

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, July 22, 2021
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 July 22, 2021, at 6:00 p.m. by Chair Shawver.

INVOCATION

Chaplain Paul Cobb offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Dave Shawver, Stanton, Chair
Lisa Bartlett, County of Orange*
Ross Chun, Aliso Viejo*
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Anthony Kuo, Irvine
Frances Marquez, Cypress*
Sunny Park, Buena Park*
Vince Rossini, Villa Park
Tri Ta, Westminster*
Donald P. Wagner, County of Orange

Michele Steggell, La Palma, Vice Chair
Letitia Clark, Tustin*
Carol Gamble, Rancho Santa Margarita*
Noel Hatch, Laguna Woods
Joe Kalmick, Seal Beach
Jessie Lopez, Santa Ana*
Joe Muller, Dana Point*
Sandy Rains, Laguna Niguel*
Ed Sachs, Mission Viejo*
Mark Tettermer, Lake Forest
Kathleen Ward, San Clemente

Absent: Troy Bourne, San Juan Capistrano
Don Sedgwick, Laguna Hills

John O'Neill, Garden Grove

Also present were:

Fire Chief Brian Fennessy
Deputy Chief Kenny Dossey
Assistant Chief Robert Cortez
Assistant Chief Lori Smith
General Counsel David Kendig
Dir. of Comm. Colleen Windsor

Deputy Chief Lori Zeller
Assistant Chief Randy Black
Assistant Chief Stephanie Holloman
Assistant Chief Phil Johnson
Assistant Chief Jim Ruane
Clerk of the Authority Maria Huizar

**Board Members participating via Teleconferencing*

REPORTS

A. Report from the Budget and Finance Committee Chair (FILE 11.12)

Budget and Finance Committee Chair Joe Muller reported at the July 14, 2021, regular meeting, the Committee by unanimous vote approved the recommended actions of the Fire Integrated Real-time Intelligence System (FIRIS) 3.0 Program. Additionally, the Committee reviewed and directed staff to forward the Budget Adjustment for General Liability Insurance, Acceptance of 2021 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Preparedness Cooperative Agreement Funding, and the Updated OCFA Basic Life Support Medical Supplies Reimbursement Rate to the Board of Directors for approval of the recommended actions. Lastly, the Committee considered the Modifications to the Purchasing Ordinance and Purchasing Provisions of the Roles/Responsibilities/Authorities Matrix to conform to the direction from the Board of Directors during its May 27, 2021, meeting, and recommended that the item along with additional edits to the Matrix be forwarded to the Board of Directors meeting of July 22, 2021, for approval.

Director Kuo arrived at this point (6:09 p.m.).

B. Fire Chief's Report (FILE 11.14)

Fire Chief Brian Fennessy thanked Director Kuo for the invitation to participate at the City of Irvine's Public Safety Open House. OCFA participated with the Irvine Police Department which provided a great opportunity for the OCFA to interact with the community, along with our law enforcement friends. In partnership with OCFA the Irvine City Law Enforcement provided a drone program demonstration. Fire Chief Fennessy introduced Division Chief Jim Henery who provided an overview and video of the July 13, 2021, Santa Ana Wall Breech Rescue; an individual wedged between two commercial structures. Firefighters recognized it to be a technical call, pulled in the Urban Search and Rescue Team to respond to the incident.

Director Rossini arrived at this point (6:13 p.m.).

PUBLIC COMMENTS

Chair Shawver opened the Public Comments portion of the meeting. Chair Shawver closed the Public Comments portion of the meeting without any comments from the general public.

1. PRESENTATIONS

A. Update on Air Operations by Vince Carpino, Division Chief (FILE X:18.9) (FILE 11.9)

Division Chief Vincent Carpino provided an historic overview of the OCFA Air Operations with a PowerPoint presentation.

B. Recognition of GFOA Budget Award (FILE 11.09B)

Chair Shawver, Chief Fennessy, and Assistant Chief Cortez recognized the OCFA Treasury and Financial Planning Division honored for their 13th year with the Distinguished Budget Presentation Award FY 2020/21, from the Government Finance Officers Association of the United State and Canada.

C. Recognition of GFOA Finance Division (FILE 11.09B)

Chair Shawver, Chief Fennessy, and Assistant Chief Cortez recognized the OCFA Finance Division awarded with the Certificate of Achievement for Excellence in Financial Reporting for their 23rd consecutive year from the Government Finance Officers Association of the United States and Canada.

D. Special Presentation – Introduce and present US Flags to Silverado Canyon Fire Crew members Dylan Van Iwaarden and Phi Le (FILE 11.9C)

Assistant Chief Phil Johnson introduced US&R Division Chief Shane Sherwood, Division Chief Ron Roberts, and Battalion Chief Steve Dohman, all who served on CalFire Incident Management Team No. 6 during the October 2020 Silverado and Blue Ridge Incidents. Division Chief Sherwood introduced Firefighters Dylan Van Iwaarden and Phi Le, both honored for their courage and bravery during the incidents, and presented them with United States Flags that were flown over the briefing stages during the fires by the CalFire Incident Management Team No. 6. Chair Shawver along with the entire Board expressed their deepest gratitude to the two firefighters.

