

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular and Concurrent Joint Special Meeting
Thursday, September 22, 2022
6:00 P.M.

Regional Fire Operations and Training Center
Board Room
1 Fire Authority Road
Irvine, CA 92602

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on September 22, 2022, at 6:00 p.m. by Board Chair Michele Steggell.

INVOCATION

The invocation was led by Chaplain Brett Peterson.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present:	Michele Steggell, La Palma, Chair	Anthony Kuo, Irvine, Vice Chair
	Lisa Bartlett, County of Orange*	Ross Chun, Aliso Viejo
	Shelley Hasselbrink, Los Alamitos*	Noel Hatch, Laguna Woods
	Gene Hernandez, Yorba Linda	Anne Hertz-Mallari, Cypress
	Joe Kalmick, Seal Beach	Jessie Lopez, Santa Ana*
	Austin Lumbar, Tustin*	John O'Neill, Garden Grove
	Sunny Park, Buena Park*	Sandy Rains, Laguna Niguel
	Vince Rossini, Villa Park	Ed Sachs, Mission Viejo
	Dave Shawver, Stanton*	Don Sedgwick, Laguna Hills
	Tri Ta, Westminster*	Mark Tettermer, Lake Forest
	Richard Viczorek, Dana Point*	Donald P. Wagner, County of Orange*
	Kathy Ward, San Clemente	

Absent:	Troy Bourne, San Juan Capistrano	Carol Gamble, Rancho Santa Margarita
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Also present were:

Fire Chief Brian Fennessy	Deputy Chief Lori Zeller
Deputy Chief Kenny Dossey	Assistant Chief Robert Cortez
Assistant Chief Lori Smith	Assistant Chief Rob Capobianco
Assistant Chief Jim Ruane	Assistant Chief TJ McGovern
Communications Director Matt Olson	Assistant Chief Stephanie Holloman
Clerk of the Authority Maria Huizar	General Counsel David Kendig

*Board Members attending via teleconferencing

REPORTS

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

Budget and Finance Chair Tri Ta reported at its September 14, 2022, meeting, the Committee reviewed and recommended to forward the following items to the full Board for its consideration: Fourth Quarter Purchasing Report, Acceptance of 2022 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Preparedness Cooperative Agreement Funding; Addition of State-Funded Handcrew Positions; Award of RFP# RO2480a Armed Physical Security/Security Management Services and Approval of Corresponding Budget Adjustments; and The Carryover of FY 2021/22 Uncompleted Projects. Additionally, following Committee review and discussion, the Committee also recommended to forward the Proposed Purchase of Two Firehawk Helicopters item to the Board for consideration.

B. Report from the Operations Committee Chair (FILE 11.12)

Operations Committee Chair Anne Hertz-Mallari reported at its August 9, 2022, meeting, the Committee received an in-depth Introduction to all Operations and a Quarterly Update from Deputy Chief Kenny Dossey. The Committee also received and filed the 2022-2023 Preliminary Operations Committee Calendar. Fire Chief Fennessy presented the Draft Response for the Grand Jury Report regarding "Where's the Fires? Stop Sending Fire Trucks to Medical Calls." Lastly, the Committee held elections selecting Director Rains as Vice Chair and Director Hertz-Mallari to serve as Chair.

C. Report from the Legislative and Public Affairs Committee Chair (FILE 11.12)

Legislative and Public Affairs Committee Chair Joe Kalmick reported at its July 20, 2022, meeting, the Committee received and filed the Quarterly Legislative Update, Quarterly Public Affairs Update, and the 2022-2023 Preliminary Legislative and Public Affairs Committee Calendar. The Committee held elections, selecting Director Ward as Vice Chair and Director Joe Kalmick to serve as Chair to complete the term of this year.

D. Report from the Fire Chief (FILE 11.14)

Fire Chief Brian Fennessy reported on the Day of Remembrance – Sunday, September 11, 2022, ceremony held at OCFA, thanking all of those who attended, and noted we all live and work in the service of others. He highlighted the upcoming Fire Station Open Houses scheduled for Saturday, October 15, 2022, addressed Hispanic Heritage Month, how important it is to acknowledge and support our various cultures and history, and September is National Suicide Prevention Month, focus efforts to promote suicide prevention awareness.

Director Park arrived at this point (6:10 p.m.).

PUBLIC COMMENTS (FILE 11.11)

Telephone number ending in x7575 addressed the meeting invocation, the Fire Chief, OCFA facilities, and the necessity of helicopters.

Cynthia, no phone number provided, addressed the Fire Chief's recognition as California's Fire Chief of the Year, contract negotiations for labor, and proposed purchase of helicopters.

Kris, no phone number provided, addressed labor negotiations, proposed purchase of helicopters, and staffing at OCFA.

