

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting
Thursday, January 23, 2014
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 January 23, 2014, at 6:30 p.m. by Chair Steven Weinberg.

INVOCATION

Chaplain Robert Benoun offered the invocation.

PLEDGE OF ALLEGIANCE

Chair Weinberg led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL

Present: Sam Allevato, San Juan Capistrano	Angelica Amezcua, Alternate, Santa Ana
Bob Baker, San Clemente	Pat Bates, County of Orange
Randal Bressette, Laguna Hills	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
Gordan Shanks, Alternate, Seal Beach	Todd Spitzer, County of Orange
Elizabeth Swift, Buena Park	Chad Wanke, Placentia
Tri Ta, Westminster	Phillip Tsunoda, Aliso Viejo
Steven Weinberg, Dana Point	

Absent: Rick Barnett, Villa Park	David Shawver, Stanton
David Sloan, Seal Beach	Sal Tinajero, Santa Ana

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

ADMINISTRATION OF OATH OF OFFICE FOR THE NEWLY APPOINTED BOARD MEMBERS (F: 11.02C)

Clerk of the Authority Sherry Wentz administered the Oath of Office to newly appointed Board member Chad Wanke, City of Placentia.

PRESENTATIONS

1. Fire Chief's Action Plan (F: 17.10A)

By consensus of the Board, the Board voted to receive the Fire Chief's Action Plan.

Fire Chief Keith Richter provided a PowerPoint presentation on his Action Plan.

PUBLIC COMMENTS (F: 11.11)

Chair Weinberg opened the Public Comments portion of the meeting. Chair Weinberg closed the Public Comments portion of the meeting without any comments.

Director Spitzer requested Agenda Item No. 4 be considered prior to Closed Session. Chair Weinberg pulled Agenda Item No. 4 for separate consideration.

Director Bates arrived at this point (7:15 p.m.)

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS1, Conference with Labor Negotiator.

Chair Weinberg recessed the meeting to Closed Session at 7:30 p.m.

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Peter Brown, Liebert Cassidy Whitmore

Employee Organizations: Orange County Professional Firefighters' Association,
Local 3631

Authority: Government Code Section 54957.6

Chair Weinberg reconvened the meeting at 9:43 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig indicated the Board had took no reportable action.

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

Budget and Finance Committee Chair Beth Swift reported at the January 8, 2014, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the FY 2013/14 Mid-Year Financial Report to the Board of Directors with the recommendation that the Board approve the item. She also reported the Committee extensively reviewed the use of an external investment manager, and voted unanimously to recommend the OCFA's Treasurer to continue to invest funds internally.

MINUTES

2. Minutes from November 21, 2013 (A), Board of Directors Regular Meeting, and Minutes from the December 11, 2013 (B), Board of Directors Special Meeting (F: 11.06)

On motion of Director Bressette and second by Director Lalloway, the Board voted to approve the Minutes from the November 21, 2013, Regular Board of Directors and December 11, 2013, Special Board of Directors meetings. Directors Allevato, Baker, Shanks, Swift, and Wanke noted abstentions for the November 21, 2013, Regular Board of Directors meeting, and Directors Allevato, Amezcua, Baker, Bates, Shanks, Ta, and Wanke noted abstentions for the December 11, 2013, Special Board of Directors meeting.

CONSENT CALENDAR

Director Gamble pulled Agenda Item No. 6, Director Goedhart pulled Agenda Item Nos. 3 and 9, and Director Spitzer pulled Agenda Item Nos. 5, 8, and 9 for separate consideration.

3. Amendments to Board Rules of Procedure (F: 11.03) (X: 12.02A) (X: 12.02D)

Director Goedhart pulled the agenda item to note his objection to allowing the Human Resources Committee to serve as an advisory committee for the Board of Directors on matters relating labor negotiations.

Fire Chief Richter indicated the Human Resources Committee would be an advisory committee to the Board of Directors, and the full Board would set policy.