CLOSED SESSION

General Counsel David Kendig reported the Board would be considering Closed Session Item Nos. CS1, CS2, CS3, CS4, and CS6.

CS1. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Chief Negotiator:

Peter Brown, Liebert Cassidy Whitmore

Employee Organizations:

- Orange County Professional Firefighters Association, IAFF - Local 3631,
- Orange County Employees Association (OCEA), and
- Orange County Fire Authority Management Association (OCFAMA)

CS2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54954.5:

Position:

Fire Chief

- CS3. CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6
 Chief Negotiators: Board Chair Shawver, Vice Chair Steggell, Immediate Past Board Chair Hasselbrink and Budget & Finance Committee Chair Muller
 Position: Fire Chief
- CS4. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION** pursuant to paragraph (2) and (3) of subdivision (d) of Section 54956.9 of the Government Code: Three (3) Cases
- CS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code: Desiree Horton v. OCFA et al, Case No. 30-2021-01200267-CU-WT-CJC
- CS6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code: CalOSHA Inspection Number 1523238. CSHO ID: T6126. Optional Report #016-20, Reporting ID: 0950631, re: Inspection Site at Santiago Canyon and Silverado Canyon Roads

CLOSED SESSION REPORT

General Counsel David Kendig stated there were no reportable actions from Closed Session, up to this point, noting Closed Session will be reconvening later in the meeting.

Chair Shawver recessed the Regular Board of Directors Meeting at 8:30 p.m. to the Special Board of Directors meeting.

Chair Shawver reconvened the Regular Board of Directors Meeting at 8:38 p.m.

2. CONSENT CALENDAR

On motion of Director Hernandez, and second by Director Ward, and following a roll call vote, declared passed 21-0 (Directors Bourne, Muller, O’Neill, and Sedgwick absent). Agenda Items 2C and 2F were pulled for separate consideration.

A. Minutes from the June 24, 2021, Regular Meeting of the Board of Directors (FILE 11.06)

Action: Approve as submitted with correction.

B. Approve the Fifth Amendment to the Advanced Life Support Services Billing Agreement to Update the Medical Supply Reimbursement Rate (FILE 18.05A4)

Action: Approve the Fifth Amendment to the Advanced Life Support Billing Agreements to update the Medical Supply Reimbursement Rate with Care Ambulance Service, Inc. and Emergency Ambulance Services, Inc., included as Attachments 2 and 3, subject to nonsubstantive revisions in a form approved by General Counsel.

C. Budget Adjustment for General Liability Insurance (FILE 18.10A4)

Director Wagner requested separate consideration of this item.

On motion of Chair Shawver and second by Director Ward, and following a roll call vote, declared passed 20-1 (Director Wagner opposed, Directors Bourne, Muller, O'Neill, and Sedgwick absent) to approve a budget adjustment to the FY 2021/22 General Fund (121) budget increasing expenditures by \$791,679.

D. Acceptance of 2021 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Preparedness Cooperative Agreement Funding (FILE 16.02A)

Action:

1. Approve and adopt the proposed Resolution to accept the Department of Homeland Security/Federal Emergency Management Agency's Grant Readiness Cooperative Agreement funding.
2. Approve a budget adjustment to the FY 2021/22 General Fund (121) budget increasing revenues and expenditures by \$1,269,878.

E. Proclamation for Fire Prevention Week, October 3-9, 2021 (FILE 11.09A)

Action: Approve proclamation designating October 3-9, 2021, as Fire Prevention Week.

F. Award of Public Works Contract for Fire Station 49 Foundation Remediation Project (FILE 19.07C)

Director Rains requested separate consideration of this item.

On motion of Director Rains and second by Director Kuo, and following a roll call vote, declared passed 21-0 (Directors Bourne, Muller, O'Neill, and Sedgwick absent) to:

1. Approve the plans and specifications for foundation remediation at Fire Station 49.
2. Accept the A2Z, Inc. bid of June 3, 2021.

3. Approve and award the public works contract to A2Z, Inc. in the amount of \$428,800.

G. Fire Integrated Real-time Intelligence System (FIRIS) 3.0 Program (FILE 18.09D)

Action:

1. Approve and authorize the Board Chair to accept Cal OES reimbursement funding in the amount of \$4,001,791 for the implementation of the three-month FIRIS 3.0 program.
2. Approve and authorize a budget adjustment to increase revenue and appropriations in FY 2021/22 General Fund (121) budget by \$4,001,791 in new Cal OES funding.
3. Approve and authorize the Purchasing Manager to execute a Professional Services Agreement acceptable to the Fire Chief and in a form approved by General Counsel with AEVEX for aviation services in an amount not to exceed \$2,400,250.
4. Approve and authorize the Purchasing Manager to enter into new Professional Services Agreements acceptable to the Fire Chief and in a form approved by General Counsel with the Air Tactical Group Supervisors at amounts not to exceed \$90,000 each. The aggregate total for FIRIS-related ATGS services is not to exceed \$808,519 for the three-month program duration.
5. Approve and authorize the Purchasing Manager to execute an extension acceptable to the Fire Chief and in a form approved by General Counsel to the previously approved Service Agreement with UCSD/WIFIRE using the sole source provision of the Purchasing Ordinance for fire behavior modeling and other related services in an amount not to exceed \$166,667.
6. Approve and authorize the Purchasing Manager to enter into a new Professional Services Agreement acceptable to the Fire Chief and in a form approved by General Counsel with Rocky Opliger for program management services in an amount not to exceed \$60,000 for the program duration.
7. Approve and authorize the Fire Chief and Purchasing Manager to enter into cost reimbursement agreements acceptable to the Fire Chief and in a form approved by General Counsel for project management and Fusion Center support services with (a) the Los Angeles Fire Department and (b) North County Fire Protection District in a combined amount not to exceed \$250,000.
8. Approve and authorize the Fire Chief and Purchasing Manager to enter into agreements acceptable to the Fire Chief and in a form approved by General Counsel providing for the use of an air base location to be determined for Southern California operations and Sacramento McClellan Airport for Northern California operations by OCFA and its contractors for office space, to store aircraft and conduct air operations (including take offs and landings) from the respective facilities in an aggregate amount not to exceed \$15,000.
9. Approve and authorize the Purchasing Manager to adjust all FIRIS-related vendor contracts by the individual amounts needed during the three-month duration, in support of FIRIS 3.0 Program, so long as the aggregate value of the increase does not exceed the revised program budget in Table One.

3. DISCUSSION CALENDAR

A. Review of Purchasing Ordinance Special Procurement Provision (FILE 11.10H)

Director Ward stated her concerns were addressed within the staff report; there was no additional need for discussion; no other Board Members offered comments; Director Ward tabled the matter.

B. Proposed Amendment to the Procurement Ordinance – First Reading (FILE 11.10H)

Assistant Chief Cortez presented the Proposed Amendment to the Procurement Ordinance – First Reading with a PowerPoint presentation.

Lengthy discussion ensued.

On motion of Director Ward and second by Director Hernandez, and following a roll call vote, declared passed 18-2 (Directors Bartlett and Tetterer opposed, Directors Muller, O’Neill, Bourne, Sachs, and Sedgwick absent) to:

1. Waive the full reading of the proposed Ordinance.
2. Introduce and read by title only proposed Ordinance No. 009 entitled AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY AMENDING THE FIRE AUTHORITY’S PROCUREMENT CODE TO REVISE THE PURCHASING RULES AND PROCEDURES and
3. Approve Resolution 2021-02 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS AMENDING THE ROLES/RESPONSIBILITIES/AUTHORITIES MATRIX TO COINCIDE WITH THE NEW PROCUREMENT CODE.

At this point, General Counsel Kendig asked that the Board consider (Board of Directors Rule of Procedures) Rule 3B, the 9:30 p.m. Rule, in which the Board would take a brief moment to make a determination of those items that would be considered and those that would be continued to the next regular meeting. Deputy Chief Zeller noted that all Open Session items have been completed and only Closed Session items remained. General Counsel Kendig indicated that all Closed Session items were time sensitive.

Also, General Counsel Kendig stated that (Board of Directors Rule of Procedures) Rule 3A, the 10:30 p.m. Curfew was not on the agenda, and following the Brown Act, a vote of two-thirds of the members that are present, must approve the following finding, a need to take immediate action on an item not on the agenda, followed by a vote on the matter.

On motion of Director Hasselbrink and second by Chair Shawver, and following a roll call vote, declared passed 20-0 (Directors Bourne, Muller, O’Neill, Sachs, and Sedgwick absent) to make a

determination of the members of this body that there is a need to take immediate action and the need arose and came to the attention of this body, subsequently to the agenda being posted.

On motion of Director Ward and second by Director Rossini, and following a roll call vote, declared passed 20-0 (Directors Bourne, Muller, O'Neill, Sachs, and Sedgwick absent) to extend the 10:30 p.m. curfew.

BOARD MEMBER COMMENTS

Director Wagner requested OCFA consider offering comprehensive child car seat safety installation and inspections at fire stations and at corporate headquarters.

General Counsel Kendig stated the Board would reconvene into Closed Session.

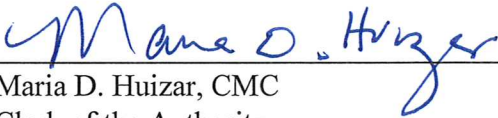
CLOSED SESSION (FILE 11.15)

Director Hasselbrink left at this point (11:34 p.m.).

CLOSED SESSION REPORT (FILE 11.15)

General Counsel David Kendig stated the Board voted unanimously to direct legal counsel to file an appeal of the CalOSHA matter identified as CS6 on the Closed Session agenda. Other than that, there was no reportable action.

ADJOURNMENT – Chair Shawver adjourned the meeting at 12:12 a.m., Friday, July 23, 2021. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, September 23, 2021.



Maria D. Huizar, CMC
Clerk of the Authority