Telephone number ending in x1770, addressed the Board of Directors need to address concerns expressed by the public, labor negotiations, and proposed purchase of helicopters.

Heather Martin, no phone number provided, Tustin resident, expressed concern about timecard fraud, the update of the Conflict of Interest Code, and former employee Desiree Horton.

Luis Alleman, Lead Project Coordinator of the Orange County Labor Federation, spoke in support of OCEA, addressed recent labor negotiations.

Jessica Salazar, Orange County Employees Association (OCEA) Labor Relations Specialist, addressed recent labor negotiations.

Samantha Soto, OCFA employee and OCEA Board Member, addressed labor negotiations.

Judy Bolling, President of OCEA, addressed ongoing labor negotiations.

Charles Barfield, General Manager of OCEA, resident of the County of Orange, addressed the labor negotiations progress.

Steve Kriha, Vice President of Orange County Firefighters Local 3631, addressed the helicopter purchase, salary schedules, and labor negotiations.

Todd Baldridge, President of Orange County Firefighters Local 3631, addressed labor negotiations.

1. PRESENTATIONS

None.

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

2. CONSENT CALENDAR

On motion of Director Hernandez and second by Director O'Neill, and following a roll call vote, approved 23-0 Agenda Items No. 2A-2F (Directors Bourne and Gamble absent).

A. Minutes for the Board of Directors (FILE 11.06)

Actions:

1. Approve the Minutes for the July 14, 2022, Special and Concurrent Joint Special Meeting as submitted.

2. Approve the Minutes for the July 28, 2022, Regular and Concurrent Joint Special Meeting as submitted.
3. Approve the Minutes for the August 11, 2022, Special Meeting as submitted.
4. Approve the Minutes for the August 25, 2022, Regular and Concurrent Joint Special Meeting as submitted.

B. Biennial Review and Adoption of Revised Conflict of Interest Code (FILE 20.02A1)

Actions:

1. Adopt Resolution No. 2022-05 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES, and;
2. Direct the Clerk of the Authority to submit the adopted Resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval.

C. Carryover of FY 2021/22 Uncompleted Projects (FILE 15.04)

Actions:

1. Approve a budget adjustment in the FY 2022/23 General Fund (121) to adjust revenues by \$16,168,371 and expenditures by \$15,945,596.
2. Approve a budget adjustment in the FY 2022/23 General Fund CIP (12110) to adjust expenditures by \$3,171,048.
3. Approve a budget adjustment in the FY 2022/23 Fire Stations and Facilities Fund (123) to adjust expenditures by \$20,162,709.
4. Approve a budget adjustment in the FY 2022/23 Communications and Information Systems Fund (124) to adjust expenditures by \$2,557,847.
5. Approve a budget adjustment in the FY 2022/23 Fire Apparatus Fund (133) to adjust expenditures by \$2,113,000.
6. Approve a budget adjustment in the FY 2022/23 Settlement Agreement Fund (139) to adjust expenditures by \$1,500,000.
7. Approve a budget adjustment in the FY 2022/23 Structural Fire Entitlement Fund (171) to adjust expenditures by \$4,301,785.

D. Fourth Quarter Purchasing Report (FILE 11.10H1)

Action: Receive and file the report.

E. Acceptance of 2022 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Preparedness Cooperative Agreement Funding (FILE 16.02B)

Actions:

1. Approve and adopt Resolution No. 2022-06 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 2022/23 General Fund (121) budget increasing revenues and expenditures by \$1,247,650.

F. Addition of State-Funded Handcrew Positions (FILE 17.10D1 17.18)

Actions:

1. Increase General Fund (121) revenues and expenditures in the FY 2022/23 Adopted Budget by \$4,233,333 for the ongoing addition of state-funded handcrews.
2. Approve the addition of the following state-funded positions to the Master Position Control List: one (1) Hand Crew Superintendent, two (2) Fire Captains, three (3) Fire Apparatus Engineers, twenty (20) Hand Crew Firefighters and one (1) Human Resources Analyst II.

At this time, Chair Steggell reported the Board of Directors would recess to Closed Session to hear an item out of order (6:47 p.m.).

CLOSED SESSION (FILE 11.15)

General Counsel David Kendig introduced Closed Session Item No. CS1.

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

Negotiators:

Peter Brown, Liebert Cassidy Whitmore and
Stephanie Holloman, Assistant Chief/Human Resources
Director

Employee Organizations:

- Orange County Professional Firefighters Association, IAFF - Local 3631, and
- Orange County Employees Association (OCEA)

CLOSED SESSION REPORT (FILE 11.15)

At this time the Board reconvened to open session (8:28 p.m.).

General Counsel David Kendig reported the Board gave authority to its Labor Negotiator, but took no other reportable action.

