



# ORANGE COUNTY FIRE AUTHORITY

## AGENDA

**BOARD OF DIRECTORS REGULAR MEETING**  
**Thursday, September 22, 2016**  
**6:00 P.M.**

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

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>

If you wish to speak before the Fire Authority Board, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to being heard before the Board. Speaker Forms are available at the counters of both entryways of the Board Room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040.

### **CALL TO ORDER**

**INVOCATION** by OCFA Chaplain Robert Benoun

**PLEDGE OF ALLEGIANCE** by Director Gamble

### **ROLL CALL**

## **PRESENTATIONS**

### **1. Requests for Commendations and Proclamations**

Submitted by: Sherry Wentz, Clerk of the Authority

- A. Recognition of OCFA's Purchasing Division as recipient of the National Procurement Institute's 2016 Annual Achievement of Excellence in Procurement Award.

Recommended Action:

Approve request as submitted and make presentations to those present.

## **REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR**

## **REPORT FROM THE CLAIMS SETTLEMENT COMMITTEE CHAIR**

## **REPORT FROM THE FIRE CHIEF**

- State Wildland Fires Update (Thomas)
- USAR Warehouse Status Report (Schroeder)
- Update on Deployment Demonstration (Thomas)

## **PUBLIC COMMENTS**

Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Board on items within the Board's subject matter jurisdiction but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Board as a whole, and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience.

The Agenda and Minutes are now available through the Internet at [www.ocfa.org](http://www.ocfa.org). You can access upcoming agendas on the Monday before the meeting. The minutes are the official record of the meeting and are scheduled for approval at the next regular Board of Directors meeting.

### **2. MINUTES**

- A. Minutes from the August 25, 2016, Regular Board of Directors Meeting (A) and September 1, 2016, Special Board of Directors Meeting (B)

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Action:

Approve as submitted.

### 3. CONSENT CALENDAR

#### A. Carry-over of FY 2015/16 Uncompleted Projects

Submitted by: Lori Zeller, Assistant Chief/Business Services Department

**Budget and Finance Committee Recommendation: *APPROVE***

Recommended Action:

Authorize the following FY 2016/17 budget adjustments, which are funded from unexpended fund balance available from FY 2015/16:

	<b>Fund</b>	<b>Increase Revenue</b>	<b>Increase Appropriations</b>	<b>Appropriate Fund Balance</b>
121	General Fund	\$686,889	\$1,356,822	\$669,933
12110	General Fund CIP	0	4,168,410	4,168,410
123	Fire Stations and Facilities	0	738,686	738,686
124	Comm. and Info. Systems	0	1,609,482	1,609,482
133	Fire Apparatus	0	7,175,845	7,175,845
	Totals	\$686,889	\$15,049,245	\$14,362,356

#### B. Adoption of Revised Conflict of Interest Code

Submitted by: Lori Zeller, Assistant Chief/Business Services Department

Recommended Action:

Adopt the proposed Resolution entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED revising the Conflict of Interest Code, and direct the Clerk of the Authority to submit the adopted Resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval.

#### C. 100' Tractor Drawn Aerials (Quints FY 2016/17 Budget Adjustment

Submitted by: Mike Schroeder, Assistant Chief/Support Services Department

Recommended Action:

Direct staff to increase appropriations in the amount of \$2,759,368 in the Vehicle Replacement Fund (Fund 133).

#### D. Award of Public Works Contract for Upgrade of Emergency Power Distribution at the Regional Fire Operations and Training Center

Submitted by: Mike Schroeder, Assistant Chief/Support Services Department

Recommended Actions:

1. Find the project is categorically exempt from the California Environmental Quality Act.
2. Approve the plans and specifications for the emergency power upgrade at the Regional Fire Operations and Training Center.
3. Approve and award the public works contract to GA Technical Services Inc. in the amount of \$372,324.
4. Authorize a 10% (\$37,232) allowance for contingency.

**END OF CONSENT CALENDAR**

**4. PUBLIC HEARING(S)**

No items.

**CLOSED SESSION****CS1. CONFERENCE WITH LABOR NEGOTIATOR**

Agency Designated Representatives: Board Chair Gene Hernandez, Board Vice Chair Beth Swift, Budget, Immediate Past Board Chair Al Murray, and Finance Committee Chair Ed Sachs

Unrepresented Employee: Fire Chief

Authority: Government Code Section 54957.6

**CLOSED SESSION REPORT****5. DISCUSSION CALENDAR****A. Amendment to Employment Agreement with Fire Chief Jeff Bowman**

Submitted by: Brian Young, Interim Director/Human Resources Department

Recommended Actions:

Approve an amendment to the employment agreement with Fire Chief Jeff Bowman.

**B. Request by Director Barnett: Pension Termination Liability Estimate, Pension Liability Data Extract, Pension Reform Committee, & Pre-Retirement Workers' Compensation Data**

Submitted by: OCFA Director Rick Barnett

Recommended Actions:

Vote individually on each of the following requests from Director Barnett:

1. Request OCERS to calculate the estimated "pension termination liability" that OCERS would accrue or bill to OCFA if OCFA terminated future enrollment in OCERS.
2. Request OCERS to program an OCFA individualized actuarial data extract report from its information system for provision of data to an external party coordinated by Director Barnett.
3. Consider establishing an OCFA Pension Reform Ad Hoc Committee.
4. Direct OCFA staff to analyze and prepare a special report summarizing how many workers' compensation claims were filed within one year before the claimant's retirement date, with the special report to analyze three years of historical data.

**BOARD MEMBER COMMENTS**

**ADJOURNMENT** - The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, October 27, 2016, at 6:00 p.m.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby, front gate public display case, and website of the Orange County Fire Authority, Regional Fire Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 15<sup>th</sup> day of September 2016.

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

**UPCOMING MEETINGS:**

Human Resources Committee Meeting	Tuesday, October 4, 2016, 12 noon
Budget and Finance Committee Meeting	Wednesday, October 12, 2016, 12 noon
Claims Settlement Committee Meeting	Thursday, October 27, 2016, 5:00 p.m.
Executive Committee Meeting	Thursday, October 27, 2016, 5:30 p.m.
Board of Directors Meeting	Thursday, October 27, 2016, 6:00 p.m.