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

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 Resolution 2014-01 to amend the Board Rules of Procedure to reflect the additional standing committee, and other proposed changes.

RESOLUTION NO. 2014-01
A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY
AMENDING THE BOARD OF DIRECTORS RULES OF PROCEDURE

Directors Baker, Gamble, Goedhart, McCullough, and Spitzer voted in opposition.

4. **Management Partners' Organizational Structure and Management System Review**
(F: 17.16)

Director Spitzer pulled this item for a consultant update prior to meeting in Closed Session.

Cathy Standiford, Management Partners, provided a status update on the Organizational Structure and Management System Review.

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

5. **Update on the OCFA 911 Emergency Ambulance Contract Phase 1 Request for Proposals** (F: 18.05B 2014)

Director Spitzer pulled this agenda item to note the County of Orange Emergency Medical Services had been informed by the State of California that the County's delegation of conducting requests for ambulance proposals to the OCFA may be unlawful. He also indicated the item had not been presented to the Orange County Board of Supervisors, therefore he would need to abstain.

On motion of Director Ta and second by Vice Chair Murray, the Board voted to direct staff to continue working with Orange County Emergency Medical Services to assist with the OCFA 911 Emergency Ambulance Contract Request for Proposal process, as authorized by the State and/or County. Directors Bates and Spitzer abstained.

6. **Award of Construction Contract for New Fire Station 56, Sendero Ranch**
(F: 19.07C56)

Director Gamble pulled this item to note her opposition to providing a 5% contingency in the contract.

Property Manager Steve Chambers indicated the OCFA has always included contract contingency funds to avoid delays caused by unforeseen events.

On motion of Vice Chair Murray and second by Director Ta, the Board voted by roll call vote to:

1. Accept the design-build proposal submitted by Erickson-Hall Contractors.
2. Award the contract for design and construction of Fire Station 56 to Erickson-Hall Construction for a guaranteed maximum cost not to exceed \$5,000,000 dollars.
3. Authorize a 5% construction contingency of \$250,000 dollars.

SUPPORT (14)

Sam Allevato, San Juan Capistrano
Randal Bressette, Laguna Hills
Noel Hatch, Laguna Woods
Trish Kelley, Mission Viejo
Jeffrey Lalloway, Irvine
Al Murray, Tustin
Elizabeth Swift, Buena Park

Bob Baker, San Clemente
Gerard Goedhart, La Palma
Robert Johnson, Cypress
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Gordan Shanks, Alternate, Seal Beach
Steven Weinberg, Dana Point

OPPOSED (6)

Angelica Amezcua, Alternate, Santa Ana
Gene Hernandez, Yorba Linda
Todd Spitzer, County of Orange

Carol Gamble, Rancho Santa Margarita
Kathryn McCullough, Lake Forest
Chad Wanke, Placentia

ABSTAINED (1)

Pat Bates, County of Orange

ABSENT (4)

Rick Barnett, Villa Park
Tri Ta, Westminster

David Shawver, Stanton
Phillip Tsunoda, Aliso Viejo

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

7. Approval of Agreement for Transfer or Purchase of Equipment/Services or for Reimbursement of Training Costs for FY 2012 Urban Areas Security Initiative (UASI) Between the City of Santa Ana and the Orange County Fire Authority (F: 16.02A)

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

1. Adopt Resolution 2014-02 approving and authorizing the Fire Chief to execute the Agreement to Transfer or Purchase Equipment/Services and for Reimbursement of Training Costs for FY 2013 Urban Areas Security Initiative between the City of Santa Ana and the Orange County Fire Authority.

RESOLUTION NO. 2014-02
A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY
BOARD OF DIRECTORS AUTHORIZING FIRE CHIEF TO EXECUTE
DOCUMENTS NECESSARY TO OBTAIN FEDERAL ASSISTANCE

2. Direct staff to include \$8,535.00 in increased revenue and appropriations in the FY 13/14 budget, which will be allocated to reimburse OCFA for preapproved training. Any unspent funds will be re-budgeted to the next fiscal year.

