

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, September 22, 2016
6:00 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 September 22, 2016, at 6:06 p.m. by Vice Chair Swift as acting Chair.

INVOCATION

Chaplain Robert Benoun offered the invocation.

PLEDGE OF ALLEGIANCE

Director Gamble led the Assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Rick Barnett, Villa Park
Laurie Davies, Laguna Niguel
Craig Green, Placentia
Noel Hatch, Laguna Woods
Al Murray, Tustin
Dwight Robinson, Lake Forest
Don Sedgwick, Laguna Hills
David Sloan, Seal Beach
Michele Steggell, La Palma
Tri Ta, Westminster

Lisa Bartlett, County of Orange
Carol Gamble, Rancho Santa Margarita
Shelley Hasselbrink, Los Alamitos
Robert Johnson, Cypress
John Perry, San Juan Capistrano
Ed Sachs, Mission Viejo
David Shawver, Stanton
Todd Spitzer, County of Orange
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo

Absent: Robert Baker, San Clemente
Jeffrey Lalloway, Irvine
Vicente Sarmiento, Santa Ana

Gene Hernandez, Yorba Linda
Joseph Muller, Dana Point

Also present were:

Fire Chief Jeff Bowman
Assistant Chief Brian Young
Assistant Chief Mike Schroeder
Communications Director Sandy Cooney
General Counsel David Kendig

Assistant Chief Dave Thomas
Assistant Chief Lori Zeller
Assistant Chief Lori Smith
Clerk of the Authority Sherry Wentz

PRESENTATIONS

Director Ta arrived at this point (6:11 p.m.).

1. Requests for Commendations and Proclamations

On motion of Director Murray and second by Director Perry, the Board of Directors voted unanimously by those present to approve requests as submitted and make presentations to those present. (X: 11:09)

- A. Vice Chair Swift and Fire Chief Bowman presented the purchasing staff with the National Procurement Institute's 2016 Annual Achievement of Excellence in Procurement Award. (F: 17.10I)

Director Robinson arrived at this point (6:16 p.m.).

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

Budget and Finance Chair Sachs reported at the September 14, 2016, meeting the Committee voted unanimously to send the Monthly Investments Reports and the Annual Investment Report to the Executive Committee to receive and file the reports, and send the Rebudget of FY 2015/16 Uncompleted Projects to the Board of Directors for its approval. The Committee welcomed newly appointed Directors Shelley Hasselbrink and Joe Muller.

REPORT FROM THE CLAIMS SETTLEMENT COMMITTEE CHAIR (F: 11.12)

There was no report due to the cancellation of the September meeting.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Jeff Bowman introduced Assistant Chief Dave Thomas who updated the Board on the California wildfires and the upcoming EMS/Fire deployment demonstrations. Fire Chief Bowman introduced Assistant Chief Mike Schroeder who provided an update on the Urban Search and Rescue warehouse facility.

Directors Spitzer and Gamble suggested staff provide updates on the status of Capital Improvement Projects.

Fire Chief Bowman recommended providing quarterly reports on these projects at Executive Committee meetings.

PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, addressed firefighter's overtime.

2. MINUTES

A. Minutes from the August 25, 2016, Regular Board of Directors Meeting (A) and September 1, 2016, Special Board of Directors Meeting (B) (F: 11.06)

On motion of Director Johnson and second by Director Shawver, the Board of Directors voted unanimously by those present to approve the August 25, 2016, Regular Board of Directors meeting minutes as submitted. Director Murray was recorded an abstention due to his absence from the meeting.

On motion of Director Johnson and second by Director Shawver, the Board of Directors voted by those present to approve the September 1, 2016, Special Board of Directors meeting minutes as submitted. Directors Davies, Hatch, Gamble, and Lalloway were recorded as abstentions due to their absence from the meeting.

3. CONSENT CALENDAR (Consent Item Nos. 3A, 3B, and 3C were pulled for separate consideration.)

A. Carry-over of FY 2015/16 Uncompleted Projects (F: 15/04 FY15/16)

Stephen Wontrobski, Mission Viejo resident, pulled this item from the Consent Calendar for separate consideration to state his opposition for the non-release of auditor work papers and carryovers for fire apparatus.

On motion of Director Murray and second by Director Johnson, the Board of Directors voted unanimously by those present to authorize the following FY 2016/17 budget adjustments, which are funded from unexpended fund balance available from FY 2015/16:

Fund	Increase Revenue	Increase Appropriations	Appropriate Fund Balance
121 General Fund	\$686,889	\$1,356,822	\$669,933
12110 General Fund CIP	0	4,168,410	4,168,410
123 Fire Stations and Facilities	0	738,686	738,686
124 Comm. and Info. Systems	0	1,609,482	1,609,482
133 Fire Apparatus	0	7,175,845	7,175,845
Totals	\$686,889	\$15,049,245	\$14,362,356

Director Murray was present for the vote of the remainder of the Consent Calendar (Item No. 3D) and left at this point (7:00 p.m.).

B. Adoption of Revised Conflict of Interest Code (F: 20.02A1)

Stephen Wontrobski, Mission Viejo resident, pulled this item from the Consent Calendar for separate consideration to state his opposition to the proposed Conflict of Interest Code.

