

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular and Special Meetings
Thursday, July 27, 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 and special meeting of the Orange County Fire Authority Board of Directors was called to order on July 27, 2017, at 6:03 p.m. by Chair Swift.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Lisa Bartlett, County of Orange
Laurie Davies, Laguna Niguel
Sergio Farias, San Juan Capistrano
Craig Green, Placentia
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Al Murray, Tustin
Ed Sachs, Mission Viejo
Todd Spitzer, County of Orange
Juan Villegas, Santa Ana

Leah Basile, Lake Forest
Ellery Deaton, Seal Beach
Melissa Fox, Irvine
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Joe Muller, Dana Point
Bill Nelson, Villa Park
David Shawver, Stanton
Elizabeth Swift, Buena Park

Absent: Tim Brown, San Clemente
Dave Harrington, Aliso Viejo
Michele Steggell La Palma

Carol Gamble, Rancho Santa Margarita
Don Sedgwick, Laguna Hills
Tri Ta, Westminster

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

1. PRESENTATIONS

On motion of Director Murray and second by Director Hernandez, the Board of Directors voted unanimously by those present to approve the request as submitted and make presentations to those present.

A. Recognition of Avalon Fire Captain John Meffert (F: 11.09C) (X: 11.09)

Division Chief Greg McKeown presented a PowerPoint presentation of a Cessna 310R that crashed on the I-405 freeway on its approach to John Wayne Airport. Chair Swift and Fire Chief Bowman presented a recognition to Avalon Fire Captain John Meffert for his heroic rescue of its two passengers.

B. Thank you from Workmeister Family to OCFA Staff and Board (F: 11.09)

Assistant Chief Mike Schroeder presented a PowerPoint presentation regarding a tragic accident that resulted in life threatening injuries to father and son. The Workmeister family gave special thanks to the crew of Fire Station 54 (Lake Forest), Paramedic John Paul O'Hara, and the OCFA Board of Directors for the family member's survival.

PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, spoke in opposition to State Senate Bill 302 and addressed OCFA member city's cost for services.

Dave Lopez, Seal Beach resident, spoke in opposition to the Orange County Sheriff's Department's failure to abide by and intent to terminate the existing memorandum of understanding concerning air operations between the two agencies.

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

Human Resources Chair Noel Hatch reported at the July 11, 2017, meeting the Committee received and filed the Quarterly Human Resources Accomplishment/Project Update, Recruiting Program and Promotional Process Updates, reviewed and voted unanimously to send the New/Revised Classification Specifications for Human Resources Specialists and Analyst Services to the Executive Committee for its approval, and also to send both the Master Position Control Revision for Human Resources Manager, and the Master Position Control Revision for Emergency Command Center Positions to the Board of Directors for their approval.

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

As there was no meeting this month; there was no report.

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

As there was no meeting this month; there was no report.

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

There was no meeting this month; there is no report.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Bowman provided the FY 2016/17 Performance Update. He introduced Assistant Chief Dave Anderson who presented newly hired Emergency Command Center Manager Jeff Logan. Assistant Chief Anderson introduced the formation of the Technology Task Force with Director Murray as its Chair. Assistant Chief Lori Smith introduced Battalion Chief Brian Norton who provided a PowerPoint presentation on the Gold Spotted Oak Borer. Assistant Chief Lori Smith provided a brief fireworks report on 4th of July events. Assistant Chief Brian Young provided a current status of the California wildland fires.

Director Farias arrived at this point (6:57 p.m.).

Director Muller addressed a recent fire that occurred at the Doubletree Hotel and commended the crew of Fire Station 29 for their firefighting efforts.

Director Spitzer arrived at this point (7:01 p.m.).

2. MINUTES

A. Minutes from the May 25, 2017, Regular Board of Directors Meeting (F: 11.06)

On motion of Director Johnson and second by Director Hernandez, the Board of Directors voted by those present to approve the May 25, 2017, Regular Board of Directors meeting minutes as submitted. Directors Hatch and Spitzer were recorded as abstentions due to their absence from the meeting.

3. CONSENT CALENDAR

A. Proclamation Declaring October 8-14, 2017, as "Fire Prevention Week" (F: 11.09A)

On motion of Director Johnson and second by Director Davies, the Board of Directors voted by those present to approve the proposed annual Proclamation to educate the public about the vital importance of developing home fire escape plans and to practice them.

C. Emergency Command Center Trial Program for Communications Training Officer
(F: 17.12)

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

1. Establish a 15% specialty compensation for Fire Communications Dispatchers selected to act as Communications Training Officers in Dispatcher Academy #13.
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$97,632 to fund the specialty compensation.

