

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Regular Meeting
Thursday, May 26, 2016
6:00 P.M.

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

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on May 26, 2016, at 6:12 p.m. by Chair Hernandez.

INVOCATION

Chaplain Harry Robinson offered the invocation and a moment of silence in memory of the passing of OCFA Director Jerry McCloskey (Laguna Niguel).

Chair Hernandez introduced a brief video presentation in honor and memory of Director McCloskey.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Angelica Amezcua, Santa Ana
Rick Barnett, Villa Park
Carol Gamble, Rancho Santa Margarita
Shelley Hasselbrink, Los Alamitos
Robert Johnson, Cypress
Joseph Muller, Dana Point
Dwight Robinson, Lake Forest
Don Sedgwick, Laguna Hills
David Sloan, Seal Beach
Michele Steggell, La Palma
Tri Ta, Westminster

Robert Baker, San Clemente
Lisa Bartlett, County of Orange
Craig Green, Placentia
Gene Hernandez, Yorba Linda
Jeffrey Lalloway, Irvine
Al Murray, Tustin
Ed Sachs, Mission Viejo
David Shawver, Stanton
Todd Spitzer, County of Orange
Elizabeth Swift, Buena Park

Absent: Noel Hatch, Laguna Woods
Phillip Tsunoda, Aliso Viejo

John Perry, San Juan Capistrano

Also present were:

Fire Chief Jeff Bowman
Assistant Chief Brian Young
Assistant Chief Lori Smith
Clerk of the Authority Sherry Wentz

Assistant Chief Dave Thomas
Assistant Chief Lori Zeller
General Counsel David Kendig
Communications Director Sandy Cooney

PRESENTATIONS

1. Requests for Commendations and Proclamations

On motion of Director Murray and second by Vice Chair Swift, the Board voted unanimously by those present to approve the requests as submitted and make the presentations to those present.

- A. Presentation of Certificate of Achievement to the Business Services Department – Finance Division, Orange County Fire Authority for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR) (F: 11.09B) (X: 17.10F)

Chair Hernandez and Fire Chief Bowman presented Finance Manager Jim Ruane and General Accounting Manager Tammie Pickens with the Certificate of Achievement.

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

Budget and Finance Committee Vice Chair Swift reported at the May 11, 2016, meeting, the Committee received and filed the following reports: Rosenow Spevacek Group, Inc. - Final Property Tax Revenue Projections and the Financial Audit Discussion with Lance, Soll and Lunghard. The Committee reviewed and voted unanimously to send the Monthly Investment Reports and the 3rd Quarter Financial Newsletter to the Executive Committee for its approval, and send the Review of the Fiscal Year 2016/17 Proposed Budget, and the Fiscal Year 2014/15 Backfill/Overtime and Calendar Year 2015 Total Earnings/Compensation Analysis to the Board of Directors for its approval.

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

Human Resources Committee Chair Shawver reported at the May 3, 2016, meeting, the Committee received and filed the EthicsPoint Hotline Annual Report. The Committee reviewed and voted unanimously to send the consideration of the Award of RFP #JA2059 for Pre-employment and Internal Affairs Investigative Services to the Executive Committee for its approval and Coverage of Volunteers under the OCFA Self-Insured Workers' Compensation Program to the Board of Directors for its approval. The Committee also received an update on recruitments for sworn and non-sworn personnel and status reports for Academies 42 and 43.

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

Claims Settlement Committee Chair Hernandez reported the Claims Settlement Committee considered Workers' Compensation claims for claimants Mark Danielson, Paul Keim, Ed Hardy, and Gregory Hennessey. There were no reportable actions.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Jeff Bowman deferred his report to a future meeting.

PUBLIC COMMENTS – PUBLIC SESSION (F: 11.11)

Using the Chair's discretion, Chair Hernandez combined the Public and Closed Session Comments portion of the meeting to be heard at this time.

Stephen Wontrobski, Mission Viejo resident, commented on Fire Chief Bowman's letter to the editor of the Orange County Register, the Unfunded Actuarial Accrued Liability, labor negotiations, and employee total compensation.

The following representatives of the Orange County Professional Firefighters Association, Local 3631, provided comments on on-going labor negotiations:

Ray Geagan, Local 3631 President

John Biegler, Tustin resident/OCFA Firefighter

Buddy Brown, OCFA Firefighter

Justin Hinds, OCFA Firefighter

Jeff Hubert, Los Alamitos resident/OCFA firefighter

Andrew Bailey, San Clemente resident/OCFA Firefighter

Matt Schuetz, Laguna Niguel resident/OCFA Firefighter

Brad Burns, Yorba Linda resident/OCFA Firefighter

Dominic Cacioppo, OCFA Firefighter

Hiddo Horlings, Local 3631 Lead Labor Negotiator/Dana Point resident

Director Amezcua arrived at this point (6:51 p.m.)

2. MINUTES

A. Minutes from the April 28, 2016, Regular Board of Directors Meeting (F: 11.06)

On motion of Director Shawver and second by Director Johnson, the Board of Directors voted unanimously by those present to approve the April 28, 2016, Regular Board of Directors Minutes, as submitted.

Directors Barnett, Gamble, Muller, and Murray were recorded as abstentions, due to their absence from the meeting.

3. CONSENT CALENDAR

A. Proposed Purchasing Ordinance – Second Reading (F: 11.10H) (X: 11.08)

On motion of Director Murray and second by Director Shawver, the Board of Directors voted unanimously by those present to:

1. Waive the full reading of the proposed Ordinance.
2. Adopt and read by title only proposed Ordinance No. 008 entitled AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY REPEALING ORDINANCE NO. 006 AND ORDINANCE NO. 007 AND ESTABLISHING THE PURCHASING RULES AND PROCEDURES OF THE ORANGE COUNTY FIRE AUTHORITY.

