



ORANGE COUNTY FIRE AUTHORITY

AGENDA

BOARD OF DIRECTORS REGULAR MEETING

Thursday, July 25, 2019

6:00 P.M.

Regional Fire Operations and Training Center

Board Room

1 Fire Authority Road

Irvine, CA 92602

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>

If you wish to speak before the Fire Authority Board, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to being heard before the Board. Speaker Forms are available at the counters of both entryways of the Board Room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040.

CALL TO ORDER

INVOCATION by OCFA Chaplain Brett Peterson

PLEDGE OF ALLEGIANCE by Director Swift

ROLL CALL

1. PRESENTATIONS

A. Requests for Commendations and Recognitions

Submitted by: Sherry Wentz, Clerk of the Authority

1. Government Finance Officers Association Budget Award Recipient
2. Government Finance Officers Association Comprehensive Annual Financial Report Award Recipient

Recommended Action:

Approve request as submitted and make presentations.

PUBLIC COMMENTS

Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Board on items within the Board's subject matter jurisdiction, but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Board and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience.

The Agenda and Minutes are now available through the Internet at www.ocfa.org. You can access upcoming agendas on the Monday before the meeting. The minutes are the official record of the meeting and are scheduled for approval at the next regular Board of Directors meeting.

CLOSED SESSION

CS1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to Litigation (1 case)

CLOSED SESSION REPORT

REPORTS

REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR

REPORT FROM THE FIRE CHIEF

- Girls Empowerment Camp Update
- Fire Explorer Academy Update
- Nex Gen Air Pilot Program Update

2. MINUTES

A. Minutes from the June 27, 2019, Regular Board of Directors Meeting

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Action:

Approve as submitted.

3. CONSENT CALENDAR

A. Proclamation Declaring October 6-12, 2019, as “Fire Prevention Week”

Submitted by: Colleen Windsor, Director/Corporate Communications

Recommended Action:

Approve as submitted.

B. Response to Grand Jury Report Regarding “Emergency Public Information – Should I Stay or Should I Go?”

Submitted by: Colleen Windsor, Director/Corporate Communications

Recommended Action:

Approve and authorize the Clerk of the Authority to submit the Orange County Fire Authority’s response to the Orange County Grand Jury report entitled, “Emergency Public Information – Should I Stay or Should I Go?”

C. Proposed Action to Reduce Extraordinary Volume of Forced Overtime

Submitted by: Lori Zeller, Deputy Chief/Administration & Support Bureau

Budget and Finance Committee Recommendation: *APPROVE*

Recommended Action:

Increase appropriations in the FY 2019/20 General Fund (121) Budget by \$1,721,846 to fund a third firefighter academy this fiscal year, specifically, an eight-week firefighter/paramedic academy to run from September 13 through November 8, 2019.

END OF CONSENT CALENDAR**4. PUBLIC HEARING(S)**

No items.

5. DISCUSSION CALENDAR**A. Seeking Orange County Board of Supervisors Support for a Three-year Ambulance Transportation Contract Term to Enhance Emergency Medical Services Delivery**

Submitted by: Brian Fennessy, Fire Chief

Recommended Action:

Based on the multi-million-dollar OCFA Exclusive Operating Area valuation analysis, authorize the release of a letter from the OCFA Board of Directors to the Orange County Board of Supervisors seeking support of staff’s request of a three-year contract term in lieu of a five-year contract term, in connection with the Ambulance Transportation Request for Proposal released by Orange County Emergency Medical Services.

BOARD MEMBER COMMENTS

ADJOURNMENT – The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, August 22, 2019, at 6:00 p.m.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby, front gate public display case, and website of the Orange County Fire Authority, Regional Fire Operations and Training Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 18th day of July 2019.

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

UPCOMING MEETINGS:

Budget and Finance Committee Meeting	Wednesday, August 14, 2019, 12 noon
Executive Committee Meeting	Thursday, August 22, 2019, 5:30 p.m.
Board of Directors Meeting	Thursday, August 22, 2019, 6:00 p.m.
Budget and Finance Committee Meeting	Wednesday, September 11, 2019, 12 noon
Human Resources Committee Special Meeting	Tuesday, September 17, 2019, 12 noon

AGENDA ITEM NO. 1A

There are no supportive materials
for Presentation Item No. 1A

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting
Thursday, June 27, 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 June 27, 2019, at 6:00 p.m. by Chair Muller.

