

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, February 27, 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 February 27, 2014, at 6:30 p.m. by Chair Steven Weinberg.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: 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
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Shawver, Stanton
Todd Spitzer, County of Orange
Chad Wanke, Placentia
Steven Weinberg, Dana Point

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
Kathryn McCullough, Lake Forest
Roman Reyna, Santa Ana
David Sloan, Seal Beach
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo

Absent: Jeffrey Lalloway, Irvine

Tri Ta, Westminster

Also present were:

Fire Chief Keith Richter
Deputy Chief Craig Kinoshita
Assistant Chief Dave Thomas
Clerk of the Authority Sherry Wentz

General Counsel Dave Kendig
Assistant Chief Brian Stephens
Assistant Chief Lori Zeller
Assistant Clerk Lydia Slivkoff

PRESENTATIONS

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

A. Length of Service Recognition

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

Chair Weinberg and Fire Chief Richter recognized OCFA Length of Service recipient Fire Apparatus Engineer Tommy Harris for his 30 years of service. (F: 11.09D)

Chair Weinberg noted he was using his Chair's discretion to reorder agenda items, as follows: Consent Calendar Agenda Items Nos. 1-10, Agenda Item No. 13, Agenda Item Nos. 11-12, and 14, Public Comments, Budget and Finance Committee Report, Agenda Item No. 2, and finally Closed Session.

PUBLIC HEARING(S)

No items.

MINUTES

2. Minutes from January 9, 2014, (A) Special Board of Directors Meeting and January 23, 2014, (B) Regular Board of Directors Meeting (F: 11.06)

On motion of Director Bressette and second by Director Swift, the Board voted to approve the Minutes from the January 9, 2014, Special Board of Directors and January 23, 2014, Regular Board of Directors meetings. Directors Johnson, Sloan, Reyna, Spitzer, and Wanke noted abstentions for the January 9, 2014, Special Board of Directors meeting, and Directors Barnett, Shawver, Reyna, and Sloan noted abstentions for the January 23, 2014, Regular Board of Directors meeting. Directors Allevato and Bates were absent for the vote.

CONSENT CALENDAR

Agenda Item Nos. 3, 6, 9, and 10 were pulled from the Consent Calendar for separate consideration.

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

3. FY 2013/14 Second Quarter Progress Report on Planning & Development Services Activity (F: 18.03A)

Vice Chair Murray pulled this agenda item to inquire into inspection performance and to suggest the implementation of an educational outreach to contractors in the inspection process to decrease the need to schedule multiple inspections.

Assistant Chief Thomas provided an overview on the Planning & Development report and indicated at its last meeting, the Board approved two new inspector positions, which should improve inspection performance.

Deputy Fire Marshal Pete Bonano provided clarification on the need for re-inspections and indicated, in the past; staff has utilized an educational outreach regarding the inspection process and would re-implement this effort.

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

4. OCFA 2014 Grants Status and Priorities (F: 11.10G)

On motion of Vice Chair Murray and second by Director Johnson, the Board voted unanimously to approve OCFA's grant priorities for 2014.

5. Orange County Fire Authority Fire Corps Status Report (F: 17.11C)

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

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

Director Spitzer pulled this item to request Management Partners provide an update on its observations of OCFA communications, and asked if they believed staff was prepared to implement the proposed recommended actions for the Standards of Cover.

Director Tsunoda arrived at this point (6:50 p.m.).

Cathy Standiford, Management Partners, indicated she was on track to provide a full report of observations and recommendations to the Board of Directors in March, and that she was not prepared to respond to the inquiry regarding staff's readiness to implement the Standards of Cover as this was not within Management Partners' work scope.

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

7. Disposition of Remaining Hazardous Materials Disclosure Fund Balance (F: 18.11A1)

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

1. Direct staff to implement all necessary budget adjustments to remit the \$935,870 in HMD funds designated in the OCFA's General Fund, and to transmit any unclaimed refunds remaining after April 30, 2014, to the Orange County Health Care Agency (HCA). The HCA will deposit the funds in a special revenue account for use in the existing HMD Program.
2. Approve the submitted Indemnification Agreement between the OCFA and the County of Orange to hold the County harmless from liability arising from the transfer of funds.

8. Secured Fire Protection Agreement with Metropolis Gardens, LLC, a California Corporation, for Entitlements in the Metropolis Garden Apartments Development, Tract 17109, in the City of Irvine (F: 18.14)

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

1. Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Metropolis Gardens, LLC, for entitlements in the Metropolis Gardens Apartments development, Tract 17109 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 Metropolis Gardens, LLC, a copy of the conformed document within fifteen (15) days of recordation.

9. Agreement to Transfer Property or Funds for 2012 Homeland Security Grant Program Purposes between the County of Orange Sheriff-Coroner Department and the Orange County Fire Authority (F: 16.02A)

Vice Chair Murray pulled this item to request budget information regarding a command vehicle that was referenced in the staff report.

