

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, November 20, 2014
6:00 P.M.

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

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on November 20, 2014, at 6:08 p.m. by Chair Murray.

INVOCATION

Chaplain Robert Benoun offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Joseph Aguirre, Placentia
Bob Baker, San Clemente
Pat Bates, County of Orange
Carol Gamble, Rancho Santa Margarita
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David John Shawver, Stanton
Elizabeth Swift, Buena Park
Tri Ta, Westminster
Sam Allevato, San Juan Capistrano
Rick Barnett, Villa Park
Randal Bressette, Laguna Hills
Gerard Goedhart, La Palma
Gene Hernandez, Yorba Linda
Trish Kelley, Mission Viejo
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
Roman Reyna, Santa Ana
Todd Spitzer, County of Orange
Phillip Tsunoda, Aliso Viejo
Steven Weinberg, Dana Point

Absent: David Sloan, Seal Beach

Also present were:

Fire Chief Jeff Bowman
Assistant Chief Brian Stephens
Assistant Chief Lori Zeller
Assistant Chief Lori Smith
General Counsel David Kendig
Deputy Chief Craig Kinoshita
Assistant Chief Dave Thomas
Communications Director Sandy Cooney
Human Resources Director Jeremy Hammond
Clerk of the Authority Sherry Wentz

Director Tsunoda joined the meeting at 6:30 p.m.

PRESENTATIONS

1. Requests for Commendations and Proclamations (X: 11.09) (F: 11.09C) (F: 11.02) (F: 18.04)

Chair Murray and Fire Chief Jeff Bowman recognized Amanda Firestone and Makarena Galmarini for their recent lifesaving efforts of a child and OCFA Dispatchers Collette Whitlock and Mishele Richards for their assistance with emergency deliveries of two newborns. Chair Murray also recognized the outgoing Board Members: Joseph Aguirre, Pat Bates, Randal Bressette, Trish Kelley, Kathryn McCullough, and Steven Weinberg.

- A. Recognition of Amanda Firestone and Makarena Galmarini for their lifesaving efforts
- B. Recognition of OCFA Dispatchers Collette Whitlock and Mishele Richards
- C. Recognition of outgoing Board Members

PUBLIC COMMENTS (F: 11.11)

Chair Murray opened the Public Comments portion of the meeting.

Vicki Harris, representing the Exchange Club of Irvine and the Crossroads Exchange Club, asked for city sponsors and support for the upcoming Best & Bravest Annual Awards Dinner Ceremony, January 29, 2015. (F: 17.21)

Stephen Wontrobski, Mission Viejo resident, addressed and noted his opposition to the proposed Memorandum of Understanding (MOU) with the Professional Firefighters' Association. (F: 17.04B1)

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

Budget and Finance Committee (BFC) Chair Bressette reported on the November 5, 2014, Committee meeting that the Committee voted unanimously to send the Monthly Investment Report and the First Quarter Financial Newsletter – *July 2014–September 2014* to the Executive Committee for its approval. He also stated the Committee voted unanimously to send the Annual Statement of Investment Policy and Investment Authorization, Audited Financial Reports for the Fiscal Year Ended June 30, 2014, Updated Cost Reimbursement Rates and Methodologies, and the FY 2013/14 Backfill/Overtime and Total Earnings/Compensation Analysis to the Board of Directors for its approval.

REPORT FROM THE HUMAN RESOURCES COMMITTEE CHAIR (F: 11.12)

Human Resources Committee (HRC) Chair Shawver reported the November 4, 2014, Committee did not meet and therefore there were no reportable actions.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Chief Bowman reported on the 90-day update of the 120-Day Plan and provided a review of the goals and objectives of the plan. He deferred to Assistant Chief Dave Thomas to provide an update on the operation report regarding the training division. He identified three issues that were resolved: scheduling, work assignments, and loss of pay. He deferred to Dr. Ken Miller, Medical Director, Orange County Fire Authority who provided an update on the Ebola virus concerns and OCFA's preparedness.

MINUTES (F: 11.06)

2. Minutes from October 23, 2014, Regular Board of Directors Meeting

On motion of Director Bressette and second by Director Johnson, the Board voted unanimously to approve the Minutes from the Regular Board of Directors meeting of October 23, 2014. Directors Barnett, Bates, Gamble, Kelley, Lalloway, and Reyna noted abstentions due to their absence from the meeting.

- S1. On motion of Director Bressette and second by Director Johnson, the Board voted unanimously to approve the Minutes from the Special Board of Directors meeting of November 13, 2014. Directors Bates, Goedhart, Hernandez, McCullough, Sloan, and Weinberg noted abstentions due to their absence from the meeting.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matters on the Agenda identified as CS1, Conference with Legal Counsel-Existing Litigation, CS2, Conference with Legal Counsel – Anticipated Litigation, and CS3, Public Employee Appointment.

