

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular/Special Meeting
Thursday, March 23, 2017
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/special meeting of the Orange County Fire Authority Board of Directors was called to order on March 23, 2017, at 6:30 p.m. by Chair Swift.

INVOCATION

Chaplain Robert Benoun offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Leah Basile, Lake Forest
Tim Brown, San Clemente
Ellery Deaton, Seal Beach
Melissa Fox, Irvine
Shelley Hasselbrink, Los Alamitos
Robert Johnson, Cypress
Al Murray, Tustin
Ed Sachs, Mission Viejo
David Shawver, Stanton
Elizabeth Swift, Buena Park

Lisa Bartlett, County of Orange
Laurie Davies, Laguna Niguel
Sergio Farias, San Juan Capistrano
Craig Green, Placentia
Noel Hatch, Laguna Woods
Joe Muller, Dana Point
Bill Nelson, Villa Park
Don Sedgwick, Laguna Hills
Michele Steggell, La Palma
Juan Villegas, Santa Ana

Absent: Carol Gamble, Rancho Santa Margarita
Gene Hernandez, Yorba Linda
Tri Ta, Westminster

Dave Harrington, Aliso Viejo
Todd Spitzer, County of Orange

Also present were:

Fire Chief Jeff Bowman
Assistant Chief Brian Young
Assistant Chief Lori Smith
General Counsel David Kendig
Clerk of the Authority Sherry Wentz

Assistant Chief Dave Thomas
Assistant Chief Lori Zeller
Assistant Chief Mike Schroeder
Assistant Chief Dave Anderson
Human Resources Director Brigitte Gibb

ADMINISTRATION OF OATH OF OFFICE FOR NEW MEMBERS (F: 11.02C)

Chair Swift introduced OCFA's newly appointed Directors Juan Villegas of Santa Ana and Ellery Deaton of Seal Beach. Clerk of the Authority Sherry Wentz administered the Oath of Office to the new Board Members.

PRESENTATIONS

1. Requests for Commendations and Proclamations

- A. Assistant Chief Dave Anderson introduced the following Santa Ana Police Officers to the Board for their heroic actions during a swift water rescue: Corporal Ricardo Velasquez, Field Training Officer Gabriel Esparza, Officer Ernesto Elizalde, and Officer Daniel Gonzales. Chair Swift and Fire Chief Bowman presented them with certificates of recognition. (F: 11.09C)
- B. Assistant Chief Dave Anderson introduced the following Santa Ana Police Officers to the Board for their heroic fire lifesaving efforts: Santa Ana Police Officers Daniel Baek and Zachary Jezulin. Chair Swift and Fire Chief Bowman presented them with certificates of recognition. (F: 11.09C)
- C. The Board recognized Directors Dwight Robinson and Vincente Sarmiento for their Board service. (F: 11.09B)
- D. Recognition of former Board Chair Gene Hernandez was postponed to the May Board of Directors meeting, due to his absence.

PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, inquired to the recognition of former Director Barnett; supports a proposed unfunded liabilities study by Stanford University, and potential members' withdrawal from the Authority.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board of Directors would convene to Closed Session to consider the matters on the Agenda identified as CS1, Conference with Labor Negotiator, CS2, Conference with Labor Negotiator, CS3, Conference with Legal Counsel – Anticipated Litigation, CS4, Public Employee Performance Evaluation, CS5, Conference with Legal Counsel – Existing Litigation, and CS6, Conference with Legal Counsel – Anticipated Litigation.

Chair Swift recessed the meeting to Closed Session at 7:05 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 LABOR NEGOTIATOR

Agency Designated Representative: Brigitte Gibb, Human Resources Director
Employee Organizations: Chief Officers Association

Authority: Government Code Section 54957.6

CS3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to
Litigation (4 cases)

CS4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position: General Counsel

Authority: Government Code Section 54957(b)(1)

CS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant
to Government Code Section 54956.9(d)(1) - Orange County Fire Authority and the
City of Irvine v. All Persons Interested [In second Amendment to Amended Joint
Powers Authority Agreement], Fourth Appellate District, Division Three, Appellate
Case No. G050687.

