

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Special Meeting
Thursday, April 23, 2015
5:30 P.M.

Regional Fire Operations and Training Center Board Room
1 Fire Authority Road
Irvine, CA 92602-0125

CALL TO ORDER

A special meeting of the Orange County Fire Authority Board of Directors was called to order on April 23, 2015, at 5:30 p.m. by Chair Murray.

INVOCATION

Chaplain Emily McColl offered the invocation.

PLEDGE OF ALLEGIANCE

Director Kusumoto led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL

Present: Angelica Amezcua, Santa Ana
Rick Barnett, Villa Park
Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Jeffery Lalloway, Irvine
Joseph Muller, Dana Point
John Perry, San Juan Capistrano
Ed Sachs, Mission Viejo
David Sloan, Seal Beach
Todd Spitzer, County of Orange
Tri Ta, Westminster

Bob Baker, San Clemente
Carol Gamble, Rancho Santa Margarita
Craig Green, Placentia
Gene Hernandez, Yorba Linda
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
Dwight Robinson, Lake Forest
Don Sedgwick, Laguna Hills
David John Shawver, Stanton
Elizabeth Swift, Buena Park

Absent: Lisa Bartlett, County of Orange

Phillip Tsunoda, Aliso Viejo

Also present were:

Fire Chief Jeff Bowman
Assistant Chief Lori Smith
Assistant Chief Mike Schroeder
General Counsel David Kendig
Clerk of the Authority Sherry Wentz

Assistant Chief Lori Zeller
Assistant Chief Dave Thomas
Assistant Chief Brian Young
Human Resources Director Jeremy Hammond
Communications Director Sandy Cooney

PUBLIC COMMENTS – CLOSED SESSION (F: 11.11)

Chair Murray opened the Public Comments for Closed Session items of the meeting. Chair Murray closed the Public Comments portion for Closed Session items of the meeting without any statements from the public.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matters on the Agenda identified as CS1, Conference with Labor Negotiator, and CS2, Conference with Legal Counsel – Existing Litigation.

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiators: Jeremy Hammond, Human Resources Director, and
Peter Brown, Liebert Cassidy Whitmore

Employee Organizations: Orange County Professional Firefighters Association,
Local 3631 and Orange County Fire Authority
Managers' Association

Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Orange County Fire Authority and City of Irvine v All Persons
Interested in the Matter of the Validity of that Second
Amendment to Amended Joint Powers Authority

Case No.: Court of Appeal, Fourth Appellate District, Division Three – Appellate
Case No. G050687

Authority: Government Code Section 54956.9(d)(1)

Chair Murray recessed the meeting to Closed Session at 5:34 p.m.

Director Swift arrived at this point (5:40 p.m.)

Director Sedgwick arrived at this point (5:43 p.m.)

Director Robinson arrived at this point (5:43 p.m.)

Chair Murray reconvened the meeting at 7:00 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel Kendig stated there were no reportable actions.

Director Amezcua arrived at this point (7:05 p.m.)

Minutes

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1. PRESENTATIONS

No items.

PUBLIC COMMENTS – PUBLIC SESSION (F: 11.11)

Patrick Salem, Irvine resident, thanked OCFA paramedics for saving his life and shared the details of the incident.

REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR (F: 11.12)

Chair McCloskey reported at the April 8, 2015, meeting of the Budget and Finance Committee, the Committee voted to receive and file the report regarding the Quarterly Status Update Orange County Employees' Retirement System. Additionally, the Committee reviewed the Monthly Investment Reports and voted to direct staff to place this item on the agenda for the Executive Committee meeting, with the recommendation that the Executive Committee approve the recommended actions. The Committee also reviewed the Credit Card Service Fee Policy and the Organizational Development and Training (ODT) Manager Position and voted to direct staff to place these items on the agenda for the Board of Directors meeting with the recommendation that the Board of Directors approve the recommended actions.