B. Coverage of Volunteers under the OCFA Self-Insured Workers' Compensation Program (F:18.10A2) (X: 17.11)

On motion of Director Murray and second by Director Shawver, the Board of Directors voted unanimously by those present to:

1. Rescind Resolution No. 2012-08 in its entirety.
2. Adopt Resolution No. 2016-03 entitled: A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE INCLUSION OF VOLUNTEERS WITHIN ITS WORKERS' COMPENSATION INSURANCE PROGRAM.

C. Secured Fire Protection Agreement for Public Storage (Irvine) (F: 18.14)

On motion of Director Murray and second by Director Shawver, the Board of Directors voted unanimously by those present to:

1. Approve and authorize the Fire Chief or his designee to execute Secured Fire Protection Agreement with PS Southern California One related to the Public Storage Project, Irvine.
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)

A. Review and Approval of the Fiscal Year 2016/17 Proposed Budget (F: 15.04)

Assistant Chief Lori Zeller presented the Fiscal Year 2016/17 Proposed Budget.

Chair Hernandez opened the Public Hearing for public comment. Hearing no comments, Chair Hernandez closed the public portion of the Public Hearing.

On motion of Director Johnson and second by Director Muller, the Board of Directors voted unanimously by those present to:

1. Conduct the Public Hearing.
2. Adopt the submitted FY 2016/17 Proposed Budget.
3. Adopt proposed Resolution No. 2016-04 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ADOPTING AND APPROVING THE APPROPRIATIONS BUDGET FOR THE ORANGE COUNTY FIRE AUTHORITY FOR FISCAL YEAR 2016/17.
4. Approve and authorize the temporary transfer of up to \$45.6 million to the General Fund (Fund 121) from the following Capital Improvement Program (CIP) Funds to cover a projected temporary cash flow shortfall for FY 2016/17 due to timing differences between the receipt of tax revenues and the payment of expenditures:
 - Fund 123 Fire Stations and Facilities - \$14.0 million
 - Fund 124 Communications and Information Systems - \$13.3 million
 - Fund 133 Fire Apparatus - \$18.3 million
5. Approve and authorize the repayment of \$45.6 million borrowed funds from Fund 121 to the above CIP Funds, along with interest, when General Fund revenues become available in FY 2016/17.
6. Approve and authorize a FY 2015/16 budget adjustment to increase General Fund revenues by \$266,787 and decrease appropriations by \$8,033,620.

5. DISCUSSION CALENDAR

A. Fiscal Year 2014/15 Backfill/Overtime and Calendar Year 2015 Total Earnings/Compensation Analysis (F: 15.11)

Finance Manager Jim Ruane presented a PowerPoint presentation and overview of the Backfill/Overtime and Calendar Year 2015 Total Earnings/Compensation Analysis.

Stephen Wontrobski, Mission Viejo resident, addressed discretionary overtime and backfilling with reserves.

On motion of Director Ta and second by Director Amezcua, the Board of Directors voted unanimously by those present to:

1. Direct staff to continue working towards an ability to fill permanent vacancies (exceeding those required by MOU) as quickly as possible after the positions become vacant.
2. Direct staff to continue using overtime to fill temporary vacancies rather than hiring additional personnel, recognizing this as a cost-effective practice for temporary needs.

B. 2016 Equity Ad Hoc Committee (F: 12.03E4)

Fire Chief Jeff Bowman deferred to Chair Hernandez to present the 2016 Equity Ad Hoc Committee agenda item for discussion.

Stephen Wontrobski, Mission Viejo resident, spoke in opposition to the Equity Ad Hoc Committee.

Board discussion ensued.

On motion of Director Gamble and second by Director Barnett, the Board of Directors voted unanimously by those present to rescind the formation of a 2016 Equity Ad Hoc Committee, noting it is at the discretion of the two agencies, County of Orange and City of Irvine to deliberate the issue of equity, and, when appropriate, present proposed options to the Board of Directors.

BOARD MEMBER COMMENTS (F: 11.13)

Director Muller recognized Captain Eric Gafner, Engineer Jason Jones, Firefighters Jonah Mesritz, and Brian Raymond of Fire Station 29, whose quick response at the Whale Watching Parade saved a spectator in cardiac arrest.

Director Gamble recognized both Deputy Fire Marshal Jennifer Bower and Assistant Fire Marshal Eric Evans, who provided plan check assistance quickly and with great professionalism.

Director Sloan commended Seal Beach firefighters for their unified command with other agencies to combat the recent Seal Beach pier fire.

Director Murray commented on the progress of Senate Bill 2971; the National Urban Search and Rescue Response System Act of 2016.

Chair Hernandez reported attending the graduation of Firefighter Academy 42 with Vice Chair Swift, Directors McCloskey, Hasselbrink, Steggell, and noted Director Bartlett delivered the keynote speech.

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, CS2, Conference with Labor Negotiator, and CS3, Conference with Legal Counsel – Anticipated Litigation.

Chair Hernandez recessed the meeting to Closed Session at 8:35 p.m.

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiator: Peter Brown, Liebert Cassidy Whitmore

Employee Organizations: Orange County Professional Firefighters' Association,
Local 3631 and Chief Officers Association

Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiator: Fire Chief Jeff Bowman
Employee Organizations: Unrepresented Employees
Authority: Government Code Section 54957.6

CS3. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(b) – Significant Exposure to Litigation (2 cases)

Director Spitzer arrived at this point (8:45 p.m.).

Chair Hernandez reconvened the meeting at 9:35 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

ADJOURNMENT – Chair Hernandez adjourned the meeting in the memory of OCFA Director Jerry McCloskey who passed away on Tuesday, May 24, 2016. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, June 23, 2016, at 6:00 p.m.



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