D. Master Position Control Revision for Emergency Command Center Positions
(F: 17.12) (X: 18.0)

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

1. Approve freezing one Senior Fire Communications Supervisor position on the Master Position Control.
2. Approve converting three part-time Fire Communications Dispatcher positions to full-time on the Master Position Control.
3. Approve a budget adjustment decreasing appropriations in the FY 2017/18 General Fund (121) Budget by \$27,457.

E. Master Position Control Revision for Human Resources Manager (F: 17.12) (X: 17.10)

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

1. Approve the addition of one Human Resources Manager position to the Master Position Control in order to reduce OCFA exposure to personnel-related liabilities and inefficiencies.
2. Approve a budget adjustment increasing appropriations in the FY 2017/18 General Fund (121) Budget by \$253,681 (salary and benefits) to fund the additional Human Resources Manager.

F. Master Position Control Revision for Urban Search and Rescue Positions (F: 17.12)
(X: 22.05)

On motion of Director Johnson and second by Director Davies, the Board of Directors voted unanimously by those present approve adding two part-time Limited-Term Fire Equipment Technicians to the Master Position Control list. These positions replace the use of Extra Help personnel and will be funded through the Urban Search and Rescue grant funds received from the Federal Emergency Management Agency.

G. Acceptance of Funds from the 2016 Homeland Security Grant Program for an Administrative Fire Captain Assigned to the Orange County Intelligence Assessment Center (F: 16.02A1)

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

1. Approve the FY 2016 Homeland Security Grant Program Agreement and authorize the Fire Chief to execute it and any necessary attachments and agreement(s) to accept and administer the Urban Area Security Initiative Grant.
2. Approve a Budget Adjustment in Fund 121 to increase revenue and appropriations by \$160,000 for the FY 2016 Homeland Security Grant Program award.

H. Response to Grand Jury Report Regarding Benefit Enhancements (F: 20.04A9)

On motion of Director Johnson and second by Director Davies, the Board of Directors voted unanimously by those present to as required by the Grand Jury, approve and authorize the Clerk of the Authority to submit to the Presiding Judge of the Superior Court the Orange County Fire Authority's response to the Orange County Grand Jury report entitled "Pension Enhancements: A Question of Government Code Compliance."

END OF CONSENT CALENDAR

4. PUBLIC HEARING(S)

A. Community Risk Reduction Fee Study and Adoption of Associated Fee Schedules (F: 15.05A)

Assistant Chief Lori Zeller introduced Finance Manager Jim Ruane who provided an overview of the Community Risk Reduction Fee Study and Adoption of Associated Fee Schedules. Jim introduced Fee Consultant Eric Johnson of Revenue and Cost Specialist, who summarized his role in the review of the model and data within the fee schedules.

Director Bartlett arrived at this point (7:06 p.m.).

Chair Swift opened the public portion of the Public Hearing. Chair Swift closed the Public Comments portion of the meeting without any comments from the public.

Brief discussion ensued.

On motion of Director Spitzer and second by Director Nelson, the Board of Directors voted by those present to:

1. Conduct a Public Hearing.
2. Find that, in accordance with California Government Code Section 66014, the proposed fees do not exceed the cost of providing services and are only for the purpose of meeting operational expenses and are, therefore, exempt from compliance with the California

Environmental Quality Act pursuant to Public Resources Code Section 21080, and eliminate the proposed fee for prevention field services, AF1 Firework Stands.

3. Approve and adopt Resolution No. 2017-04 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY SUPERSEDING ALL PREVIOUS RESOLUTIONS AND APPROVING CHANGES IN COMMUNITY RISK REDUCTION AND MISCELLANEOUS FEES with the exclusion of the proposed fireworks booth inspection fee.

Motion failed by the following vote:

SUPPORT (4):

Craig Green, Placentia
David Shawver, Stanton

Bill Nelson, Villa Park
Todd Spitzer, County of Orange

OPPOSED (15)

Lisa Bartlett, County of Orange
Laurie Davies, San Clemente
Sergio Farias, San Juan Capistrano
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Joe Muller, Dana Point
Ed Sachs, Mission Viejo
Juan Villegas, Santa Ana

Leah Basile, Lake Forest
Ellery Deaton, Seal Beach
Melissa Fox, Irvine
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Al Murray, Tustin
Elizabeth Swift, Buena Park

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

1. Conduct a Public Hearing.
2. Find that, in accordance with California Government Code Section 66014, the proposed fees do not exceed the cost of providing services and are only for the purpose of meeting operational expenses and are, therefore, exempt from compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21080.
3. Approve and adopt Resolution No. 2017-04 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY SUPERSEDING ALL PREVIOUS RESOLUTIONS AND APPROVING CHANGES IN COMMUNITY RISK REDUCTION AND MISCELLANEOUS FEES.

