

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, November 21, 2013
6:30 P.M.

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

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on November 21, 2013, at 8:03 p.m. by Vice Chair Al Murray.

INVOCATION

Chaplain Warren Johnson offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Joseph Aguirre, Placentia	Randal Bressette, Laguna Hills
Rick Barnett, Villa Park	Pat Bates, County of Orange
Carol Gamble, Rancho Santa Margarita	Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods	Gene Hernandez, Yorba Linda
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	Angelica Amezcua, Alternate, Santa Ana
David Shawver, Stanton	David Sloan, Seal Beach
Todd Spitzer, County of Orange	Tri Ta, Westminster
Phillip Tsunoda, Aliso Viejo	Steven Weinberg, Dana Point

Absent: Sam Allevato, San Juan Capistrano	Bob Baker, San Clemente
Elizabeth Swift, Buena Park	

Also present were:

Fire Chief Keith Richter	General Counsel Dave Kendig
Deputy Chief Craig Kinoshita	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 Kelley, the Board voted unanimously to approve the requests as submitted, and make presentations to those present.

Vice Chair Murray and Fire Chief Richter presented OCFA Length of Service recognitions to Fire Captain David Bautista, 35 years, and Fire Captain Jeff Morgan, 40 years of service to the OCFA. (F: 11.09D)

Vice Chair Murray and Fire Chief Richter presented the National Procurement Institute's 18th Annual Achievement of Excellence in Procurement Award to Purchasing Manager Debbie Casper, Buyer Roth Ong, and Management Assistant Marilee Freeville for achieving organizational excellence in procurement. (F: 17.10I)

PUBLIC COMMENTS (X: 11.11)

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

Stephen Wontrobski, Mission Viejo resident, commented on the lack of response by LSL regarding the Purchasing/Procurement audit and his continued concern regarding the OCFA procurement process. He provided a letter, which is on file in the Office of the Clerk. (F: 15.02A1)

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

CLOSED SESSION (F: 11.15)

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

Vice Chair Murray recessed the meeting to Closed Session at 8:20 p.m.

CS1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Steve Poole et al. v. Orange County Fire Authority

Case No.: OC Superior Court Case No. 30-2011-00463651

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 (1 case)

Vice Chair Murray reconvened the meeting at 9:07 p.m. Director Lalloway left at this point.

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CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig indicated the Board unanimously authorized the filing of a petition for review with the Supreme Court in the matter of Steven Poole et al. v. Orange County Fire Authority, OC Superior Court Case No. 30-2011-00463651.

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

Budget and Finance Vice Chair Bressette reported that at its November 6, 2013, meeting the Budget and Finance Committee discussed and voted unanimously to send the Acceptance of DHS/FMA Administrative Preparedness Grant, Annual Statement of Investment Policy and Investment Authorization, Audited Financial Reports for the Fiscal Year Ended June 30, 2013, FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis, 2013 Update – Fiscal Health Plan & Financial Stability Budget and Refunds for Unverified Hazardous Materials Disclosure Inspection – Follow-up Actions to the Board of Directors with the recommendation that the Board approve the items.

He reported that the Committee had also received a monthly status update of the Orange County Employees' Retirement System (OCERS) and Workers' Compensation Program, and directed staff to send letters to OCERS in opposition to its Compensation Philosophy.

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2. Minutes from September 26, 2013, Regular Board of Directors Meeting (A) and October 7, 2013, Special Board of Directors Meeting (B) (F: 11.06)

Stephen Wontrobski, Mission Viejo resident, did not concur with the Minutes regarding his comments at the September 26, 2013, regarding the LSL audit, and requested they be amended to reflect his opposition to the item.

On motion of Director Kelley and second by Director McCloskey, the Board voted unanimously to direct the Clerk to review the tapes from these meetings and make any necessary modifications.

CONSENT CALENDAR

(Agenda Item No. 6 was pulled from the Consent Calendar for separate consideration. Agenda Item No. 8 was pulled for consideration at a future meeting.)