Assistant Chief Thomas indicated staff was currently in discussions with the Department of Homeland Safety, and the actual budget item would be provided to the Board at a future meeting.

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

1. Adopt the Resolution No. 2014-03 approving and authorizing the Fire Chief, or his designee, to execute the Agreement to Transfer Property or Funds for 2012 Homeland Security Grant Program Purposes.

RESOLUTION NO. 2014-03

A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY
BOARD OF DIRECTORS AUTHORIZING FIRE CHIEF TO EXECUTE
DOCUMENTS NECESSARY TO OBTAIN FEDERAL ASSISTANCE

2. Increase revenue and appropriations in the FY 2013/14 General Fund by \$160,000 for the Fire Captain position at the Orange County Intelligence Assessment Center.

10. Appointment of Special Litigation Counsel for Validation Proceedings
(F: 12.03E3d)

General Counsel Dave Kendig provided an overview on the appointment of special litigation counsel for validation proceedings.

Stephen Wontrobski, Mission Viejo resident, provided public comments regarding the appointment of a special litigation counsel and provided a letter outlining his concerns, which is on file in the Office of the Clerk.

On motion of Vice Chair Murray and second by Director Swift, the Board voted to appoint T. Peter Pierce of Richards, Watson & Gershon as special litigation counsel to represent the OCFA in the Validation Action, and authorize the Fire Chief to execute a professional services agreement and the Disclosure and Consent Letter as proposed. Directors Bates and Spitzer abstained.

DISCUSSION CALENDAR

11. Update on the 911 Emergency Ambulance Contract Request for Proposals
(F: 18.05B 2014)

Assistant Chief Zeller provided an overview of the 911 Emergency Ambulance Contract Request for Proposals.

Dr. Sam Stratton, Medical Director, County of Orange, provided a report on the Request for Proposal for 911 Emergency Ambulance Contracts process, and indicated he would welcome input from all agencies.

Stephen Wontrobski, Mission Viejo resident, provided public comments in opposition to OCFA reimbursement for BLS and ALS costs. He provided a letter outlining his concerns, which is on file in the Office of the Clerk.

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

Submit a formal request from the OCFA Board of Directors to the Orange County Emergency Medical Services (OCEMS) Medical Director, requesting that the County of Orange (County) continues to include the following provisions in the 911 Emergency Ambulance Contract Request for Proposal (RFP) process:

Require the contracted ambulance service provider(s) to reimburse OCFA for advanced life support (ALS) services and medical supplies provided by OCFA to patients whom are subsequently transported to the hospital by the ambulance service provider(s). ALS reimbursement and medical supply rates shall not exceed OCFA's marginal costs for ALS paramedic services and supplies, and shall be approved by the County Board of Supervisors each year.

Director Barnett registered in opposition. Directors Bates and Spitzer abstained.

12. Communications Work Program Prepared by SAE Communications (F: 17.10C1)

Fire Chief Richter introduced Principals Scott Summerfield and Sheri Benninghoven, SAE Communications, to provide an update on communications.

A lengthy discussion ensued.

On motion of Director Spitzer and second by Director Gamble, the Board voted unanimously to:

1. Receive and file the attached 2014 Communications Work Program, prepared by SAE Communications.
2. Direct staff to prepare the job classification for a new civilian position titled "Director of Communications," conduct research for the appropriate salary range, and return to the Executive Committee for approval of the classification at their March 27, 2014, meeting.
3. Direct staff to include the cost of this job position in the mid-year budget adjustments that will be submitted to the Budget and Finance Committee and Board of Directors in March 2014, or as soon as practical.
4. Direct staff to continue the meet and confer process with the Orange County Chief Officers Association regarding this position.

Chair Weinberg and Directors Barnett and Sloan registered in opposition.

13. Standards of Coverage and Deployment Study (F: 18.13 2014)

Jack Snook and Joe Parrott, Emergency Services Consulting International (ESCi), provided a PowerPoint presentation on the Standards of Coverage and Deployment Study.

Fire Chief Richter provided an additional PowerPoint presentation on the Standards of Coverage and Deployment Study.

A lengthy discussion ensued.

Dave Phillips, President, Orange County Chief Officers Association, provided public comments in opposition to the recommended actions. Indicating that due to the size and complexity of the document there was not adequate time provided to review it. He indicated that it may be better to delay any change to the deployment model until the organization can fully determine the impacts of the implementation of the expanded criteria-based dispatching and the new Computer Aided Dispatch system. He shared his concern with the document being rushed through without being properly vetted prior to recommendations being implemented.

Dave Rose, President, Orange County Professional Firefighters Association, IAFF Local 3631, informed the Board of a misrepresentation by the consultant in outreach to the Association during this process. He noted opposition to the recommended actions indicating the study contained 180 discrepancies and summarized the Association's concerns with the report and the proposed deployment model. He noted the Association's intent to withdraw its support of the Fire Chief, due to the many issues currently plaguing the OCFA. He requested that the Board limit its action this evening to receiving and filing the report, and work collaboratively to fully vet this document and any changes to deployment prior to implementation.

