

# MINUTES

## ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting**  
**Thursday, August 28, 2014**  
**6:00 P.M.**

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

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### CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on August 28, 2014, at 6:05 p.m. by Chair Al Murray.

### INVOCATION

Chaplain Ken Krikac offered the invocation.

### PLEDGE OF ALLEGIANCE

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

### ROLL CALL

**Present:** Joseph Aguirre, Placentia  
Bob Baker, San Clemente  
Dore Gilbert, Alternate, Laguna Hills  
Noel Hatch, Laguna Woods  
Robert Johnson, Cypress  
Warren Kusumoto, Los Alamitos  
Kathryn McCullough, Lake Forest  
David Shawver, Stanton  
Todd Spitzer, County of Orange  
Tri Ta, Westminster  
Steven Weinberg, Dana Point

Sam Allevato, San Juan Capistrano  
Carol Gamble, Rancho Santa Margarita  
Gerard Goedhart, La Palma  
Gene Hernandez, Yorba Linda  
Trish Kelley, Mission Viejo  
Jeffrey Lalloway, Irvine  
Al Murray, Tustin  
David Sloan, Seal Beach  
Elizabeth Swift, Buena Park  
Phillip Tsunoda, Aliso Viejo

**Absent:** Patricia Bates, County of Orange  
Gene Hernandez, Yorba Linda  
Roman Reyna, Santa Ana

Randal Bressette, Laguna Hills  
Jerry McCloskey, Laguna Niguel

### Also present were:

Deputy Chief Craig Kinoshita  
Assistant Chief Brian Stephens  
Assistant Chief Lori Zeller  
Clerk of the Authority Sherry Wentz

General Counsel Dave Kendig  
Assistant Chief Dave Thomas  
Human Resources Director Jeremy Hammond

## **PRESENTATIONS**

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

On motion of Director Spitzer and second by Director McCullough, the Board voted to approve the requests as submitted, make presentations to those present, and defer Presentations B and C to the next regular meeting to allow staff to be present.

- A. Recognition of former OCFA Board Chair Steven Weinberg
- B. Presentation of Certificate of Achievement to the Business Services Department – Finance Division, Orange County Fire Authority for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR). (F: 17.10F)
- C. Presentation of National Procurement Institute’s Annual Achievement of Excellence in Procurement Award for 2014 (F: 17.10I)

## **PUBLIC COMMENTS (F: 11.11)**

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

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

Budget and Finance Committee Member Swift reported at its August 13, 2014, meeting the Committee received its monthly status update on the Orange County Employees’ Retirement System, voted unanimously to send the Acceptance of DHS/FEMA Administrative Preparedness Grant, and the Acceptance of California Fire and Rescue Training Authority Urban Search & Rescue Mobilization Exercise and Training Grant to the Board of Directors for its approval, received staff presentations on the Annual Investment Report and the Implementation of Internal Control Audit Recommendations for the Community Risk Reduction Department and directed staff to place these items on tonight’s Board of Director’s meeting with the Committee’s recommendation that the Board approve these items, and selected Director Randy Bressette as its new Chair and Director Jerry McCloskey as its new Vice Chair for the ensuing term.

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

Human Resources Committee Chair Shawver reported at its August 5, 2014, meeting the Committee discussed and voted unanimously to send the approval of Classification Specifications within the GIS Series and Associated Salary Ranges to the Executive Committee with the recommendation that the Committee approve the item, and indicated the Executive Committee subsequently approved this item at its August 21 meeting. He announced that the Committee also selected him as its Chair and Director Warren Kusumoto as Vice Chair for the ensuing term.

Director Tsunoda arrived at this point (6:15 p.m.)

## MINUTES

**2. Minutes from July 24, 2014, Regular Board of Directors Meeting (A) and Minutes from August 14, 2014, Special Board of Directors Meeting (B) (F: 11.06)**

On motion of Director Johnson and second by Director Bressette, the Board voted to approve the Minutes from the June 26, 2014, Regular Board of Directors meeting. Directors Barnett and Weinberg noted abstentions on the July 24, 2014, Minutes, and Directors Baker and Lalloway noted abstentions on the August 14, 2014, Minutes.