INVOCATION

Chaplain Devin Chase offered the Invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Lisa Bartlett, County of Orange
Sergio Farias, San Juan Capistrano
Dave Harrington, Aliso Viejo
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Neeki Moatazedi, Lake Forest
Joseph Muller, Dana Point
Ed Sachs, Mission Viejo
Michele Steggell, La Palma
Tri Ta, Westminster

Letitia Clark, Tustin
Melissa Fox, Irvine
Carol Gamble, Rancho Santa Margarita
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Thomas Moore, Seal Beach
Vince Rossini, Villa Park
Dave Shawver, Stanton
Elizabeth Swift, Buena Park
Kathleen Ward, San Clemente

Absent: Sandy Rains, Laguna Niguel
Juan Villegas, Santa Ana

Don Sedgwick, Laguna Hills
Donald P. Wagner, County of Orange

Also present were:

Fire Chief Brien Fennessy
Assistant Chief Randy Black
Assistant Chief Jim Ruane
Director Colleen Windsor
Clerk of the Authority Sherry Wentz

Deputy Chief Lori Zeller
Assistant Chief Robert Cortez
Assistant Chief Lori Smith
General Counsel David Kendig

1. PRESENTATIONS

No items.

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

Clerk of the Authority Sherry Wentz administrated the Oath of Office to newly appointed Director Kathy Ward representing the City of San Clemente.

PUBLIC COMMENTS (F: 11.11)

Director Harrington arrived at this point (6:20 p.m.).

Director Shawver arrived at this point (6:20 p.m.).

The following members of the public provided comments concerning the transition of fire and emergency medical services to the City of Placentia: Placentia City Council Member Craig Green, Placentia Mayor Rhonda Shader, Placentia resident and participant in the Committee to Sustain City Services for the City of Placentia Bob McKinnell, Placentia City Treasurer Kevin Larson, Placentia Director of Administrative Services Rosanna Ramirez, Placentia Finance Director Kim Krouse, President of Placentia Police Management Association Brian Perry, Representative of the Placentia Police Management Association Jim McElhinny, Senior Vice President and General Counsel for FSB/Core Strategies Jerry Amante, Orange County Professional Firefighters Association, Local 3631, Political Director Todd Baldrige, and Placentia Director of Public Works Luis Estevez.

Chair Muller, using the Chairs discretion, reorganized the agenda to bring forward Agenda Item No. 5A – Placentia Fire and Emergency Medical Services for its consideration.

5. DISCUSSION CALENDAR

A. Placentia Fire and Emergency Medical Services (F: 10.03 Placentia)

Fire Chief Fennessy presented an overview on OCFA's fire and emergency medical services transition process.

The following members of the public provided comments on the subject: Placentia Council Member Craig Green (also speaking on behalf of Placentia resident Jeff Buchanan), Placentia City Manager Damien Arrula, Placentia Director of Public Works Luis Estevez, and former Irvine City Manager/former Placentia resident Sean Joyce.

Discussion ensued concerning meeting with the City of Placentia, prior offer of OCFA assistance to Placentia during its transition, concerns of the alleged OCFA employee misconduct, City of Irvine's withdraw and reinstatement; concern with safety during transition, and concurrence to readily assist Placentia during its transition process.

On motion of Director Farias and second by Director Rossini, the Board of Directors voted unanimously by those present to direct staff to report back to the Board of Directors quarterly in Fiscal Year 2019/20 to provide updates and receive Board direction regarding the transition of Placentia's Fire and Emergency Medical Services.

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)

General Counsel David Kendig reported the Board would convene to Closed Session to consider the matter on the agenda identified as CS1, Conference with Legal Counsel – Anticipated Litigation, and would not be discussing CS2, Conference with Legal Counsel – Anticipated Litigation.

Director Hernandez left at this point (7:02 p.m.).

Chair Muller recessed the meeting to Closed Session at 7:05 p.m.

Chair Muller reconvened the meeting from Closed Session at 7:41 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there was no reportable action.

REPORTS

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

As there was no meeting in June of the Budget and Finance Committee, there was no report.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Fennessy reported attending the Firefighter's Academy 47 Graduation noting the next Academy will begin in August with a November graduation. He mentioned over the upcoming weekend OCFA will host the first Girls Empowerment Camp; an opportunity for young women to experience and consider fire services as a career opportunity, and reported that OCFA will no longer use the radio encryption based on concerns for public safety.

2. MINUTES

A. Minutes from the May 23, 2019, Regular Meeting of the Board of Directors (F: 11.06)

On motion of Director Johnson and second by Director Hatch, the Board of Directors voted by those present to approve the May 23, 2019, Minutes as submitted.

3. CONSENT CALENDAR

No items.

4. PUBLIC HEARING(S)

No items.

5. DISCUSSION CALENDAR

B. Next Generation Aerial Operations Based Pilot Program (F: 18.09D)

Fire Chief Fennessy presented an overview on the Next Generation Aerial Operations Based Pilot Program.

