

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, September 23, 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 September 23, 2021, at 6:00 p.m. by Chair Shawver.

INVOCATION

The invocation was led by Chaplain Devin Chase

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Dave Shawver, Stanton, Chair*	Lisa Bartlett, County of Orange*
Troy Bourne, San Juan Capistrano*	Ross Chun, Aliso Viejo*
Carol Gamble, Rancho Santa Margarita*	Shelley Hasselbrink, Los Alamitos*
Noel Hatch, Laguna Woods	Gene Hernandez, Yorba Linda*
Joe Kalmick, Seal Beach	Anthony Kuo, Irvine*
Jessie Lopez, Santa Ana*	Frances Marquez, Cypress*
John R. O'Neill, Garden Grove	Sandy Rains, Laguna Niguel*
Vince Rossini, Villa Park*	Don Sedgwick, Laguna Hills
Tri Ta, Westminster*	Mark Tettermer, Lake Forest*
Donald P. Wagner, County of Orange*	Kathleen Ward, San Clemente*

Absent: Letitia Clark, Tustin
Joe Muller, Dana Point
Michele Steggell, La Palma, Vice Chair

Sunny Park, Buena Park
Ed Sachs, Mission Viejo

Also present were:

Fire Chief Brian Fennessy	Deputy Chief Lori Zeller
Deputy Chief Kenny Dossey	Assistant Chief Randy Black
Assistant Chief Robert Cortez	Assistant Chief Jim Ruane
Assistant Chief Lori Smith	Assistant Chief Phil Johnson
General Counsel David Kendig	Assistant Chief Stephanie Holloman
Clerk of the Authority Maria D. Huizar	

**Board Members participating via teleconferencing*

REPORTS

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

Budget and Finance Committee Vice Chair Ta reported at its September 8, 2021, regular meeting, the Committee by unanimous vote forwarded the Monthly Investment Reports, the Fourth Quarter Financial Newsletter, and the Annual Investment Report to the Executive Committee to approve the recommended actions. Further, the Committee by unanimous vote forwarded the Fourth Quarter Purchasing Report, the Budget Adjustment to Conduct Mandated Defensible Space Compliance Inspections per Assembly Bill 38, and the Carryover of the FY 2020/21 Uncompleted Projects to the Board of Directors for review and approval of the recommended actions. Lastly, staff provided the Committee with a follow-up to the Fleet Replacement and Maintenance Analysis as previously requested.

B. Report from the Fire Chief (FILE 11.14)

Fire Chief Fennessy, Deputy Chief Dossey, and Assistant Chief Johnson introduced and congratulated the following firefighters, Battalion Chiefs Mike Summers, Brian Sultzer, and Brian Roberts, for their completion of the formal leadership program Southern California Fire Leadership Academy.

PUBLIC COMMENTS (FILE 11.11)

The following members of the public offered comments regarding Closed Session Item No. 3, Desiree Horton v. OCFA et al, Case No. 30-2021-01200267-CU-WT-CJC: Florice Hoffman, Stephanie Wade, Heather Martin, Tony, Robert Hawkins, Tamara Chick, Sondra Esquedin, Sard Rhle, Kolineka Segle, Rebecca Ninburg, Cynthia Berger, Robert Cooper, Cory Johnson, Libby Frolichman, and Dennis Bress.

1. PRESENTATIONS

None.

Director Lopez left at this point (6:45 p.m.).

2. CONSENT CALENDAR

On motion of Director Ward and second by Director Hernandez, and following a roll call vote, Items 2A-2B and 2D-2G declared passed 18-0 (Directors Clark, Kuo, Lopez, Muller, Park, Sachs, Steggell absent). Items 2C and 2H were pulled for separate consideration.

A. Minutes from the July 22, 2021, Regular and Special Meetings of the Board of Directors (FILE 11.06)

Action: Approve both the Minutes of the July 22, 2021, Regular Meeting, and the Minutes of the July 22, 2021, Special Meeting as submitted.

B. Budget Adjustment to Conduct Mandated Defensible Space Compliance Inspections per Assembly Bill 38 (FILE 17.18)

Actions:

1. Amend the Master Position Control List to add one Fire Prevention Specialist to conduct defensible space inspections located in the High or Very High Hazard Severity Zones, contingent on State funding for the position. Staff shall be prepared with a fee study in the event State funding ceases.
2. Approve a Budget Adjustment to increase revenue by \$180,000 and expenditures by \$180,000, including \$135,000 in the General Fund (121) and \$45,000 in the Fleet CIP Fund (133).