3. DISCUSSION CALENDAR

A. Proposed Purchase of Two Firehawk Helicopters (FILE 18.9)

Fire Chief Brian Fennessy introduced the Proposed Purchase of Two Firehawk Helicopters item, and both Assistant Chief Robert Cortez, and Division Chief Tim Perkins each presented on the item.

Justin Dillon, Vice President of Local 3631, addressed concerns for the proposed purchase of two Firehawk Helicopters.

Discussion ensued.

On motion of Director Sachs and second by Director O'Neill, and following a roll call vote, approved 15-7 (Directors Bourne, Gamble, and Hasselbrink absent, and Directors Bartlett, Lopez, Tettemer, Rains, Chun, Kuo, and Steggell opposed) to:

1. Approve and authorize the Purchasing Manager to enter into a Master Purchase Agreement with United Rotorcraft, in a form approved by legal counsel (*current draft provided as Attachment 1*), which includes the express condition that the purchase is contingent upon the closure of and funding from the associated lease-purchase financing transaction (anticipated to occur no later than November 7, 2022), utilizing the sole source procurement provision in the Purchasing Ordinance for the provision of two Firehawk (Sikorsky S70 Type 1) helicopters in the amount of \$55,871,980.32 inclusive of Sales Tax.
2. Approve and authorize the Purchasing Manager to enter into a Professional Services Agreement with FlightSafety International, in a form approved by legal counsel (*current draft provided as Attachment 2*), which includes the express condition that the purchase is contingent upon the closure of and funding from the associated lease-purchase financing transaction (anticipated to occur no later than November 7, 2022), utilizing the sole source procurement provision in the Purchasing Ordinance for the provision of OCFA pilot flight safety training to operate the Sikorsky S70 Type 1 helicopters in the amount of \$389,400.
3. Approve and authorize the Purchasing Manager to enter into a Professional Services Agreement with Sikorsky, in a form approved by legal counsel (*current draft provided as Attachment 3*), which includes the express condition that the purchase is contingent upon the closure of and funding from the associated lease-purchase financing transaction (anticipated to occur no later than November 7, 2022), utilizing the sole source procurement provision in the Purchasing Ordinance for the provision of OCFA pilot in-flight training and maintainer training to operate and maintain the Sikorsky S70 Type 1 helicopters in the amount of \$568,460.
4. Direct staff to pursue lease-purchase financing for a term of 15-years, with an interest rate of 3.1379%, and annual principal and interest payments of \$4.93M with Banc of America Public Capital Corp and return to the Board of Directors at the October 27, 2022 meeting for approval of the final financing documents (*bank proposal provided as Attachment 9*).
5. Approve Resolution No. 2022-07 adopting OCFA's Local Debt Policy in the form attached hereto as Attachment 4.
6. Direct staff to partner with the City of Irvine and the City of Yorba Linda to coordinate a public hearing pursuant to the Joint Powers Act, which requires one of the member local agencies within the JPA (not the actual JPA itself) to approve the proposed financing of the public capital improvement and make a finding of significant public benefit.
7. Authorize staff to increase revenue and expenditures by \$57,031,440.32 in the FY 2022/23 Adopted Budget, Capital Improvement Program – Fund 133 (Fire Apparatus) to recognize the financing proceeds revenue and to increase appropriations for the helicopter

- acquisition, cost of issuance (includes Municipal Financial Advisor and Special Counsel), and project implementation costs (one-time pilot/mechanic training).
8. Direct staff to return to the Board of Directors in January 2023 with the FY 2022/23 Mid-Year Financial Review, to include necessary adjustments to the Five-Year Capital Improvement Program for the addition of annual lease-purchase installment payments effective starting January 2024, and other CIP adjustments that may be needed for adjusted prioritization of capital projects.
 9. Direct staff to include all supplemental costs associated with the future ongoing operation of the new helicopters, as outlined herein, in the Proposed FY 2023/24 Budget that will be submitted to the Board of Directors for review and approval in May 2023.
 10. Direct staff to return to the Executive Committee with specific timing to be determined based on delivery and operation of the new helicopters, for any related subsequent contract approvals and amendments including (but not limited to) approval of aircraft insurance and adjustment of associated vendor contracts for ongoing augmented pilot training and maintenance programs. Any subsequent contracts or amendments that require a budget adjustment shall be presented to the Board of Directors.
 11. Adopt an exemption from the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301 (Existing Facilities) and direct staff to file a Notice of Exemption.

B. Award of RFP# RO2480a Armed Physical Security/Security Management Services and Approval of Corresponding Budget Adjustments (FILE 19.07B2)

Assistant Chief Jim Ruane presented the Award of RFP# RO2480a Armed Physical Security/Security Management Services and Approval of Corresponding Budget Adjustments.

