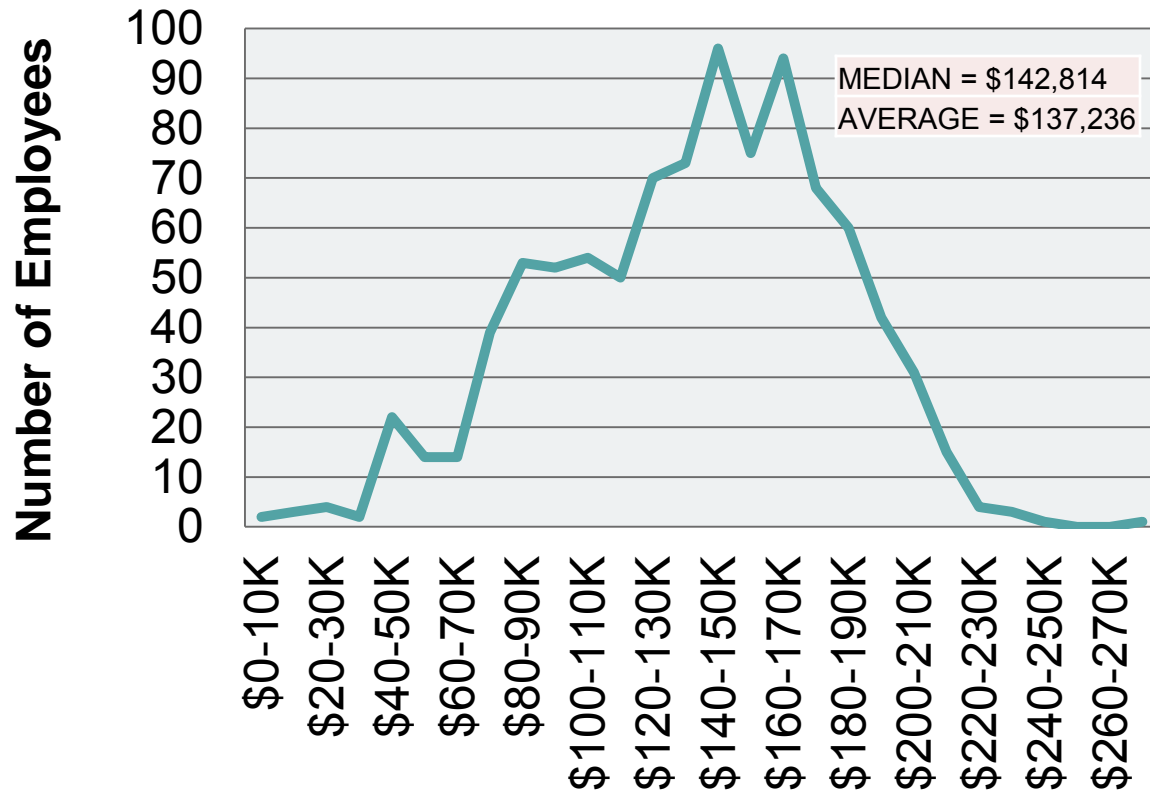
# Firefighter Earnings Analysis

The following is an analysis of all firefighter earnings for Calendar Year 2012 (employee names excluded).

# Firefighter Earnings Analysis

\$10,000 Increments	# of Employees
\$0-10K	2
\$10-20K	3
\$20-30K	4
\$30-40K	2
\$40-50K	22
\$50-60K	14
\$60-70K	14
\$70-80K	39
\$80-90K	53
\$90-100K	52
\$100-110K	54
\$110-120K	50
\$120-130K	70
\$130-140K	73
\$140-150K	96
\$150-160K	75
\$160-170K	94
\$170-180K	68
\$180-190K	60
\$190-200K	42
\$200-210K	31
\$210-220K	15
\$220-230K	4
\$230-240K	3
\$240-250K	1
\$250-260K	0
\$260-270K	0
\$270-280K	1
Total	942

## Calendar Year 2012 Firefighter Earnings Summary



Median=50% of earnings fall below this amount and 50% of earnings fall above this amount.

# Firefighter Earnings Analysis

## Summary by Calendar Year

Calendar Year	# of Employees	Average Total Earnings	Annual Average Hours Worked	Weekly Average Hours Worked	Average Hourly Rate	Annual Hourly Rate Increase
2003	766	\$ 102,386.02	3,408	65.5	\$ 30.04	N/a
2004	761	\$ 110,792.42	3,530	67.8	\$ 31.38	4.46%
2005	797	\$ 109,957.67	3,347	64.3	\$ 32.85	4.68%
2006	812	\$ 113,424.38	3,299	63.4	\$ 34.85	6.09%
2007	825	\$ 121,409.67	3,372	64.8	\$ 36.01	3.33%
2008	814	\$ 129,675.89	3,516	67.6	\$ 36.88	2.42%
2009	806	\$ 131,537.84	3,467	66.7	\$ 37.94	2.79%
2010	797	\$ 132,363.40	3,340	64.0	\$ 40.54	6.41%
2011	782	\$ 142,952.77	3,458	66.3	\$ 41.34	1.94%
2012	942	\$ 137,236.03	3,299	63.4	\$ 41.60	0.64%

**Note:**

Firefighters assigned to a suppression position work 2,912 base hours a year (56 hours per week).

Firefighters assigned to a staff position work 2,080 base hours a year (40 hours per week).

Employees may work a combination of staff and suppression hours during a year.

# 2012 Firefighter Earnings Analysis

## Summary by Classification

Classification	# of Employees (1)	Standard Work Week (2)	Average Base Earnings (3)	Average Total Earnings	Average Hourly Rate (4)	Annual Average Hours Worked (5)	Weekly Average Hours Worked
Fire Captain	254	56	\$99,179	\$164,212.41	\$49.41	3,323	63.92
Fire Apparatus Engineer	233	56	\$85,112	\$139,382.98	\$41.34	3,371	64.83
Firefighter	431	56	\$75,591	\$125,558.24	\$37.94	3,309	63.64
Hand Crew Firefighter	24	40	\$32,359	\$40,606.48	\$18.86	2,153	41.41
<b>Total</b>	942						

### Notes:

- (1) Represents total Fire Captain, Engineer, Firefighter, & Hand Crew Firefighter paid during Calendar Year 2012.
- (2a) Firefighters assigned to a suppression position work 2,912 base hours a year (56 hours per week).
- (2b) Firefighters assigned to a staff position work 2,080 base hours a year (40 hours per week).
- (2c) Firefighters that transferred over from Santa Ana worked the standard 56 hour work week for the 8 months employed by OCFA
- (3) Base Earnings Includes: Regular, Sick, Vacation Hours, Workers Compensation and Leaves.
- (4) Average rate is calculated by dividing total earnings by hours worked.
- (5) Employees may work a combination of staff and suppression hours during a year.