C. Carryover of FY 2020/21 Uncompleted Projects (FILE 15.04)

Director Bartlett pulled this item for separate consideration.

On motion of Director O'Neill and second by Director Ward, and following a roll call vote, declared passed 19-0 (Directors Clark, Lopez, Muller, Park, Sachs, and Steggell absent) to authorize the following proposed budget adjustments:

1. Approve a budget adjustment in the FY 2021/22 General Fund (121) increasing revenues by \$16,637,547 and expenditures by \$17,174,678.
2. Approve a budget adjustment in the FY 2021/22 General Fund CIP (12110) increasing expenditures by \$6,025,736.
3. Approve a budget adjustment in the FY 2021/22 Fire Stations and Facilities Fund (123) increasing expenditures by \$6,818,795.
4. Approve a budget adjustment in the FY 2021/22 Communications and Information Systems Fund (124) increasing expenditures by \$3,741,515.
5. Approve a budget adjustment in the FY 2021/22 Fire Apparatus Fund (133) increasing expenditures by \$10,414,456.
6. Approve a budget adjustment in the FY 2021/22 Settlement Agreement Fund (139) increasing expenditures by \$1,500,000.
7. Approve a budget adjustment in the FY 2021/22 Structural Fire Entitlement Fund (171) increasing expenditures by \$1,120,305.

D. Fourth Quarter Purchasing Report (FILE 11.10H1)

Action: Receive and file the report.

E. Amendment to Purchasing Ordinance –Second Reading (FILE 11.10H)

At the July 22, 2021, Board of Directors meeting, the Board reviewed the proposed Amendment to Purchasing Ordinance First Reading, and directed staff to place it on the Board of Directors agenda for the Second Reading for approval by 18-2 vote (Directors Bartlett and Tettermer opposed, and Directors Muller, O’Neill, Bourne, Sachs, and Sedgwick absent).

Actions:

1. Waive the full reading of the proposed Ordinance.
2. Adopt and provide the second reading 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.

F. Resolution for Approval of the Joint Community Facilities Agreement Relating to Fire Facilities at Rienda Master Planned Community (FILE 18.16)

Action: Adopt resolution authorizing the Fire Chief, or designee, to execute the Joint Community Facilities Agreement among the County of Orange, the Orange County Fire Authority, and RMV PA 3 Development, LLC relating to Fire Facilities at Rienda Master Planned Community.

G. Amendments to the Personnel & Salary Resolution (FILE 17.02)

Action: Review and approve the amendments to the Personnel & Salary Resolution, Part 3, Article I, Section 5(E) – CalPers Health Care.

H. Ratification of Agenda Items Acted Upon by the Board of Directors on June 24, 2021, after 10:30 p.m.

General Counsel David Kendig pulled the Ratification of Agenda Items Acted Upon by the Board of Directors on June 24, 2021, after 10:30 p.m., for separate consideration. He provided a summary and the course of action necessary for the approval process of the ratification of the five items (2A-3A) which received unanimous support at the June 24, 2021, Board of Directors meeting.

On motion of Chair Shawver and second by Director Hernandez, and following a roll call vote, declared passed 19-0 items 2A, 2B, 2C, 2D, and 3A (Directors Clark, Lopez, Muller, Park, Sachs, and Steggell absent).

- 2A. Minutes from the May 27, 2021, Regular Meeting of the Board of Directors (FILE 11.06)
- 2B. Third Quarter Purchasing Report (FILE 11.10H1)
- 2C. Updated Cost Reimbursement Rates (FILE 15.12)
- 2D. 2020/21 Year End Budget Adjustment (FILE 15.04)
- 3A. Mutual Aid Agreement with Los Alamitos Joint Forces Training Base (JFTB) (FILE 18.09D)

- 3B. Fire Chief's Discretionary Bonus Upon Completion of Third Full Year of Service (FILE 17.10A2)

General Counsel Kendig summarized the ratification action needed to be taken for item 3B, which did not receive unanimous vote at the June 24, 2021, Board of Directors meeting.

On motion of Chair Shawver and second by Director Hernandez , and following a roll call vote, declared passed 13-5 (Directors Tettermer, Wagner, Bartlett, Kuo, and Rains opposed, and Directors Clark, Lopez, Muller, Park, Sachs, Ta, and Steggell absent).