## CONSENT CALENDAR

Agenda Item Nos. 4, 6, and 8 were pulled from the Consent Calendar for separate consideration.

**3. Ratify Appointment to Executive Committee (F: 12.02A1)**

On motion of Director Johnson and second by Director McCullough, the Board voted unanimously to ratify the appointments of Noel Hatch and Elizabeth Swift to the Executive Committee.

**4. Acceptance of DHS/FEMA Administrative Preparedness Grant (F: 16.02B1)**

Director Spitzer inadvertently pulled this item from the Consent Calendar.

On motion of Director Ta and second by Director Allevato, the Board voted unanimously to:

1. Adopt the proposed Resolution to accept the Department of Homeland Security/Federal Emergency Management Agency's (DHS/FEMA) Administrative Preparedness Grant.

### RESOLUTION NO. 2014-09

A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY ACCEPTING THE FEMA NATIONAL URBAN SEARCH AND RESCUE (US&R) PROGRAM GRANT TO PURCHASE US&R EQUIPMENT AND SUPPLIES, MAINTENANCE AND REPAIR OF US&R EQUIPMENT, TRAINING AND PROGRAM ADMINISTRATION

2. Authorize a budget adjustment increasing the FY 2014/15 General Fund (121) revenues and appropriations in the amount of \$1,164,131 for the US&R Program.

Director Gamble arrived at this point (6:21 p.m.)

**5. Acceptance of California Fire and Rescue Training Authority Urban Search & Rescue Mobilization Exercise and Training Grant (F: 16.02B)**

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

1. Adopt the proposed Resolution to accept the California Fire and Rescue Training Authority Agreement for a grant in the amount of \$100,000.

**RESOLUTION NO. 2014-10**

**A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY ACCEPTING THE CALIFORNIA FIRE AND RESCUE TRAINING AUHORITY AGREEMENT TO PROVIDE FUNDING FOR A MOBILIZATION AND DEPLOYMENT EXERCISE (MOBEX) FOR THE URBAN SEARCH AND RESCUE (US&R) PROGRAM**

2. Approve and authorize the Fire Chief or his designee to execute the proposed grant agreement.
3. Authorize a budget adjustment increasing the FY 2014/15 General Fund (121) revenues and appropriations in the amount of \$100,000 for the US&R mobilization and deployment exercise.

Director Barnett arrived at this point (6:23 p.m.)

Director Kelley arrived at this point (6:28 p.m.)

**6. Implementation of Internal Control Audit Recommendations - Community Risk Reduction Department (F: 15.02A1)**

Director Spitzer pulled this item from the Consent Calendar to request clarification and status of the Records Management System software referenced in the report.

Mission Viejo resident Stephen Wontrobski pulled this item from the Consent Calendar for separate consideration. He shared his concerns with the audit including needing to follow best business practices, continued reports of harassment, and fraudulent disability retirements.

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

1. Receive and file the report.
2. Approve continuation of the professional services provided by Mr. Irwin Bornstein, on a part-time basis and at six-month intervals, for an estimated cost of \$10,000 at each six-month interval through calendar year 2015.
3. Authorize a budget adjustment increasing the FY 2014/15 General Fund (121) appropriations by \$10,000 to fund the cost of continued-intermittent services provided by Mr. Bornstein, with one six-month review scheduled to occur during 2014/15 (January 2015).

Director Barnett was not at the dais for the vote.

**7. Approval of Plans and Specification - Fire Station 56 (Sendero Ranch) (F: 19.07C56)**

On motion of Director Johnson and second by Director McCullough, the Board voted unanimously to approve the proposed Plans and Specification for Fire Station 56.

**8. San Diego Gas and Electric Company (SDG&E) Easement for Electrical Service, Fire Station 56 (Sendero Ranch) (F: 19.07C56)**

Director Spitzer pulled this item from the Consent Calendar to request staff to research and provide additional information relating to any sub-entities, DBAs (Doing Business As), and/or subsidiaries associated with contracts as Directors may need to disclose any potential conflicts of interests.