# Top 10 2012 Firefighter Earnings Analysis

Title/ Assignment	Base Earnings	Total Earnings	Base Hours	Other Hours	Total Hours	Average Hourly Rate
1. Fire Captain	\$117,710	<b>\$273,261</b>	2,912	2,349	5,073	\$53.87
2. Fire Captain	\$111,512	<b>\$244,210</b>	2,912	1,944	4,856	\$50.29
3. Fire Captain	\$111,594	<b>\$236,758</b>	2,912	1,482	4,394	\$53.88
4. Fire Captain	\$111,612	<b>\$231,306</b>	2,912	1,377	4,289	\$53.93
5. Fire Captain	\$111,299	<b>\$230,304</b>	2,912	1,698	4,610	\$49.96
6. Fire Captain	\$108,304	<b>\$226,241</b>	2,080	1,388	3,468	\$65.24
7. Fire Captain	\$111,357	<b>\$224,956</b>	2,912	1,255	4,167	\$53.99
8. Fire Captain	\$112,178	<b>\$223,984</b>	2,922	1,208	4,130	\$54.23
9. Fire Captain	\$108,304	<b>\$220,599</b>	2,080	1,048	3,128	\$70.52
10. Fire Captain	\$111,627	<b>\$219,763</b>	2,912	1,150	4,062	\$54.10

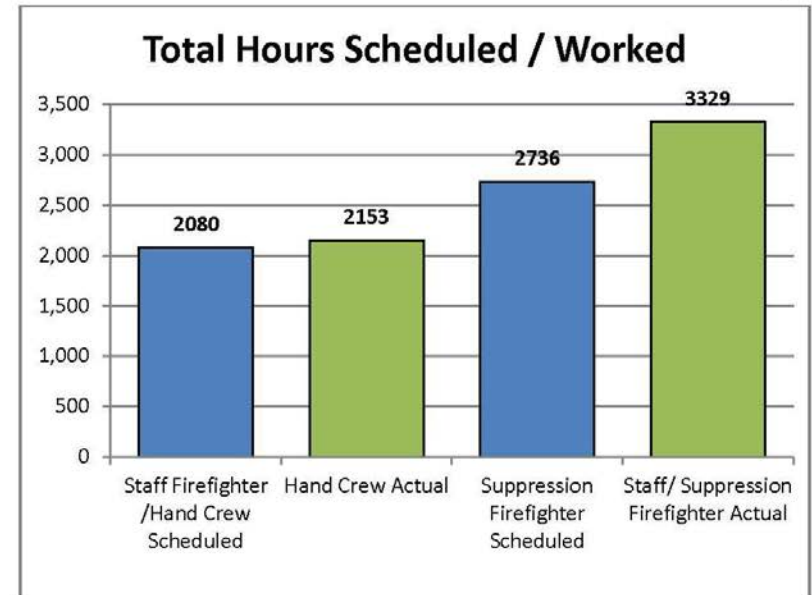
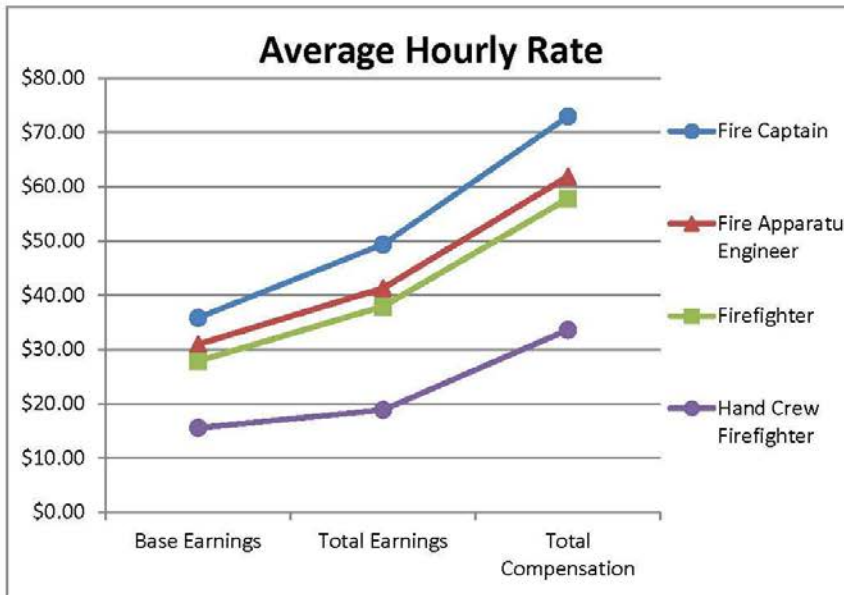
Firefighter/Employee  
Total Compensation  
Grand Jury Format



# Firefighter Total Compensation

Calendar Year 2012 Firefighter Hourly Rate Breakdown

Classification	BASE EARNINGS			TOTAL EARNINGS			TOTAL COMPENSATION		
	Average Base Earnings	Regularly Scheduled Hours*	Average Hourly Rate	Average Total Earnings	Average Actual Hours Worked	Average Hourly Rate	Average Total Compensation	Average Actual Hours Worked	Average Hourly Rate
Fire Captain	\$99,179	2766	\$35.86	\$164,212	3323	\$49.41	\$242,605	3323	\$72.99
Fire Apparatus Engineer	\$85,112	2748	\$30.97	\$139,383	3371	\$41.34	\$208,706	3371	\$61.91
Firefighter	\$75,591	2713	\$27.86	\$125,558	3309	\$37.94	\$191,393	3309	\$57.84
Hand Crew Firefighter	\$32,359	2080	\$15.56	\$40,606	2153	\$18.86	\$72,489	2153	\$33.66



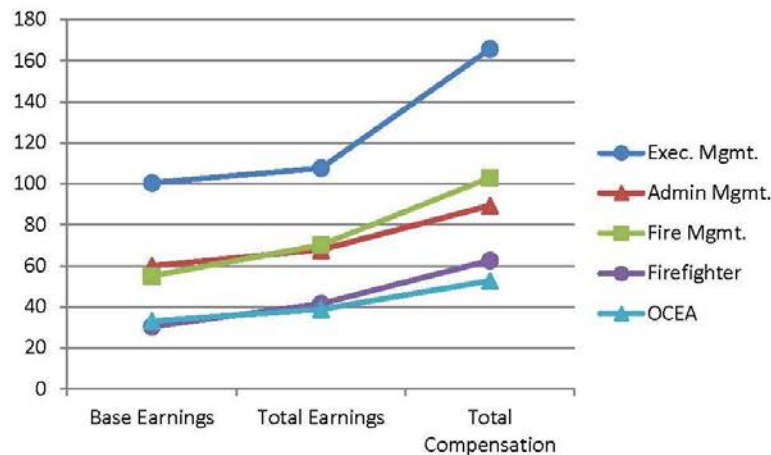
\*Note: CY 2012 we used a blended rate to incorporate 8 months of Santa Ana transitioning employees when compared to the normal schedule of 2912 hours.