**AGENDA ITEM NO. 1A**

There are no supportive materials  
for Presentation Item No. 1A

**From:** Thomas, David  
**Sent:** Wednesday, September 21, 2016 4:23 PM  
**To:** Division Chiefs; Battalion Chiefs; Ops/Dept  
**Cc:** RFOTC Distribution Group; Adam Loeser; Duncan, Chip; Coppolino, Tony; Eric Engberg; Jason Pyle; Jeff Spargur; Russell, Pat; Robert Stefano; Rusty Coffelt; Tom Christopher  
**Subject:** Weekend Weather and Staffing

A fire weather watch has been issued for the Santa Ana Mountains starting on Friday. The following resources will be up-staffed starting Friday in anticipation of the off-shore wind event:

- Santiago Crew
- Second helicopter (firefighting mission)
- Dozer (24-hours at the discretion of the Pre-Fire Management Chief)

### **Situation**

#### **CALFIRE Activity**

- Soberanes – Monterey County – 123K ac @ 71%
- Canyon – Santa Barbara County – 12K ac @ 50%
- CSR Staffing Pattern – early up on fixed wing at Hollister and Porterville AAB

#### **ORC Resources Committed**

- 1400F – P30, P48, P57, P32, BC Roberts & Morganstern (No Needs, anticipate 14-day assignment)
- 1401C - E315, E347, 353, 358, 307, BC Henery & Levesque
- 6 overhead

#### **Weather**

- WINDS NORTH TO NORTHEAST 25 TO 30 MPH WITH GUSTS TO 45 MPH THROUGH AND BELOW THE CAJON PASS AS WELL AS THE SANTA ANA MOUNTAINS FOR FRIDAY. FOR THE REMAINDER OF THE WEEKEND...NORTHEAST WINDS 10 TO 20 MPH WITH GUSTS TO 35 MPH.
- HUMIDITY...10 TO 15 PERCENT.
- Santa Ana Wind Threat Index (SAWTI)
  - Thu, Fri, & Sat – no rating
  - Sun & Mon – marginal – NE 15-30 MPH w/RH in single digits and teens

#### **Watershed Dispatch Level**

- MEDIUM and moving to a HIGH as the weekend approaches

## Resources

### Available

- 2 helicopters staffed (starting Friday, September 23)
- Santiago Crew staffed (starting Friday, September 23)
- Dozer (24-hour starting Friday, September 23)
- Water Tender – W7, W16, W20, W32, W41
- Type III – E318, E339, E345, E350, E355, E356
- Patrol/Type VI - P11, P14, P16, P18, P26, P32
  
- Type III (MetroNet) – LAB E302, BRE E322, BRE E324, ORG E307, ANA E301, ANAE310
- OES (MetroNet) – OES E284 (FVY), OES E301 (ANA), OES E302 (GGV), OES E313 (LAB), OES E303 (HTB)

### Support

- Incident Manage Team – IC Roberts
- Command Center – BC Johnson
- Department Operations Center – FC Horlings
- County EOC – BC Stone
- Duty Chief – DC Anderson
- Division Chief - DC Steffen
- Weather – Pete Curran
- Service Center - ready
- Automotive - ready



CAZ248-257-220545-

/O.NEW.KSGX.FW.A.0006.160923T1400Z-160925T2000Z/

SAN BERNARDINO AND RIVERSIDE COUNTY VALLEYS - THE INLAND EMPIRE-  
SANTA ANA MOUNTAINS-

INCLUDING THE TRABUCO RANGER DISTRICT OF THE CLEVELAND NATIONAL  
FOREST-

231 PM PDT WED SEP 21 2016

...FIRE WEATHER WATCH IN EFFECT FROM FRIDAY MORNING THROUGH  
SUNDAY AFTERNOON FOR STRONG GUSTY WINDS AND LOW HUMIDITIES FOR  
THE  
INLAND EMPIRE AND SANTA ANA MOUNTAINS...

THE NATIONAL WEATHER SERVICE IN SAN DIEGO HAS ISSUED A FIRE  
WEATHER WATCH...WHICH IS IN EFFECT FROM FRIDAY MORNING THROUGH  
SUNDAY AFTERNOON.

\* WIND...NORTH TO NORTHEAST 25 TO 30 MPH WITH GUSTS TO 45 MPH  
THROUGH AND BELOW THE CAJON PASS AS WELL AS THE SANTA ANA  
MOUNTAINS FOR FRIDAY. FOR THE REMAINDER OF THE  
WEEKEND...NORTHEAST WINDS 10 TO 20 MPH WITH GUSTS TO 35 MPH.

\* HUMIDITY...10 TO 15 PERCENT.

\* TIMING...FRIDAY MORNING THROUGH SUNDAY AFTERNOON.

\* IMPACTS...ANY FIRES THAT DEVELOP WILL LIKELY SPREAD RAPIDLY.  
OUTDOOR BURNING IS NOT RECOMMENDED.

PRECAUTIONARY/PREPAREDNESS ACTIONS...

A FIRE WEATHER WATCH MEANS THAT CRITICAL FIRE WEATHER CONDITIONS  
ARE FORECAST TO OCCUR. LISTEN FOR LATER FORECASTS AND POSSIBLE  
RED FLAG WARNINGS.

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# **MINUTES ORANGE COUNTY FIRE AUTHORITY**

**Board of Directors Regular Meeting  
Thursday, August 25, 2016  
6:00 P.M.**

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

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## **CALL TO ORDER**

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on August 25, 2016, at 6:00 p.m. by Chair Hernandez.

## **INVOCATION**

Chaplain Jim Gwaltney offered the invocation.

## **PLEDGE OF ALLEGIANCE**

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

## **ROLL CALL**

Robert Baker, San Clemente  
Lisa Bartlett, County of Orange  
Carol Gamble, Rancho Santa Margarita  
Shelley Hasselbrink, Los Alamitos  
Gene Hernandez, Yorba Linda  
Jeffrey Lalloway, Irvine  
John Perry, San Juan Capistrano  
Ed Sachs, Mission Viejo  
Don Sedgwick, Laguna Hills  
David Sloan, Seal Beach  
Michele Steggell, La Palma  
Tri Ta, Westminster

Rick Barnett, Villa Park  
Laurie Davies, Laguna Niguel  
Craig Green, Placentia  
Noel Hatch, Laguna Woods  
Robert Johnson, Cypress  
Joseph Muller, Dana Point  
Dwight Robinson, Lake Forest  
Vicente Sarmiento, Santa Ana  
David Shawver, Stanton  
Todd Spitzer, County of Orange  
Elizabeth Swift, Buena Park  
Phillip Tsunoda, Aliso Viejo

**Absent:** Al Murray, Tustin

## **Also present were:**

Fire Chief Jeff Bowman  
Assistant Chief Brian Young  
Assistant Chief Lori Smith  
Communications Director Sandy Cooney

Assistant Chief Dave Thomas  
Assistant Chief Lori Zeller  
General Counsel David Kendig  
Clerk of the Authority Sherry Wentz

## **PRESENTATIONS**

### **1. Requests for Commendations and Proclamations (X: 11.09)**

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

- A. Chair Hernandez and Fire Chief Bowman presented a plaque to former Santa Ana OCFA Director Angelica Amezcua for her service on the Board of Directors. (F: 11.02)
- B. Chair Hernandez introduced Division Chief Greg McKeown who provided a brief history of the OCFA Fire Explorer Academy. OCFA Foundation Chair Doug Davert received a donation in the amount of \$8,000 from Anna and Jim Woyjeck from the Kevin Woyjeck Foundation. (F: 13.03F4)

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

No report, due to the cancellation of the June meeting.

### **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 Carl Henriksen, Durand Swansen, Mark Menier, and Richard Witesman; there were no reportable actions.