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

1. Approve Funding Agreement with Southern California Edison to accept a donation in the amount of \$4,000,000 to fund the fixed lease cost of two helicopters and other related costs in an effort to increase the effectiveness of aerial response to wildfires.
2. Approve and authorize the Purchasing Manager to execute the Public Aircraft Lease and Service Agreement with Coulson Aviation (USA), Inc. utilizing the special procurement provision in the Purchasing Ordinance for the provision of aircraft and other operational related services in an amount not to exceed \$3,750,000.
3. Approve and authorize the Purchasing Manager to execute professional services agreements for qualified Air Tactical Group Supervisors as needed in amounts up to \$120,000 each for an aggregate total not to exceed \$250,000.
4. Approve and authorize a budget adjustment to recognize the donation from SCE and appropriate funds to the 2019-20 General Fund Budget (121) in the amount of \$4,250,000 to fund the Next Generation Aerial Operations Based Pilot Program.
5. Adopt statutory and categorical exemptions from the California Environmental Quality Act (CEQA) pursuant to: (1) Title 14 of the California Code of Regulations, section 15262 for feasibility and planning studies; and (2) CEQA Guidelines section 15301 for existing facilities.
6. Authorize staff to file a Notice of Exemption (NOE) with the County Clerk, County of Orange.

Director Hernandez was absent for the vote.

C. Updated Cost Reimbursement Rates (F: 18.09D)

Assistant Chief Jim Ruane presented the Updated Cost Reimbursement Rates.

On motion of Director Harrington and second by Director Johnson, the Board of Directors voted by those present to review the proposed agenda item and approve the updated Cost Reimbursement Rate schedules to be effective July 1, 2019.

Director Hernandez was absent for the vote.

BOARD MEMBER COMMENTS (F: 11.13)

Director Ward thanked the Board for the respect given in the memory of Board Member Swartz, and inquired if there are prepared studies that reflects how we staff for the various safety positions, and does that reflect on the need of forced hires.

Director Clark commended the upcoming OCFA Girls Employment Camp noting her intent to attend.

Director Bartlett encouraged the Board Members to take advantage of the invitation by the Orange County Professional Firefighters Association, Local 3631, to observe or participate in firefighter training scenarios to experience for themselves the rigorous work involved in an incident response.

Director Hatch thanked Station 22 on its service to the 18,000 plus residents in Laguna Woods, and commented to the great quality of the people who serve OCFA.

Chair Muller reminded everyone that it is Drowning Prevention season, the increased drowning potential during holiday weekends, and pool/ocean drownings. He noted his participation at Firefighter Academy 47's Graduation.

ADJOURNMENT – Chair Muller adjourned the meeting at 8:03 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, July 25, 2019, at 6:00 p.m.

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

**FIRE PREVENTION WEEK
PROCLAMATION**

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire; and

WHEREAS, U.S. fire departments respond to an average of 355,400 home fires per year resulting in an annual average of 2,560 civilian fire deaths; and

WHEREAS, newer homes are built with lightweight materials that burn faster than older home constructions, with many of today's products and furnishings producing toxic gases and smoke when burned, making it impossible to see and breathe within moments; and

WHEREAS, these conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and

WHEREAS, Orange County residents are responsive to public education and outreach measures and can take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2019 Fire Prevention Week theme, "Not every hero wears a cape. Plan and practice your escape!" effectively serves to educate the public about the small but important actions they can take to keep themselves and those around them safe; and

WHEREAS, taking steps to reduce the likelihood of fire, and escape planning and practice can help make the most of the time you have to get everyone out of the house safely.

NOW, THEREFORE BE IT RESOLVED, that the Orange County Fire Authority Board of Directors does hereby declare October 6-12, 2019, as "Fire Prevention Week" and urge Orange County residents to develop a home fire escape plan with all members of the household and practice it twice a year, and to participate in the many public safety activities and efforts of Orange County Fire Authority's fire and emergency services during Fire Prevention Week 2019.



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
July 25, 2019

Agenda Item No. 3B
Consent Calendar

**Response to Grand Jury Report Regarding
“Emergency Public Information – Should I Stay or Should I Go?”**

Contact(s) for Further Information

Colleen Windsor, Director
Corporate Communications

colleenwindsor@ocfa.org

714.573.6028

Summary

This item is presented for authorization to submit the proposed response to the Orange County Grand Jury report entitled, "Emergency Public Information – Should I Stay or Should I Go?"

Prior Board/Committee Action

Not Applicable.

RECOMMENDED ACTION(S)

Approve and authorize the Clerk of the Authority to submit the Orange County Fire Authority's response to the Orange County Grand Jury report entitled "Emergency Public Information – Should I Stay or Should I Go?"

Impact to Cities/County

Not Applicable.

Fiscal Impact

None.

Background

On June 19, 2019, the Orange County Grand Jury issued a report on its perception for improved multiagency coordination of emergency public information and its rapid conveyance to the public (Attachment 1). The Grand Jury's report requires the Orange County Fire Authority to respond to the report's findings and recommendations within ninety (90) days by September 17, 2019. OCFA's proposed response, which is a product of the collaboration between the OCFA, Orange County Sheriff's Department Emergency Management, and the cities of Anaheim, Orange, and Laguna Beach, is attached for review and approval by the Board of Directors.