On motion of Director Gamble and second by Director Johnson, the Board of Directors voted by those present to adopt Resolution No. 2016-07 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED revising the Conflict of Interest Code, and direct the Clerk of the Authority to submit the adopted Resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval.

Director Murray was absent for the vote.

C. 100' Tractor Drawn Aerials (Quints) FY 2016/17 Budget Adjustment (F: 15.04 FY16/17; X: 19.09A)

Stephen Wontrobski, Mission Viejo resident, pulled this item from the Consent Calendar for separate consideration to state his opposition to the bid process.

On motion of Director Gamble and second by Director Johnson, the Board of Directors voted to direct staff to increase appropriations in the amount of \$2,759,368 in the Vehicle Replacement Fund (Fund 133).

Director Murray was absent for the vote.

D. Award of Public Works Contract for Upgrade of Emergency Power Distribution at the Regional Fire Operations and Training Center (F: 19.07B18)

On motion of Director Murray and second by Director Shawver, the Board of Directors voted unanimously by those present to:

1. Find the project is categorically exempt from the California Environmental Quality Act.
2. Approve the plans and specifications for the emergency power upgrade at the Regional Fire Operations and Training Center.
3. Approve and award the public works contract to GA Technical Services Inc. in the amount of \$372,324.
4. Authorize a 10% (\$37,232) allowance for contingency.

END OF CONSENT CALENDAR

4. PUBLIC HEARING(S)

No items.

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, Conference with Labor Negotiator and CS2, Conference with Legal Counsel-Existing Litigation.

Vice Chair Swift recessed the meeting to Closed Session at 7:13 p.m.

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representatives: Board Chair Gene Hernandez, Board Vice Chair Beth Swift, Budget, Immediate Past Board Chair Al Murray, and Finance Committee Chair Ed Sachs

Unrepresented Employee: Fire Chief

Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Medix Ambulance Inc. v. Orange County Fire Authority

Case No.: OC Superior Court Case No. 30-2015-00773054-CU-BT-CJC

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

Director Gamble left at this point (8:12 p.m.).

Director Perry left at this point (8:12 p.m.).

Vice Chair Swift reconvened the meeting at 8:12 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig reported the Orange County Fire Authority Board of Directors authorized the filing of a petition for writ of mandate challenging the trial court's ruling on the demurrer relating to the Medix litigation.

5. DISCUSSION CALENDAR

A. Amendment to Employment Agreement with Fire Chief Jeff Bowman (F: 17.10A2)

Assistant Chief Brian Young introduced the staff report.

On motion of Director Johnson and second by Director Green, the Board of Directors voted by those present to approve an amendment to the employment agreement with Fire Chief Jeff Bowman. Director Barnett opposed the amendment suggesting he supports Fire Chief Bowman, but could not support the spending of discretionary money.

Directors Gamble, Murray, and Perry were absent for the vote.

Director Ta left at this point (8:25 p.m.).

B. Request by Director Barnett: Pension Termination Liability Estimate, Pension Liability Data Extract, Pension Reform Committee, & Pre-Retirement Workers' Compensation Data (F: 11.13)

Assistant Chief Brian Young introduced the staff report.

Stephen Wontrobski, Mission Viejo resident, thanked the Board for bringing this issue to the forefront and suggested there is a need for worker's compensation reform.

Lengthy discussion ensued.

On motion of Director Sachs and second by Vice Chair Swift, the Board of Directors voted by those present to forward the recommended actions as follows to the Pension Reform Ad Hoc Committee for its review, report back to the Board of Directors with its recommendations, and the Board of Directors receive and file the report as submitted. Director Barnett voted in opposition for lack of consideration of the independent study on pension liability.

Directors Gamble, Murray, Perry, and Ta were absent for the vote.

BOARD MEMBER COMMENTS (F: 11.13)

Director Green reported attending the 9/11 Remembrance Ceremony at Fire Station 34 and the Richard M. Nixon Library event for 9/11 where Fire Chief Jeff Bowman gave a standing ovation key note speech.

Director Bartlett attended a public safety conference where there were demonstrations of drone technology. She inquired if there was an established policy for the utilization of drones for search and rescue, and fires.

Assistant Chief Brian Young reported a meeting with various county agency officials is scheduled to discuss setting a county policy for the potential uses of drones.

Director Johnson reported attending the 9/11 Remembrance Ceremony at Fire Station 17 with several city police units in attendance as well.

Director Hatch reported attending the 9/11 Remembrance Ceremony at Fire Station 22.

Director Hasselbrink reported attending the 9/11 Remembrance Ceremony at Fire Station 2.

Director Sachs reported attending the 9/11 Remembrance Ceremony at Fire Station 9.

Vice Chair Swift reported attending the Orange County Fire Authority's 9/11 Remembrance Ceremony and commended Director Spitzer's speech at the event.

ADJOURNMENT – Vice Chair Swift adjourned the meeting at 9:08 p.m. in memory of Ventura County Firefighter Ryan Osler who died earlier today in an accident in route to the Canyon Fire. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, October 27, 2016, at 6:00 p.m.



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