

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, May 23, 2019
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 May 23, 2019, at 6:00 p.m. by Chair Muller.

INVOCATION

Chaplain Emily McColl offered the Invocation.

PLEDGE OF ALLEGIANCE

Vice Chair Hasselbrink led the Assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Lisa Bartlett, County of Orange
Sergio Farias, San Juan Capistrano
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Thomas Moore, Seal Beach
Sandy Rains, Laguna Niguel
Ed Sachs, Mission Viejo
Michele Steggell, La Palma
Elizabeth Swift, Buena Park
Juan Villegas, Santa Ana

Letitia Clark, Tustin
Dave Harrington, Aliso Viejo
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Joseph Muller, Dana Point
Vince Rossini, Villa Park
Dave Shawver, Stanton
Steve Swartz, San Clemente
Tri Ta, Westminster
Donald P. Wagner, County of Orange

Absent: Melissa Fox, Irvine
Don Sedgwick, Laguna Hills

Neeki Moatazedi, Lake Forest
Kathy Ward, San Clemente

Also present were:

Fire Chief Brian Fennessy
Deputy Chief Lori Zeller
Deputy Chief Dave Anderson
General Counsel David Kendig
Clerk of the Authority Sherry Wentz

Assistant Chief Randy Black
Assistant Chief Robert Cortez
Assistant Chief Jim Ruane
Assistant Chief Lori Smith
Communications Director Colleen Windsor

1. PRESENTATIONS

No items.

PUBLIC COMMENTS (F: 11.11)

Alisa Abecassis, Irvine resident, addressed concerns for public safety with the encryption of radio transmissions by the OCFA.

CLOSED SESSION (F: 11.15)

- CS1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
(1 Case)
- CS2. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION**
Authority: Government Code Section 54956.9(c) – Initiation of Litigation (1 case)
- CS3. CONFERENCE WITH LABOR NEGOTIATOR**
Chief Negotiator: Fire Chief Brian Fennessy and Deputy Chief Lori Zeller
Employee Organizations: Unrepresented Employees
Authority: Government Code Section 54957.6
- CS4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position: Fire Chief
Authority: Government Code Section 54954.5
- CS5. CONFERENCE WITH LABOR NEGOTIATOR**
Negotiators: Chair Joe Muller, Vice Chair Shelley Hasselbrink, and Immediate
Past Chair Ed Sachs
Unrepresented Employee: Fire Chief
Authority: Government Code Section 54957.6

General Counsel David Kendig reported the Board of Directors would convene to Closed Session to consider the matters on the agenda identified as CS3, Conference with Labor Negotiator, CS4, Public Employee Performance Evaluation, and CS5, Conference with Labor Negotiator. Closed Session matters CS1 and CS2, Conference with Legal Counsel – Anticipated Litigation, will not be addressed this evening.

Chair Muller recessed the meeting to Closed Session at 6:07 p.m.

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

Director Ta arrived at this point (6:45 p.m.).

Chair Muller reconvened the meeting from Closed Session at 8:06 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

REPORTS

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

Budget and Finance Committee Chair Hasselbrink reported at the May 8, 2019, meeting, the Committee voted unanimously to receive and file the RSG, Inc. Final Property Tax Revenue Projections, to send the Monthly Investment Reports and Third Quarter Financial Newsletter to the Executive Committee for approval, and to send the Updated Cost Reimbursement Rates and Review of the Fiscal Year 2019/20 Proposed Budget to the Board of Directors for approval of the recommended actions.

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

Human Resources Committee Chair Johnson reported at the May 7, 2019, meeting, the Committee received and filed the updates on the Human Resources Director Executive Recruitment and the Garden Grove Transition of Employment. The Committee voted unanimously to authorize Contract Adjustments for Third Party Workers' Compensation Administration extending the contract with CorVel for insurance legacy claims for three years in an amount not to exceed \$30,000 (\$10,000 annually) and directing staff to return with additional information regarding the remaining portions of the proposed CorVel contract amendments to the next scheduled Human Resources Committee.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Brian Fennessy reported on the Next Generation Night Operations Technology-Based Program, developed to provide state of the art technology in firefighting aircraft for aerial attacks of wildfires in Southern California Edison territory. He also provided a report on the OCFA's participation in the recent 2019 Urban Search and Rescue Multi-Task Force Mobilization Exercise "South Wind."

2. MINUTES

A. Minutes from the April 25, 2019, Regular Meeting of the Board of Directors (F: 11.06)

On motion of Director Johnson and second by Director Villegas, the Board of Directors voted by those present to approve the April 25, 2019, Regular Meeting Minutes as submitted. Directors Bartlett, Farias, and Gamble were recorded as abstentions, due to their absence from the meeting.

3. CONSENT CALENDAR

A. Updated Cost Reimbursement Rates (F: 15.12)

On motion of Director Ta and second by Director Shawver, the Board of Directors voted unanimously by those present to approve and adopt the proposed Cost Reimbursement Rate schedules to be effective July 1, 2019.

B. Wildfire Awareness and Prevention Proclamation (F: 11.09A)

On motion of Director Ta and second by Director Shawver, the Board of Directors voted unanimously by those present to approve the Wildfire Awareness and Prevention Proclamation as submitted.