CS6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2) – Exposure to potential litigation
in connection with member agency financial equity disputes and pension liabilities.

Chair Swift reconvened the meeting from Closed Session at 8:12 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there was no reportable action and that the Board will reconvene to continue Closed Session at the end of the Board of Directors meeting.

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

Budget and Finance Committee Chair Ed Sachs reported at the March 8, 2017, meeting, the Committee voted unanimously to send the FY 2016/17 Mid-Year Budget Adjustment to the Executive Committee for its approval; and the Financial Stability Budget Policy, the Overtime & Total Compensation Analysis, and the Aircraft Rescue Fire Fighting to the Board of Directors for its approval. The Committee approved the selection of Vavrinek, Trine, Day & Co. for audit services.

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

Claims Settlement Committee Chair Elizabeth Swift stated the Committee received a presentation on Workers' Compensation Basics and Facts. There were no claims for the Committee's consideration.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Jeff Bowman recognized retiring Assistant Chief Dave Thomas and introduced newly promoted Assistant Chief Dave Anderson. Chief Bowman introduced Assistant Chief Schroeder who presented a brief PowerPoint update on the Emergency Command Center Dispatch Stats. Chief Bowman introduced Assistant Chief Young who addressed the Emergency Medical Service Deployment demonstration noting a video presentation was being prepared for presentation with live demonstrations occurring during the summer/fall.

2. MINUTES

A. Minutes from the January 26, 2017, Special Board of Directors Meeting (F: 11.06)

Stephen Wontrobski, Mission Viejo resident, pointed out that on Page 7 of the Minutes the vote for Board Vice Chair inadvertently identifies Director Fox representing Lake Forest, when it should be Irvine.

On motion of Director Davies and second by Director Johnson, the Board of Directors voted by those present to approve the Minutes of the January 26, 2017, Special Board of Directors Meeting as amended. Director Deaton was recorded as an abstention due to her absence from the meeting.

3. CONSENT CALENDAR (Agenda Item No. 3E was pulled for separate consideration.)

A. Approval of Drowning Prevention Awareness Proclamation (F: 11.09A)

On motion of Director Murray and second by Director Johnson, the Board of Directors voted unanimously by those present to approve the proclamation as submitted.

B. FY 2016/17 Mid-Year Budget Adjustment (F: 15.04 16/17)

On motion of Director Murray and second by Director Johnson, the Board of Directors voted unanimously by those present to authorize the proposed mid-year budget adjustments and transfers.

C. 2017 Update – Financial Stability Budget Policy (F: 11.10B)

On motion of Director Murray and second by Director Johnson, the Board of Directors voted unanimously by those present to adopt the updated *Financial Stability Budget Policy*.

D. Board Member Retirement Savings Plan Resolution (F: 17.05A)

On motion of Director Murray and second by Director Johnson, the Board of Directors voted unanimously by those present to allow OCFA Board Members to enroll in 457 Omnibus Budget Reconciliation Act mandatory retirement savings plan and approve Resolution No 2017-01 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ESTABLISHING A DEFERRED COMPENSATION PLAN FOR ELIGIBLE PART-TIME EMPLOYEES.

E. Reserve Firefighter Program Status Update (F: 17.11A3)

Stephen Wontrobski, Mission Viejo resident, pulled this item to address using reserve firefighters for backfill.

On motion of Director Murray and second by Director Sedgewick, the Board of Directors voted unanimously by those present to receive and file the report.

F. Conduct Analysis of Field Operations: Aircraft Rescue Fire Fighting Operations (F: 18.09)

On motion of Director Murray and second by Director Johnson, the Board of Directors voted unanimously by those present to establish a 2.5% specialty compensation for Aircraft Rescue Fire Fighting trained personnel who are certified Mobile Crane Operators.