# Total Employee Compensation

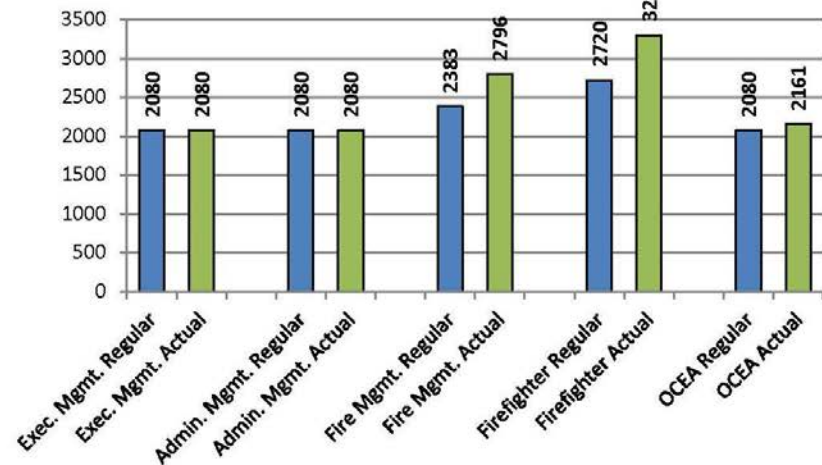
Calendar Year 2012 OCFA Hourly Rate Breakdown

Bargaining Group	BASE EARNINGS			TOTAL EARNINGS			TOTAL COMPENSATION		
	Average Base Earnings	Regularly Scheduled Hours*	Average Hourly Rate	Average Total Earnings	Average Actual Hours Worked	Average Hourly Rate	Average Total Compensation	Average Actual Hours Worked	Average Hourly Rate
Executive Management	\$208,816	2080	\$100.39	\$223,783	2080	\$107.59	\$344,652	2080	\$165.70
Administrative Management	\$124,857	2080	\$60.03	\$141,024	2080	\$67.80	\$185,910	2080	\$89.38
Chief Officers Association	\$131,194	2383	\$55.05	\$196,159	2796	\$70.16	\$287,722	2796	\$102.91
OC Professional Firefighters Assoc.	\$83,205	2720	\$30.59	\$137,236	3299	\$41.60	\$206,455	3299	\$62.58
Orange County Employee's Assoc.	\$68,961	2080	\$33.15	\$83,847	2161	\$38.81	\$113,886	2161	\$52.71

Average Hourly Rate



Total Hours Scheduled / Worked



\*Note: CY 2012 for the Firefighter bargaining group, we used a blended rate to incorporate 8 months of Santa Ana transitioning employees when compared to the normal schedule of 2912 hours

**QUESTIONS?**

**DISCUSSION CALENDAR – AGENDA ITEM NO. 4**  
**BOARD OF DIRECTORS MEETING**  
**December 11, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Keith Richter, Fire Chief

SUBJECT: **Proposed Human Resources Committee**

Summary:

This agenda item is submitted to establish an additional standing committee to serve in an advisory capacity on a variety of matters relating to Human Resources.

Recommended Actions:

1. Authorize the establishment of a Human Resources (HR) Committee as an additional standing committee to serve in an advisory capacity to staff and the Board of Directors.
2. Approve the submitted HR Committee Protocols.
3. Approve the proposed Resolution to amend the Board Rules of Procedure to reflect the additional standing committee.

Background:

In the early years following the formation of OCFA, an additional standing committee existed known as the Administration and Personnel Committee. This Committee served in an advisory role from 1996 to 2000, reviewing matters relating to our personnel. The structure mirrored the form of the Budget and Finance Committee, which continues in existence today to review matters relating to our finances. The Administration and Personnel Committee was disbanded in 2000, with its responsibilities merged into those of the Executive Committee.

Staff is recommending to re-establish this Brown Act compliant Committee for review of matters relating to Human Resources in greater detail, and to enable more time to be spent on these matters prior to making recommendations to the full Board. This would keep the Board advised through the Committee, and avoid creating a time drain for the entire Board. Protocols for the proposed HR Committee are outlined in the attachment.

Impact to Cities/County:

The proposed Committee can facilitate improved communications relating to HR matters on behalf of our member agencies and the Board of Directors.

Fiscal Impact:

Not Applicable.

Staff Contacts for Further Information:

Keith Richter, Fire Chief

[keithrichter@ocfa.org](mailto:keithrichter@ocfa.org)

(714) 573-6010

Janet Wells, Human Resources Director

[janetwells@ocfa.org](mailto:janetwells@ocfa.org)

(714) 573-6801

Attachments:

1. Human Resources Committee Protocols
2. Proposed Resolution

## Human Resources Committee

---

### **Background Information**

- The Human Resources (HR) Committee shall be considered a Standing Committee, as defined by Rule 10 (a) of the Board of Directors Rules of Procedure.
- The HR Committee reports directly to the Board of Directors.
- The HR Committee shall include the following 5 designated positions:
  - Chair of the Board of Directors
  - Vice Chair of the Board of Directors
  - Immediate Past Chair of the Board of Directors
  - Chair of the Budget and Finance Committee
  - Vice Chair of the Budget and Finance Committee
- The Chair and Vice Chair of the Board of Directors shall also serve as the Chair and Vice Chair of the HR Committee.
- The Committee shall meet at the Regional Fire Operations & Training Center, with the designated-recurring meeting dates and times to be established by the Committee.

### **Committee Mission/Purpose**

The Human Resources Committee advises the staff and makes recommendations to the Board of Directors on matters regarding human resources policies; job class specifications; compensation programs; benefit changes and renewals; labor negotiations; staff training, development and recognition programs; succession planning; risk management and workers' compensation policies; and development of management/performance evaluation and information systems.

### **Committee Guidelines**

This section contains the operating philosophy of the Committee, its policy and decision-making responsibilities, staff involvement, the Committee's relationship to other committees and the Board of Directors, and other details about Committee activities.

#### **Operating Philosophy, Policy-Making and Oversight Responsibilities**

- A broad regional perspective will be applied to issues coming before the Committee to achieve the mission of the Committee as well as the Authority.
- The Authority's mission and goals relevant to human resources issues will be periodically revisited by the Committee.
- The Committee will convey proposed revisions for its structure or oversight responsibilities for consideration by the Board of Directors.
- The Committee will consider whether issues should:
  - remain with the review jurisdiction of the Committee as an advisory item only
  - be referred to the Executive Committee
  - be referred to the Board of Directors
- *All policy matters or matters requiring budget adjustments shall be referred to the Board of Directors.*

## Human Resources Committee

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### **Staff Liaison, Agenda Materials & Staff Presentations**

- The Human Resources Director will serve as the primary Staff Liaison to the Committee.
- Items shall be included on the Committee's agenda only with the approval of the Committee Chair or Staff Liaison.
- Written and oral reports by staff will be used in presenting issues to the Committee.
- An executive summary followed by sufficient backup material will be used to describe the major issues of the item and form the basic model of agenda material coming before the Committee.