Discussion continued and concluded with a commitment by Dave Rose, President, Orange County Professional Firefighters Association, IAFF Local 363, to provide staff with the discrepancies that the Association identified within the study, impacts to the safety of the public and fire personnel with the proposed model, and its suggestions to attaining the goal of improving response times within two weeks; a commitment by the consultant, ESCi to review those errors identified by the Association and provide responses within two weeks of receiving the redlined version of the Study provided by the Association, and that OCFA staff agreed to work concurrently with the consultant in the review process.

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

1. Receive and file the Orange County Fire Authority-Standards of Coverage and Deployment Plan 2014 submitted by Emergency Services Consulting, Intl (ESCi).
2. Direct staff to schedule a Board Workshop to review the final Standards of Coverage and Deployment Study.
3. Direct staff to solicit input and comments from stakeholders for presentation to the Board including the discrepancies identified by Local 3631 along with the replies by the consultant and OCFA staff.

4. Direct OCFA staff to provide the Board with a final redlined version of the report with the additional requested input and with sufficient time to review the report prior to the Board Workshop.

14. Board Stipends, Board Attendance, and Additional Standing Committees
(F: 11.04) (F: 12.02)

Chair Weinberg indicated Agenda Item No. 14 would be continued to the next regular meeting.

Director Bates left at this point (10:35 p.m.)

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

Budget and Finance Committee Chair Beth Swift reported at the February 5, 2014, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the OCFA 2014 Grants Status and Priorities to the Board of Directors with the recommendation that the Board approve the item. She also reported the Committee received its monthly status update on the Orange County Employees' Retirement System, and provided staff the proposed scope of work for year two of the Comprehensive Review of OCFA's Financial Internal Controls.

PUBLIC COMMENTS (F: 11.11)

Chair Weinberg opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, provided public comments regarding legal services, requested the Board issue a Request for Proposals for General Counsel services, and provided a letter in support of his comments, which is on file in the Office of the Clerk.

Chair Weinberg closed the Public Comments portion of the meeting.

REPORTS

15. Chief's Report (F: 11.14)

Fire Chief Richter indicated the memorial service for former Fire Apparatus Engineer Greg Hennessey would be held on March 4, 2014, at Saddleback Church. He also indicated a ground breaking ceremony for Fire Station 56, Sendero Ranch, would be held on March 7, 2014.

BOARD MEMBER COMMENTS (F: 11.13)

Director Shawver thanked Chief Richter for being a special guest the Cypress College's 39th Annual Americana Awards at the Disneyland Hotel on February 22, 2014, where first responders were honored. He indicated OCFA 3631 members were well represented, along with the OCFA Pipes and Drums. Director Shawver indicated OCFA filled the Grand Ballroom and showed its colors true and blue.

Director Spitzer invited Directors to attend the Countywide Visionary Conference for elected officials at the Anaheim Stadium on April 7, 2014. He also indicated the County of Orange had five finalists for the Victims Memorial at Mesa Park, and encouraged everyone to attend the Crime Victims March on April 12, 2014.

Vice Chair Murray encouraged Directors to attend the Grand Opening of Fire Station 37 on March 27, 2014, at 10 a.m. He also thanked OCFA for working with Tustin Police Department to apprehend four juveniles who started a fire at Tustin High School.

Director Gamble requested staff schedule a Board Closed Session item for the Executive Committee to provide an update on the Fire Chief's performance plan, requested an update on the Internal Control Review regarding the Community Risk Reduction (formerly known as Fire Prevention) Department, and thanked Fire Chief Richter and Division Chief Wells for assisting a business within her community regarding a response concern.

Director McCullough shared her concern with City of Irvine's potential separation from the OCFA, and its potential impacts on the Authority. She supported the need for the OCFA to continue its communication improvement efforts.

Director Hatch indicated he would not be in attendance at the next meeting.

Director Baker indicated OCFA needs to consider implementation of an alternative voting system.

Director Barnett commented on his meeting with officials of the OCFA on the Standards of Cover on February 18, 2014.

Director Kelley commended Battalion Chief Devin Leonard for providing a CPR demonstration at the City of Mission Viejo's Council meeting, thanked the crew at Fire Station 24 for attending, and Doctors Ambulance for providing the CPR equipment for the demonstration. She indicated the demonstration raised CPR awareness in her community.

CLOSED SESSION (F: 11.15)

Chair Weinberg indicated the Closed Session item would be deferred to the next regular Board meeting.

CS1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Orange County Fire Authority and City of Irvine v All Persons
Interested in the Matter of the Validity of that Second Amendment to
Amended Joint Powers Authority

Case No.: OC Superior Court Case No. 30-2013-006945527

Authority: Government Code Section 54956.9(d)(1)

CLOSED SESSION REPORT (F: 11.15)

No Closed Session report was needed, due to the item's continuance.

ADJOURNMENT –Chair Weinberg adjourned the meeting at 10:52 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for March 27, 2014, at 6:30 p.m.



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