

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular and Concurrent Joint Special Meeting
Thursday, October 27, 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 October 27, 2022, at 6:00 p.m. by Board Chair Michele Steggell.

INVOCATION by OCFA Chaplain Jim Gwaltney

PLEDGE OF ALLEGIANCE by Director Ward

ROLL CALL by Clerk of the Authority

Michele Steggell, La Palma, Chair
Lisa Bartlett, County of Orange*
Ross Chun, Aliso Viejo*
Noel Hatch, Laguna Woods
Anne Hertz-Mallari, Cypress
Jessie Lopez, Santa Ana*
John O'Neill, Garden Grove
Vince Rossini, Villa Park
Don Sedgwick, Laguna Hills*
Tri Ta, Westminster*
Richard Viczorek, Dana Point*
Kathleen Ward, San Clemente

Anthony Kuo, Irvine, Vice Chair
Troy Bourne, San Juan Capistrano*
Carol Gamble, Rancho Santa Margarita*
Gene Hernandez, Yorba Linda
Joe Kalmick, Seal Beach
Austin Lumbard, Tustin*
Sandy Rains, Laguna Niguel*
Ed Sachs, Mission Viejo*
Dave Shawver, Stanton*
Mark Tettermer, Lake Forest
Donald P. Wagner, County of Orange*

Absent Sunny Park, Buena Park

Shelley Hasselbrink, Los Alamitos

Also present were:

Fire Chief Brian Fennessy
Deputy Chief Kenny Dossey
Assistant Chief Lori Smith
Assistant Chief TJ McGovern
General Counsel David Kendig
Clerk of the Authority Maria Huizar

Deputy Chief Lori Zeller
Assistant Chief Robert Cortez
Assistant Chief Jim Ruane
Assistant Chief Stephanie Holloman
Communications Director Matt Olson

**Board of Directors attending via teleconferencing*

REPORTS

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

Budget and Finance Committee Chair Tri Ta reported at its October 12, 2022, meeting, the Committee reviewed and recommended forwarding the following to the full Board for its consideration and approval; Homeland Security Grant Program Award; the Approval of Master Lease-Purchase Agreement and Other Related Actions for the Acquisition of Two Helicopters; and the item to Approve Modified Fifth Amendment to the Advanced Life Support Services Billing Agreement with Emergency Ambulance Service.

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

Legislative and Public Affairs Committee Chair Joe Kalmick reported at its October 19, 2022, Committee meeting, the Committee met in person with both our state and federal lobbyists who were present to receive and file the Quarterly Legislative Update, and reviewed the draft 2023-2024 Legislative Platform; providing direction to staff to return the item to the January 18, 2023, meeting for final adoption. The Committee also received and filed the Quarterly Public Affairs Update. Lastly the Committee reviewed the Board of Directors Requested Item – Options for Teleconferencing During Public Board and Committee meetings, and recommended by unanimous vote, the item forwarded to the Board of Directors to adopt Option 1, (to discontinue teleconferencing) and return to all in-person meetings of the Board and Committees.

C. Report from the Fire Chief (FILE 11.14)

Fire Chief Brian Fennessy reported on the 2nd Anniversary of the Silverado Fire, and the operational and administrative safety policies implemented. In our thoughts of this anniversary is Dylan Van Iwaarden and Phi Le who sustained severe line-of-duty injuries. I join our Hand Crew, Local 3631, and both families, in honoring those two courageous young men. Vice Chair Kuo and Directors Gamble and Hertz-Mallari were in attendance last week at a press conference at Station 18 to announce the receipt of \$16.95 million for a new Hand Crew facility and equipment. State Senator Dave Min secured the state funding and was in attendance; he also recognized Dylan and Phi along with all other hand crew firefighters who work fearlessly. In the month of October, our Stations held the annual Open Houses event, with great attendance by the public. This year OCFA is working with Spark of Love partners, including ABC-7 and K-Wave to collect and distribute more than 30,000 toys this holiday season. The return of the RFOTC Open House will be occurring in the New Year. Lastly, we had promotional ceremonies for 18 Fire Captains of Academy 33, and also pinned our three newest Division Chiefs; Division Chiefs Scott Wiedensohler, Craig Covey, and Cheyne Maule. Thanks to DC Baryic Hunter for transitioning to Division 5 following Chief Contreras' departure, and we thank both Division Chief Ron Roberts and Michael Contreras on their leadership roles they have held at OCFA, wishing them the best as they move to new roles outside the organization.

