

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting and Concurrent Joint Special Meeting

Thursday, November 18, 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 November 18, 2021, at 6:00 p.m. by Chair Shawver.

INVOCATION

The invocation was led by Chaplain Jim Gwaltney.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Dave Shawver, Stanton, Chair	Michele Steggell, La Palma, Vice Chair
Lisa Bartlett, County of Orange*	Ross Chun, Aliso Viejo*
Letitia Clark, Tustin*	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*	Joe Muller, Dana Point*
John R. O'Neill, Garden Grove*	Sunny Park, Buena Park*
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: Troy Bourne, San Juan Capistrano
Sandy Rains, Laguna Niguel

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	General Counsel David Kendig
Clerk of the Authority Maria D. Huizar	

REPORTS

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

Budget and Finance Committee Chair Joe Muller reported at its November 10, 2021, regular meeting, the Committee approved the recommended actions of the following items to be forwarded to the Board of Directors for their review and approval of the recommended actions: the First Quarter Purchasing Report, the Awarded Grant OCFA Fuels Reduction Equipment, the Audited Financial Reports for the Fiscal Year Ended June 30, 2021, and the Organizational Service Level Assessment Update. Additionally, staff presented the OCFA Aviation Unit Fleet Plan Analysis & Proposed Process for Developing Recommendations Related to Aircraft Replacement item to the Budget and Finance Committee. Staff will bring the item back to the January 2022 Budget and Finance Committee meeting to further develop a proposed review structure, prior to proceeding with deliberations in the future.

B. Report from the Human Resources Committee Chair (FILE 11.12)

Human Resources Committee Vice Chair Gene Hernandez reported at its November 2, 2021, regular meeting, the Committee received an OCFA Diversity, Equity, and Inclusion (DEI) Internal Assessment presentation by Diversity and Inclusion Coordinator Julian Velarde. The objectives were to review the OCFA Demographics, Operations DEI feedback and recommendations. Additionally, the Committee received and filed the 2020/2021 Annual Anonymous Hotline Report, and the Annual Workers' Compensation Program Update. The Committee reviewed and recommended forwarding the New Classification Specifications in Orange County Fire Authority Management Association (OCFAMA) to the Executive Committee to adopt the recommended new classifications.

C. Report from the Fire Chief (FILE 11.14)

Fire Chief Fennessy reported Assistant Chief Phil Johnson on behalf of Orange County Fire Authority received an award from Innovate at UCLA, an Executive Leadership Award for the public sector. It is an award that recognizes the exceptional creation of values to achieve a company or agency's vision via the application of innovated forward thinking technologies and operating models. OCFA is the first recipient of the Public Sector Award in Orange County, for its technology associated with our FIRIS 3.0 program. Chief Fennessy also noted OCFA will be a participant of The Spark of Love Toy Drive along with K-Wave radio station; collecting new unwrapped toys, to distribute to over one-hundred non-profit organizations in Orange County. Chief Fennessy reminded the public that fire season is not over, to access the "Ready Set Go" program" on the Orange County Fire Authority website to be prepared.

PUBLIC COMMENTS (FILE 11.11)

Paul Z, a call-in public speaker, addressed the need for firefighters to be vaccinated for COVID-19 to protect themselves and the public.

6036, call-in public speaker, addressed the need for firefighters to be vaccinated.

0520, call-in public speaker, addressed the need for firefighters to be vaccinated.

9539, call-in public speaker, firefighters and staff should be vaccinated.

5570, call-in public speaker, OCFA should be the role models of the community being vaccinated.

9539, call-in public speaker, addressed the need for firefighters to be vaccinated.

1. PRESENTATIONS

None.

2. CONSENT CALENDAR

On motion of Director Tetterer and second by Director Kalmick, and following a roll call vote, declared passed 22-0 Agenda Item No. 2A-2F (Directors Bourne, Rains, and Sachs absent). Agenda Item No. 2G was pulled for separate consideration.

A. Minutes from the October 28, 2021, Regular Meeting of the Board of Directors (FILE 11.06)

Action: Approve the Minutes as submitted.

B. 2020 Orange County Hazard Mitigation Plan (FILE 18.11E)

Action: Approve and adopt Resolution No. 2021-04 entitled: A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS APPROVING THE 2020 HAZARD MITIGATION PLAN.

C. 2022 Board Meetings Schedule (FILE 11.05)

Action: Adopt Resolution No. 2021-05 entitled: A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ESTABLISHING THE REGULAR AND SPECIAL MEETING DATES FOR CALENDAR YEAR 2022.

D. First Quarter Purchasing Report (FILE 11.10H1)

Action: Receive and file the report.

E. Awarded Grant OCFA Fuels Reduction Equipment (FILE 16.02E)

Action:

1. Approve a Budget Adjustment to the FY 2021/22 General Fund (121) budget to increase revenue and expenditures by \$228,429 for the grant program award.
2. Approve and authorize the Board Chair and/or Fire Chief and/or their designee to execute all documents necessary to effectuate the grant award, adopting Resolution No. 2021-08 entitled: A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ACCEPTING GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) OFFICE OF THE STATE FIRE MARSHAL.