Attachment(s)

1. Orange County Grand Jury Report: "Emergency Public Information – Should I Stay or Should I Go?"
2. Proposed OCFA Response to Grand Jury Report

Grand Jury Response: “Emergency Public Information – Should I Stay or Should I Go?”

July 29, 2019

The Honorable Kirk Nakamura
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Your Honor,

The Orange County Fire Authority (OCFA) Board of Directors reviewed the Grand Jury report entitled, “Emergency Public Information - Should I Stay or Should I Go?” during its public meeting held on July 25, 2019. The Board has reviewed and authorized this formal response from our agency.

We appreciate the time and effort the Grand Jury has devoted to the citizens of Orange County and we share its dedication to fair and transparent governance.

If I may be of service in the clarification of this response, please feel free to contact me at brianfennessy@ocfa.org or (714) 573-6010.

Sincerely,

Brian Fennessy
Fire Chief

cc: Orange County Grand Jury

**MINUTES
ORANGE COUNTY FIRE AUTHORITY**

Board of Directors Regular Meeting

**July 25, 2019
6:00 P.M.**

3. CONSENT CALENDAR

**<> Response to Grand Jury Report Regarding Emergency Public Information
(F: 20.04A12)**

On motion of Director <> and second by Director <>, the Board of Directors voted unanimously by those present as required by the Grand Jury, to 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 "Emergency Public Information – Should I Stay or Should I Go?"

Grand Jury Response: “Emergency Public Information – Should I Stay or Should I Go?”

Summary

Response to Findings and Recommendations

Finding 1: Lack of coordination among the involved agencies caused Emergency Public Information sent out about evacuations during the Canyon 2 fire to be inconsistent, and confused residents.

Discussion

The OCFA agrees in part and disagrees in part. An emergency was rapidly progressing and there was no time to wait for the Emergency Operation Center to make proper notifications. Public safety agencies have a responsibility to coordinate messaging to ensure the public will receive factual and concise information. That practice is challenged by media messaging, social media posts and a wildfire that was quickly escalating. In this case, it was a matter of life and death and the best information at the time was sent.

Finding 3: No training standards for Public Information Officers exist and there are no formal written protocols for issuance of mass notification, including required training on the use of mass notification systems.

Discussion

The OCFA agrees in part and disagrees in part. There is formal Public Information Officer (PIO) training for those responding on behalf of OCFA for a wildland fire incident; however, there is no required training on the mass notification system as this is not a function of OCFA.

Finding 5: The lack of a standardized written protocol for Alerts and Warnings decreases the ability of the County and its Operational Area jurisdictions to speak with one voice when it comes to alerting the public during emergencies.

Discussion

The OCFA agrees in part and disagrees in part. Even with a plan, it is difficult to have one voice. Each agency is responsible for communicating to its own residents and what is impacting one area may not be the same as another area in a major incident. A Joint Information Center would help, as would a PIO at the command post.

Finding 9: The County and interviewed cities do not seek sufficient public feedback of the perceptions of effectiveness of the Emergency Public Information.

Discussion

The OCFA agrees in part and disagrees in part. When feedback and comments are received following an incident, every effort is made to consider the comments, possibly make changes, and respond with accurate information. An online survey can be considered as a proactive method to seek out feedback.

Grand Jury Response: “Emergency Public Information – Should I Stay or Should I Go?”

Finding 10: The lack of standardized emergency management terminology among the various jurisdictions within Orange County causes delays and confusion in the dissemination of Emergency Public Information.

Discussion

The OCFA agrees consistency is important and helpful. Using standard terminology would provide for clearer messaging for the community.

Finding 11: Orange County jurisdictions and the California Highway Patrol lack a joint plan for evacuation routes, thus evacuations can be chaotic, creating increased potential for danger to residents.

Discussion

The OCFA agrees. More work and coordination are required.

Recommendation 3: By September 30, 2019, the County Emergency Operations Center, the six cities interviewed by the Grand Jury and Orange County Fire Authority should adopt a standardized written protocol for issuance of mass notifications and require training on their software systems, whether the WEA service, AlertOC or any other system is utilized. (F1, F2, F3, F4, F5)

Discussion

The recommendation has not yet been implemented, but will be implemented in part. OCFA will engage with the County of Orange on this system. This effort cannot be accomplished by this deadline.

Recommendation 7: By September 30, 2019, The Orange County Sheriff’s Department and each interviewed city’s Emergency Management Division should adopt a proactive process by which residents impacted by an emergency can easily provide feedback regarding their experience with Emergency Public Information, such as by telephone, mail-in, and/or online surveys. (F9)

Discussion

The recommendation has not yet been implemented, but will be implemented by September 30. A Survey Monkey can easily be posted on the OCFA website to receive feedback and be promoted via social media and general media for response following a major incident. We may need assistance in developing appropriate survey questions. A telephone or mail survey would be quite costly to public agencies.