### **REPORT FROM THE FIRE CHIEF (F: 11.14)**

Fire Chief Jeff Bowman introduced Assistant Chief Dave Thomas who provided a wildland fire update, summarized briefings on fire behavior, and his attendance at a recent CAL Office of Emergency Services meeting.

Fire Chief Bowman presented his FY 2016/17 Strategic Plan Domain Objectives and Performance Measures.

### **PUBLIC COMMENTS (F: 11.11)**

Stephen Wontrobowski, Mission Viejo resident, addressed his opposing views regarding: the Unfunded Actuarial Accrued Liability (UAAL), OCERS pension liability obligation on member cities, and the proposed labor contracts.

## **2. MINUTES**

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

On motion of Director Johnson and second by Director Sachs, the Board of Directors voted unanimously by those present to approve the Minutes as submitted. Director Barnett was recorded as an abstention, due to his absence from the meeting.

## **3. CONSENT CALENDAR (Agenda Item 3A was pulled for separate consideration)**

### **A. Acceptance of 2016 Department of Homeland Security/Federal Emergency Management Agency's Urban Search & Rescue Readiness Cooperative Agreement Funding (F: 16.02B)**

Director Sachs pulled this item from the Consent Calendar to request staff to provide an update regarding the status of Urban Search and Rescue warehouse.

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

1. Approve and adopt Resolution No. 2016-06 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY ACCEPTING THE FEMA NATIONAL URBAN SEARCH AND RESCUE (US&R) PROGRAM COOPERATIVE AGREEMENT TO PURCHASE US&R EQUIPMENT AND SUPPLIES, MAINTENANCE AND REPAIR OF US&R EQUIPMENT, TRAINING AND PROGRAM ADMINISTRATION.
2. Direct staff to increase revenue and appropriations in the amount of \$1,235,582 in the General Fund (Fund 121).

Director Ta arrived at this point (6:40 p.m.).

### **B. Secured Fire Protection Agreement with Sanderson J. Ray Jamboree Apartments, LLC (Irvine) (F: 18.14)**

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

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with Sanderson J. Ray Jamboree Apartments, LLC, as related to the Main and Jamboree Apartments Project in 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 documents within fifteen days of recordation.

Director Tsunoda arrived at this point (6:56 p.m.).

**4. PUBLIC HEARING(S)**

No items.

**5. DISCUSSION CALENDAR**

No items.

**BOARD MEMBER COMMENTS (F: 11.13)**

Director Spitzer addressed pension liability comments made during the meeting. He noted the County and Yorba Linda ambulance providers offer CPR courses to the public. He requested staff poll OCFA's member agencies to determine who else offers these types of CPR programs.

Director Barnett addressed concerns of pension liabilities and requested the following subjects be agendaized for future consideration: OCERS true termination pension liability, an OCFA actuarial data extract report, consideration of an Ad Hoc Pension Reform Committee, and have staff provide a summary of the number of workers' compensation claims filed within one year before the claimant's retirement date; to include three year historical data. (F: 11.13A)

Chair Hernandez announced the upcoming Deployment Demonstrations for those directors who were unable to attend prior demonstrations, an upcoming Board training opportunity by former Navy Seal Jacko Willink, the annual Benevolent Fall Festival Event on October 2, and the upcoming Special Board meeting on September 1.

**PUBLIC COMMENTS - CLOSED SESSION (F: 11.11)**

Stephen Wontrobski, Mission Viejo resident, addressed Closed Session Item No. 2, remarking on the Fire Chief's performance.

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matters on the Agenda identified as CS1, Threat to Public Services or Facilities; CS2, Public Employee Performance Evaluation; and CS3, Conference with Legal Counsel – Anticipated Litigation.

Chair Hernandez recessed the meeting to Closed Session at 7:10 p.m.

**CS1. THREAT TO PUBLIC SERVICES OR FACILITIES**

Authority: Government Code Section 54957(a)

Consultation with Irvine Police Department Lieutenant and Sergeant

**CS2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Position: Fire Chief

Authority: Government Code Section 54957(b)(1)

**CS3. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION**

Authority: Government Code Section 54956.9(c) – Initiation of Litigation (1 case)

Chair Hernandez reconvened the meeting at 8:57 p.m.

**CLOSED SESSION REPORT (F: 11.15)**

General Counsel David Kendig reported that the Board conducted the performance evaluation of the Fire Chief and that there were no additional reportable actions.

**ADJOURNMENT** – Chair Hernandez adjourned the meeting at 8:58 p.m. to the special meeting of the Orange County Fire Authority Board of Directors scheduled for Thursday, September 1, 2016, at 6:00 p.m.

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

# **MINUTES ORANGE COUNTY FIRE AUTHORITY**

**Board of Directors Special Meeting  
Thursday, September 1, 2016  
6:00 P.M.**

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

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## **CALL TO ORDER**

A special meeting of the Orange County Fire Authority Board of Directors was called to order on September 1, 2016, at 6:00 p.m. by Chair Hernandez.

## **INVOCATION**

Senior Chaplain Dave Keehn offered the invocation.

## **PLEDGE OF ALLEGIANCE**

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

## **ROLL CALL**

Robert Baker, San Clemente  
Lisa Bartlett, County of Orange  
Shelley Hasselbrink, Los Alamitos  
Robert Johnson, Cypress  
Al Murray, Tustin  
Dwight Robinson, Lake Forest  
Vicente Sarmiento, Santa Ana  
David Shawver, Stanton  
Todd Spitzer, County of Orange  
Elizabeth Swift, Buena Park  
Phillip Tsunoda, Aliso Viejo

Rick Barnett, Villa Park  
Craig Green, Placentia  
Gene Hernandez, Yorba Linda  
Joseph Muller, Dana Point  
John Perry, San Juan Capistrano  
Ed Sachs, Mission Viejo  
Don Sedgwick, Laguna Hills  
David Sloan, Seal Beach  
Michele Steggell, La Palma  
Tri Ta, Westminster

**Absent:** Laurie Davies, Laguna Niguel  
Noel Hatch, Laguna Woods

Carol Gamble, Rancho Santa Margarita  
Jeffrey Lalloway, Irvine

## **Also present were:**

Fire Chief Jeff Bowman  
Assistant Chief Brian Young  
Assistant Chief Lori Zeller  
General Counsel David Kendig  
Clerk of the Authority Sherry Wentz

Assistant Chief Dave Thomas  
Assistant Chief Mike Schroeder  
Assistant Chief Lori Smith  
Communications Director Sandy Cooney

## **PRESENTATIONS**

No items.

## **REPORTS**

No items.

## **PUBLIC COMMENTS (F: 11.11)**

Stephen Wontrobski, Mission Viejo resident, spoke in opposition to Closed Session Item No. 1; his support of labor negotiation reform; his opposition to the existing labor negotiator; and the need for pension reform.

Ray Geagan, President Orange County Professional Firefighters' Association Local 3631, spoke in support of the Closed Session Item No. 1.