The Motion carried with Directors Green and Spitzer voting in opposition.

Chair Swift, using the Chair's discretion, requested the Closed Session items CS4, Conference with Legal Counsel – Anticipated Litigation, and CS5, Conference with Legal Counsel – Initiation of Litigation, be brought forward on the agenda.

CLOSED SESSION (F: 11.15)

CS4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

CS5. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9(c) (1 case)

General Counsel David Kendig reported the Board would convene to Closed Session to consider the matters on the agenda identified as CS4, Conference with Legal Counsel – Anticipated Litigation, and CS5 Conference with Legal Counsel – Initiation of Litigation.

Chair Swift recessed the meeting to Closed Session at 7:39 p.m.

Chair Swift reconvened the meeting from Closed Session at 8:19 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

5. DISCUSSION CALENDAR

A. Actions to Reduce Firefighter Overtime & Extraordinary Volume of Forced Hiring Activity (F: 17.10D)

Assistant Chief Lori Zeller presented the Actions to Reduce Firefighter Overtime & Extraordinary Volume of Forced Hiring Activity.

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

1. Direct staff to convert funding for 53 existing positions (17 Fire Captains, 15 Fire Apparatus Engineers, and 21 Firefighters) from overtime-funded to full-time salary and benefit-authorized positions, by taking the following actions:
 - a. Restore and activate 42 existing frozen positions on the Master Position Control (15 Fire Captains, 15 Fire Apparatus Engineers, and 12 Firefighters).
 - b. Add two Fire Captains (one regular position and one limited-term/grant-funded position) and 9 Firefighters as authorized positions to the Master Position Control.
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$345,191 to fund the difference between current budgeted overtime pay and regular salary and benefit costs for these converted positions.
3. Authorize staff to temporarily exceed the number of authorized firefighter positions on the Master Position Control to enable the hiring of 50 firefighters into each of the next two academies. This temporary authorization shall only apply to the next two academies (45 and 46), pending attrition/promotions that will occur during and following academy graduations.

5. DISCUSSION CALENDAR

B. Increase of Contingency Funds Tenant Improvements for Urban Search and Rescue Warehouse and Training Center (F: 22.05A1a)

Assistant Chief Dave Anderson presented the Increase of Contingency Funds Tenant Improvements for Urban Search and Rescue Warehouse and Training Center.

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

1. Approve and authorize an additional \$100,000 to the existing contingency amount of \$192,439 for a new contingency total of \$292,439 and a total project amount not to exceed \$908,697.
2. Approve and authorize staff to increase FY 2017/18 Capital Improvement Program (123) appropriations in the amount of \$100,000 to fund the increased contingency.
3. Approve and authorize a change order to the existing contract with ICS and GSI as required for the additional work performed, not to exceed the authorized contingency funding for the project.
4. Direct legal counsel to investigate and evaluate the merit of initiating litigation against those potentially responsible for the OCFA's costs of addressing the undisclosed soil contamination and vault removal at the property and report back to the Board with recommendations.

BOARD MEMBER COMMENTS

Director Deaton reported on a near drowning where OCFA responders saved a life.

Director Hernandez thanked Director Murray for his recent presentation on drowning prevention.

Director Murray thanked Chief Solano of Tustin and others for their responses to the recent incidents in Tustin.

Chair Swift reported Fire Station 61 (Buena Park) is under construction, reminded Board Members of the Dispatcher Academy Graduation on August 3, and of the 9/11 Memorial Service at the RFOTC, with individual services taking place at each OCFA fire station.

Director Green reported attending the Explorer Graduation.

REPORTS

No items.

CONTINUED CLOSED SESSION (F: 11.15)

CS1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to Litigation regarding Pension Liability

CS2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to Litigation regarding Air Operations

CS3. 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)

General Counsel David Kendig reported the Board would reconvene to Closed Session to consider the matters on the agenda identified as CS1, Conference with Legal Counsel – Anticipated Litigation, and CS2, Conference with Legal Counsel – Anticipated Litigation, and CS3, Conference with Legal Counsel-Existing Litigation.

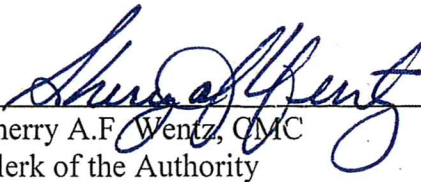
Chair Swift recessed the meeting to Closed Session at 8:37 p.m.

Chair Swift reconvened the meeting from Closed Session at 10:27 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

ADJOURNMENT – Chair Swift adjourned the meeting at 10:28 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, September 28, 2017, at 6:00 p.m.



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