C. Amendment to Personnel and Salary Resolution (F: 17.02)

On motion of Director Ta and second by Director Shawver, the Board of Directors voted unanimously by those present to adopt the proposed amendment to Part 3, Article 1, Section 8 (Authority Issued Vehicles and Cash in Lieu Allowance Policy) and Appendix B (Administrative Management Classifications) of the Personnel and Salary Resolution.

D. Irvine Settlement Agreement 115 Trust (F: 10.03 Irvine)

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

1. Approve and adopt Resolution No. 2019-05 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS APPROVING THE ADOPTION OF THE PUBLIC AGENCIES POST-EMPLOYMENT BENEFITS TRUST ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS) approving the adoption of the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement Services.
2. Approve and authorize the Board Chair to execute the Agreement for Administrative Services with PARS to act as Trust Administrator for the Trust.
3. Approve and authorize the Treasurer, as OCFA's Plan Administrator, to sign all documents reasonably necessary to implement the recommendations.

END OF CONSENT CALENDAR

4. PUBLIC HEARING(S)

A. Adoption of the Fiscal Year 2019/20 Proposed Budget (F: 15.04 19/20)

Deputy Chief Zeller presented a PowerPoint providing an overview on the proposed FY 2019/20 Budget.

Chair Muller opened the Public Hearing for Public Comments. Chair Muller closed the Public Comments portion of the hearing without any comments from the general public.

Director Sachs left at this point (8:21 p.m.).

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

1. Conduct a Public Hearing.
2. Adopt the proposed FY 2019/20 Budget as submitted.
3. Approve and adopt Resolution No. 2019-03 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ADOPTING AND APPROVING THE APPROPRIATIONS BUDGET FOR THE ORANGE COUNTY FIRE AUTHORITY FOR FISCAL YEAR 2019/20.
4. Approve and authorize the temporary transfer of up to \$75 million from the following funds to cover a projected temporary cash flow shortfall for FY 2019/20:
 - a. Fund 123 Fire Stations and Facilities - \$10 million
 - b. Fund 133 Fire Apparatus - \$10 million
 - c. Fund 190 Workers' Compensation Reserve Fund - \$55 million
5. Approve and authorize the repayment of \$75 million borrowed funds from Fund 121 to the above funds along with interest when General Fund revenues become available in FY 2019/20.
6. Approve changes to the Master Position Control list to unfreeze, reclassify and/or add 127 positions as detailed in Attachment 3.
7. Approve transfers from the General Fund 121 and Fund 123 Fire Stations and Facilities to General Fund CIP Fund 12110, Fund 133 Fire Apparatus, and Fund 139 Settlement Agreement totaling \$36,568,000.
8. Approve and authorize FY 2018/19 budget adjustments to increase General Fund (121) revenues by net \$145,770 and General Fund (121) expenditures by \$38,014.

Directors Sachs was absent for the vote.

5. DISCUSSION CALENDAR

A. Second Amendment to Fire Chief Employment Agreement and Resolution Approving Non-Base Building Merit Increase (F: 17.10A2)

General Counsel David Kendig presented a summary of the terms of the Second Amendment to Fire Chief Employment Agreement and an overview of the proposed Resolution approving a Non-Base Building Merit Increase.

Discussion ensued regarding the proposed Fire Chief salary increase.

On motion of Director Wagner and second by Director Gamble, the Board of Directors table the recommended actions, and bring back the item for further negotiations in Closed Session. Motion failed, with Directors Clark, Farias, Hasselbrink, Hernandez, Johnson, Moore, Muller, Rains, Rossini, Shawver, Steggell, and Swift voted in opposition. Director Sachs was absent for the vote.

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

1. Approve and authorize the Board Chair to execute the proposed Second Amendment to the Fire Chief's employment agreement.

2. Approve and adopt Resolution No. 2019-04 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS APPROVING A NON-BASE BUILDING MERIT INCREASE FOR FIRE CHIEF BRIAN FENNESSY. Directors Bartlett, Gamble, Harrington, and Wagner voted in opposition. Directors Sachs was absent for the vote.

B. Community Wildfire Mitigation Inspection Program Presentation (F: 11.13A) (X: 18.08B4)

Assistant Chief Lori Smith presented the Community Wildfire Mitigation Inspection Program and provided a PowerPoint presentation.

By consensus, the Board of Directors received and filed the report.

BOARD MEMBER COMMENTS (F: 11.13)

Director Moore announced the Seal Beach Pier is reopening fully restored tomorrow.

Director Johnson thanked Division Chief Shane Sherwood and Station 17 for attending the Cypress Police Open House and bringing the new fire tractor for the public to view.

Director Hernandez noted attending the OCFA Promotion Ceremony earlier today and congratulated all those recognized.

Chair Muller wished Director Swift a Happy Birthday, commented that the Board agenda packets will have reduced paperwork; all items not in print are included on line, and invited everyone to attend the June 5 Academy Graduation. He also noted attending along with Chief Fennessy and Director Fox, the recent CAL Fire press conference at Fullerton Airport during Wildfire Preparedness week.

ADJOURNMENT – Chair Muller adjourned the meeting in memory of OCFA Director/San Clemente Mayor Steve Swartz and OCFA Reserve Firefighter Sean Frick. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, June 27, 2019, at 6:00 p.m.



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