## **CLOSED SESSION (F: 11.15)**

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS1, Conference with Labor Negotiator.

Chair Hernandez recessed the meeting to Closed Session at 6:13 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

Chair Hernandez reconvened the meeting at 6:42 p.m.

## **CLOSED SESSION REPORT (F: 11.15)**

General Counsel David Kendig stated there was no reportable action.

### **2. MINUTES**

No items.

### **3. CONSENT CALENDAR**

No items.



**4. PUBLIC HEARING(S)**

No items.

**5. DISCUSSION CALENDAR**

**A. Approval of Memorandum of Understanding – Orange County Professional Firefighters Association**

Assistant Chief Brian Young introduced the staff report.

Stephen Wontrobski, Mission Viejo resident, spoke in opposition to the contract.

On motion of Director Murray and second by Director Shawver, the Board of Directors voted by those present to approve the proposed Memorandum of Understanding between the Orange County Fire Authority and the Orange County Professional Firefighters Association for a term of September 1, 2016, to August 31, 2020. Director Barnett voted in opposition.

**B. Approval of Memorandum of Understanding – Language Amendments Chief Officers Association**

Assistant Chief Brian Young introduced the staff report.

On motion of Vice Chair Swift and second by Director Shawver, the Board of Directors voted unanimously by those present to approve the proposed non-economic language amendments to the existing Memorandum of Understanding between the Orange County Fire Authority and the Chief Officers Association.

**BOARD MEMBER COMMENTS (F: 11.13)**

Director Spitzer commented to the upcoming events taking place in remembrance of 9-11. He suggested the Board initiate a resolution memorializing the event and the protocol for future planned events, if a prior resolution was not already in place.

Director Murray praised Fire Station 21 for stepping beyond its call to a patient experiencing low blood sugar by preparing the patient breakfast and ensuring their safety before leaving the home. He noted the city of Tustin will have an event honoring the victims of 9-11.

Director Baker stated he supports formalizing a resolution to honor those of 9-11. Speaking as a former airline pilot, he would encourage attendance at the various fire stations on September 11.

Director Barnett noted the annual sponsorship of Camp Pendleton Marines by Villa Park residences will occur at Thanksgiving. He commented his son-in-law who is a firefighter, parachuted in to help fight a fire on his birthday. He asked how many firefighters were injured in a recent local fire.

Assistant Chief of Operations Dave Thomas reported four firefighters injured during this incident that took place in the Cleveland National Forest. Routinely, the US Forest Service (USFS manages and protects 154 national forests and 20 grasslands in 44 states and Puerto Rico) oversees incidents occurring in the forest: however, due to all ongoing wildfire activity the USFS reached out to the OCFA to oversee this fire's incident command. OCFA was commended by the USFS for OCFA's oversight of the incident team that supported over 400 firefighters. It was also noted that the air operations program made a direct contribution in helping to save the injured firefighter's lives on this incident.

**ADJOURNMENT** – Chair Hernandez adjourned the meeting at 7:18 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, September 22, 2016, at 6:00 p.m.

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



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
September 22, 2016

Agenda Item No. 3A  
Consent Calendar

**Carry-over of FY 2015/16 Uncompleted Projects**

**Contact(s) for Further Information**

Lori Zeller, Assistant Chief Business Services Department	<a href="mailto:lorizeller@ocfa.org">lorizeller@ocfa.org</a>	714.573.6020
Tricia Jakubiak, Treasurer	<a href="mailto:triciajakubiak@ocfa.org">triciajakubiak@ocfa.org</a>	714.573.6301
Deborah Gunderson, Budget Manager	<a href="mailto:deborahgunderson@ocfa.org">deborahgunderson@ocfa.org</a>	714.573.6302

**Summary**

This routine annual agenda item is submitted for approval to carry-over various projects, grants, and unexpended funds that were not used in FY 2015/16 and require carry-over to FY 2016/17.

**Prior Board/Committee Action – Committee Recommendation: *APPROVE***

At its regular September 14, 2016, meeting, the Budget and Finance Committee reviewed and unanimously recommended approval of this item.

**RECOMMENDED ACTION(S)**

Authorize the following FY 2016/17 budget adjustments, which are funded from unexpended fund balance available from FY 2015/16:

Fund		Increase Revenue	Increase Appropriations	Appropriate Fund Balance
121	General Fund	\$686,889	\$1,356,822	\$669,933
12110	General Fund CIP	0	4,168,410	4,168,410
123	Fire Stations and Facilities	0	738,686	738,686
124	Comm. and Info. Systems	0	1,609,482	1,609,482
133	Fire Apparatus	0	7,175,845	7,175,845
Totals		\$686,889	\$15,049,245	\$14,362,356

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Approval of the requested carry-over funds will increase appropriations in the General and CIP funds commensurate with equivalent amounts of unexpended fund balance from FY 2015/16.

**Background**

This annual carry-over request includes projects in the General and CIP funds, as detailed in the attachment. Due to the complexity and size of some of the projects and the time required to complete others, not all projects were completed in FY 2015/16; therefore, staff is recommending appropriations for these projects be carried over to FY 2016/17 so the projects can be completed. **This is simply a timing change of planned expenditures, and does not reflect an overall**

**increase**, with one exception. The appropriation for Fleet Services & Supplies (S&S) is a correction to the FY 2016/17 budget due to an inadvertent omission during budget development. FY 2016/17 fund balance will need to be appropriated commensurate with the un-expended portion of fund balance from FY 2015/16.