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

1. Approve and authorize the Fire Chief or his designee to sign Easement RW205001, granting San Diego Gas and Electric Company an easement upon OCFA Fire Station 56 (Sendero Ranch).
2. Amend the Roles/Responsibilities/Authorities Matrix to authorize the Fire Chief or his designee to sign future easements or licenses for utilities necessary to implement construction projects approved by the Board or Executive Committee and authorize the Executive Committee to approve licenses and easements for utilities where no prior approval of construction projects has occurred.

Directors Gamble and Spitzer noted their abstentions. Director Barnett was not at the dais for the vote.

**9. Adoption of a Resolution of the Orange County Fire Authority Amending the Regular Board of Directors Meeting Schedule for Calendar Year 2014 (F: 11.05)**

On motion of Director Johnson and second by Director McCullough, the Board voted unanimously to adopt the proposed Resolution amending the 2014 Meeting Schedule for the Orange County Fire Authority Board of Directors.

**RESOLUTION NO. 2014-11**

**A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD  
OF DIRECTORS AMENDING THE REGULAR MEETING SCHEDULE OF  
THE BOARD OF DIRECTORS FOR  
CALENDAR YEAR 2014**

**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 and CS2 Public Employee Appointment/Employment, CS3 and CS4 Conference with Labor Negotiator, and CS5 Conference with Legal Counsel-Existing Litigation.

Chair Murray recessed the meeting to Closed Session at 6:33 p.m.

**CS1 PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**

Title: Interim Fire Chief

Authority: Government Code Section 54957(b)

**CS2. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**

Title: Fire Chief

Authority: Government Code Section 54957(b)

**CS3. CONFERENCE WITH LABOR NEGOTIATOR**

Agency Designated Representative: Human Resources Director Jeremy Hammond

Unrepresented Employee: Interim Fire Chief

Authority: Government Code Section 54957.6

**CS4. CONFERENCE WITH LABOR NEGOTIATOR**

Agency Designated Representative: Peter Brown, Liebert Cassidy Whitmore

Employee Organizations: Orange County Professional Firefighters' Association,

Local 3631 and Orange County Employees Association

Authority: Government Code Section 54957.6

**CS5. 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)

Chair Murray reconvened the meeting at 10:12 p.m., with all prior Directors in attendance with the exception of Director Hatch.

**CLOSED SESSION REPORT (F: 11.15)**

The Board unanimously appointed Jeff Bowman to be Interim Fire Chief. The Board voted 17-2 with Directors Barnett and Tsunoda voting in opposition and Director Spitzer abstaining to appeal the trial court's decision in OCFA and the City of Irvine v. All Persons Interested, Item No. CS5. There were no additional reportable actions.

## **DISCUSSION CALENDAR**

Chair Murray announced that due to the Board's 10:30 p.m. curfew rule the Board would take action on some items, while deferring others to expedite the meeting.

### **10. Interim Fire Chief Contract (F: 17.10A2)**

On motion of Director Spitzer and second by Director Aguirre, the Board voted to approve a contract for Interim Fire Chief, following closed session negotiation of final contract terms. The proposed contract was made available to the public prior to approval.

Director Hatch was absent for the vote.

Director Hatch arrived at this point (10:15 p.m.)

### **11. Communications LAB – Short & Long Term Communication Plans, Contract Increase and Amendment (F: 17.10C1)**

Chair Murray announced that the Executive Committee had deferred this item to allow the newly appointed Communications Director time to conduct a needs assessment prior to amending the contract; based on this action this item will be deferred.

### **12. OCFA Recommended Action Plan - Management Partners Report (F: 17.16)**

Assistant Chief Lori Zeller presented a brief report.

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

1. Approve the OCFA's Recommended Action Plan to address the recommendations contained in the Management Partners final report.
2. Direct staff to provide monthly progress reports to the Executive Committee and Board of Directors identifying steps taken to carry out the Recommended Action Plan.

### **13. OCFA Board Room Audio Video Upgrades and Teleconferencing of Closed Session Meetings (F: 19.07B11) (X: 11.10M)**

Chair Murray suggested this item be deferred to the next meeting.