F. Audited Financial Reports for the Fiscal Year Ended June 30, 2021 (FILE 15.06)

Action:

1. Receive and approve the reports.
2. Review the calculations used to determine the fund balance amounts assigned to the capital improvement program and workers' compensation and confirm the calculations' consistency with the OCFA's Assigned Fund Balance Policy.

G. Organizational Service Level Assessment Update (FILE 17.16)

Director Gamble pulled this item for separate consideration and requested it be agendized for a presentation at the next Board of Directors meeting.

Discussion ensued.

On motion of Director Gamble and second by Director Hasselbrink, and following a roll call vote, approved 21-0 (Director Hernandez abstained, Directors Bourne, Rains, and Sachs absent) to return this item to the Board of Directors for a presentation of the Organizational Service Level Assessment Update.

3. DISCUSSION CALENDAR

A. Results of the Ad Hoc Committee - Study of Cash Contract Charge Provisions (FILE 10.04)

Assistant Chief Robert Cortez provided a PowerPoint presentation.

On motion of Director Kuo and second by Director Rossini, and following a roll call vote, declared passed 21-0 (Directors Bourne, Park, Rains, and Sachs absent).

B. Board of Directors Requested Item - Amendment of Board Rules Regarding Board Member Requests to Agendize Matters & Meeting Curfew (FILE 11.03)

General Counsel David Kendig presented the Board of Directors Requested Item – Amendment of Board Rules Regarding Board Member Requests to Agendize Matters & Meeting Curfew.

Discussion ensued.

On motion of Chair Shawver and second by Director Ward, and following a roll call vote, declared passed 22-0 (Directors Bourne, Rains, and Sachs absent) to:

1. Adopt Resolution No. 2021-06 to amend Board Rule of Procedure 2(b), entitled: A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY AMENDING THE BOARD OF DIRECTORS RULES OF PROCEDURE REGARDING BOARD MEMBER REQUESTS TO PLACE ITEMS ON FUTURE AGENDAS.
2. Adopt Resolution No. 2021-07 to amend Board Rule of Procedure 3(b) and 3(c), entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY AMENDING THE BOARD OF DIRECTORS RULES OF PROCEDURE TO DELETE THE BOARD CURFEW RULE AND AMEND THE RULES REGARDING LENGTHY MEETINGS.

C. 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 David Kendig presented Consider the 9:30 p.m. Rule in Board of Rules of Procedure Rule 3(b) and Waive the 10:30 p.m. Curfew Set Forth in Rule 3(c).

Discussion ensued.

On motion of Chair Shawver and second by Director Rossini, and following a roll call vote, declared passed 22-0 (Directors Bourne, Rains, and Sachs 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 p.m. curfew requires approval from three-fifths (3/5ths) of the Board members present for the meeting.).

D. Amended and Restated Employment Agreement with the Fire Chief (FILE 17.10A2)

Todd Baldrige, President Local Firefighters 3631, addressed the employment agreement.

On motion of Director Ward and second by Director Hernandez, and following a roll call vote, declared passed 15-6 (Directors Bartlett, Gamble, Kuo, Muller, Tettermer, Wagner opposed, and Directors Bourne, Lopez, Rains, and Sachs absent), to approve and authorize the Board Chair to execute the Amended and Restated Employment Agreement with the Fire Chief.

RECESS THE BOARD OF DIRECTORS MEETING

CALL TO ORDER THE CONCURRENT JOINT SPECIAL MEETINGS OF THE: BOARD OF DIRECTORS, EXECUTIVE COMMITTEE, BUDGET & FINANCE COMMITTEE, AND HUMAN RESOURCES COMMITTEE AT 7:21 P.M. WITH SAME MEMBERS PRESENT

4. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings (FILE 11.03)

General Counsel David Kendig presented the Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings.

On motion of Director Kuo and second by Director Muller, and following a roll call vote, declared passed 21-1 (Director Tetteimer opposed, Directors Bourne, Rains, and Sachs absent) to make the following findings by majority vote of the Board of Directors, Executive Committee, Budget and Finance Committee and Human Resource Committee:

- a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic and continues in effect; and
- b. The Board of Directors and each Committee has reconsidered the circumstances of the emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

ADJOURNED THE CONCURRENT JOINT MEETINGS AND RECONVENE TO THE BOARD OF DIRECTORS MEETING AT 7:34 P.M.

BOARD MEMBER COMMENTS (FILE 11.13)

Chair Shawver reported he is proposing two subcommittees for consideration.

CLOSED SESSION (FILE 11.15)

CS1. 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

CS2. 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)

CS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case:

Colleen Windsor vs. OCFA,

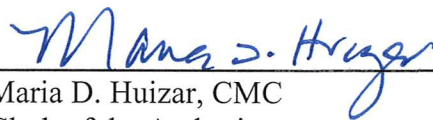
Case No. 30-2021-01227581-CU-DE-CJC

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: Two (2) Cases

CLOSED SESSION REPORT (FILE 11.15)

General Counsel David Kendig stated there was no reportable action.

ADJOURNMENT – Chair Shawver adjourned the meeting at 8:24 p.m. The next meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, December 16, 2021, at 6:00 p.m.



Maria D. Huizar, CMC
Clerk of the Authority