**RESOLUTION NO. 2013-XX**

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

*WHEREAS*, the Orange County Fire Authority Board of Directors adopted Resolution No. 99-04, on January 28, 1999, establishing the Board of Directors Rules of Procedure, and

*WHEREAS*, the Board of Directors has periodically amended said Rules, the most recent amendment occurring on March 28, 2013; and

*WHEREAS*, the Board is considering amendments to these Rules.

*NOW, THEREFORE, BE IT RESOLVED* as follows:

The Board of Directors Rules of Procedures is amended as indicated by the redline version attached hereto as Exhibit A.

*PASSED, APPROVED and ADOPTED* this 11<sup>th</sup> day of December 2013.

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STEVEN WEINBERG, CHAIR  
OCFA Board of Directors

ATTEST:

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SHERRY A.F. WENTZ, CMC  
Clerk of the Authority

# OCCA BOARD OF DIRECTORS



**ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS  
RULES OF PROCEDURE  
(Last Revision: ~~03/28/13~~12/11/13)**

- Rule 1 Time and Place of Meetings of the Board of Directors and the Executive Committee
- Rule 2 Agendas/Minutes for Meetings of the Board of Directors
- Rule 3 Order of Business for Meetings of the Board of Directors
- Rule 4 Motions During Meetings of the Board of Directors
- Rule 5 Decorum for Public Meetings
- Rule 6 Election of Chair and Vice Chair of the Board of Directors/  
Absence of Presiding Officer
- Rule 7 Retention of Exhibits and Documentary Material received in Hearings Before the Board of Directors
- Rule 8 Ceremonial Functions and Proclamations
- Rule 9 The Executive Committee
- Rule 10 The Standing Committees
- Rule 11 Designated Labor Negotiations
- Rule 12 Alternate Directors
- Rule 13 Compensation/Reimbursement for Expenses
- Rule 14 Amendment of Rules of Procedure

**RULE 1. TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS AND THE EXECUTIVE COMMITTEE**

- (a) Except as otherwise provided in this Rule, a regular meeting of the Board of Directors shall be held on the fourth Thursday of each odd-numbered month, commencing at the hour of 6:30 p.m. in the Board Meeting Room, Regional Fire Operation and Training Center (RFOTC), One Fire Authority Road, Irvine. The meeting for the month of November shall be scheduled for the third Thursday, commencing at the hour of 6:30 p.m. in the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine.
- (b) Except as otherwise provided in this Rule, a regular meeting of the Executive Committee shall be held on the fourth Thursday of each month, with the exception of December, commencing at the hour of 6:00 p.m. in the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine.



- (c) The Clerk of the Authority shall maintain the official meeting calendar, and shall post same in the display case located in the lobby of the Board Meeting Room and posting case outside main entry gate, RFOTC, One Fire Authority Road, Irvine.
- (d) Any meeting of the Board may be adjourned to any other date and time when necessary for the transaction of business. Any adjourned meeting of the Board is part of a regular meeting.
- (e) Special meetings of the Board may be called pursuant to and in accordance with Section 54956 of the Government Code. The Clerk shall prepare the notice and call of any special meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting. A copy of the notice of the special meeting shall also be posted at the places designated in subsection (c) of Rule 1.
- (f) In the event the Board or Executive Committee, or their respective Chairs, determine it advisable to hold a regular meeting at a location other than the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine, a notice specifying the location of such meeting shall be posted in the display case in the lobby of the Board Meeting Room and posting case outside main entry gate, RFOTC, One Fire Authority Road, Irvine. Additional notices shall be posted and maintained as set forth in (c) above.

**RULE 2. AGENDAS/MINUTES FOR MEETINGS OF THE BOARD OF DIRECTORS**

- (a) Items for the agenda for any regular meeting of the Board may be included on the agenda only with the approval of the Fire Chief or the Chair of the Board.
- (b) During the Board Member Comments portion of a Board meeting, any member may request that an item be placed on a future agenda of the Board of Directors. Staff will prepare reports as appropriate and place the item on the agenda for the next meeting of the Board of Directors. At any other time, any Board Member may contact the Chair to request that an item be placed on the agenda of the next meeting of the Board of Directors. This item will be placed on the Board Discussion Calendar portion of the agenda for concurrence by the Board. No staff reports or materials will be prepared until the full Board directs that the item be placed on an agenda.
- (c) As required by the Ralph M. Brown Act, items not on the posted agenda for a meeting shall not be considered by the Board except as follows:
  - (1) Upon determination by a majority vote of the Board that an emergency situation exists. The determination shall be made prior to Board consideration of the emergency item. An emergency situation is limited to:
    - (a) Work stoppage or other activity which severely impairs public health, safety or both.
    - (b) Crippling disaster which severely impairs public health, safety or both.

- (2) Upon determination by a two-thirds vote of the Board Members present, or a unanimous vote if less than two-thirds of the Members are present, that there is a need to take immediate action and that the need came to the attention of the Authority subsequent to the agenda being posted. The determination shall be made prior to Board consideration of the item.
- (3) The item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item and at which prior meeting, the item was continued to the meeting at which action is being taken.
- (d) The OCFA Board has adopted the use of Robert's Rules of Order as its official guideline in the creation of minutes. All Board/Committee meeting will be documented using action-type minutes. Minutes will document the record of what actions were taken by the governing body, not what was said. The minutes will not contain personal comments or someone's opinion about what happened.
  - (1) The minutes shall document the items identified in Rule 3 in the Board's Order of Business.
  - (2) Public comments will identify the name of the speaker, their city of residences/or organization they represent (if provided by the speaker), and identify the subject to which their comments are being submitted. If commenting on a specific agenda item, the minutes will record the speaker's name, their city of residences/or organization they represent (if provided), and identify if they are speaking in support or opposition of that item.

**RULE 3. ORDER OF BUSINESS FOR MEETINGS OF THE BOARD OF DIRECTORS**

- (a) The order of business for regular meetings of the Board shall be:

Invocation  
 Pledge of Allegiance  
 Roll Call  
 Presentations  
 Committee Reports  
 Public Comments  
 Minutes  
 Consent Calendar

- (1) Agenda review at call of the Chair to identify those items on the Consent Calendar which a member of the Board or public requests the opportunity to discuss.
- (2) Approval at the call of the Chair of those items for which there is no request for discussion.
- (3) Discussion of items that the public has requested an opportunity to discuss shall be taken in sequential order.

Public Hearing(s)  
 Discussion Calendar  
 Chief's Report  
 Closed Session  
 Closed Session Report

## Adjournment

The Chair may alter or deviate from this order of business.

- (b) 9:30 p.m. Rule: At the hour of 9:30 p.m. the meeting will take a brief moment from the agenda at hand and make a determination as to which items will be considered and those that may be continued to the next regular meeting.
- (c) 10:30 p.m. Curfew: All meetings will end business at 10:30 p.m. unless the hearing body elects to extend the curfew by a three-fifths vote of all members present.