Discussion ensued.

On motion of Director O'Neill and second by Director Ward, and following a roll call vote, approved 19-1 (Directors Bourne, Gamble, Bartlett, and Hasselbrink absent, and Director Rains abstained, Director Wagner opposed) to:

1. Approve and authorize the Purchasing Manager to execute the proposed Security Services Agreement (Attachment 1) for Armed Physical Security and Security Management Services with the Orange County Sheriff's Department for a three-year initial term plus two optional one-year renewals in an amount not to exceed \$1,304,269 annually (\$6,521,345 5-year aggregate), plus allowances for annual cost adjustments as described in Exhibit "B" of the Agreement.
2. Direct staff to make the recommended budget adjustment, as noted in the fiscal impact section of this report.
3. Approve and authorize the Purchasing Manager to increase and extend the existing contract with Allied Universal as needed to allow for the transition to the new contract for Armed Physical Security Services.

RECESS THE REGULAR MEETING OF THE BOARD OF DIRECTORS

CALL TO ORDER THE CONCURRENT JOINT SPECIAL MEETINGS OF THE: BOARD OF DIRECTORS, EXECUTIVE COMMITTEE, BUDGET & FINANCE COMMITTEE, AND THE HUMAN RESOURCES COMMITTEE

A. 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 Shawver and second by Director Hernandez, and following a roll call vote, approved 13-9 (Directors Gamble, Bourne, and Hasselbrink absent, and Directors Hertz-Mallari, Rossini, Kalmick, Ward, Sachs, Tettermer, Hatch, Kuo, and Steggell opposed) to select Option #1 to make the following findings:

- 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 has reconsidered the circumstances of the emergency; and
- c. Local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

ADJOURN THE CONCURRENT JOINT MEETINGS AND RECONVENE TO THE REGULAR MEETING OF THE BOARD OF DIRECTORS

BOARD MEMBER COMMENTS (FILE 11.13)

Director Hatch expressed thanks to Division Chief Mike Contreras who is leaving OCFA to become a Fire Chief in Cathedral City.

Director Hernandez thanked Fire Chief Fennessy for attending and speaking at the City of Yorba Linda's 9-11 Remembrance Event. He also acknowledged Fire Chief Fennessy for receiving the Ronny Jack Coleman Award - Fire Chief of the Year from the California Fire Chiefs Association, given in recognition of exceptional leadership in fire and rescue services throughout the state of California.

Director Rossini thanked Chair Steggell and Vice Chair Kuo for visiting Villa Park's Fire Station 23. He acknowledged Division Chief Baryic Hunter for his great work with the City of Villa Park, its City Manager, and residents.

Director Sedgwick congratulated Fire Chief Fennessy for his state-wide award of Fire Chief of the Year commenting it was well deserved and the Chief has shown great leadership.

Director Rains wished Division Chief Mike Contreras good luck with his new endeavor stating it has been a pleasure to work with him. She thanked Assistant Chief Jim Ruane for the completion and reopening of Fire Station No. 49, appreciating the work that has been done. She thanked Fire Chief Fennessy and offered congratulations on the Fire Chief of the Year award; a challenging job with twenty-five bosses, done with grace.

Director Shawver thanked and congratulated Fire Chief Fennessy on his award as Fire Chief of the Year, noting by honoring the Fire Chief, so too it reflects on the agency and those who serve.

Vice Chair Kuo thanked Division Chief Sherwood, Community Educator Jillian Cole, and Fire Prevention Specialist Juan Huerta who provided two educational programs at the city of Irvine where at least 100 residents came to both events to learn valuable information.

Chair Steggell gave a shout out to Firefighters Todd Baldrige, Greg Long, and Michael Manibusan who helped out with an event in the City of La Palma, and did a great job in service to the community. Also, a shout out to the helicopter crew at Fire Station 41 who provided a site tour recently for both herself and Director Hertz-Mallari.

RECESS TO CLOSED SESSION (FILE 11.15)

General Counsel David Kendig reported the Board would meet to discuss Closed Session Agenda Item CS3.

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: One (1) Case


CS.3. CONFERENCE WITH LEGAL COUNSEL – POSSIBLE INITIATION OF LITIGATION pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: One (1) Case

RECONVENE TO OPEN SESSION

CLOSED SESSION REPORT (FILE 11.15)

General Counsel David Kendig stated there was no reportable action.

ADJOURNMENT – Chair Steggell adjourned the meeting at 11.06 p.m. The next meeting of the Orange County Fire Authority Board of Directors will be a Concurrent Joint Special Meeting of the Board and Committees on Thursday, October 13, 2022, at 6:00 p.m.



Maria D. Huizar, CMC
Clerk of the Authority