

# MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting  
Thursday, November 16, 2023  
6:00 P.M.**

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

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## **CALL TO ORDER**

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on November 16, 2023, at 6:03 p.m. by Chair Vince Rossini.

## **INVOCATION**

The Invocation was led by Chaplain Brett Peterson.

## **PLEDGE OF ALLEGIANCE**

Director Chun led the assembly in the Pledge of Allegiance.

## **ROLL CALL**

Vince Rossini, Villa Park, Chair  
Troy Bourne, San Juan Capistrano  
Chris Duncan, San Clemente  
John Gabbard, Dana Point  
Noel Hatch, Laguna Woods  
Anne Hertz-Mallari, Cypress  
Joe Kalmick, Seal Beach  
Dave Shawver, Stanton  
Mark Tetterer, Lake Forest

John O'Neill, Garden Grove, Vice Chair  
Ross Chun, Aliso Viejo  
Katrina Foley, County of Orange  
Carol Gamble, Rancho Santa Margarita  
Gene Hernandez, Yorba Linda  
Austin Lumbard, Tustin  
Bob Ruesch, Mission Viejo  
Joshua Sweeney, Laguna Hills  
Connor Traut, Buena Park

## **Absent:**

Phil Bacerra, Santa Ana  
Kelly Jennings, Laguna Niguel  
Chi Charlie Nguyen, Westminster  
Nitesh Patel, La Palma

Shelley Hasselbrink, Los Alamitos  
Donald P. Wagner, County of Orange  
Tammy Kim, Irvine

## **Also present were:**

Fire Chief Brian Fennessy  
Deputy Chief TJ McGovern  
Assistant Chief Lori Smith  
Assistant Chief Jim Ruane  
Assistant Chief Shane Sherwood  
Director of Communications Matt Olson  
General Counsel David Kendig

Deputy Chief Lori Zeller  
Assistant Chief Robert Cortez  
Assistant Chief Rob Capobianco  
Assistant Chief Tim Perkins  
Assistant Chief Stephanie Holloman  
Clerk of the Authority Maria D. Huizar

## REPORTS

### A. Report from Budget and Finance Committee Chair

Budget and Finance Committee Chair O'Neill reported at its November 8, 2023, meeting, the Committee recommended by a unanimous vote to forward the following items to the Board of Directors for consideration and approval of the recommended actions: Updated Cost Reimbursement Equipment Rates, Organizational Service Level Assessment Update, Approval of Annual Statement of Investment Policy, Broker/Dealer List and Investment Authorization, Audited Financial Reports for the Fiscal Year Ended June 30, 2023, and; Quick Reaction Force (QRF) Program.

### B. Report from Human Resources Committee Chair

Human Resources Committee Chair Kalmick reported at its November 7, 2023, meeting, the Committee reviewed the Amendments to the Personnel & Salary Resolution and voted unanimously to forward the item to the Board of Directors for approval of the amendments to reflect a range adjustment in the salary for the classification of Director of Communications.

### C. Report from the Fire Chief

Fire Chief Fennessy in remembrance honored all military veterans on Veteran's Day, he noted OCFA has many former military who serve as OCFA firefighters and the Orange County Register Newspaper's reporter Erika Ritchie developed a feature regarding OCFA firefighters that was published in the OC Register's Veterans Day edition. Chief Fennessy also attended a press conference with Tustin Mayor Lombard after the Tustin Hangar Incident; where the historic 17-story hangar burned to the ground. It took air operations at night, three-helicopter attacks, and multiple apparatus to aid in the firefight. Thanks are given to County Supervisors Wagner and Foley with their collaborative work to navigate this unprecedented incident. OCFA will hold its annual Christmas Tree burn press conference on December 20<sup>th</sup> and will share safety messages with the public via social media platforms. The OCFA has kicked off its annual Spark of Love Holiday Toy Drive, and as a busy time of year, give thanks to the firefighters and dispatchers serving the Orange County residents. At the end of this year OCFA will have responded to approximately 180,000 calls with over a quarter of a million fire unit responses.

## PUBLIC COMMENTS

Greg Tross, Tustin resident, addressed the need for transparency and better communication regarding the Tustin Hangar fire. He further expressed concerns regarding the flare ups.