Director Spitzer suggested limiting the discussion to teleconferencing and addressing the ability for Director's ability to participate remotely at all Board meetings, and consider the audio video upgrades separately.

A brief discussion ensued.

On motion by Director Spitzer and second by Director Kelley, the Board voted to direct staff, using an interim technological system, accommodate Directors ability to participate remotely in Closed Session and Open Session Board meetings pursuant to the Brown Act, and return with a teleconferencing policy.

Director Goedhart voted in opposition.

**14. Blanket Order Contract Increase - Special Litigation Counsel for Validation Proceedings (F: 17.10G2)**

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

1. Approve and authorize the Purchasing Manager to increase Blanket Order B01501 by \$65,000 for T. Peter Pierce of Richards, Watson & Gershon to provide funding for an appeal process in the Validation Action, in the event the Board of Directors agrees to pursue an appeal.
2. Authorize a budget adjustment increasing FY 2014/15 General Fund (Fund 121) appropriations by \$65,000 to provide funding for Special Litigation Counsel, in the event the Board of Directors agrees to pursue an appeal.

Director Tsunoda voted in opposition. Director Spitzer abstained.

**PUBLIC HEARING(S)**

No items

**REPORTS**

**15. Chief's Report (F: 11.14)**

Deputy Fire Chief Kinoshita reported that the State's Department of Industrial Relations had approved the OCFA Alternative Dispute Resolution Program and thanked the Orange County Professional Firefighters Association, Local 3631, for its cooperative work on this program. OCFA Strike Teams deployed to northern California had returned this afternoon. He recognized and thanked the Dozer and Hand Crews for their efforts in Seal Beach.

**BOARD MEMBER COMMENTS (F: 11.13)**

Director Hatch reported on a recent fire in Laguna Woods and thanked the response team for their service.

Director Spitzer commented on AB 2151 (Wagner) Counties: search or rescue: costs and encouraged letters of support.

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Director Lalloway thanked and congratulated OCFA Fire Captain Paul Holaday and City of Orange Firefighter Brandon Chastain rescued a 3-year-old boy from drowning in Palm Desert, while on vacation.

Director Baker noted Captain Holaday, stationed at Fire Station 60, would be recognized by the San Clemente City Council.

Director Swift recognized Assistant Clerk of the Authority Lydia Slivkoff on her retirement from the OCFA, and thanked her for her many years of service to OCFA and the Board.

Director Kelley also thanked Lydia for her service, acknowledged the return of Assistant Chief of Operations Dave Thomas on his return to active service, and welcomed newly appointed Communications Director Sandy Cooney to the OCFA. She thanked Director Cooney for the implementation of daily news alerts being provided to the Directors.

Director Allevato thanked the OCFA and Division Chief Kirk Wells for the solution of use of a temporary Fire Station during the Ortega Highway Overpass Construction Project to access and service the east side of the city during the project.

Director Sloan thanked OCFA for its recent efforts in preventing surf damage to Seal Beach coastal homes.

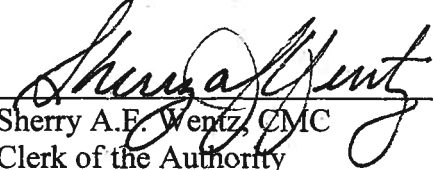
Director McCullough wished everyone a safe holiday.

Director Weinberg reported as a representative on the OC Vector Control Board he had been notified that Orange County had sustained its second West Nile Virus death, and cautioned everyone to be diligent in eliminating standing water sources.

Chair Murray thanked Director Weinberg for his service as the former Board Chair. He announced a committee opportunity for Directors as Executive Committee alternates and encouraged those with interest to contact the Clerk of the Authority. He also welcomed newly appointed Communications Director Sandy Cooney to the OCFA, and congratulated and thanked Assistant Clerk of the Authority Lydia Slivkoff on her retirement and years of service. He concluded by thanking his colleagues for having confidence and selecting him to service as the Board's Chair.

## ADJOURNMENT

Chair Murray adjourned the meetings at 10:45 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for September 25, 2014, at 6:00 p.m.

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