

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting
Thursday, May 22, 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 May 22, 2014, at 6:30 p.m. by Chair Steven Weinberg.

INVOCATION

Chaplain Jeff Hetschel offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Joseph Aguirre, Alternate, Placentia
Angelica Amezcua, Alternate, Santa Ana
Rick Barnett, Villa Park
Randal Bressette, Laguna Hills
Gerard Goedhart, La Palma
Gene Hernandez, Yorba Linda
Warren Kusumoto, Los Alamitos
Dave Leckness, Alternate, Mission Viejo
Al Murray, Tustin
David Shawver, Stanton
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo

Sam Allevato, San Juan Capistrano
Bob Baker, San Clemente
Pat Bates, County of Orange
Carol Gamble, Rancho Santa Margarita
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
Gordon Shanks, Alternate, Seal Beach
Todd Spitzer, County of Orange
Tri Ta, Westminster
Steven Weinberg, Dana Point

Absent: Trish Kelley, Mission Viejo
Roman Reyna, Santa Ana
Chad Wanke, Placentia

Jerry McCloskey, Laguna Niguel
David Sloan, Seal Beach

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

Agenda Item No. 2 was presented before Agenda Item No. 1, as recipients were not yet present.

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

Letter of Recognition to Boy Scout Troop 1134 for Service in Assembling 450 Individual Fire Aid Kits (F: 11.09B)

On motion of Director Amezcua 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 presented certificates to Boy Scouts of America Troop 1134, Scout Master Colt Rhodes, and Senior Patrol Leader Garrett Schoonover for their assistance to OCFA by assembling 450 Individual First Aid Kits with the assistance of OCFA's Emergency Management Services Section.

Dave Leckness arrived at this point (6:39)

2. Trauma Intervention Program Presentation (F: 23.05) (X: 11.09)

Wayne Fortin, Trauma Intervention Program (TIP) CEO, provided an overview of the TIP organization, its mission, and OCFA's use of TIP on various incidents. He also thanked the OCFA for allowing TIP to use the RFOTC facility for its regular Board meetings and trainings.

PUBLIC COMMENTS (F: 11.11)

Chair Weinberg opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, provided public comments on his recommendation to adopt Civic Openness in Negotiations (COIN) to increase OCFA transparency in its labor negotiations process. He provided a letter, which is on file in the Office of the Clerk.

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 CS1, Conference with Labor Negotiator, CS2, Conference with Legal Counsel-Existing Litigation and CS3, Conference with Legal Counsel-Existing Litigation, and CS4, Conference with Legal Counsel-Anticipated Litigation.

Chair Weinberg recessed the meeting to Closed Session at 6:55 p.m.

Director Ta arrived at this point (6:56 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

CS2. 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)

CS3. 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)

CS4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(b) – Significant Exposure to
Litigation (1 case)

Chair Weinberg reconvened the meeting at 8:43 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig indicated the Board had taken no reportable action on CS1, CS2, and CS4, and the Board authorized General Counsel to file an appeal on CS3, Case Name: Orange County Fire Authority V. California Department of Industrial Relations, e.t. al., Case Number: OC Superior Court Case No. 30-2013-00628178.

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

Budget and Finance Committee (BFC) Chair Beth Swift indicated she would provide a summary of actions regarding those items scheduled for the Board's Consent Calendar. She noted she would report the BFC's action for those items listed on the Discussion Calendar prior to their consideration. She noted in changing her report format, she hoped to provide the Board more information about the depth of the Committee's review with the goal of enabling the Board to further rely on the Committee's work. BFC Chair Swift encouraged Directors to ask the Committee members questions, and allow them to demonstrate their detailed vetting process.

