

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting
Thursday, September 28, 2023
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 28, 2023, at 6:01 p.m. by Chair Vince Rossini.

INVOCATION

The Invocation was led by Chaplain Gerardo Arenado.

PLEDGE OF ALLEGIANCE

Director Bacerra led the assembly in the Pledge of Allegiance.

ROLL CALL

Vince Rossini, Villa Park, Chair
Phil Bacerra, Santa Ana
Chris Duncan, San Clemente
John Gabbard, Dana Point
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Austin Lombard, Tustin
Chi Charlie Nguyen, Westminster
Joshua Sweeney, Laguna Hills
Connor Traut, Buena Park

John O'Neill, Garden Grove, Vice Chair
Ross Chun, Aliso Viejo
Katrina Foley, County of Orange
Carol Gamble, Rancho Santa Margarita
Noel Hatch, Laguna Woods
Kelly Jennings, Laguna Niguel
Joe Kalmick, Seal Beach
Bob Ruesch, Mission Viejo
Mark Tetterer, Lake Forest
Donald P. Wagner, County of Orange

Absent: Troy Bourne, San Juan Capistrano
Tammy Kim, Irvine
Dave Shawver, Stanton

Anne Hertz-Mallari, Cypress
Nitesh Patel, La Palma

Also present were:

Fire Chief Brian Fennessy
Assistant Chief Robert Cortez
Assistant Chief Lori Smith
Assistant Chief Shane Sherwood
Director of Communications Matt Olson
General Counsel David Kendig

Deputy Chief TJ McGovern
Assistant Chief Rob Capobianco
Assistant Chief Tim Perkins
Assistant Chief Stephanie Holloman
Clerk of the Authority Maria D. Huizar

Director Jennings arrived at this point (6:04 p.m.).

REPORTS

A. Report from the Budget and Finance Committee Chair

Budget and Finance Chair O'Neill reported at its September 13, 2023, Budget and Finance Committee meeting, the Committee recommended by a unanimous vote forwarding the following items to the Board of Directors for consideration and approval of the recommended actions: Acceptance of 2023 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Preparedness Cooperative Agreement Funding; Carryover of FY 2022/23 Uncompleted Projects; and Contract Award for Ambulance Consulting Services.

B. Report from the Legislative and Public Affairs Committee Chair

Legislative and Public Affairs Chair Foley reported at its August 29, 2023, meeting, the Committee received updates on legislation of importance to OCFA and the communities it represents. The last day for the state legislature to pass bills was September 14. The Governor has until October 14, to sign or veto legislation. The Committee voted in support of AB1168 by Assembly Member Bennett related to EMS administration, which is now a two year bill and will go back to the legislature next year. Our Orange County Fire Authority sponsored bill, SB475, which would remove a state restriction on city parks space usage and allow for construction of Laguna Woods fire station passed, awaiting Governor's signature. Unfortunately, OCFA sponsored bills AB294, (Petrie-Norris; Wildfire Tax Exclusions) and AB582 (Connolly; Tax Credits Fire Resistant Homes), were held and did not move forward. Chair Foley reported she testified on both bills earlier this year. Thanks to Corporate Communications Director Matt Olson and his team for the great work on the wildfire burn demonstration press conference with the State Commissioner. Lastly, thanks to everyone at OCFA who has helped homeowners prioritize protecting their homes.

C. Report from the Fire Chief

Fire Chief Fennessy thanked those who attended the annual 9/11 Remembrance Ceremony at OCFA and spoke of the many who risked their lives to save others that day. He presented a video on the effects the many tragedies fire fighters experience daily and the importance of Suicide Prevention and Awareness Month. He commended many of those who are more than ordinary heroes and their efforts to save lives, such as OCFA Dispatcher Grace Romero, profiled recently as a part of the annual Hispanic Heritage Month celebration. He reminded all of the Girls Empowerment Camp on October 7 and 8, and nearly 30 Stations hosting Open Houses on October 14. He referenced four OCFA firefighters who recently traveled to Sacramento to star in Cal-JAC's Recruitment in the Spotlight series, those who worked to help as tropical Storm Hilary made landfall back east, the OC Sheriff's and OCFA teams whose unified command was demonstrated at the mass shooting at Cook's Corner, and presented a video of a new dispatcher who helped save the life of a potential heart attack victim. Chief Fennessy noted the onboarding of 13 new dispatchers; largest

Dispatcher Academy in OCFA history. Lastly, he reminded everyone of the sacrifice made by 343 firefighters who died answering their call to duty on September 11, 2001.