Grand Jury Response: “Emergency Public Information – Should I Stay or Should I Go?”

Recommendation 8: By September 30, 2019, a task force, made up of representatives from all Operational Area jurisdictions, public safety Public Information Officers, and state public safety professionals, such as California Highway Patrol, should be created to develop an emergency operation plan for large, wide-spread disasters. (F11)

Discussion

The recommendation has not yet been implemented, but will be implemented by September 30. OCFA will coordinate with the County of Orange to implement this recommendation.



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
July 25, 2019

Agenda Item No. 3C
Consent Calendar

**Proposed Action to Reduce Extraordinary
Volume of Forced Overtime**

Contact(s) for Further Information

Lori Zeller, Deputy Chief Administration & Support Bureau	lorizeller@ocfa.org	714.573.6020
Mark Sanchez, Assistant Chief Operations Department	marksanchez@ocfa.org	714.573.6014

Summary

This agenda item seeks funding to conduct an additional firefighter academy, intended to improve staffing and reduce the extraordinary volume of forced overtime activity occurring in the firefighter ranks.

Prior Board/Committee Action

Budget and Finance Committee Recommendation: *APPROVE*

At its regular July 10, 2019, meeting, the Budget and Finance Committee reviewed and unanimously recommended approval of this item.

RECOMMENDED ACTION(S)

Increase appropriations in the FY 2019/20 General Fund (121) Budget by \$1,721,846 to fund a third firefighter academy this fiscal year, specifically, an eight-week firefighter/paramedic academy to run from September 13 through November 8, 2019.

Impact to Cities/County

Completion of an additional firefighter academy this fiscal year will enable OCFA to maximize the number of firefighters and firefighter/paramedics hired from the current firefighter eligibility list, which will allow vacant positions to be filled through regular work schedules rather than forcing existing firefighters to work extraordinary overtime to fill the vacant shifts. There will be no increase to Cash Contract city charges as a result of this additional academy.

Fiscal Impact

An expenditure increase of \$1,721,846 is requested in the FY 2019/20 General Fund Budget to fund the additional academy.

Background

The OCFA maintains constant staffing levels, which means that every day, all authorized Operations post-positions are staffed. Constant staffing enables delivery of emergency services 24-hours per day, 7 days per week. A post-position is a seat on a fire engine or truck that must be filled to meet the staffing requirements of that unit.

Backfill/overtime occurs when there is a vacancy in a position that requires constant staffing and another employee must work overtime to fill the vacancy. Examples include:

- Positions are vacant as a result of retirements or promotions
- Positions are vacant because they were newly created to provide service expansions or additions (staffing for a new station or expanded staffing at an existing station)
- Positions are temporarily vacant due to personnel on sick leave, vacation, jury duty, military leave, bereavement, workers' compensation, etc.
- Positions are temporarily vacant due to personnel assigned to paramedic school or assigned to a cadre to teach an academy
- Positions are temporarily vacant due to personnel responding to major in/out of county emergency incidents

To fill OCFA's vacancies, our Human Resources and Operations Training personnel have been completing recruitments, staggered in time, to result in two firefighter academies per year and multiple fire apparatus engineer, fire captain, battalion chief, and division chief promotional processes. The following statistics demonstrate the volume of hiring and promotional activity that has occurred in the OCFA's safety ranks during the last three years:

- 193 firefighters graduated from OCFA's new recruit academies
- 114 firefighters promoted to fire apparatus engineers
- 75 firefighters and/or fire apparatus engineers promoted to fire captains
- 19 fire captains promoted to battalion chiefs
- 12 battalion chiefs promoted to division chiefs

413 OCFA safety personnel have been hired or promoted into their current positions of rank within the last 3 years (this represents 37.5% of OCFA's safety positions)

In spite of the volume of hiring and promotional activity, the number of safety retirements combined with the number of positions added for expanded OCFA services have outpaced our efforts. As a result, ***the volume of overtime hours being demanded of our firefighters to fill vacant shifts far exceeds the hours they wish to work, resulting in an extraordinary and unacceptable amount of forced-hiring activity for all firefighter ranks.*** Occasional forced-hiring is expected in the provision of fire and emergency services, but the extraordinary volume of forced overtime has created an unhealthy strain on work-life balance for OCFA personnel.

It is imperative for management to implement measures that will curtail these staffing issues as quickly as possible. The actions that we are proposing herein were developed in collaboration with the Orange County Professional Firefighters Association, Local 3631, and we are committed to ongoing efforts to jointly identify more solutions for reducing the forced overtime.

Proposed Third Firefighter Academy in FY 2019/20

The OCFA is currently scheduled to conduct two entry-level firefighter trainee academies during FY 2019/20, one will begin in August 2019 and one will begin in February 2020. Each of these firefighter trainee academies are scheduled to run for 16 weeks. Approximately 50 candidates have already been hired for the August Academy #48 (50 candidates seated, plus alternates).