## **RULE 4. MOTIONS DURING MEETINGS OF THE BOARD OF DIRECTORS**

- (a) Action of the Board shall be taken by motion. Any action of the Board may be proposed by the motion of any Member. Such a motion, if seconded by any member, shall be on the floor and must be considered, unless a substitute motion has been made, seconded, and adopted. If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the Chair.
- (b) A motion may be withdrawn or amended by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the original motion shall remain on the floor. The second to a motion may be withdrawn by the seconder at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another Member.
- (c) After a motion has been seconded, any Member may discuss the subject of the motion. The Chair may, on any motion, call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.
- (d) A motion to reconsider the vote on an agenda item may be made at the meeting at which the item was acted upon, or any adjourned session of the same meeting.

## **RULE 5. DECORUM FOR PUBLIC MEETINGS**

- (a) Members of the Board shall conduct themselves in an orderly and business-like manner to ensure that the business of the Authority shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the Board is maintained at all times. Members of the Board shall maintain a polite, respectful, and courteous manner when addressing one another, Authority staff, and members of the public during the meetings.
- (b) Subject to direction by a majority of the Board, the Chair, or in the Chair's absence the Vice Chair, or in their absence any other member designated by the Board, shall be responsible for resolving all procedural issues and for maintaining the orderly conduct and decorum of meetings. It shall be the duty of the Chair to ensure that the rules of decorum contained herein are observed. The Chair shall

maintain control of communication among Board Members, and between Board Members and the public.

(c) Communication by Board Members

1. Board Members should be recognized by the Chair before speaking.
2. A Board Member who is speaking shall remember that the purpose of the meeting is to attend to and resolve Authority business. Board Members shall avoid repetition and shall endeavor to limit their comments to the subject matter at hand. Board Members shall endeavor to express their views without engaging in lengthy debates.
3. When one Board Member is speaking, other Board Members shall not interrupt or otherwise disturb the speaker.

(d) Communication with members of the public addressing the Board.

1. Board Members may question the person addressing the Board at the conclusion of the person's comments. A Board Member wishing to ask questions of a member of the public should first be recognized by the Chair.
2. Board Members shall not engage the person addressing the Board in a dialogue, but shall confine communication to a question and answer format.
3. If a member of the audience has addressed the Board on matters which are not on the agenda, Board Members shall refrain from extended discussions of the matter. If a Board Member so wishes, he/she may, during the Board Member Comments portion of the meeting, request that the matter be placed on a future agenda.

(e) Authority Staff shall not engage in a dialogue with members of the public during Board meetings. When addressed by the Board, staff shall respond in a polite and respectful manner.

(f) Members of the Audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, and stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the Board meeting unfeasible. A member of the audience engaging in any such conduct shall, at the discretion of the Chair or a majority of the Board Members, be subject to removal from that meeting.

(g) Members of the public may address the Board of Directors during the Public Comment Period and prior to the consideration of any agenda item. Any person wishing to speak, whether during the Public Comment Period or on an agenda item, shall first complete a request to speak form slip and submit the form to the Authority Clerk prior to the calling to order of the meeting or as soon as possible thereafter.

(h) No person shall address the Board of Directors without first being recognized by the Chair.

(i) The purpose of addressing the Board of Directors is to formally communicate to the Board on matters relating to Authority business or citizen concerns within the subject matter jurisdiction of the Board. Persons addressing the Board on an

agenda item shall confine the subject matter of their remarks to the particular matter before the Board.

- (j) Each person addressing the Board of Directors shall do so in an orderly manner and shall not engage in any conduct, which disrupts, disturbs, or otherwise impedes the orderly conduct of the Board meeting. Any person who so disrupts the meeting shall, at the discretion of the Chair or a majority of the Board Members, be subject to removal from that meeting.
- (k) Persons addressing the Board of Directors shall address the Board as a whole and shall not engage in a dialogue with individual Board Members, Authority staff, or members of the audience.
- (l) A time limit of approximately three minutes per person shall be allocated to all persons addressing the Board of Directors, however, at the discretion of the Chair, an individual speaking on behalf of a group sharing common concerns or opinions may be allocated additional time to speak for the group. A total of approximately thirty minutes will be allocated at the beginning of the meeting for Public Comments, with additional time granted at the discretion of the Chair. If needed, additional time for Public Comments will be provided at the conclusion of the normal business of the Board.
- (m) Upon a violation of the rules of decorum established herein, the procedure to enforce the rules is as follows:
  - 1. Warning The Chair shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Chair, the person persists in violating these rules, the Chair shall order a recess. Any representative of the local assigned law enforcement personnel who is present at the meeting when the violation occurred shall be authorized to warn the person that his/her conduct is violating the rules and that he/she is requested to cease such conduct. If upon resumption of the meeting the violation persists, the Chair shall order another recess, whereupon the local assigned law enforcement personnel shall have the authority to order the person removed from the meeting and/or cited in violation of Penal Code Section 403.
  - 2. Motion to Enforce If the Chair of the Board fails to enforce the rules of decorum set forth herein, any Board Member may move to require the Chair to do so, and an affirmative vote of a majority of the Board shall require the Chair to do so. If the Chair fails to carry out the will of the majority of the Board, the majority may designate another Board Member to act as Chair for the limited purpose of enforcing the rules of decorum established herein.
  - 3. Clearing the Room Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the Board Members the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those

participating in the disturbance, shall be allowed to attend any session held pursuant to this Section 54957.9.

4. Violation of the California Penal Code A person or persons who substantially impair(s) the conduct of a Board meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

**RULE 6. ELECTION OF CHAIR AND VICE CHAIR OF THE BOARD OF DIRECTORS/ABSENCE OF PRESIDING OFFICER**

- (a) The officers of the Board are the Chair and Vice Chair.
- (b) Elections for Chair and Vice Chair shall be held at the first meeting of each fiscal year.

The method of nomination and election of the Chair and Vice Chair will be at the discretion of the Board.

- (c) The Presiding Officer of the Board, who shall be the Chair, or in the Chair's absence the Vice Chair followed by the Immediate Past Chair, then the Budget and Finance Committee Chair.

**RULE 7. RETENTION OF EXHIBITS AND DOCUMENTARY MATERIAL RECEIVED IN HEARINGS BEFORE THE BOARD OF DIRECTORS**

All exhibits, including documentary materials such as photographs, drawings, maps, letters, petitions, and other physical evidence received by the Board at hearings shall be retained by the Clerk as part of the record of the hearings. To the extent possible, the Clerk may furnish copies of such materials to persons requesting them upon payment of the fee prescribed for copies of public records.

**RULE 8. CEREMONIAL FUNCTIONS AND PROCLAMATIONS**

The Chair is authorized to represent the Authority at ceremonial functions, proclamation ceremonies, and other similar events when the Board has not otherwise designated one of its Members to represent the Authority.