REPORT FROM THE HUMAN RESOURCES COMMITTEE CHAIR (F: 11.12)

Chair Shawver reported the Human Resources Committee did not meet in the month of April; therefore there is nothing to report at this time.

REPORT FROM THE CLAIMS SETTLEMENT COMMITTEE CHAIR (F: 11.12)

Chair Murray reported at its April 16, 2015, meeting, the Claims Settlement Committee considered Worker's Compensation claims for the following claimants: Timothy Murphy, Dave Johnson, and Joletta Belton. There were no reportable actions.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Bowman invited Board Members who had not already attended, to the "Board Day-In-The-Life Demo Day" scheduled for May 9, 2015. He introduced Assistant Chief Dave Thomas who provided an update on the Air Operations Program Enhancements. Fire Chief Bowman additionally announced that Clerk of the Authority Sherry Wentz was a nominee for the City Clerk's Association of California "2015 Clerk of the Year."

2. MINUTES

A. Minutes from March 26, 2015, Regular Board of Directors Meeting (F: 11.06)

On motion of Director Hernandez and second by Director Johnson, the Board voted unanimously to approve the Minutes of the March 26, 2015, meeting, with Chair Murray and Director Muller recorded as abstaining, due to their absence from the meeting.

3. CONSENT CALENDAR

Agenda Item No. 3A was pulled for separate consideration.

A. Credit Card Service Fee Policy (F: 11.10N) (X: 15.09A)

Director Spitzer requested clarification of the cost recovery benefits for the transaction fee.

Assistant Chief Lori Zeller summarized the benefits of the proposed service fee policy.

On motion of Director Swift and second by Vice Chair Hernandez, the Board voted to adopt the proposed Credit Card Fee Policy, with Directors Barnett, Green, Kusumoto, Lalloway, Muller, Perry, Robinson, Sachs, Spitzer, and Ta voting in opposition.

B. Organizational Development and Training (ODT) Manager Position (F: 17.12)

On motion of Vice Chair Hernandez and second by Director Swift, the Board voted unanimously to:

1. Approve and authorize staff to unfreeze and fund the ODT Manager position for the remainder of FY 2014/15.
2. Authorize a budget adjustment in Fund 121 in the amount of \$53,685 to fund the position for the remainder of FY 2014/15.

C. Secured Fire Protection Agreement: Oakcrest Terrace (F: 22.05Ala)

On motion of Vice Chair Hernandez and second by Director Swift, the Board voted unanimously to:

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with Savi Ranch Housing Partners, LP, related to the Oakcrest Terrace residential development in the City of Yorba Linda.
2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange, and furnish the developer a copy of the conformed document within fifteen days of recordation.

4. PUBLIC HEARING(S)

No items.

5. DISCUSSION CALENDAR

A. Orange County Employees Retirement System (OCERS) Pension Plan Opt Out Regulation (17.06)

Director of Human Resources Jeremy Hammond presented the staff report.

On motion of Director Lalloway and second by Director Johnson, the Board voted unanimously to:

1. Make the OCERS regulation on Waiver of Membership applicable to Executive Management employees of the OCFA, allowing any newly-hired, eligible Executive Management employee to waive membership in the OCERS plan that he/she is entitled to by virtue of employment with OCFA in an OCERS-covered position and upon meeting the requirements of the OCERS regulation.
2. Approve and authorize the Fire Chief or his designee to sign the OCERS Employer's Concurrence Waiver of Membership Form.
3. Approve and authorize the Human Resources Department to provide the OCERS Waiver of Membership Form to all newly-hired Executive Management employees to determine whether an employee electing to waive membership is eligible to participate in state or federal programs providing retirement benefits, and to ensure the necessary steps are taken to enroll the employee in any such program.

B. Board Rules of Procedure Amendment: Public Comments and Order of Business (F: 11.03) (X: 11.11)

Assistant Chief Lori Zeller presented the staff report.

Stephen Wontrobski, Mission Viejo resident, spoke in opposition to limiting public comments.

A lengthy discussion ensued.