- 4A. Fiscal Year 2021/22 Proposed Budget (FILE 15.04)

General Counsel Kendig summarized on the process for ratification of item 4A, Fiscal Year 2021/22 Proposed Budget.

On motion of Director Kuo and second by Director Ward, and following a roll call vote, declared passed 17-1 (Director Bartlett opposed, Directors Clark, Lopez, Muller, Park, Sachs, Steggell, and Ta absent).

Director Rossini left at this point (8:32 p.m.).

3. DISCUSSION CALENDAR

A. Consider the 9:30 p.m. Rule in Board Rules of Procedure Rule 3(b) and Waive the 10:30 p.m. Curfew Set Forth in Rule 3(c) (FILE 11.03)

General Counsel Kendig introduced the agenda item for consideration.

On motion of Chair Shawver and second by Director Wagner, and following a roll call vote, declared passed 16-0 (Directors Clark, Kuo, Lopez, Muller, Park, Rossini, Sachs, Ta, and Steggell absent) to:

- 1. At 9:30 p.m. determine which remaining agenda items will be considered and which may be continued to the next regular meeting; and
- 2. In the event the Board's meeting appears likely to continue past 10:30 p.m., waive the 10:30 p.m. curfew set forth in Board Rule of Procedure 3(c). (Waiver of the 10:30

curfew requires approval from three-fifths (3/5ths) of the Board members present for the meeting.)

B. Modifications to the Quick Reaction Force Pilot Program – Northern California Wildfire QRF Support and Cost Recovery (FILE 18.09D)

Fire Chief Fennessy presented the Modifications to the Quick Reaction Force Pilot Program – Northern California Wildfire QRF Support and Cost Recovery. He introduced Assistant Chief Robert Cortez to review the recommended actions.

On motion of Director O’Neill and second by Director Hatch, and following a roll call vote, declared passed 17-0 (Directors Clark, Lopez, Muller, Park, Rains, Sachs, Ta, and Steggell absent).

1. Approve and authorize the Purchasing Manager to execute amendments to the various QRF agreements in support of the Northern California wildfires by increasing the contract amounts as referenced in Table One.
2. Approve and authorize a FY2021-22 General fund (121) budget adjustment to recognize cost recovery revenue increase of an estimated \$1,868,210 and to increase appropriations by the same amount.
3. Approve the updated Cost Reimbursement Rate schedule to include the addition of standby rates for aircraft and mobile retardant base, and rates for program management and ATGS services in response to the Northern California wildfire QRF support with a retroactive effective date of August 17, 2021.

C. Board of Director Requested Item: Child Car Safety Seat Installation and Inspection (FILE 17.10E5d)

Deputy Chief Kenny Dossey presented the Child Car Safety Seat Installation and Inspection item.

Discussion ensued.

On motion of Director Wagner and second by Director Rossini, and following a roll call vote, declared passed 10-8 (Directors Ward, Bourne, Gamble, Hasselbrink, Hernandez, Marquez, O’Neill, Sedgwick opposed, and Directors Clark, Lopez, Muller, Park, Sachs, Ta, and Steggell absent), to direct staff to provide specified employees (such as Community Educators) with certified training in child car safety seat installation. Offer installation at the Orange County Regional Fire Operations & Training Center (Headquarters) and during community events, with the inclusion of a waiver to remove any liability to OCFA.

BOARD MEMBER COMMENTS (FILE 11.13)

Director Rains thanked the firefighters serving the city of Laguna Niguel for recent coordinated responses with the police department and gas company resolving critical calls that occurred.

Director Chun extended thanks to Fire Chief Fennessy for participating in a well-received panel discussion at the League of California Cities Annual Conference in Sacramento.

CLOSED SESSION (FILE 11.15)

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. 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

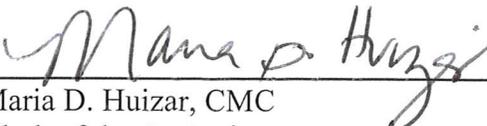
CS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code: Desiree Horton v. OCFA et al, Case No. 30-2021-01200267-CU-WT-CJC

Director Hatch left at this point (10:49 p.m.).

CLOSED SESSION REPORT (FILE 11.15)

General Counsel Kendig stated there was no reportable action.

ADJOURNMENT – Chair Shawver adjourned the meeting at 11:03 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, October 28, 2021, at 6:00 p.m.



Maria D. Huizar, CMC
Clerk of the Authority