During FY 2018/19, an open firefighter recruitment was completed, intended for use to hire 50 new recruits into each of the next two academies scheduled to begin in February and August 2020. This open recruitment produced an eligibility list of 482 candidates, of which, 41 candidates already possess firefighter/paramedic (FF/PM) licensing and have obtained experience working with other agencies.

In order to expedite our hiring and not only keep pace with attrition, but also fill net vacancies, staff is requesting a \$1.7 million budget adjustment to fund an additional academy in FY 2019/20. This third academy would hire the 41 FF/PM candidates from our eligibility list and, since they already possess FF/PM experience, the duration of this academy can be shortened to 8 weeks. This FF/PM academy would begin in September 2019 (Academy #49), and run concurrently with the firefighter trainee academy that begins in August 2019 (Academy #48) by using classroom spaces in remote locations and potentially using rented hours of alternate training towers. The attached matrix summarizes the cost components required in the \$1.7 million budget adjustment that staff is requesting to facilitate this FF/PM academy.

Attachment(s)

Fiscal Impact – Firefighter/Paramedic Academy #49

**Orange County Fire Authority
Fiscal Impact - Firefighter/Paramedic Academy FY
2019/20**

<u>I. CADRE COST</u>	FC
Backfill/overtime cost (per cadre member) for safety personnel who work the shifts left vacant in the field by members of the cadre coming in to instruct the academy	\$ 32,045
Multiplied by the number of cadre members	6
TOTAL CADRE COST (A)	\$ 192,268
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<u>II. RECRUIT COST</u>	FF/PM
Salary and employee benefit costs per recruit	\$ 25,546
Testing Materials	40
Physical /Medical Examinations & LiveScan	1,080
Background Check	1,475
Recruit Uniform	1,729
Recruit PPE	6,468
Total Cost per Recruit	\$ 36,338
Multiplied by the number of FF/PM recruits	41
TOTAL RECRUIT COST (B)	\$ 1,489,845
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<u>III. OVERHEAD COST</u>	
Consumables / Props	\$ 17,734
NorthNet Tower Rental	2,000
Burn Cadre Overtime	10,000
Graduation Ceremony	7,000
Paramedic Assessment Testing	3,000
TOTAL OVERHEAD COST (C)	\$ 39,734
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TOTAL LATERAL ACADEMY COST (A+B+C)	\$ 1,721,846



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
July 25, 2019

Agenda Item No. 5A
Discussion Calendar

**Seeking Orange County Board of Supervisors Support
for a Three-year Ambulance Transportation Contract Term to
Enhance Emergency Medical Services Delivery**

Contact(s) for Further Information

Brian Fennessy, Fire Chief

brianfennessy@ocfa.org

714.573.6010

Summary

This item is submitted seeking support for OCFA's efforts to develop and implement new prehospital emergency medical service delivery programs, conduct research, and significantly improve and enhance existing Emergency Medical Services (EMS) within its Exclusive Operating Areas (EOAs) in three years, as opposed to five years. A letter from the OCFA Board of Directors to the Orange County Board of Supervisors to shorten the ambulance transportation Request for Proposal (RFP) contract term from five-years to three-years is being requested.

Prior Board/Committee Action

Not Applicable.

RECOMMENDED ACTION(S)

Based on the multi-million-dollar OCFA Exclusive Operating Area valuation analysis, authorize the release of a letter from the OCFA Board of Directors to the Orange County Board of Supervisors seeking support of staff's request of a three-year contract term in-lieu of a five-year contract term, in connection with the Ambulance Transportation Request for Proposal released by Orange County Emergency Medical Services.

Impact to Cities/County

Not Applicable.

Fiscal Impact

Not Applicable.

Background

In a significant decision (*County of Butte v. California Emergency Medical Services Authority*) issued on August 27, 2010, the California Court of Appeal held that the State Emergency Medical Services Authority (EMSA) is empowered by the State EMS Act to approve or reject determinations by local EMS agencies (LEMSAs) that providers qualify for "grandfathered" EOAs under Section 1797.224 of the Act.

Since 2014, the Orange County Health Care Agency's OCEMS has managed the Basic Life Support (BLS) emergency ambulance transportation RFP and contract award process.