**Attachment(s)**

List of Carry-over Line Items from FY 2015/16 to FY 2016/17

**ORANGE COUNTY FIRE AUTHORITY**  
**Carry-over Line Items from FY 2015/16 to FY 2016/17**

Attachment

<b>Fund#</b>	<b>Description</b>	<b>Revenue Carry-over</b>	<b>Expenditure Carry-over</b>	<b>Appropriate Fund Balance</b>
<b>Fund 121 - General Fund</b>				
121	2015 UASI Grant	\$43,814	\$43,814	\$0
121	Emergency Preparedness Academy		2,580	2,580
121	2015 US&R Grant	599,075	532,360	(66,715)
121	800 MHz Partnership costs		548,089	548,089
121	State Lobbying services funding		80,000	80,000
121	Sunscreen and dispenser systems		12,500	12,500
121	Washer/Extractor for Service Center		13,000	13,000
121	Evaluation of Print environment		11,500	11,500
121	CalFire Fire Prevention Grant	44,000	44,000	0
121	Fleet Services S&S		68,979	68,979
		686,889	1,356,822	669,933
12110	Defibrillator replacements		3,835,000	3,835,000
12110	Mobile Data Computers (P303)		152,577	152,577
12110	Fire Station Phones/Alarms/Sound (P334)		111,742	111,742
12110	Network/Servers/Security (P337)		69,091	69,091
		-	4,168,410	4,168,410
<b>Total: Fund 121</b>		<b>686,889</b>	<b>5,525,232</b>	<b>4,838,343</b>
<b>Fund 123 - Fire Stations and Facilities</b>				
123	RFOTC Emergency Power Extension		499,931	499,931
123	US&R Warehouse Improvement		238,755	238,755
<b>Total: Fund 123</b>		<b>-</b>	<b>738,686</b>	<b>738,686</b>
<b>Fund 124 - Communications &amp; Information Systems</b>				
124	Public Safety System -- Incident Reporting Replacement		500,000	500,000
124	Public Safety System -- Integrated Fire Prevention		489,261	489,261
124	RFOTC AV Upgrade Project		620,221	620,221
<b>Total: Fund 124</b>		<b>\$0</b>	<b>1,609,482</b>	<b>1,609,482</b>
<b>Fund 133 - Vehicle Replacement Fund</b>				
133	Type 1 Engines, 4		2,304,724	2,304,724
133	TDA 100' Quint, 2		2,677,514	2,677,514
133	TDA 100' Quint, 1 Developer Funded		1,576,744	1,576,744
133	Mid Size 4 Door, 2		71,000	71,000
133	Mid Size Cargo Van		32,000	32,000
133	Minivan		27,863	27,863
133	Vehicle outfitting costs, 5 Colorado Pickups		270,000	270,000
133	Outfitting costs, miscellaneous vehicles		216,000	216,000
<b>Total: Fund 133</b>		<b>\$0</b>	<b>\$7,175,845</b>	<b>\$7,175,845</b>



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
September 22, 2016

Agenda Item No. 3B  
Consent Calendar

**Adoption of Revised Conflict of Interest Code**

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**Contact(s) for Further Information**

Lori Zeller, Assistant Chief  
Business Services Department

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714.573.6020

Sherry Wentz, Clerk of the Authority

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714.573.6041

**Summary**

The Political Reform Act requires that every local agency review its Conflict of Interest Code biennially. The Clerk of the Authority, General Counsel, Purchasing Manager, and Executive Management have reviewed the existing Code and recommend that the Board adopt the attached Resolution revising the Conflict of Interest Code for the Orange County Fire Authority (OCFA).

**Prior Board/Committee Action(s)**

The Board adopted its last revised Conflict of Interest Code on October 23, 2014.

**RECOMMENDED ACTION(S)**

Adopt the proposed Resolution entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED revising the Conflict of Interest Code, and direct the Clerk of the Authority to submit the adopted Resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

The Political Reform Act requires every local agency to review its Conflict of Interest Code biennially and submit any revisions to its code reviewing body. Since our jurisdictional boundaries are within the County of Orange, the County Board of Supervisors is our code reviewing body, and therefore must approve any amendments.

Upon completion of the review by our Legal Counsel, Clerk of the Authority, Purchasing Manager, and Executive Management it was determined that our Conflict of Interest Code will require an amendment to reflect the redlined change based upon the newly created position entitled Organizational Training Program Manager. No other changes are recommended at this time.

**Attachment(s)**

Proposed Resolution

**RESOLUTION NO. 2016-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE  
COUNTY FIRE AUTHORITY ADOPTING A CONFLICT OF INTEREST  
CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST  
CODES AND AMENDMENTS PREVIOUSLY ADOPTED**

*WHEREAS*, the Political Reform Act of 1974, Government Code Section 81000 et. seq. (“the Act”), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

*WHEREAS*, the Orange County Fire Authority has previously adopted a Conflict of Interest Code and that Code now requires updating; and

*WHEREAS*, amendment to the Act have in the past and foreseeably will in the future require conforming amendments to be made to the Conflict of Interest Code; and

*WHEREAS*, the Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act.

*NOW THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY, DOES HEREBY RESOLVE AS FOLLOWS:*

SECTION 1. The terms of Title 2, California Code of Regulations, Section 18730 (Attachment) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together with Exhibits A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Orange County Fire Authority.

SECTION 2. The provisions of all Conflict of Interest Codes and Amendments thereto previously adopted by the Orange County Fire Authority are hereby superseded.

SECTION 3. The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.

PASSED, APPROVED, AND ADOPTED this 22<sup>nd</sup> day of September 2016.

ATTEST:

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GENE HERNANDEZ, CHAIR  
Board of Directors

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SHERRY A.F.WENTZ, CMC  
Clerk of the Authority

## **CONFLICT OF INTEREST CODE FOR THE ORANGE COUNTY FIRE AUTHORITY**

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Orange County Fire Authority.

### **DESIGNATED EMPLOYEES**

Designated employees (excluding consultants) shall file Statements of Economic Interests with the Clerk of the Orange County Board of Supervisors who will make the statements available for public inspection and reproduction (Government Code Section 82008). Consultants shall file Statements of Economic Interests with the Orange County Fire Authority Clerk of the Authority.

### **OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18701 (b), are NOT subject to the Authority's code, but are subject to the disclosure requirements of the Act (Government Code Section 87200 et seq.). [Regs. §18730(b)(3)]. These positions are listed here for informational purposes only.

It has been determined that the positions listed below are Orange County Fire Authority officials who manage public investments:

Board of Directors and Alternates  
Fire Chief

Treasurer  
Assistant Chief/Business Services Dept.

These positions shall file original Statements of Economic Interests with the Clerk of the Orange County Board of Supervisors.

The disclosure categories and requirements for these positions are set forth in Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200 et seq. They generally require the disclosure of interests in real property in the agency's jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



**ORANGE COUNTY FIRE AUTHORITY****LIST OF DESIGNATED POSITIONS  
CONFLICT OF INTEREST CODE**

<b>Designated Position</b>	<b>Disclosure Category</b>
Assistant Chief/Fire Marshal	OC-41
Assistant Chief/Operations Department	OC-41
Assistant Chief/Support Services Department	OC-41
Assistant Fire Marshal	OC-29
Assistant Information Technology Manager/Portfolio and Procurement Management	OC-08
Assistant Information Technology Manager/Customer Relations and Consulting	OC-08
Assistant Information Technology Manager/GIS & Data Management	OC-08
Assistant Information Technology Manager/Infrastructure & Workplace Support	OC-08
Assistant Purchasing Agent	OC-41
Battalion Chief/Emergency Command Center	OC-05
Battalion Chief/Emergency Medical Services	OC-05
Buyer	OC-41
Clerk of the Authority	OC-05
Consultant	OC-30
Construction Manager	OC-32

Deputy Fire Chief	OC-41
Deputy Fire Marshal	OC-29
Director of Communications	OC-41
EMS Coordinator	OC-05
EMS Medical Director	OC-05
Employee Relations Manager	OC-11
Facilities Maintenance Manager	OC-41
Finance Manager	OC-27
Fire Captain – Spec Developer for PPEs	OC-05
Fire Engineer – Spec Developer for Apparatus	OC-41
Fire Division Chief	OC-41
Fire Prevention Analyst	OC-29
Fire Prevention Specialist	OC-29
Fire Safety Engineer	OC-29
Fleet Services Manager	OC-05
Fleet Services Supervisor	OC-05
General Counsel	OC-30
Human Resources Director	OC-11