8. Adoption of OCFA 2014 Legislative Policy Guidelines (F: 11.10F)

Director Spitzer pulled this item to note his opposition to the restriction of the sale of fireworks.

On motion of Director Bressette and second by Director Hernandez, the Board voted unanimously to adopt the OCFA 2014 Legislative Policy Guidelines, excluding Public Protection, Fireworks, 1.1 to be considered by a separate motion, and Public Protection, Fire Protection 2.4 to be considered at a future meeting, and direct OCFA staff to initiate procedures to implement those policies.

On motion of Director Bressette and second by Vice Chair Murray, the Board voted to adopt the OCFA 2014 Legislative Policy Guideline for Public Protection, Fireworks, 1.1. Directors Amezcua, Bates, Lalloway, McCullough, Spitzer, Swift, and Wanke voted in opposition.

9. FY 2013/14 Mid-Year Financial Report (F: 15.04 2013/14)

Director Spitzer pulled this item to note the OCFA has not received a judicial review resolution, therefore should not be distributing funds as indicated in the equity resolution.

General Counsel Dave Kendig indicated OCFA is seeking a Validation Action, which doesn't require OCFA to treat the contract as invalid.

Assistant Chief Zeller indicated the City of Irvine has indicated it will place the funds into a reserve account until the contract has been validated.

Director Goedhart requested staff provide information in support of unfreezing staff positions.

Assistant Chief Zeller provided an overview of staffing needs, and Assistant Fire Marshal Pete Bonano and Clerk of the Authority Sherry Wentz provided justification for positions.

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

1. Direct staff to implement all necessary budget adjustments to allocate \$3,000,000 of the \$6,134,590 of available unencumbered funds identified in the 2012/13 annual

- financial audit to the OCFA's Unfunded Actuarial Accrued Liabilities with the Orange County Employees Retirement System, and allocate any remaining funds to the OCFA's Capital Improvement Program for capital needs.
2. Direct staff to implement all necessary budget adjustments to issue the 2013/14 equity payment to the City of Irvine in the amount of \$5,976,162, in accordance with the Second Amendment to the Amended Joint Powers Agreement.
 3. Direct staff to implement necessary budget adjustments to unfreeze specified positions for the Community Risk Reduction and Business Services Departments, as explained herein.
 4. Direct staff to return to the Board of Directors in March 2014, for approval of all additional budget adjustments discussed herein for the FY 2013/14 budget.

Director Spitzer abstained.

DISCUSSION CALENDAR

No items.

PUBLIC HEARING(S)

No items.

REPORTS

10. Chief's Report (F: 11.14)

Fire Chief Richter thanked staff for all the assistance being provided to fallen Fire Apparatus Engineer Greg Hennessey's family.

BOARD MEMBER COMMENTS

Director Gamble commended staff for trying to help Engineer Hennessey, and encouraged everyone to pray for them as they stepped up to a difficult situation. She also indicated the City of Rancho Santa Margarita closed their City Council meeting in honor of Engineer Hennessey.

Director Baker thanked Assistant Chief Zeller and Treasurer Jakubiak for their fair and balanced staff report in consideration of the use of an external investment manager, which allowed the Budget and Finance Committee to make an informed decision. He also indicated the City of San Clemente closed their Council meeting in honor of Engineer Greg Hennessey.

Vice Chair Murray indicated the City of Tustin closed their Council meeting in honor of Engineer Greg Hennessey, and noted his thoughts and prayers were with their family.

Chair Weinberg thanked Fire Chief Richter for providing a presentation at the Dana Point Council meeting.

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ADJOURNMENT - Chair Weinberg adjourned the meeting at 10:37 p.m. in honor of fallen Fire Apparatus Engineer Greg Hennessey. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for February 27, 2014, at 6:30 p.m.



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