## 1. PRESENTATION

### A. Recognition of GFOA Annual Comprehensive Financial Report Award

Board Chair Rossini, Fire Chief Fennessy and Assistant Chief Cortez presented the annual certificate of the Comprehensive Financial Report Award (GFOA) to the Finance Division.

It is the highest form of recognition for excellence in state and local government in the area of governmental accounting and financial reporting, and OCFA has been awarded this for the 25<sup>th</sup> consecutive year.

## **2. CONSENT CALENDAR**

On motion of Director Shawver and second by Director Tetteimer approved unanimously 17-0 Agenda Item Nos. 2A-2C and 2E-2H, (Directors Hasselbrink, Bacerra, Jennings, Patel, Foley, Nguyen, Wagner and Kim absent). Agenda Item 2D was pulled for separate consideration.

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

Action: Approve the Minutes for the October 26, 2023, Regular Meeting as submitted.

### **B. 2024 Board Meetings Schedule (FILE 11.05)**

Action: Adopt Resolution 2023-06 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ESTABLISHING THE REGULAR MEETING DATES FOR CALENDAR YEAR 2024.

### **C. Updated Cost Reimbursement Equipment Rates (FILE 15.12)**

Action: Approve and adopt the proposed Cost Reimbursement Equipment Rate schedule to be effective October 1, 2023 per Cal OES and FEMA.

### **D. Organizational Service Level Assessment Update (FILE 17.16)**

Chris Hamm, President of Orange County Firefighters Local 3631, addressed his support of the Organizational Service Level Assessment, and future recommendations.

On motion of Vice Chair O'Neill and second by Chair Rossini, approved unanimously 17-0 (Directors Hasselbrink, Wagner, Nguyen, Bacerra, Jennings, Patel, Foley and Kim absent) to receive and file the Organizational Service Level Assessment (SLA) update.

### **E. Approval of Annual Statement of Investment Policy, Broker/Dealer List and Investment Authorization (FILE 11.10D)**

Action:

1. Review and approve the submitted Investment Policy of the Orange County Fire Authority, to be effective January 1, 2024.
2. Review and approve the Broker/Dealer list for a term of three years through November 30, 2026.

3. Pursuant to Government Code Sections 53601 and 53607, renew delegation of investment authority to the Treasurer for a one-year period, to be effective January 1, 2024.

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

Action: Approve the amendments to the Personnel & Salary Resolution, Resolution Part 3, Article 1, Section 6(B) – Range Adjustment, to reflect a change in the salary range for the classification of Director of Communications.

**G. Audited Financial Reports for the Fiscal Year Ended June 30, 2023 (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.

**H. Quick Reaction Force (QRF) Program (FILE 18.09D)**

Action:

1. Approve the Funding Agreement with Southern California Edison in the attached form to accept funding in the amount of \$16,007,672 to fund the fixed-cost portion of the 365-day 2024 Quick Reaction Force Program, with the option to renew for the 2025 Program year (pending SCE funding for 2025).
2. Approve and authorize the Purchasing Manager to enter into new QRF-related vendor contracts, in the forms attached by the individual amounts needed in support of the QRF Program so long as the aggregate value does not exceed the program budget (see table).
3. Approve and authorize a FY 2023/24 General Fund (121) budget adjustment to recognize 2024 Program funding from SCE for a revenue increase of \$16,007,672 and to increase appropriations by the same amount. The 2025 Program funding will be reflected in the 2024-25 budget if SCE exercises the option to renew funding.
4. Approve the updated Cost Reimbursement Rate schedule to include the CH-47 Very Large Helitanker, S-61 Helitanker, and S-76 Helitanker daily stand-by and hourly flight rates, and mobile fire-retardant plant daily stand-by and hourly rates, and hourly rates for Program Manager and Air Tactical Group Supervisors to be effective January 1, 2024.
5. 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.
6. Authorize the Fire Chief to approve non-substantive changes to the Agreements in items 1, 2 and 3 above, provided such changes are consistent with the purpose of the

program described herein, do not increase the total cost of the program in either program year, and are in a form approved by General Counsel.

7. All the foregoing approvals and authorizations are conditional upon Consolidated Fire Protection District of Los Angeles County and Ventura County Fire Department approval of funding agreements with SCE for the 2024 Quick Reaction Force Program and related agreements.