PUBLIC COMMENTS

None.

1. PRESENTATION

None.

2. CONSENT CALENDAR

On motion of Director Tetteimer and second by Director Hernandez, approved Agenda Item Nos. 2A-2E by consensus, (Directors Bourne, Hertz-Mallari, Kim, Patel, and Shawver absent). Director Tetteimer pulled Item No. 2F for separate consideration.

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

The record will show that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Action: Approve the Minutes for the July 27, 2023, Regular Meeting as submitted.

B. Assignment of State Fire Protection Agreement Regarding Fire Protection Services of State Responsibility Areas (FILE 21.13A)

Action: Approve and authorize the Board Chair to sign the Assignment of State Fire Protection Agreement assigning to OCFA the County's three-year agreement with the CAL FIRE to provide wildland fire protection in the State Responsibility Areas, in a form substantially consistent with agreement (Attachment 2).

C. Acceptance of 2023 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Preparedness Cooperative Agreement Funding (FILE 16.02B)

On September 13, 2023, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors agenda by a vote of 6-0 (Directors Bourne, Patel, and Hasselbrink absent).

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 2023/24 General Fund (121) budget increasing revenues and expenditures by \$1,381,456.00.

D. Carryover of FY 2022/23 Uncompleted Projects (FILE 15.04)

On September 13, 2023, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors agenda by a vote of 6-0 (Directors Bourne, Patel, and Hasselbrink absent).

Action:

Authorize the following proposed budget adjustments:

1. Approve a budget adjustment in the FY 2023/24 General Fund (121) to adjust revenues by \$21,467,150 and expenditures by \$22,046,115.
2. Approve a budget adjustment in the FY 2023/24 General Fund CIP (12110) to adjust expenditures by \$5,997,029.
3. Approve a budget adjustment in the FY 2023/24 Fire Stations and Facilities Fund (123) to adjust expenditures by \$21,525,225.
4. Approve a budget adjustment in the FY 2023/24 Communications and Information Systems Fund (124) to adjust expenditures by \$3,972,908.
5. Approve a budget adjustment in the FY 2023/24 Settlement Agreement Fund (139) to adjust expenditures by \$1,500,000.
6. Approve a budget adjustment in the FY 2023/24 Structural Fire Entitlement Fund (171) to adjust expenditures by \$3,509,336.

E. Legislative Report (FILE 12.02E5)

On August 29, 2023, the Legislative and Public Affairs Committee reviewed and approved the proposed agenda item by a vote of 5-2 (Directors Wagner and Hertz-Mallari dissented).

Action: Receive and file the legislative report and adopt positions as recommended by the Legislative and Public Affairs Committee.

F. Contract Award for Ambulance Consulting Services (FILE 18.05B)

On July 27, 2023, the Board of Directors approved and authorized the Purchasing Manager to issue an RFP for consultation on ambulance transportation service options in OCFA jurisdiction, as outlined by the scope of work by a vote of 18-0 (Directors Duncan, Foley, Gamble, Hasselbrink, Hernandez, Hertz-Mallari, and Wagner absent).

On September 13, 2023, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors e agenda by a vote of 6-0 (Directors Bourne, Patel, and Hasselbrink absent).

Director Tetterer pulled this item for separate consideration.

Substitute Motion by Director Gamble and seconded by Director Tetterer to table the matter. Motion failed 10-10 (Directors Duncan, Foley, Lumbard, Bacerra, Ruesch, Jennings, Traut, Chun, O'Neill and Rossini dissented, and Directors Bourne, Hertz-Mallari, Kim, Patel, and Shawver absent).