PUBLIC COMMENTS (FILE 11.11)

Rich Swanson, opined that the labor negotiation offer is unfair.

Charles Barfield, General Manager OCEA, expressed the need for meaningful contract negotiations.

Luis Aleman, Orange County Labor Federation, addressed the need for fair labor negotiations and provide a contract to the employees.

Tim Steed, Assistant General Manager OCEA, expressed the need for the Board to meet its duty to negotiate a contract for the employees.

Justin Dillon, Local 3631 Vice President, asked that the Board of Directors deliver a contract and make employees a priority.

Todd Baldrige, Local 3631 President, voiced disappointment with labor negotiations, recruitments and employee morale.

Mike Lopez, California Professional Firefighters Representative, asked the Board of Directors for fair benefits, wages and contract.

Steven Gillman, echoed comments on need for fair labor negotiations.

Frank Lima, commended on need for a fair contract.

Steve Kriha, Local 3631 Representative, noted frustration that firefighters are working without a contract.

1. PRESENTATIONS

A. Recognition of GFOA Budget Award (FILE 11.9)

Chair Michele Steggell, Fire Chief Brian Fennessy, and Assistant Chief Robert Cortez presented the General Finance Officers Association Budget Award 2021-22 to the Finance Treasurer Tricia Jakubiak, Budget Manager Stuart Lam, and Finance Analyst Jeanette Chan, the departments 14th consecutive award and recognition from the prestigious organization.

B. Recognition of GFOA Annual Comprehensive Financial Report Award (FILE 11.9)

Chair Steggell, Fire Chief Fennessy, and Assistant Chief Robert Cortez presented the General Finance Officers Association Annual Comprehensive Financial Report Award, its 22nd consecutive received by OCFA Finance Division, to Finance Manager Julie Nemes, Kavin Parikh Finance Analyst, and Jeanette Gage Accounting Staff.

Director Bourne left at this point (6:50 p.m.).

2. CONSENT CALENDAR

On motion of Director Tetterer and second by Director Hernandez, and following a roll call vote, approved 22-0 Agenda Items 2A-2B, and 2D. (Directors Bourne, Hasselbrink, and Park absent). Director Bartlett pulled Agenda Item 2C for separate consideration.

A. Minutes for the Board of Directors (FILE 11.6)

Action:

1. Approve the Minutes for the September 22, 2022, Regular and Concurrent Joint Special Meeting as submitted.
2. Approve the Minutes for the October 13, 2022, Concurrent Joint Special Meeting as submitted.

B. Homeland Security Grant Program Award (FILE 16.02B)

Action: Approve a Budget Adjustment in Fund 121 to increase revenue and expenditures by \$300,000.

C. Approve Modified Fifth Amendment to the Advanced Life Support Services Billing Agreement with Emergency Ambulance Service (FILE 18.05A4)

Director Bartlett addressed concerns regarding the reimbursement rates.

On motion of Director Bartlett and second by Director Kuo, and following a roll call vote, approved 21-0 Agenda Item No. 2C (Directors Shawver, Bourne, Hasselbrink, and Park absent) to approve the modified Fifth Amendment to the Advanced Life Support Billing Agreement with Emergency Ambulance Services, Inc. (EAS) that provides for:

- EAS to retroactively reimburse OCFA the medical supplies reimbursement rate of \$30.43 from the date that EAS suspended the reimbursement;
- Adjusts the term of the Medical Supplies Reimbursement rate of \$30.43 to August 31, 2023; and
- Continued negotiations that may result in a future adjustment to the Medical Supplies Reimbursement rate and/or the Advance Life Support Reimbursement Rate agreeable to the OCFA and EAS for the balance of the 5-year term (through May 31, 2025).