**I. Award of Public Works Contract for Fire Station 4 Restroom Remodel & Upgrades (FILE 19.07C4a)**

Actions:

1. Approve the plans and specifications for restroom remodel and upgrades at OCFA Fire Station #4.
2. Accept Blackstone Builders Inc. bid dated September 18, 2023.
3. Approve and award the public works contract to Blackstone Builders, Inc. in the amount of \$1,301,593.

Director Foley arrived at 6:42 p.m.

**3. DISCUSSION CALENDAR**

**A. Wildfire Resource Center (Camp 18) Site Selection (FILE 19.07C87)**

On September 22, 2022, the Board of Directors approved the allocation of \$4.2M in State funding beginning in FY 2022/23 for an expanded Hand Crew program. On November 17, 2022, the Board of Directors approved an amendment to the 5-Year CIP to add \$16.9M in State funding for a new Wildland Resource Center to support the expanded Hand Crew program.

Assistant Chief Jim Ruane presented the Wildfire Resource Center (Camp 18) Site Selection.

Adam Atamian, Community Development Director for the city of San Clemente, thanked the Board for the time to speak, he is available for any questions regarding the development and timeline, and commended staff; they have done great work with the agenda item.

Victoria Hernandez, South Orange County Economic Coalition, spoke in support of the Rancho Mission Viejo site for the Wildfire Resource Center.

Jake Anderson, resident of Ladera Ranch, spoke in favor of the Rancho Mission Viejo site for the Wildfire Resource Center.

Adam Wood, Building Industry Association of Orange County, spoke in favor of the Rancho Mission Viejo site for the development of the Wildfire Resource Center.

Mike Balsamo, Rancho Mission Viejo Company, spoke on the operational advantages for the Wildfire Resource Center in Rancho Mission Viejo as it provides direct access to Ortega Highway, fully entitled site, flat 5-acres, land will be free to OCFA.

Chris Hamm, President, Orange County Firefighters, Local 3631, spoke in support of staffs modified recommendation.

George Boutros, Orange County Business Council, spoke in support of the Rancho Mission Viejo site for the Wildfire Resources Center.

Discussion ensued.

On a friendly amended motion of Director Hatch and second by Director Duncan, approved 18-0 (Directors Hasselbrink, Wagner, Nguyen, Bacerra, Jennings, Patel and Kim absent) staff's recommendation to contract with professional planner for review and recommendation of site and in consultation with civil engineer and to proceed as quickly as possible.

#### **RECESS TO CLOSED SESSION (FILE 11.15)**

General Counsel Kendig reported the Board would adjourn to Closed Session to hear items CS2, CS3, and CS4.

**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

Director Chun left at 7:29 p.m.

**RECONVENE TO OPEN SESSION**

**CLOSED SESSION REPORT (FILE 11.15)**

General Counsel Kendig reported the Board gave direction to its real property negotiators and took no other reportable action.

**3. DISCUSSION CALENDAR (Continued)**

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

General Counsel Kendig stated the Brown Act requires a verbal report whenever there is an amendment that affects a senior official in this agency, thus stated that the recommendation is to approve the Fire Chief's amended and restated employment agreement that would involve an increase in his salary to \$350,000 per year, deletion of the section in his agreement that would automatically increase his salary to ensure it stays five percent above his highest paid subordinate, and future adjustments would be made by amendment negotiated after annual performance reviews.

On motion of Vice Chair O'Neill and second by Director Hernandez the Board of Directors approved 16-0 (Directors Chun, Hasselbrink, Wagner, Nguyen, Bacerra, Jennings, Patel, Nitesh and Kim absent) the Amended and Restated Employment Agreement with the Fire Chief as stated in the recommended action.

Director Bourne left at 8:15 p.m.

**BOARD MEMBER COMMENTS (FILE 11.13)**

Director Lombard thanked Deputy Chief McGovern, the firefighters and staff on behalf of the city of Tustin for everything that has been provided by OCFA the last 10 days regarding the Tustin Hangar Fire.

**ADJOURNMENT** – Chair Rossini adjourned the meeting at 8:20 p.m. The next meeting of the Orange County Fire Authority Board of Directors will be on Thursday, January 25, 2024, at 6:00 p.m.

  
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Maria D. Huizar, CMC  
Clerk of the Authority