On motion of Director Spitzer and second by Director Lalloway, the Board approved the proposed Resolution to amend the Board of Directors Rules of Procedure for the Order of Business and declined the proposed amendment to limit public comments. Vice Chair Hernandez voted in opposition.

C. Progress Report for Purchase of Urban Search & Rescue Warehouse (F: 22.05A1a)

Assistant Chief Lori Zeller presented the staff report.

A lengthy discussion ensued which included the question if the Board could consider the item in closed session.

The Board of Directors recessed at 8:13 p.m. to allow General Counsel time to research and provide a response to the Board's closed session request.

The Board of Directors reconvened at 8:27 p.m.

General Counsel David Kendig provided the Board with its options for closed session discussion.

On motion of Director Gamble and second by Director Goedhart, the Board voted to:

1. Accept the due diligence findings and staff's recommendations for upgrades and repairs.
2. Direct staff to proceed in closing escrow for the purchase of the US&R warehouse at 19682 Descartes, Foothill Ranch, California.
3. Direct staff to increase the US&R warehouse project budget by \$1,146,739 in the Fire Stations and Facilities Fund (123) as follows:
 - a. Increase FY 2014/15 appropriations by \$792,491 for acquisition and closing costs.
 - b. Include \$354,248 in the proposed FY 2015/16 budget for completion of necessary tenant improvements (\$223,748) and facility repairs (\$130,500).

Directors Lalloway, Muller, and Spitzer voted in opposition.

D. Approval of Memorandum of Understanding Orange County Professional Firefighters' Association, Local 3631 (F: 17.04B1)

Director of Human Resources Jeremy Hammond presented the staff report.

Stephen Wontrobski, Mission Viejo resident, stated he was opposed to the Memorandum of Understanding.

On motion of Director Goedhart and second by Director Ta, the Board voted unanimously to approve the proposed revisions to the existing MOU between the Orange County Fire Authority and the Orange County Professional Firefighters' Association, effective through October 31, 2015.

E. Service Delivery Enhancements (F: 17.10D)

Assistant Chief Brian Young provided a PowerPoint presentation.

On motion of Vice Chair Hernandez and second by Director Muller, the Board voted unanimously to:

1. Direct staff to include funding for these phase-one enhancements in the proposed FY 2015/16 budget.
2. Direct staff to continue to evaluate and recommend the phase-in of service enhancements, as feasible, at six month intervals.

Director Ta left the meeting at this point (8:49 p.m.)

F. Legislative Update AB 1217 (F: 11.10F4)

Communications and Public Affairs Director Sandy Cooney presented the staff report.

Joe Kerr, Business Agent of the Orange County Professional Firefighters' Association, Local 3631, spoke in favor of AB 1217.

Stephen Wontroski, Mission Viejo resident, spoke in opposition to AB 1217.

On motion of Vice Chair Hernandez and second by Director Shawver, the Board voted to:

1. Adopt the Board's position in opposition to AB 1217.
2. Direct staff to evaluate and develop an outreach strategy to support the Board's position.

Directors Amezcua and Lalloway voted in opposition, Director Spitzer abstained, and Director Ta was absent for the vote.

BOARD MEMBER COMMENTS (F: 11.13)

Director Johnson thanked Division Chief David Steffen for assistance with a recent City of Cypress strategic planning meeting regarding coverage and public safety.


Director Shawver requested an update on the Standards of Coverage Study.

In compliance with AB 1234, Chair Murray reported his attendance at meetings, on behalf of the OCFA, in Washington, D.C. with Congressional leaders Ed Royce, Loretta Sanchez, and Dana Rohrabacher for support of federal funding for Urban Search and Rescue (US&R).

CONTINUED CLOSED SESSION

There was no continued Closed Session.

ADJOURNMENT – Chair Murray adjourned the meeting at 10:11 p.m. The next special meeting of the Orange County Fire Authority Board of Directors is scheduled for May 28, 2015, at 5:30 p.m.



Sherry A.F. Wentz, CMC
Clerk of the Authority