Following is a chronology that captures the release of the RFP by the OCEMS and subsequent efforts by the OCFA to share information with the OCEMS and the Orange County Board of Supervisors, on the millions of dollars that could be reinvested into future OCFA lifesaving services, and if the Board of Supervisors makes a policy decision to shorten the BLS ambulance transport contract and direct the OCEMS to rewrite the RFP consistent with other counties, and that allows for more creative proposals:

- On March 19, 2019, a RFP for 9-1-1 BLS Ambulance Services is released by the OCEMS with a bid closing date of May 13.
- On April 4, a letter from the State EMSA informed all public agencies that its “Underground Regulations” will no longer to be enforced (considered a landmark decision in California).
- From April 5 thru May 5, the OCFA and contract consultant (AP Triton) analyzed how State EMSA decision may now affect the OCEMS RFP process and exclusivity.
- On May 6, Fire Chief Fennessy sent a formal request to meet with all County Board Supervisors to discuss a possible 2-year extension of the current ambulance contracts so that another RFP could be written. The new RFP would be prepared consistent with other counties’ RFPs and with the objective of attracting new bidders and more creative proposals.
 - The May 6 letter to each County Supervisor requested this 2-year extension to the current OCFA EOA ambulance contracts due to the State’s formal abandonment of the longstanding State EMSA “underground regulations.”
- On May 8, Fire Chief Fennessy and staff met with Board of Supervisors Chair Andrew Do, Supervisor/OCFA Director Bartlett’s staff, and Supervisor/OCFA Director Wagner and his staff, and provided information on why an extension of the existing contracts were in the best interest of the citizens living and working within the OCFA EOAs.
- On May 10, Fire Chief Fennessy and staff met with Orange County Health Care Agency (OC HCA) Director Richard Sanchez, staff, and legal counsel to discuss the request for BOS extension of existing contracts, risk to exclusivity, and review of the OCFA EOA system and to provide an EOA valuation estimate.
- On May 11, and due to the difference of opinion between the OCFA consultant attorney and County legal counsel, OCFA directed its consultant attorney to provide a written legal opinion concerning OCEMS’s further compliance of State EMSA “underground regulations,” exclusivity, and review of OCFA valuation calculations now using the data and information that OCEMS provided.
- On May 13, the OC HCA Director extended the RFP bid closing date for 30-days (June 13), so that further analysis could be completed before consideration of awarding a contract.
- On May 30, the follow up meeting with OC HCA Director Sanchez and staff occurred to review the OCFA consultant written legal opinion concerning underground regulations/exclusivity and the OCFA EOA valuation calculations/methodology based on the data provided by OCEMS.
- On June 13, the RFP bids closed and three bidders were identified.
- On June 18, a time sensitive request to meet was sent to all OC Board of Supervisors by Fire Chief Fennessy to discuss, in person, how existing EMS service delivery could be improved, and new programs established based on the OCFA EOA valuation analysis that was derived from OCEMS provided data.

- Second letter dated June 18 was sent to each Supervisor asking that due to the ongoing concerns by County Counsel concerning loss of exclusivity, OCEMS consider as an alternative, shortening the proposed new RFP contract term from 5-years to 2-years so that a new RFP could be prepared and circulated three years earlier. This is something that can legally be done and is addressed in the current RFP.
- On July 11, the OCFA Technical Advisory Committee met and the City Managers in attendance received a presentation that provided detail on how significantly enhanced EMS in all of the OCFA cities and the unincorporated areas of the County was possible if the EMS ambulance transportation contract term was reduced from 5-years.
 - The OC HCA Director was in attendance and suggested that if the contract term is shortened, then a 3-year term as opposed to a 2-year term, would provide the time needed for OCEMS staff to rewrite and advertise a new RFP.

If a new RFP is written and advertised, the OCFA will have an opportunity to partner with an ambulance transportation provider (utilizing an “alliance model”) and submit a proposal in response to this new RFP. If successfully awarded the bid, reinvesting a large part of the alliance contract revenue back into the OCFA EOAs and County EMS systems would be possible and the resulting reinvestments could be devoted to developing and implementing new prehospital emergency service delivery programs, conducting research, and significantly improving and enhancing EMS services throughout all of the cities and unincorporated area within OCFA’s regional service territory.

Contra Costa County has utilized an alliance model that has demonstrated that it is possible that public agencies, private ambulance transportation service providers and the communities they serve can all benefit from this approach. The article at pages 6-7 of the publication linked below describes the alliance model currently being successfully operated in Contra Costa County:

<http://www.the-caa.org/docs/siren/CAA-Siren-16-1.pdf>

To the citizens we serve, the alliance model would look and feel no different than the current service delivery model. When a person calls 9-1-1 a private ambulance and first responder would respond. The difference is that the public agency partner would be responsible for contracting the billing services, paying operating costs to the private ambulance company, but then the public agency would reinvest the remaining revenue back into the EMS system. The net effect would be that our cities and the County would have enhanced EMS services.

As such, staff recommends that a letter from the OCFA Board of Directors in support of, and participation in, our efforts to ensure this opportunity becomes a reality is needed so that the Orange County Board of Supervisors will consider making a policy decision to shorten the RFP contract term from 5-years to 3-years. The citizens living and working within the OCFA EOAs should not have to wait an additional 2-years of a contract when there exists compelling and validated data available that demonstrate an opportunity for EMS system improvement. Thus, potential of more lives saved and relief of pain and suffering.