G. Secured Fire Protection Agreements for Oakcrest Heights and Trevana I (F: 18.14)

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

1. Approve and authorize the Fire Chief or his designee to execute Secured Fire Protection Agreements with Savi Ranch II Housing Partners, L.P., as related to Oakcrest Heights, Yorba Linda and Meritage Homes of California, Inc., as related to Trevana I, Irvine.
2. Direct the Clerk of the Authority to record these Secured Fire Protection Agreements in the Official Records of the County of Orange, and furnish the developer a copy of the conformed documents within fifteen days of recordation.
3. Approve Resolution No. 2017-02 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS AMENDING THE ROLES/RESPONSIBILITIES/AUTHORITIES MATRIX TO DEFINE APPROVAL AUTHORITY FOR SECURED FIRE PROTECTION AGREEMENTS.

4. PUBLIC HEARING(S)

No items.

5. DISCUSSION CALENDAR

A. Fiscal Year 2015/16 Backfill/Overtime and Calendar Year 2016 Total Earnings/Compensation Analysis (F: 15.11)

Finance Manager/Auditor Jim Ruane presented a PowerPoint presentation of the Fiscal Year 2015/16 Backfill/Overtime and Calendar Year 2016 Total Earnings/Compensation Analysis.

Stephen Wontrobski, Mission Viejo resident, suggested the use of reserve firefighters for backfilling positions to reduce overtime.

A brief discussion ensued.

On motion of Vice Chair Sachs and second by Director Hatch, the Board of Directors voted unanimously by those present to:

1. Direct staff to continue pursuing reductions in overtime by filling permanent vacancies (excluding vacancies required by MOU) as quickly as possible after the positions become vacant.
2. Direct staff to continue using overtime to fill temporary vacancies rather than hiring additional personnel, recognizing this as a cost-effective practice for temporary needs.

B. Discussion of Member Agency Financial Equity Issues and Potential Liability of Member Agencies Upon Withdrawal From OCFA or Upon Expiration of OCFA's Joint Powers Agreement and Requests Made by City of Irvine and County of Orange for OCFA to Engage in Discussions and Negotiations regarding Financial Equity Issues; Potential Formation of an Equity Ad Hoc Committee (F: 11.17A) (F: 12.03E4)

Assistant Chief Lori Zeller presented the staff report.

Stephen Wontrobski, Mission Viejo resident, addressed the Equity Ad Hoc Committee meetings, overcharging member cities, and county restructuring distribution of funds.

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

1. Reaffirm Board's prior May 26, 2016, direction rescinding the formation of a 2016 Equity Ad Hoc Committee, noting it is at the discretion of the two agencies, County of Orange and City of Irvine, to deliberate the issue of equity and, when appropriate, present proposed options to the Board of Directors.
2. Reaffirm Board's prior September 22, 2016, direction to forward the topics relating to member agency obligation for pension liabilities to the Pension Ad Hoc Committee.
3. Receive oral status report from the Pension Ad Hoc Committee Chair.

BOARD MEMBER COMMENTS (F: 11.13)

Director Murray noted the Orange County Task Force on Drowning Prevention had a recent meeting where Supervisor Todd Spitzer committed funding. He requested the OCFA Board consider matching its donation from last year.

Fire Chief Bowman noted both the LA Angels Baseball and the Anaheim Ducks Ice Hockey teams had committed to run public service announcements on drowning prevention.

Vice Chair Sachs reported attending the OCFA Academy No. 43 graduation ceremonies.

CONTINUED CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board of Directors would reconvene to continue Closed Session to consider the matters on the Agenda identified as CS3, Conference with Legal Counsel – Anticipated Litigation, CS4, Public Employee Performance Evaluation, CS5, Conference with Legal Counsel – Existing Litigation, and CS6, Conference with Legal Counsel – Anticipated Litigation.

Chair Swift recessed the meeting to continue Closed Session at 9:26 p.m.

Chair Swift reconvened the meeting from Closed Session at 9:57 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there was no reportable action.

ADJOURNMENT – Chair Swift adjourned the meeting at 9:58 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, May 25, 2017, at 6:00 p.m.



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