**RULE 9. THE EXECUTIVE COMMITTEE**

- (a) The Executive Committee shall conduct all business of the Authority, with the exception of policy issues, including labor relations, budget issues, and other matters specifically retained by the Board of Directors.
- (b) The Executive Committee shall consist of no more than nine members of the Board of Directors. Members of the Executive Committee shall serve until a new member is seated in their stead by virtue of appointment or assumption of one of

the designated positions. The Executive Committee membership is comprised of the following designated positions: the Chair and Vice Chair of the Board of Directors, the immediate past Chair of the Board, and the Chair of the Budget and Finance Committee. In addition, membership as constituted, shall include at least one member of the County Board of Supervisors. The Chair shall appoint the remaining at-large members, who shall serve subject to approval by majority vote of the Directors present at a subsequent meeting. Said members are authorized to serve pending such vote of the Board. In the selection of at-large members, appointments shall be made in such a manner as to achieve approximately the ratio of cash contract cities to total member agencies of the Authority. The Chair of the City Managers Technical Advisory Committee shall serve as the ex officio non-voting member of the Executive Committee and shall not be included in the determination of a quorum for any meeting.

- (c) The Chair shall appoint a three-member panel of structural fire fund Alternate Directors and a three-member panel of cash contract city Alternate Directors. If an at-large member of the Executive Committee notifies the Clerk of the Authority that he or she cannot attend an Executive Committee meeting, the Clerk shall call, on a rotating basis, Alternate Directors from the respective panels in an attempt to replace a structural fire fund Director with a structural fire fund Alternate and/or a cash contract city Director with a cash contract city Alternate, as the case may be.

In the absence of the member of the Executive Committee representing the County Board of Supervisors, the Alternate voting member shall be, in order: the second regular member of the Board of Directors representing the County Board of Supervisors, and then the alternate member representing the County Board of Supervisors.

In the absence of the Budget and Finance Chair, the Alternate voting member shall be the Vice Chair of the Budget and Finance Committee.

Should the position of Immediate Past Chair on the Executive Committee become vacant, the most recent past Chair, who is a Director and who is not currently seated on the Executive Committee, shall serve in that capacity. Should there be no prior Board Chair on the Board of Directors, the current Director with the most tenure and not currently seated as a member of the Executive Committee will be seated on the Executive Committee and shall serve in the interim until there is an Immediate Past Chair.

There shall be no Alternate Directors appointed in the absence of the Chair, Vice Chair, or immediate past Chair.

Should the Board Chair or Vice Chair be unable to officiate over a Board and/or Executive Committee meeting that the Immediate Past Chair followed by the Budget and Finance Committee Chair assume the duty of presiding over the meeting.

## **RULE 10. THE STANDING COMMITTEES**

- (a) Standing Committees may be established by the Board of Directors for the purpose of facilitating a thorough review of various issues before presentation to and action by the full Board. Alternate Directors shall not act as alternates for Directors on standing committees.
- (b) The Budget and Finance Committee shall be established as a standing committee. The regular meetings of the Budget and Finance Committee will be on the second Wednesday of each month, with the exception of December, at 12 noon located in Classroom 1 (Board Breakout Room) at the RFOTC.
  - (1) The Chair shall make all appointments to the Budget and Finance Committee. Appointments to the Budget and Finance Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
  - (2) At the first meeting of the Budget and Finance Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Budget and Finance Committee shall elect from their members a Chair and Vice Chair of the Committee.
  - (3) The Chair, or in his/her absence, the Vice Chair, of the Budget and Finance Committee shall serve as a member of the Executive Committee.
  - (4) Items for the agenda for any regular meeting of the Budget and Finance Committee shall be included on the agenda only with the approval of the Committee Chair or the Staff Liaison.
  - (5) The Board of Directors, through the Chair, shall appoint one City Manager to the Budget and Finance Committee. The City Manager shall serve as an ex officio non-voting member of the Budget and Finance Committee. As an ex officio member, the City Manager shall not be included in the determination of a quorum for any meeting.
- (c) The Claims Settlement Committee shall be established as a standing committee. The regular meetings of the Claims Settlement Committee will be at 5:30 p.m., prior to and on the same days as the regular meetings of the Executive Committee meetings. The Committee will meet in Classroom 1 (Board Breakout Room) at the RFOTC.
  - (1) The Claims Settlement Committee consists of the Board Chair and Vice Chair, the Budget and Finance Committee Chair, the Fire Chief, and the Human Resources Director. The Deputy Fire Chief shall, in the absence of the Fire Chief, be an alternate Committee member. The Risk Manager shall in the absence of the Human Resources Director, be an alternate Committee member. In the absence of a member of the Board of Directors, the absent member may designate in writing, filed with the Clerk of the Authority, an alternate Committee member from the Executive Committee who may attend and participate to the full extent as the designated Committee member.
  - (2) Staff to the Committee will be the Risk Manager or his or her designee. Additional subject matter experts may attend Committees as necessary.
  - (3) The Claims Settlement Committee shall have authority to (a) settle workers' compensation claims for amounts over \$50,000, not to exceed \$250,000,



exclusive of any statutorily required future medical payments; (b) settle non-workers' compensation claims for amounts over \$50,000, not to exceed \$250,000; and (c) advise and recommend to OCFA's attorney of record the settlement of any lawsuit in an amount not to exceed \$250,000.

(d) The Human Resources Committee shall be established as a standing committee. The regular meetings of the Human Resources Committee will be (established by the Committee). The Human Resources Committee will meet in Classroom 1 (Board Breakout Room) at the RFOTC, or as otherwise noticed, or as otherwise noticed.

(1) The Human Resources Committee consists of the Board Chair, Vice Chair, and Immediate Past Chair; the Budget and Finance Committee Chair and Vice Chair, the Fire Chief, and the Human Resources Director. There are no designated alternates for Committee members. The Board Chair and Vice Chair shall also serve as the Human Resources Committee Chair and Vice Chair.

(2) Staff to the Committee will be the Human Resources Director or his or her designee. Additional subject matter experts may attend Committees as necessary.

(3) The Human Resources Committee shall advise OCFA staff and makes recommendations to the Board of Directors on matters regarding human resources policies; job class specifications, compensation programs; benefit changes and renewals; labor negotiations; staff training, development and recognition programs; succession planning; risk management and workers' compensation policies; and development of management/performance evaluation and information systems.

## **RULE 11. DESIGNATED LABOR NEGOTIATIONS**

- (a) For purposes of holding a closed session concerning compensation and benefits for the Fire Chief, the Board of Directors' designated representatives shall be the Chair, the Vice Chair and the Budget and Finance Committee Chair. Should the Board and/or Budget and Finance Committee reorganize prior to the completion of the Fire Chief's evaluation process the negotiators that began the process will complete the evaluation.
- (b) For purposes of holding a closed session concerning compensation and benefits for all other represented and unrepresented employees, the Board of Directors' designated representatives shall be the Chief Deputy, the Human Resources Director and any other management representative so designated at a meeting of the Board of Directors.