CS1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Claim: Larry Colgan v. OCFA

Case No. WCAB: ADJ 6933032, ADJ 933021, ADJ 7575097

Authority: Government Code Section 54956.9(a)

CS2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(b) - Significant Exposure to Litigation
(2 cases)

CS3. PUBLIC EMPLOYEE APPOINTMENT

Title: Fire Chief

Authority: Government Code Section 54957(b)(1)

Chair Murray recessed the meeting to Closed Session at 7:07 p.m.

Minutes

OCFA Board of Directors Regular Meeting

November 20, 2014 Page - 3

Chair Murray reconvened the meeting at 9:03 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig reported the Board voted unanimously with Director Weinberg opposed to appoint Chief Bowman as Fire Chief. The Board also voted unanimously to approve the settlement of a worker's compensation claim the terms of which will be disclosed publicly as soon as it is finalized by all necessary parties.

CONSENT CALENDAR

Agenda Item Nos. 5, 7, and 11 were pulled for separate consideration.

3. Annual Statement of Investment Policy and Investment Authorization (F: 20.02A1)

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

1. Review and approve the submitted Investment Policy of the Orange County Fire Authority, to be effective January 1, 2015.
2. Pursuant to Government Code Sections 53601 and 53607, renew delegation of investment authority to the Treasurer for a one-year period, to be effective January 1, 2015.

4. Adoption of Revised Conflict of Interest Code (F: 20.02A1)

On motion of Director Lalloway and second by Vice Chair Hernandez, the Board voted unanimously to adopt Resolution No. 2014-14 revising the OCFA Conflict of Interest Code, and direct the Clerk of the Authority to submit the Resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval.

5. Audited Financial Reports for the Fiscal Year Ended June 30, 2014 (F: 15.06)

This item was pulled by Stephen Wontrobski, Mission Viejo resident, who addressed his concerns with the Audited Financial Reports submitted by Lance, Soll & Lunghard, LLP (LSL).

On motion of Director Bressette and second by Director Spitzer, the Board voted unanimously to receive and approve the reports.

6. Updated Cost Reimbursement Rates and Methodologies (F: 15.12)

On motion by Director Lalloway and second by Vice Chair Hernandez, the Board voted unanimously to:

1. Adopt the updated Equipment Cost Reimbursement Rate schedule effective November 21, 2014.
2. Approve and adopt the proposed Resolution authorizing suppression (safety) personnel to be reimbursed portal to portal for time assigned on an in or out of county incident.

7. Contract Increase for TriTech Software Systems for Computer Aided Dispatch Software, Hardware, and Professional Services Relating to the Public Safety Systems Project (F: 19.08A3a)

This item was pulled by staff to defer to the December 4, 2014, Board meeting.

8. Secured Fire Protection Agreement with Shady Creek, LLC, a California Corporation, Related to the Hoag Health Center Development, Tract 15177, in the City of Irvine (F: 18.14)

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

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with Shady Creek, LLC, a California Corporation, Related to the Hoag Health Center Development, Tract 15177, in the City of Irvine.
2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange and furnish to Shady Creek, LLC, a copy of the conformed document within fifteen days of recordation.

9. Secured Fire Protection Agreement with H. E. Irvine, LLC, a California Corporation, Related to the Hyatt House Irvine project, Parcel 4Q, Lot Adjustment 593337 LL, in the City of Irvine (F: 18.14)

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

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with H. E. Irvine, LLC, a California Corporation, related to the Hyatt House Irvine project, Parcel 4Q, Lot Adjustment 593337 LL, in the City of Irvine.
2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange and furnish to H. E. Irvine, LLC, a copy of the conformed document within fifteen days of recordation.

10. Secured Fire Protection Agreement with USA Portola Properties, LLC, and Sunranch Capital Partners, LLC, California Corporations, Related to the Portola Center Development, Tracts 15353, 17300, and Area Plan 2008-01 in the City of Lake Forest (F: 18.14)

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

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with USA Portola Properties, LLC, and Sunranch Capital Partners, LLC, California Corporations, related to the Portola Center Development, Tracts 15353, 17300, and Area Plan 2008-01 in the City of Lake Forest.
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 USA Portola Properties, LLC, and Sunranch Capital Partners, LLC, a copy of the conformed document within fifteen days of recordation.

11. Approval of Amendments to Personnel and Salary Resolution (F: 17.02)

This item was pulled by staff to defer to the December 4, 2014, Board meeting.

DISCUSSION CALENDAR

12. FY 2013/14 Backfill/Overtime and Total Earnings/Compensation Analysis (F: 15.11)

Assistant Chief Lori Zeller introduced the staff report and deferred to Finance Manager Jim Ruane, who provided the presentation.