D. Resolution for Approval of the Joint Community Facilities Agreement Relating to Fire Facilities at Rienda Master Planned Community, and approval of Ground Lease and Purchase-Sale Agreement for Temporary Fire Station 67 (FILE 19.07C67)

Actions:

1. Adopt Resolution No. 2022-08 authorizing the Fire Chief, or designee, to execute the Joint Community Facilities Agreement, CFD 2022-1, among the County of Orange, the Orange County Fire Authority, and RMV PA3 Development, LLC relating to Fire Facilities at Rienda Master Planned Community (*Requires majority vote of the total membership of the board, pursuant to Cal. Gov't Code § 36936*).
2. Authorize and approve the Ground Lease with RMV PA3 Development for temporary fire station 67 substantially consistent with the attached in a form approved by General Counsel.
3. Authorize and approve the building Purchase and Sale agreement with RMV PA3 Development for the purchase of temporary fire station 67 substantially consistent with the attached in a form approved by General Counsel.

3. DISCUSSION CALENDAR

A. Approval of Master Lease-Purchase Agreement and Other Related Actions for the Acquisition of Two Helicopters (FILE 18.9)

Assistant Chief Robert Cortez presented the Approval of Master Lease-Purchase Agreement and Other Related Actions for the Acquisition of Two Helicopters.

On motion of Director O'Neill and second by Director Hernandez, and following a roll call vote, approved 19-3 (Directors Tetteimer, Kuo and Steggell opposed and Directors Bourne, Hasselbrink, and Park absent) to:

1. Adopt Resolution No. 2022-09 approving the acquisition and financing of two new helicopters and approve related Master Lease-Purchase Agreement with Banc of America Public Capital Corp, Equipment Schedule No. 01, Addendum Relating to Aircraft, Escrow and Account Control Agreement, and related schedules and actions (Attachments 1).
2. Approve an Indemnification Agreement with the City of Yorba Linda in Connection with the Funding of the Purchase of Firehawk Helicopters (Attachment 2).

B. Board of Director Requested Item - Options for Teleconferencing During Public Board and Committee Meetings (FILE 11.03)

Director Anne Hertz-Mallari presented the Board of Director Requested Item – Options for Teleconferencing During Public Board and Committee Meetings.

Discussion ensued.

On motion of Director Wagner, and second by Director Sachs, and following a roll call vote approved 15-7 to table the recommended action. (Directors Kalmick, Ward, Tetteimer, Hatch, Hertz-Mallari, Kuo, and Steggell opposed, and Directors Bourne, Hasselbrink, Park, absent).

C. Board of Director Requested Item - Address Attendance During Board Meetings
(FILE 11.03)

Chair Michele Steggell presented the Board of Director Requested Item – Address Attendance During Board Meetings.

Brief discussion ensued.

On motion of Director Gamble and second by Director Steggell, and following a roll call vote, approved 13-8 (Directors Lumbard, Sachs, Rains, Sedgwick, O’Neill, Viczorek, Bartlett, Wagner opposed, and Directors Bourne, Lopez, Hasselbrink, and Park absent) to forward this item to the Executive Committee for discussion.

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 by Director Wagner and second by Director O’Neill, and following a roll call vote, approved 14-7 (Directors Rossini, Kalmick, Ward, Tettermer, Hertz-Mallari, Kuo, and Steggell opposed, and Directors Bourne, Lopez, Hasselbrink, and Park absent) 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 11.11)

Director Rains thanked Division Chief Michael Contreras for his service to the city of Laguna Niguel and wish him well.

Director Gamble thanked Division Chief Baryic Hunter did a wonderful job serving our city, among all the others. Great respect and welcome our new Division Chief Cheyne Maule.

RECESS TO CLOSED SESSION (FILE 11.15)

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)

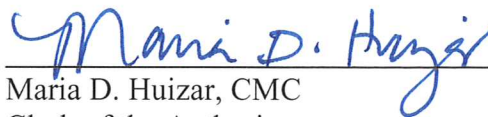
CS2. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION pursuant to paragraph (2) and (3) of subdivision (d) of Section 54956.9 of the Government Code: One (1) Case

RECONVENE TO OPEN SESSION

CLOSED SESSION REPORT(FILE 11.15)

General Counsel reported the Board of Directors unanimously adopted a motion to adjourn, other than that there was no reportable action.

ADJOURNMENT – Chair Steggell adjourned the meeting at 9:33 p.m. The next meeting of the Orange County Fire Authority Board of Directors will be a Special and Concurrent Joint Special Meeting of the Board and Committees on Thursday, November 17, 2022, at 6:00 p.m.



Maria D. Huizar, CMC
Clerk of the Authority