MINUTES

3. **Minutes from April 24, 2014, Regular Board of Directors Meeting and April 24, 2014, Special Board of Directors Meeting (A), and May 8, 2014, Special Board of Directors Meeting (B) (F: 11.06)**

On motion of Director McCullough and second by Director Shawver, the Board voted to approve the Minutes from the April 24, 2014, Board of Directors Regular meeting and April 24, 2014, Special Board of Directors meeting, and the May 8, 2014, Special Board of Directors Meeting. The motion carried with Director Hatch abstaining from the April 24, 2014, Board of Directors Regular/Special meeting.

CONSENT CALENDAR

4. **FY 2013/14 Third Quarter Progress Report on Planning and Development Services Activity (F: 18.03A)**

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

5. **Secured Fire Protection Agreement with Brookfield LF 147, LLC, for Entitlements in the El Paseo Development, Tract 17466, in the City of Lake Forest (F: 18.14)**

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

1. Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Brookfield LF 147, LLC, for Entitlements in the El Paseo Development, Tract 17466, 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 Brookfield LF 147, LLC a copy of the conformed document within fifteen (15) days of recordation.

The motion carried with Director Bates abstaining.

6. **Human Resources Committee (F: 12.02D)**

Fire Chief Richter provided a report on the Human Resources Committee.

Stephen Wontrobski, Mission Viejo resident, provided public comments on his opposition to the fraud hotline procedure.

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

1. Approve the revised HR Committee Protocols, with the composition of the Committee to "not exceed seven members of the Board."
2. Direct staff to modify the Board Rules of Procedure to reflect the change in the HR Committee composition as indicated above, and to submit the modified Rules of Procedure to the Board for approval in June.

PUBLIC HEARING

7. Adoption of the 2014/15 Proposed Budget (F:15.04 2014/15)

Budget and Finance Committee (BFC) Chair Swift reported at the May 14, 2014, meeting the Committee received a detailed presentation outlining the 2014/15 Proposed Budget and provided an overview of the Committee's review process. She noted the Committee unanimously supported the recommended actions.

Assistant Chief Zeller introduced Accounting Manager Deborah Gunderson who provided a PowerPoint presentation on the FY 2014/15 Proposed Budget.

A lengthy discussion ensued.

Chair Weinberg opened the Public Hearing.

Stephen Wontrobski, Mission Viejo resident, provided public comments in opposition to the adoption of the proposed budget, and his concerns with staff fringe benefits, vehicle replacement, and fire station construction. He provided supportive materials regarding his concerns, which are on file in the Office of the Clerk.

Chair Weinberg closed the Public Hearing.

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

1. Adopt the submitted 2014/15 Proposed Budget.
2. Adopt Resolution No. 2014-04 adopting and approving the appropriations budget.
3. Approve and authorize a FY 2013/14 budget adjustment to increase General Fund revenues by \$1,329,186 and appropriations by \$551,777.

**RESOLUTION NO. 2014-04
A RESOLUTION OF ORANGE COUNTY FIRE AUTHORITY BOARD
OF DIRECTORS ADOPTING AND APPROVING THE
APPROPRIATIONS BUDGET FOR THE ORANGE COUNTY FIRE
AUTHORITY FOR FISCAL YEAR 2014/15**

The motion carried with Director Amezcua voting in opposition and Director Barnett abstaining.

DISCUSSION CALENDAR

8. Approval of 2014 Tax and Revenue Anticipation Notes (TRANS) (F: 15.10E)

BFC Chair Swift reported at the May 14, 2014, meeting of the BFC, the Committee received a detailed presentation from staff regarding the proposed Tax & Revenue anticipation notes. She indicated staff answered BFC questions and confirmed the cost of the TRANS had no impact to cash contract city charges. She reported the Committee unanimously supported the recommended actions.

Assistant Chief Zeller introduced Treasurer Tricia Jakubiak who provided a PowerPoint presentation on the 2014 Tax and Revenue Anticipation Notes.

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

1. Adopt Resolution No. 2014-05 authorizing the issuance of the 2014-2015 Tax and Revenue Anticipation Notes, substantially in the form attached.