Information Technology Manager	OC-08
Information Technology Supervisor	OC-08
<u>Organizational Development and Training Program Manager</u>	<u>OC-05</u>
Property Manager	OC-41
Purchasing and Materials Manager	OC-05
Risk Manager	OC-12
Risk Management Analyst	OC-12
Service Center Supervisor	OC-05
Senior Fire Apparatus Parts Specialist	OC-05
Senior Fire Prevention Specialist	OC-29
Supervising Purchasing Agent	OC-05

**ORANGE COUNTY FIRE AUTHORITY**

**DISCLOSURE CATEGORIES/DESCRIPTIONS\***

<b>Disclosure Category</b>	<b>Disclosure Description*</b>
OC-05	All investments in, business positions and income (including gifts, loans, and travel payments) from sources that provide services, supplies, materials, machinery, equipment (including training and consulting services) used by the County Department, Authority or District, as applicable.
OC-08	All investments in, business positions with and income (including gifts, loans and travel payments) from sources that develop or provide computer hardware/software, voice data communications, or data processing goods, supplies, equipment, or services (including training and consulting services) used by the County Department, Authority or District, as applicable.
OC-11	All interests in real property in Orange County or located entirely or partly within the Authority or District boundaries as applicable, as well as investments in, business positions with and income (including gifts, loans and travel payments) from sources that are engaged in the supply of equipment related to recruitment, employment search & marketing, classification, training, or negotiation with personnel; employee benefits, and health and welfare benefits.
OC-12	All interests in real property in Orange County, the District, or Authority, as applicable, as well as investments in, business positions with and income (including gifts, loans and travel payments) from sources that invest funds or engage in the business of insurance including, but not limited to insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries; from financial institutions including but not limited to, banks, savings & loan associations and credit unions or sources that have filed a claim, or have a claim pending, against Orange County, the Authority or the District, as applicable.
OC-27	All investments in, business positions with and sources of income (including gifts, loans and travel payments) from sources that are engaged in banking and/or investment business.
OC-29	All investments in, business positions with and income (including gifts, loans and travel payments) from sources that are subject to inspection or regulation by the County Department, Authority or District, as applicable.
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The County Department Head/Director/General Manager/Superintendent/etc. may determine that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the Filing Officer for public inspection.

<b>Disclosure Category</b>	<b>Disclosure Description*</b>
OC-32	All investments in, business positions with and income (including gifts loans and travel payments) from sources that are engaged in any real estate activity within the geographical boundaries of the County, District or Authority as applicable, including but not limited to real estate appraisal, development, construction, sales, brokerage, leasing, lending, insurance or property management.
OC-41	All interests in real property in Orange County, the District or Authority, as applicable, as well as investments in, business positions with and income (including gifts, loans and travel payments) from sources that provide services, supplies, materials, machinery, vehicles, or equipment (including training and consulting services) used by the County Department, Authority or District, as applicable.

\* As used herein, the terms “Department,” “County Department,” “District” and “Authority” shall all mean “Orange County Fire Authority”



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
September 22, 2016

Agenda Item No. 3C  
Consent Calendar

**100' Tractor Drawn Aerials (Quints)  
FY 2016/17 Budget Adjustment**

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**Contact(s) for Further Information**

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**Summary**

This agenda item seeks approval of a mid-year budget adjustment to augment funds for the purchase of two additional 100' Tractor Drawn Aerials (Quints).

**Prior Board/Committee Action**

Not Applicable.

**RECOMMENDED ACTION(S)**

Direct staff to increase appropriations in the amount of \$2,759,368 in the Vehicle Replacement Fund (Fund 133).

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

\$2,759,368 increase in Vehicle Replacement Fund (Fund 133) appropriations in the FY 2016/17 budget.

**Background**

OCFA manages a fleet of 21 Quints. Each year, the Fleet Services Manager reviews the vehicles identified for replacement in the Fire Authority's Vehicle Replacement Plan, taking into consideration the vehicle's age, mileage, and repair history in order to determine which units should proceed with recommended replacement.

Two of the Quints scheduled for replacement have been accelerated from the normal replacement schedule of 17 years for front line service. This is being done at the request of Operations in order to move from a 75' Quint straight chassis to a 100' Tractor Drawn Aerial (TDA) based on a truck study completed in 2013. The study recommended that the majority of the OCFA fleets trucks should be 100' TDAs. Fleet will replace some of the 1991 and 1992 aging platforms with later model units better serving the agency's mission. Once units are replaced, the old units will be evaluated, rotated into relief status for five to seven years or sold, and removed from the OCFA fleet.

Funding for three Quints was included in the FY 2015/16 CIP (Fund 133) Vehicle Replacement Budget and is pending approval for carry-over (or re-budget) to FY 2016/17 at tonight's Board of Directors meeting. In addition, funding for one Quint is already included in the FY 2016/17 Vehicle Replacement Budget. Staff is now requesting additional budgeted funds mid-year FY 2016/17 for two additional units, bringing the total count to six that would be ordered simultaneously. It is to OCFA's advantage to purchase all of these units in one combined order to avoid annual price increases; ensure standardization of fire trucks; savings of time in preparing a new solicitation; and the opportunity to coordinate pre-construction travel in order to realize savings. Lead-time for building these units is approximately 360 days.

Attachment 1 is a list of units already budgeted for replacement for fiscal years 2015/16 (carry-over budget) and 2016/17, as well as the two additional units being requested for replacement in this agenda staff report.

**[Attachment\(s\)](#)**

**Quint Replacement Schedule**

**ORANGE COUNTY FIRE AUTHORITY**  
**Quints Scheduled for Replacement**

**Quints Scheduled for Replacement**

FY 2015/16 Budget Carry-Over

- |   |               |
|---|---------------|
| • Unit #5132 – 2000 KME 75' Quint                 | 111,000 miles |
| • Unit #5232 – 2007 American LaFrance             | 70,089 miles  |
| • Unit #TBD – New Developer Funded Unit for FS 20 | N/A           |

FY 2016/17 Adopted Budget

- |                                      |              |
|--------------------------------------|--------------|
| • Unit #5235 – 2006 Pierce 75" Quint | 95,000 miles |
|--------------------------------------|--------------|

Pending Request for Additional Budgeted Funds

- |                                       |              |
|---------------------------------------|--------------|
| • Unit #5230 – 2004 American LaFrance | 79,000 miles |
| • Unit #5252 – 2004 American LaFrance | 64,253 miles |





Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
September 22, 2016

Agenda Item No. 3D  
Consent Calendar

**Award of Public Works Contract for  
Upgrade of Emergency Power Distribution at the RFOTC**

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**Contact(s) for Further Information**

Mike Schroeder, Assistant Chief Support Services Department	<a href="mailto:michaelschroeder@ocfa.org">michaelschroeder@ocfa.org</a>	714.573.6023
Patrick Bauer, Property Manager	<a href="mailto:patrickbauer@ocfa.org">patrickbauer@ocfa.org</a>	714.573.6471

**Summary**

This agenda item seeks approval of the plans and specifications for the upgrade of emergency power distribution system at the Regional Fire Operations and Training Center (RFOTC) and to award a public works contract to GA Technical Services Inc., the lowest responsive and responsible bidder, responding to formal bid RO2152.