Attachment(s)

Proposed Letter to OC Board of Supervisors



ORANGE COUNTY FIRE AUTHORITY

P.O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

July 25, 2019

The Honorable Andrew Do, Lisa Bartlett, Doug Chaffee, Michelle Steel, and Donald P. Wagner
County of Orange Board of Supervisors
333 W. Santa Ana Blvd., 5th Floor
Santa Ana, CA 92701

Subject: Ambulance Transportation Request for Proposal Contract Term

Dear Chair Do and Supervisors Bartlett, Chaffee, Steel, and Wagner:

The OCFA Board of Directors is seeking your support to shorten the ambulance transportation Request for Proposal (RFP) contract term from five-years to three-years. This action would enable the OCFA to work jointly with the Orange County Health Care Agency's Orange County Emergency Medical Services to develop and implement new prehospital emergency medical service delivery programs, conduct research, and significantly improve and enhance existing emergency medical services within the Exclusive Operating Areas (EOAs) being served through the RFP in three years, as opposed to five years.

As a result of the enclosed April 4, 2019, letter from the State Emergency Medical Services Authority informing all public agencies that its "Underground Regulations" will no longer be enforced, the OCFA began analyzing how this decision (considered a landmark decision in California) could benefit the citizens living within the EOAs and being served through the RFP that was released on March 19. This analysis made clear that by shortening the Basic Life Support ambulance transport contract from five years to three years, and by rewriting the RFP in a manner consistent with other counties and that would allow for more creative proposals, there would be no need to wait an additional 2-years to benefit from potentially millions of dollars being reinvested into the lifesaving services that OCFA provides.

The OCFA would be seeking an opportunity to partner with an ambulance transportation provider and submit a proposal in response to this new RFP. If successfully awarded the bid, reinvesting a large part of the "alliance" contract revenue back into the OCFA EOAs & County Emergency Medical Services (EMS) systems would be possible and the resulting reinvestments could be devoted to developing and implementing new prehospital emergency service delivery programs, conducting research, and significantly improving and enhancing EMS services throughout all of the cities and unincorporated area within OCFA's regional service territory.

Orange County Board of Supervisors
July 25, 2019
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To the citizens we serve, this alliance model would look and feel no different than the current service delivery model. When a person calls 9-1-1 a private ambulance and first responder would respond. The difference is that the public agency partner (OCFA) would be responsible for contracting the billing services, paying operating costs to the private ambulance company, and then reinvesting the remaining revenue back into EMS system programs and improvements. The net effect would be that our cities and the County would have enhanced EMS services.

The citizens living and working within the OCFA EOAs should not have to wait an additional two-years of a contract when there exists compelling and validated data available that demonstrate an opportunity for EMS system improvement. Thus, potential of more lives saved and relief of pain and suffering.

Respectfully,

Joseph Muller
OCFA Board Chair

Enclosure: Letter dated April 4, 2019, re Non-enforcement of “Underground Regulations”

EMERGENCY MEDICAL SERVICES AUTHORITY

10901 GOLD CENTER DRIVE 4TH FLOOR
RANCHO CORDOVA, CA 95870
(916) 322-4336 FAX (916) 322-1441



April 4, 2019

SENT VIA U.S. MAIL & EMAIL

Elizabeth Heidig, Assistant Chief Counsel
Office of Administrative Law
300 Capitol Mall, Ste 1250
Sacramento, CA 95814-4335
Phone: (916) 323-6800
Email: ehaidig@oal.ca.gov

**Subject: Section 280 certification
OAL matter nos. CTU2019-0204-01, CTU2019-0204-02, and CTU2019-0204-03**

Dear Ms. Heidig:

I am the Director of the State of California Emergency Medical Services Authority and am authorized to make this certification pursuant to Title 1, Section 280 of the California Code of Regulations.

I hereby certify that the Emergency Medical Services Authority will not issue, use, enforce, or attempt to enforce the alleged underground regulations contained in the following documents:

- (1) EMSA guidelines #141, "Competitive Process for Creating Exclusive Operating Areas", referenced in matter no. CTU2019-0204-01;
- (2) Draft EMSA guidelines #141-B, "Review Criteria and Policy for Transportation and Exclusive Operating Components of the EMS Plan", referenced in matter nos. CTU2019-0204-01 and CTU2019-0204-03;
- (3) EMSA 310-01 "EMS System Coordination and HS 1797.201 in 2010", referenced in matter nos. CTU2019-0204-02 and CTU2019-0204-03.

A copy of this certification has been sent to the petitioner via U.S. mail and electronic mail and the proof of service is enclosed with this letter. If you have any further concerns regarding this matter, please contact the Legal Division at (916) 322-4336 ext. 449.

Sincerely,

A handwritten signature in black ink that reads "Howard Backer".

Howard Backer, MD, MPH, FACEP, FAEMS
Director
Emergency Medical Services Authority