RESOLUTION NO. 2014-05

**A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY
BOARD OF DIRECTORS AUTHORIZING THE ISSUANCE AND SALE OF
NOT TO EXCEED \$50,000,000 OCFA 2014-2015 TRANS; AUTHORIZING
THE SALE OF THE NOTES AS DESCRIBED HEREIN; APPROVING
THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE
CERTIFICATE; AUTHORIZING THE PREPARATION AND DISTRIBUTION OF
A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT,
OFFICIAL NOTICE OF SALE, AND PURCHASE AGREEMENT;
AND AUTHORIZING TAKING OF NECESSARY ACTIONS
AND EXECUTION OF NECESSARY DOCUMENTS**

2. Authorize the temporary transfer of up to \$9 million from Fund 123 (Facilities Replacement) to Fund 121 (General Fund) to cover a projected cash flow shortfall for FY 2014/15.
3. Authorize the repayment of \$9 million borrowed funds from Fund 121 to Fund 123 along with interest, when General Fund revenues become available in FY 2014/15.

The motion carried with Director Barnett abstaining.

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

Fire Chief Richter introduced Cathy Standiford from Management Partners who provided a PowerPoint presentation on the Organizational Structure and Management System Review.

A lengthy discussion ensued.

Dave Phillips, President, Orange County Chief Officers Association, provided public comments stating that it would be premature to consider the recommended actions, as Executive Management and Management Partners had not yet met with all labor groups.

David Rose, President of the Orange County Professional Firefighters Association, Local 3631, provided public comments indicating the recommendations should not move forward until they are reviewed with the labor groups.

Senior Labor Representative Aaron Peardon, Orange County Employees Association, provided public comments indicating the Fire Chief and Management Partners had met with his labor group to discuss the report.

Fire Chief Richter indicated meetings with labor groups have been scheduled.

On motion of Director Lalloway and second by Director Kusumoto, the Board voted to:

1. Receive and file the submitted Management Partners final report.
2. Direct staff to meet with labor groups.
3. Direct staff to provide an update at the June 26, 2014, Board of Directors meeting.

The motion carried with Directors Aguirre, Barnett, Goedhart, Hernandez, Johnson, Shanks, and Shawver voting in opposition.

10. Board Stipends (F: 11.04)

Chair Weinberg indicated this item was placed on the agenda at his direction and requested Board members reconsider increasing the Board stipend.

Discussion ensued.

On motion of Director Spitzer and second by Director Gamble, the Board voted unanimously to not take any action.

REPORTS

11. Chief's Report (F: 11.14)

BOARD MEMBER COMMENTS (F: 11.13)

Director Bressette thanked Director McCullough for providing the Buddy Poppies to remind everyone to remember veterans. He indicated he carries a coin in remembrance of Lance Corporal Alex Cappawood who gave his life to ensure our freedom.

Director Baker commended OCFA and the Marine Corp for keeping the Camp Pendleton fire out of the City of San Clemente.

Director McCullough asked everyone to remember the sacrifices of every man and woman, and their families, who fought for our freedom, and reminded everyone to pick up a Buddy Poppy.

Director Johnson thanked Fire Station 17 for providing the "Every 15 Minutes" presentation at Cypress High School.

Director Hernandez thanked Fire Chief Richter and Battalion Chief Adams for allowing him to participate in the USAR Joint Exercise with Los Angeles.

Director Shawver thanked Division Chief McKeown and Fire Station 46 for participating in Student Governance Day in the City of Stanton, and for attending the annual car show.

Vice Chair Murray thanked the Fire Chief and staff who participated in a press conference in Lower Peters Canyon to address the importance of brush clearance in wildfire areas.

Director Swift thanked Battalion Chief Anderson, responding firefighters, and Trauma Intervention Program volunteers for their response to the Farrell's Ice Cream Parlor incident in Buena Park.

ADJOURNMENT - Chair Weinberg adjourned the meetings at 11:20 p.m. in memory of those who lost their lives serving our country and their families, along with active and inactive veterans. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for June 26, 2014, at 6:30 p.m.



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