**Prior Board/Committee Action**

Not Applicable.

**RECOMMENDED ACTION(S)**

1. Find the project is categorically exempt from the California Environmental Quality Act.
2. Approve the plans and specifications for the emergency power upgrade at the Regional Fire Operations and Training Center.
3. Approve and award the public works contract to GA Technical Services Inc. in the amount of \$372,324.
4. Authorize a 10% (\$37,232) allowance for contingency.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Sufficient funds have been authorized under the FY 2015-16 Budget and are pending approval for re-budget for FY 2016-17

**Background**

The existing emergency generator currently provides power to only about 30% of RFOTC circuits and is insufficiently loaded for economical and efficient use. In the initial RFOTC design, the existing 1,000 kW generator was supposed to handle the entire building loads for Building A & B only and the minimum life safety requirements for the remainder of the RFOTC campus (which amount to a 300 kW steady state load and about a 550 kW start up load). The original design also had provision for a secondary back up emergency generator for redundancy that was never installed. The Emergency Generator Upgrade Project (EGUP) will increase the loading on the existing generator so it will operate more efficiently (80% of design load), pick up additional RFOTC operation loads, and allow for load shed and effective load control to increase service

duration during major outages or emergencies. Additionally, the EGUP will have provisions for the addition and swift connection of a secondary, trailer-mounted emergency generator for redundancy. Modifications are required to provide power availability to all of RFOTC, options for prioritizing available power for critical needs, and redundant capability during a major incident. This project is exempt from the California Environmental Quality Act (CEQA) under Class 1 categorical exemption as it involves minor alterations to existing public facilities (14 Cal. Code Regs 15301).

Mullen & Associates Inc., the top ranking firm, was selected through a competitive process to develop the plans and specifications for the EGUP.

On July 11, 2016, an Invitation for Bid (IFB) was issued and 237 vendors were notified electronically via PlanetBid (OCFA's automated vendor registration and bidding software). The project was also advertised in the Orange County Register (July 15, 2016, and July 22, 2016). Nineteen contractors attended the mandatory job-walk held on July 27, 2016. The bid included plans and specifications with all required modifications needed to upgrade emergency power distribution at RFOTC.

On August 17, 2016, the bid due date, four construction bids were received from the following contractors:

1. GA Technical Services Inc. \$372,324
2. Baker Electric Inc. \$374,672
3. Minako America Corp. \$497,700
4. Morrow-Meadows Corp. \$539,200

Based on the results of the IFB, staff is recommending contract award to GA Technical Services Inc. as the lowest responsive responsible bidder based on base bid in the amount of \$372,324. Staff is also requesting an additional 10% (\$37,232) allowance for any incidentals that may arise during construction for a total not to exceed amount of \$409,556. This amount is still well under the budgeted amount of \$499,931 that is currently available for completing the project. Any use of contingency funds for emergency purposes, unforeseen conditions affecting construction schedule or owner directed changes will be brought back to the board at the next available meeting time in an effort to keep the board apprised of project status.

Attachments:

1. Contract with GA Technical Services Inc.
2. Schedule of Values
3. Detailed Labor and Fee Breakdown

# **ORANGE COUNTY FIRE AUTHORITY CONSTRUCTION CONTRACT**

Per Bid RO2152

THIS CONTRACT is made and entered into, to be effective, this \_\_\_\_ day of September 2016, by and between GA Technical Services Inc., hereinafter referred to as "Contractor," and the Orange County Fire Authority, hereinafter referred to as "Authority."

## **SECTION 1 - GENERAL CONDITIONS**

Contractor certifies and agrees that all the terms, conditions, and obligations of the Contract Documents as defined therein, the location of the project site, and the conditions under which the work is to be performed, have been thoroughly reviewed and enters into this Contract based upon Contractor's investigation of all such matters and is in no way relying upon any opinions or representations of Authority. It is agreed that this Contract and the attached exhibits (collectively "Contract Documents") represent the entire agreement. It is further agreed that the Contract Documents including the General Conditions, Scope of Work, Notice Inviting Bids, Special Instructions to Bidders, if any, and Contractor's Bid, and any revision, amendment, or addenda thereto, shall be deemed a part of such Contract Documents, and the Contractor and its subcontractors, if any, will be and are bound by any and all of the Contract Documents insofar as they relate in any part or in any way, directly or indirectly, to the work covered by this Contract. Contractor further certifies and agrees that the work described in the Contract Documents will be performed, installed, constructed, and completed in a professional and expert manner and that all such work will be completed on time and within budget.

## **SECTION 2 - MATERIALS AND LABOR**

Contractor shall furnish, under the conditions expressed in the Contract Documents, at Contractor's own expense, all labor and materials necessary, except such as are mentioned in the Specifications to be furnished by the Authority, to construct and complete the Project, in good workmanlike and substantial order. If Contractor fails to pay for labor or materials when due, Authority may settle such claims by making demand upon the surety to this Agreement. In the event of the failure or refusal of the surety to satisfy said claims, Authority may settle them directly and deduct the amount of payments from the Contract price and any amounts due to Contractor. In the event Authority receives a stop notice from any laborer or material supplier alleging nonpayment by Contractor, Authority shall be entitled to deduct all of its costs and expenses incurred relating thereto, including but not limited to administrative and legal fees.

## **SECTION 3 - CONTRACT PRICE AND METHOD OF PAYMENT**

Authority agrees to pay and the Contractor agrees to accept as full consideration for the faithful performance of this Contract, subject to any subsequent additions or deductions as provided in approved change orders, the sum of three hundred seventy thousand (\$372,324) as shown on Exhibit A.

Within thirty (30) days from the commencement of work, there shall be paid to the Contractor a sum equal to ninety percent (95%) of the value of the actual work completed plus a like percentage of the value of material suitably stored at the worksite or approved storage yards subject to or under the control of the Authority, since the commencement of the work as determined by the Authority. Thereafter, on a schedule issued by the Authority at the commencement of the job which shows a minimum of one payment made to the Contractor per month for each successive month as the work progresses and the request for payment due dates from the Contractor to meet the payment schedule, the Contractor shall be paid such sum as will bring the total payments received since the commencement of the work up to ninety percent (90%) of the value of the work completed since the commencement of work as determined by the Authority, less all previous payments, provided that the Contractor submits the request for payment prior to the end of the day required to meet the payment schedule. The Authority will retain five percent (5%) of the amount of each such progress estimate and material cost until the Final Payment.

Payments shall be made on demands drawn in the manner required by law, accompanied by a certificate signed by the Authority's Contract Manager, stating that the work for which payment is demanded has been performed in accordance with the terms of the Contract, and that the amount stated in the certificate is due under the terms of the Contract. Partial payments on the Contract price shall not be considered as an acceptance of any part of the work.