## **RULE 12. ALTERNATE DIRECTORS**

An Alternate Director may act in the absence of the Director for his or her member agency and, in that capacity, may attend closed sessions of the Board of Directors. Alternate Directors shall not act as alternates for Directors on the Executive Committee or standing committees.

### **RULE 13. COMPENSATION/REIMBURSEMENT FOR EXPENSES**

- (a) Compensation: Members of the Board of Directors are entitled to receive \$100 per meeting per day, with a maximum of \$300 per month, for voting member attendance at OCFA publicly noticed (Brown Act compliant) meetings and the monthly Chair/Chief meeting.
- (b) Authorized Expenses: OCFA funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized OCFA business. The following types of occurrences qualify a Board Member to receive payment and/or reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses, and generally constitute authorized expenses, as long as the other requirements of this policy are met:
  - 1) Communicating with representatives of regional, state and national government on OCFA adopted policy positions;
  - 2) Attending conferences designed to improve Board Member's expertise and information levels, including, but not limited to, ethics training required pursuant to California Government Code Section 53234;
  - 3) Participating in regional, state and national organizations whose activities affect OCFA's interests;
  - 4) Recognizing service to OCFA (for example, acknowledging a longtime employee with a retirement gift or celebration of nominal value and cost);
  - 5) Attending OCFA events.

All other expenditures require prior approval by the OCFA Board of Directors at a public meeting. The following expenses also require prior Board of Directors' approval:

- 1) International travel;
- 2) Expenses exceeding \$2,500 per person, per trip.

Examples of personal expenses that OCFA will not reimburse include, but are not limited to:

- 1) The personal portion of any trip;
- 2) Political contributions or events;
- 3) Family expenses, including partner's expenses when accompanying a Board Member on OCFA-related business, as well as children or pet-related expenses;
- 4) Charitable contributions or events, unless the event has a direct relationship to OCFA business, (for example, acknowledging extraordinary deeds by OCFA personnel) is approved by the Fire Chief and does not exceed \$250;
- 5) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;

- 6) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- 7) Personal losses incurred while on OCFA business.

Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

- (c) Expense and Reimbursement Guidelines: To conserve OCFA resources and keep expenses within appropriate standards for public officials, expenditures, whether paid directly by OCFA or reimbursed to a Board Member, Members should adhere to the following guidelines. Unless otherwise specifically provided, reimbursement for travel, meals, lodging, and other actual and necessary expenses shall be at the Internal Revenue Service rates presently in effect as established in Publication 463 or any successor publication.

**Transportation:** The most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements must be used, using the most direct and time-efficient route. In the event that a more expensive transportation form or route is used, the cost borne by OCFA will be limited to the cost of the most economical, direct, efficient and reasonable transportation form. Government and group rates offered by a provider of transportation services shall be used when available.

Automobile mileage is reimbursable at Internal Revenue Service rates in effect at the time of travel (see [www.irs.gov](http://www.irs.gov)). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

Reasonable and necessary charges for public transportation, taxi, or shuttle service are reimbursable at actual cost with receipts.

Rental vehicles may be used during out-of-county travel and will be reimbursed at actual cost. Rental vehicles may be used when the efficient conduct of OCFA business precludes the use of other means of transportation or when car rental is the most economical mode available. Itemized original receipts must be submitted with vehicle rental claims.

**Lodging:** Actual lodging costs will be reimbursed or paid for when travel on official OCFA business reasonably requires an overnight stay. If such lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the group rate published by the conference or activity sponsor for the meeting in question, provided that the group rate is available at the time of booking. Government and group rates offered by a provider of lodging services shall be used when available.

Non-reimbursable lodging-related expenses include, but are not limited to, costs for an extra person staying in the room, costs related to late check out or uncanceled reservations, in-room pay-per-view movie rentals, and non-OCFA business related phone calls. Itemized receipts must accompany claims for lodging reimbursements.

Meals: Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. OCFA will pay the actual cost of the meals, but will not pay for alcohol/personal bar expenses.

Telephone/Fax/ Cellular: Board Members will be reimbursed for actual telephone and fax expenses incurred on OCFA business. Telephone bills should identify which calls were made on OCFA business. For cellular calls when the Board Member has a particular number of minutes included in the Board Member's plan, the Board Member can identify the percentage of calls made on OCFA business.

Airport Parking: Long-term parking should be used for travel exceeding 24-hours. OCFA will pay the actual cost of long-term parking.

Other: Baggage handling at then current airport baggage rates per bag and gratuities of up to 15 percent will be reimbursed.

Miscellaneous: Actual expenses for registration, tuition, and parking are reimbursable for OCFA authorized business. Miscellaneous expenses must be supported with itemized receipts.

Expenses for which Board Members receive reimbursement from another agency are not reimbursable.

- (d) Expense Report Content and Submission Deadline: Expense reports must document that the expense in question meet the requirements of the policy. For example, if the meeting is with a legislator, the Board Member should explain whose meals were purchased, what issues were discussed and how those relate to the Authority's adopted legislative positions and priorities.

Board Members must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.

- (e) Audits of Expense Reports: All expenses are subject to verification of compliance with this policy.
- (f) Reports to Governing Board: At the following Board of Directors' meeting, each Board Member shall briefly report on meetings attended at OCFA expense. If multiple Board Members attended, a joint report may be made.
- (g) Compliance with Laws: Board Members should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act.
- (h) Violation of this Policy: Misuse of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to OCFA, 3) OCFA's

reporting the expenses as income to the elected official to state and federal tax authorities, and 4) prosecution for misuse of public resources.

**RULE 14. AMENDMENT OF RULES OF PROCEDURE**

No rule of the Board shall be adopted or amended except by resolution adopted by the Board.