Stephen Wontrobski, Mission Viejo resident, expressed his continued concerns of pension and disability fraud, and sick time abuse.

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

1. Direct staff to pursue reductions in overtime by filling *permanent* vacancies (exceeding those required by MOU) as quickly as possible after the positions become vacant.
2. Direct staff to continue using overtime to fill *temporary* vacancies rather than hiring additional personnel, recognizing this as a cost-effective practice for temporary needs.
3. Direct staff to continue implementation of the overtime cap (recently approved as part of the Firefighter Unit MOU) to limit the number of overtime hours an employee can work per year.
4. Direct staff to report back to the Board in November 2015 on actual savings achieved by no longer including sick/vacation leave as hours worked for purposes of calculating overtime.

13. Proposed Amendments to the Board of Directors' Rules of Procedure regarding Posting Requirements of Proposed Labor Contracts and Change of Regular Meeting Date for the Claims Settlement Committee (F: 11.03)

Clerk of the Authority Sherry Wentz introduced the item and noted this was scheduled at the request of Director Spitzer to address transparency of future MOU's and labor type documents.

On motion of Director Spitzer and second by Director Lalloway, the Board voted unanimously to adopt Resolution No. 2014-15 amending the Board of Directors' Rules of Procedures.

14. Civic Openness In Negotiations Ordinance (F: 11.03C)

Stephen Wontrobski, Mission Viejo resident, spoke in favor of the Civic Openness In Negotiations Ordinance (COIN).

On motion of Director Spitzer and second by Director Johnson, the Board voted unanimously to defer further action on this matter until after a ruling is issued in the Orange County Employees Association's Unfair Practice Charge filed with the Public Employee Relations Board in connection with the County's COIN Ordinance.

S2. Fire Chief Employment Agreement (F: 17.10A2)

Human Resources Director Jeremy Hammond presented the staff report. He addressed the employment agreement and terms.

On motion of Director Lalloway and second by Director McCullough, the Board voted to approve an employment agreement with Jeff Bowman for employment as Fire Chief, following closed session negotiation of the agreement terms, and as amended to change the Chief's evaluation from November to July and allow him to continue his volunteer service to Scripts in his present capacity. Director Bates abstained.

PUBLIC HEARING(S)

No items.

BOARD MEMBER COMMENTS (F: 11.13)

Director Spitzer addressed the County's Ambulance Request for Proposal (RFP) process noting in his opinion only Dr. Stratton can nullify the RFP.

Director Gamble thanked the outgoing Board Members and wished them well.

Minutes

OCFA Board of Directors Regular Meeting

November 20, 2014 Page - 7

Director Kelley thanked the Board Members for their service and the entire organization of the Orange County Fire Authority. She noted complaints she heard from field personnel in the difficulties that they've experienced in using the e-tablets for ePCR system. She noted the City of Mission Viejo's implementation of preemption devices and encouraged other member agencies to do the same.

Assistant Chief Zeller noted there is an on-going test pilot program where varied devices are being reviewed; once the device best suited is determined there will be a bid process.

Director Bates stated she will be available while serving in the State's legislature. She stated the reason for her abstention to the Fire Chief contract was the limited time to review the document and wanting to be consistent regarding pension concerns.

Director McCullough stated this Board of Directors has been very interesting, she learned to have patience, thanked everyone for the cards and flowers sent to her during her recent illness, and wished everyone happy holidays and to be safe.

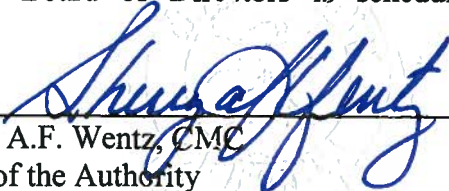
Director Bressette thanked staff for the OCFA keepsake and thanked everyone for their service.

Director Shawver suggested those leaving take time with their successors to emphasize the importance of serving on the Board of Directors.

Director Baker noted having the honor to participate in the Exchange Club of San Clemente by presenting the Reserve Firefighter of the Year award to Joe Soto and the Firefighter of the Year award to Jason Jones of Fire Station No. 29 in Dana Point.

Chair Murray thanked the Directors for the thoughtful and productive dialogue in the meeting, extended congratulations to Division Chief Ken Cruz who was awarded the Trauma Intervention Program (TIP) "Hero's With A Heart" Award, and offered congratulations to Assistant Chief Brian Stephens who announced his upcoming retirement in January 2015. He additionally thanked outgoing Directors Aguirre, Bates, Bressette, Kelley, McCullough, and Weinberg for their service and thanked Chief Bowman and Division Chief Kris Concepcion for their attendance at the Mayor's Prayer Breakfast in Tustin.

ADJOURNMENT – Chair Murray adjourned the meeting at 10:12 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for December 4, 2014, at 6:00 p.m.



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