On motion of Director Foley and second by Director Bacerra approved by a vote of 14-6 (Directors Duncan, Gamble, Hasselbrink, Wagner, Tetterer, and Chun dissented and Directors Bourne, Hertz-Mallari, Kim, Patel, and Shawver absent) to:

1. Approve a budget adjustment increasing expenditures in the FY 2023/24 General Fund (121) by \$149,916 for Ambulance Consulting Services.
2. Approve and Authorize the Purchasing Manager to enter into a Professional Services Agreement with Citygate Associates for Ambulance Consulting Services for an amount not to exceed \$149,916.

3. DISCUSSION CALENDAR

A. Zero-Emission Vehicle Transition Plan and Policy for Charging of Employee Vehicles (FILE 11.10)

On August 1, 2023, the Human Resources Committee directed staff to return to the Board of Directors with a zero emission vehicle transition plan, and to consider a policy change that would permit charging of employees' vehicles at OCFA facilities by a vote of 7-0.

Assistant Chief Jim Ruane presented the Zero-Emission Vehicle Transition Plan and Policy for Charging of Employee Vehicles.

Chris Hamm, President of Local 3631, did not speak on the matter, but asked that the record reflect support of this item.

On motion of Director Foley and second by Director Bacerra approved 19-1 vote (Directors Bourne, Hertz-Mallari, Kim, Patel, and Shawver absent, and Director Tetterer dissented) to:

1. Accept the Zero Emission Vehicle Transition Plan as an addition to the OCFA Goals, Objectives and Performance Measures, and direct staff to initiate implementation of this multi-year goal.
2. Pending future installation of OCFA charging facilities, authorize staff to revise current policy so as to permit charging of employee personal vehicles using OCFA electrical facilities, while on duty, as a temporary employee benefit.

B. Wildland Resource Center (Camp 18) Site Selection (FILE 17.10D1 – 17.18)

Staff pulled this item for consideration in the future.

BOARD MEMBER COMMENTS

Director Wagner commended the actions taken by the first responders at the Cook's Corner incident.

Chair Rossini praised the efforts taken by the first responders at the Cook's Corner incident.

Director Hasselbrink reported the northern Orange County area had a hero's luncheon to honor all first responders including nurses, fire fighters, sheriffs, and police and she had the distinct honor to speak of Division Chief Ron Roberts, who passed recently.

Director Bacerra thanked Division Chief Henery for his and staff's participation in the smoke alarm distribution and installation of mobile homes within the city of Santa Ana.

Director Duncan mentioned the passing of Ronnie J. Coleman, 50-plus year veteran of the fire service, former fire chief of San Clemente, and Fullerton, appointed State Fire Marshall 1992 to 2000 by then Governor Pete Wilson. He was a person who represented all that fire service is, and an icon in the industry.

RECESS TO CLOSED SESSION (FILE 11.15)

General Counsel David Kendig reported in light of pulling Discussion item 3B, the Board would not be discussing CS 3 or CS 4. The Board will convene to Closed Session to discuss items CS1 and CS2 as they appear on the agenda, including labor negotiators Chair Rossini and Vice Chair O'Neill.

CS1. 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

CS2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Chief Negotiators: Board Chair Rossini, Board Vice Chair & Budget and Finance Committee Chair O'Neill, and Immediate Past Board Chair Shawver

Position: Fire Chief

CS3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8:

Address of Property: APN # 125-165-06 (two portions)
Negotiator: City of San Clemente City Manager Andy Hall
Negotiating with: Jim Ruane, Assistant Chief/Logistics Department and Lori Zeller, Deputy Chief/Administration & Support Bureau
Terms: Price and Terms

CS4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8:

Address of Property: APN # 678-163-01
Negotiator: Rancho Mission Viejo, PA 3 Development LLC. President Jeremy Laster
Negotiating with: Jim Ruane, Assistant Chief/Logistics Department and Lori Zeller, Deputy Chief/Administration & Support Bureau
Terms: Price and Terms


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

RECONVENE TO OPEN SESSION

CLOSED SESSION REPORT (FILE 11.15)

General Counsel David Kendig stated there was no reportable action.

ADJOURNMENT – Chair Rossini adjourned the meeting at 7:40 p.m. The next meeting of the Orange County Fire Authority Board of Directors will be on Thursday, October 26, 2023, at 6:00 p.m.



Maria D. Huizar, CMC
Clerk of the Authority