## HISTORY

*Board Rules of Procedure adopted 01/28/99, Resolution 99-004*

- Rule 1 Meeting schedule adopted by Board of Directors 03/30/95  
Revised meeting schedule 03/01/97  
Revised meeting schedule 08/28/97  
Sections (a), (b), (c), and (f) revised to reflect change in meeting location 11/2/10,  
Resolution 2002-20  
Sections (a), (b), (c), and (f) revised, to reflect change in meeting location 01/22/04  
Resolution 2004-01  
Section (b) reflect meeting going dark in December 09/23/10 Resolution 2010-14  
Section (c) and (f) includes prior practice of posting agendas outside main entry gate  
09/23/10 Resolution 2010-14  
Section (a) define acronym RFOTC and remove June Board meeting dedicated for the  
purpose of approving the budget Resolution No. 2011-02.*
- Rule 2 Title to include “Minutes”  
Section (b) adopted 06/22/96  
Section (b) reflects prior practice of identifying Board “Member” Comments and  
Discussion “Calendar” on agenda 09/23/10 Resolution 2010-14  
Section (2) corrects missing hyphen typo “two-thirds” 09/23/10 Resolution 2010-14  
Section (d) adopted 09/27/12 Resolution 2012 05*
- Rule 3 Includes current practice in listing the order of business to include: Committee Reports,  
Minutes, Public Comments, and Closed Session Report 09/23/10 Resolution 2010-14 (b)  
and (c) added by Resolution 2013-07*
- Rule 4 Section (a) revised 01/22/04 Resolution 2004-01*
- Rule 5 Adopted 10/23/97 Resolution 97-024*
- Rule 6 Election date specified in the Joint Powers Agreement Creating the Authority, Article II,  
Section 7  
Section (c) adopted 09/27/12 Resolution 2012-05*
- Rule 9 Formation specified in the JPA Agreement, Article II, Section 6  
Membership revised to include standing committee chairs 06/22/96  
Number of members to be set by Board of Directors 10/24/96  
Powers delegated to Executive Committee 03/01/97  
Standing Committee Chair alternate and At-large member 03/01/97  
City Manager TAC as ex officio member 06/26/97  
Membership revised to include immediate past Chair of the Board 10/23/97  
Section (b) revised to define membership, 03/23/00 Resolution 2000-06  
Section (b) revised and Section (c) added to clarify alternate member of the Executive  
Committee 09/27/01 Resolution 2001-13  
Section (b) revised number of members and ratio 01/22/04 Resolution 2004-01  
Section (c) includes designation of voting alternate of the Budget and Finance Chair and  
filling vacancy of Immediate Past Chair position 09/23/10 Resolution 2010-14  
Section (c) inclusion of clause should no prior Board of Directors be available to sit on  
Executive Committee as Immediate Past Chair Resolution No. 2011-02.*

## HISTORY

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- Rule 10 Committees established by Board 06/22/96  
Section (g) adopted by the Executive Committee on 05/22/97  
Committee chair elections set by Board 10/23/97  
Section (c) amended to achieve balance on Budget and Finance Committee between the number of members representing Structural Fire Fund and Cash Contract cities, 07/22/99 Resolution 99-23  
Sections (a) through (g) revised to reflect disbanding of Administration & Personnel and Planning & Operations Committees 03/23/00 Resolution 2000-06  
Section (a) designates that alternate directors shall not stand in for directors on standing committees 09/23/10 Resolution 2010-14  
Section (b) designates regular Budget and Finance Committees meetings date, time, and location 09/23/10 Resolution 2010-14  
Section numbers (c-f) rennumbers to subsections (b1-b4) 09/23/10  
Section (c) changed to (c1-c3) reflecting the new Claims Settlement Committee 09/23/10 Resolution 2010-14  
Section (c) changed Claims Settlement Committee meeting time from 5:00 p.m. to 5:30 p.m  
Section (d) added reflecting the new Human Resources Committee 12/11/13 Resolution 2013-*
- Rule 11 Adopted 03/24/05, Resolution 2005-05  
Changed Rule 11 subject to Designated Labor Negotiations renumbered former Rule 11 to Rule 12 09/23/10 Resolution 2010-14  
Amended Rule 11(a) to include reorganization of Board/BFC Committee prior to completion of Fire Chief's Evaluation process 09/27/12 Resolution 2012-05*
- Rule 12 Policy set forth in the JPA Agreement, Article II, Section 2.  
Revised 07/27/95 Resolution 95-13  
Revised to allow compensation 03/23/00 Resolution 2000-08  
Rule Number changed from 11 to 12, 03/24/05 Resolution 2005-05  
Revised to add Travel Reimbursement Policies 11/17/05 Resolution 2005-30  
Former Rule 11 changed to Rule 12, due to renumbering of former Rule 11 to Rule 12 and reflect that alternate directors will stand in for directors on the Executive Committee 09/23/10 Resolution 2010-14*
- Rule 13 Rule Number changed from 12 to 13, 03/24/05 Resolution 2005-05  
Former Rule 12 changed to Rule 13, due to renumbering of Rule 11 09/23/10 Resolution 2010-14  
Section (c)Other: changes baggage handling fee to current airport baggage rates 09/23/10 Resolution 2010-14  
Rule 13 (a) amended to clarify "publicly noticed (Brown Act compliant)meeting are stipend eligible meetings 09/27/12 Resolution 2012-05*
- Rule 14 Rule Number changed from 12 to 13, 03/24/05, Resolution 2005-05  
Former Rule 13 changed to Rule 14, due to renumbering of Rule 11 09/23/10 Resolution 2010-14*

**REPORTS – AGENDA ITEM NO. 5**  
**BOARD OF DIRECTORS MEETING**  
**December 11, 2013**

**CHIEF'S REPORT**

1. Customer Satisfaction Survey Results by City - November 2013



**CUSTOMER SATISFACTION SURVEY**

Attachment 1

**Data by City for November 1 - 30, 2013**

<b>CITY/AREA</b>	<b>FORMS SENT</b>	<b>FORMS RETURNED *</b>	<b>PERCENT RETURNED *</b>	<b>AVERAGE RATING</b>
Aliso Viejo	79	18	22.78%	98.81%
Buena Park	192	46	23.96%	97.60%
Coto de Caza	1	4	400.00%	94.64%
Cypress	100	21	21.00%	95.69%
Dana Point	86	23	26.74%	98.84%
El Modena	0	0		
Emerald Bay	0	0		
Irvine	490	86	17.55%	98.23%
La Palma	39	6	15.38%	100.00%
Ladera Ranch	19	5	26.32%	99.29%
Laguna Hills	128	19	14.84%	96.76%
Laguna Niguel	157	43	27.39%	97.89%
Laguna Woods	229	75	32.75%	96.34%
Lake Forest	182	52	28.57%	95.89%
Los Alamitos	50	12	24.00%	100.00%
Las Flores	0	0		
Midway City	27	4	14.81%	100.00%
Mission Viejo	304	90	29.61%	97.36%
Modjeska Canyon	2	0		
Orange Park Acres	1	0		
Placentia	111	18	16.22%	97.33%
Portola Hills	0	0		
Rancho Santa Margarita	127	27	21.26%	97.49%
Rossmoor	4	5	125.00%	100.00%
San Clemente	162	56	34.57%	98.08%
San Juan Capistrano	124	39	31.45%	96.53%
Santa Ana	698	135	19.34%	95.53%
Santa Ana Heights	12	0		
Santiago Canyon	0	0		
Seal Beach	140	41	29.29%	94.56%
Silverado Canyon	5	1	20.00%	100.00%
Stanton	101	18	17.82%	93.75%
Trabuco Canyon	19	4	21.05%	100.00%
Tustin	194	50	25.77%	97.25%
Villa Park	14	4	28.57%	91.07%
Westminster	247	50	20.24%	97.14%
Yorba Linda	146	33	22.60%	96.26%
Non-OCFA cities	109	23	21.10%	96.65%
<b>TOTALS/AVERAGE</b>	4,299	1,008	23.45%	97.30%

\* Forms Returned and Percent Returned include forms sent in prior months, received this month.