3. Annual Statement of Investment Policy and Investment Authorization (F: 11.10D)

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

1. Approve the submitted Investment Policy of the Orange County Fire Authority, to be effective January 1, 2014.
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, 2014.

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3. Direct staff to return to the Budget and Finance Committee in January to discuss the option of using an outside investment manager.

4. 2013 Update – Fiscal Health Plan & Financial Stability Budget Policy (F: 11.10B)

On motion of Director Bressette and second by Director Kelley, the Board voted unanimously to approve the Fiscal Health Plan and the Financial Stability Budget Policy.

5. Refunds for Unverified Hazardous Materials Disclosure Inspections – Follow-up Actions (F: 18.11A1)

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

1. Direct staff to process a second mailing to eligible businesses that have not yet claimed refunds, using updated addresses where feasible.
 - a. Work with the Orange County Health Care Agency (HCA) for availability of more recent address information relating to these businesses.
 - b. Provide the list of outstanding eligible businesses, sorted by city, to our member agencies for any assistance that they may be able to provide in locating current addresses for these businesses.
 - c. Utilize light-duty staff to assist in searching public information that may lead to new addresses for the outstanding businesses.
 - d. Utilize the existing address on file if updated addresses cannot be located for businesses.
 - e. Issue the second letters to these eligible businesses on or about January 15, 2014.
2. Authorize a cut-off date of April 30, 2014, whereby the value of any remaining unclaimed refunds will be transmitted to the HCA for use in the existing Hazardous Materials Disclosure (HMD) program, thereby benefitting the existing participating HMD businesses.
3. Direct staff to work with the HCA in developing potential actions for disposition of the \$935,870 in funds that resulted from FY 2007/08 HMD fee reductions that were approved by the OCFA Board of Directors after the HMD billings had been processed.
 - a. Potential actions should be brought back to the Budget and Finance Committee and Board of Directors, for further discussion and action.

6. Equity Status Update – Approval of Second Amendment to Amended OCFA Joint Powers Authority Agreement (F: 10.2) (X: 12.03E3)

Stephen Wontrobski, Mission Viejo resident, provided public comments in opposition to the approval of the Second Amendment to Amended OCFA Joint Powers Authority Agreement. He provided a letter, which is on file in the Office of the Clerk.

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

7. Acceptance of DHS/FEMA Administrative Preparedness Grant (F: 16.02B)

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

1. Adopt the submitted resolution to accept the Department of Homeland Security/Federal Emergency Management Agency's (DHS/FEMA) Administrative Preparedness Grant.
2. Direct staff to increase revenue and appropriations in the amount of \$1,244,654 in the General Fund (Fund 121).

8. Proposed Human Resources Committee (F: 12.02D)

Vice Chair Murray indicated the item would be deferred to a future meeting.

END OF CONSENT CALENDAR

DISCUSSION CALENDAR

Chair Weinberg arrived at this point (9:18 p.m.), and assumed the chair.

9. Audited Financial Reports for the Fiscal Year Ended June 30, 2013 (F: 15.06)

Assistant Chief Zeller introduced Richard Kikuchi, CPA, Soll & Lunghard, LLP, who provided a report on the Audited Financial Reports for the Fiscal Year Ended June 30, 2013.

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

10. FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis (F: 15.11)

On motion of Director Goedhart and second by Vice Chair Murray, the Board voted unanimously to defer this item to a future meeting.

PUBLIC HEARING(S)

No items.

REPORTS

11. Chief's Report (F: 11.14)

Fire Chief Richter reported staff had initiated the FY 2014/15 budget process, which will be presented to the Budget and Finance Committee at its May 14, 2014, meeting. He reported on the first quarter expenditures; Chief Richter reported backfill overtime was at 35% due to large fires occurring over the first quarter. He indicated the crew at Fire Station 62 relocated to the Fullerton Airport due an accidental fire at the station, and noted asbestos was discovered during repairs. Chief Richter indicated an anonymous letter was received by OCFA regarding the hiring of the OCFA Human Resources (HR) Director. He reported Legal Counsel reviewed the matter and advised OCFA to conduct an open recruitment, as the HR Director is not considered an Executive Manager. Chief Richter indicated a recruitment is underway, and Janet Wells was reclassified to an interim HR Director until the position is filled.

BOARD MEMBER COMMENTS (F: 11.13)

Director Kelley indicated she attended the Spurgeon Award Ceremony, and announced Fire Chief Richter received the award for his work with the Fire Explorer Program; and thanked Assistant Chief Zeller and Division Chief Wells for attending the City of Mission Viejo's Council meeting and presenting the Second Amendment to Amended OCFA Joint Powers Authority Agreement.

Director Amezcua indicated the Santa Ana Council approved an \$890,000 Community Development Block Grant fund to improve fire stations facilities; thanked OCFA for moving forward with the hazard reduction program in Santiago Creek and hand crews for assistance in removing the hazards/vegetation in the creek; thanked Truck 75 Shift B for participating in the Latina Health Access' Wellness Corridor Walk & Ride Kickoff, and announced the delivery of a flashover container to Centennial Park for fire training purposes.

Vice Chair Murray thanked staff for its Equity Study presentation at the City's Council meeting; noted his attendance at the Spurgeon Award Ceremony and offered his congratulations to the Fire Chief for receiving an award; commented on his attendance at the Heroes with a Heart Ceremony noting OCFA Fire Captain Mark Danielson was honored for assisting a citizen who lost a spouse; thanked Division Chief Concepcion for attending the Tustin Mayor's Breakfast, and wished everyone a happy Thanksgiving.

Director Bressette encouraged Board members to visit the Orange County Firefighters' Benevolent Association store to purchase a book entitled *A Christmas Major*, which was written by a retired OCFA firefighter.

Director McCullough indicated the Lake Forest City Council approved the Amended OCFA Joint Powers Authority Agreement unanimously, and wished everyone a happy Thanksgiving, Merry Christmas, and a happy safe new year.

Director Gamble requested the Executive Committee consider revising its meetings start times; requested the Budget and Finance and Executive Committees consider requiring more detailed information in Professional Services Agreements; thanked Assistant Chief Zeller and Division

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Chief Wells for attending the Rancho Santa Margarita City Council meeting and indicated the council unanimously approved the Second Amendment to Amended OCFA Joint Powers Authority Agreement, and wished everyone a happy Thanksgiving.

Director Shawver commended Assistant Chief Zeller for her work with Orange County Employees Retirement System in monitoring OCFA interests, and wished everyone a happy Thanksgiving.

Director Barnett concurred with Director Shawver's comments regarding Assistant Chief Zeller; agreed with Director Gamble's request to consider a change to the Executive Committee meetings noting it may be beneficial to move them to an earlier time or a different day; thanked Mr. Wontrobski for being a public watchdog even though he may not always agree with him.

Director McCloskey reported the Laguna Niguel City Council did not pass the Amended OCFA Joint Powers Authority Agreement, and indicated his city would like to see more equity in the future.

Chair Weinberg wished everyone a happy Thanksgiving, Hanukah, and Christmas.

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 Labor Negotiator and CS4, Public Employee Performance Evaluation, and noted Legal Counsel Barbara Raileanu would be not be attending CS3.

Chair Weinberg recessed the meeting to Closed Session at 9:35 p.m.

CS3. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiators: Janet Wells, Human Resources Director, and
Barbara Raileanu, Legal Counsel

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

CS4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position: Fire Chief


Authority: Government Code Section 54954.5

Chair Weinberg reconvened the meeting at 11:10 p.m. with all Board members 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 11:11 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for January 23, 2014, at 6:30 p.m.



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