#### **SECTION 4 – TIME OF COMMENCEMENT AND COMPLETION**

Contractor agrees to commence the Project within 15 calendar days from the date of execution of this Agreement and shall diligently prosecute the work to completion as provided for in the Contract Documents, excluding delays caused or authorized by the Authority as set forth in Contract Documents.

Time is of the essence of this Contract. As required by the Contract Documents, Contractor shall prepare and obtain approval of all shop drawings, details, and samples, and do all other things necessary and incidental to the prosecution of Contractor's work in conformance with an approved construction schedule. Contractor shall coordinate the work covered by this Contract with that of all other Contractors, subcontractors and of the Authority, if any, in a manner that will facilitate the efficient completion of the entire work in accordance with the Contract Documents. Authority shall have the right to assert complete control of the premises on which the work is to be performed and shall have the right to decide the time or order in which the various portions of the work shall be installed or the priority of the work of other subcontractors, and, in general, all matters representing the timely and orderly conduct of the work of Contractor on the premises.

#### **SECTION 5 – LIQUIDATED DAMAGES FOR DELAY**

The parties agree that if the total work called for under this Contract, in all parts and requirements, is not completed within the time specified in Section 4 plus any allowance made for delays or extensions authorized under the Contract Documents, the Authority will sustain damage which would be extremely difficult and impracticable to ascertain. The parties therefore agree that Contractor will pay to Authority the sum of One Thousand Dollars (\$1,000.00) per day, as liquidated damages, and not as a penalty, for each and every calendar day during which completion of the Project is so delayed. Contractor agrees to pay such liquidated damages and further agrees that Authority may offset the amount of liquidated damages from any monies due or that may become due Contractor under this Contract.

#### **SECTION 6 – COMPLETION**

Within 10 days after the contract completion date of the Project, Contractor shall file with the Project Manager its affidavit stating that all workers and persons employed, all firms supplying materials, and all subcontractors upon the Project have been paid in full, and that there are no claims outstanding against the Project for either labor or material, except those certain items, if any, to be set forth in an affidavit covering disputed claims, or items in connection with Stop Notices which have been filed under the provisions of the statutes of the State of California. The Project Manager may require affidavits or certificates of payment and/or releases from any subcontractor, laborer or material supplier.

Upon receipt of Contractor's affidavit, the Project Manager shall prepare appropriate documentation setting forth the particular details of the completed project, including but not limited to, description and amount of all change orders, the final amounts of the contract, as amended, the time and dates of the total agreement and the identification of any unresolved claims or disputes. If necessary, Project Manager shall submit the project and the agreements to the Board of Directors for acceptance of the job as complete.

#### **SECTION 7 – SURETY BONDS**

##### **General Requirements**

To the extent required under Civil Code section 9550, the Contractor shall furnish, prior to the signing the Agreement, and maintain thereafter, a payment bond in the amount of 100 percent of the contract price including all applicable sales taxes. The bond shall be first approved by the office of the Counsel of the Authority. Such bonds shall be in substantially the form provided in the Contract Documents and issued



by a surety authorized by the State Insurance Commissioner to do business in California, and have and maintain, throughout the life of the project, at least an A- policyholder's rating, or better, and a financial rating of Class VII, or better, in accordance with the most current A.M. Best's Rating Guide.

#### Unacceptable Surety

If any surety upon any bond furnished in connection with the Contract Documents becomes unacceptable to the Authority, or if any such surety fails to furnish reports as to its financial condition from time to time as requested by the Project Manager, the Contractor shall promptly furnish such additional security as may be required by the Project Manager or the Board of Directors from time to time to protect the interests of the Authority and of persons supplying labor materials in the prosecution of the work contemplated by this Contract.

### **SECTION 8 – INSURANCE**

Contractor is also aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation. Contractor and all subcontractors shall carry workers' compensation insurance for the protection of its employees during the progress of the work. The insurer shall waive its rights of subrogation against Authority, its officers, agents, and employees and shall issue an endorsement certificate to the policy evidencing same.

Contractor shall at all times carry, on all operations hereunder, bodily injury, including death and property damage liability insurance, including automotive operations, bodily injury and property damage coverage; and builders' all risk insurance. All insurance coverage shall be in amounts specified by Authority in the Insurance Requirements and shall be evidenced by the issuance of a certificate in a form prescribed by the Authority and shall be underwritten by insurance companies satisfactory to Authority for all operations, subcontract work, contractual obligations, product or completed operations, all owned vehicles and non-owned vehicles. Said insurance coverage obtained by the Contractor, excepting workers' compensation coverage, shall name the Authority, its Directors, Officers, Agents, Employees, Project Manager, and Consultants for this Contract, and all public agencies from whom permits will be obtained and their Directors, Officers, Agents, and Employees, as determined by the Authority, as additional insured on said policies.

Before Contractor performs any work at, or prepares or delivers materials to, the site of construction, Contractor shall furnish certificates of insurance evidencing the foregoing insurance coverage and such certificates shall provide the name and policy number of each carrier and policy and that the insurance is in force and will not be canceled without thirty (30) days written notice to Authority.

Contractor shall maintain all of the foregoing insurance coverage in force until the work under this Contract is fully completed and accepted by Authority. The requirement for carrying the foregoing insurance shall not derogate from the provisions for indemnification of Authority by Contractor under this Contract. Notwithstanding nor diminishing the obligations of Contractor with respect to the foregoing, Contractor shall subscribe for and maintain in full force and effect during the life of this Contract, the following insurance in amounts not less than the amounts specified and issued by a company admitted in California and having an A.M. Best's Guide Rating of "A-" Class VII or better: However, Authority will accept State Compensation Insurance Fund, for the required policy of Worker's Compensation subject to Authority's option to require a change in insurer in the event the State Fund financial rating is decreased below "B".

Workers' Compensation	Minimum of \$1,000,000 - In Accordance with the Workers' Compensation Act of the State of California.
Public Liability, in the form of either Comprehensive General Liability or Commercial General Liability written on a per-occurrence basis	\$1,000,000 Combined Single Limit, per occurrence for bodily injury, death, and property damage; <b>OR</b>  \$ 500,000 per occurrence, with

	\$1,000,000 aggregate for bodily injury, death, and property damage; <b>OR</b>  \$1,000,000 aggregate, separate for this project for bodily injury, death and property damage.
Automobile Liability, including non-owned and hired vehicles	\$1,000,000 combined single limit per occurrence.

Authority or its representatives shall at all times have the right to inspect and receive the original or a certified copy of all said policies of insurance, including certificates. Contractor shall pay the premiums on the insurance hereinabove required.

### **SECTION 9 – RISK AND INDEMNIFICATION**

All work covered by this Contract done at the site of construction or in preparing or delivering materials to the site shall be at the risk of Contractor alone. Contractor agrees to save, indemnify and keep Authority, its Directors, Officers, Agents, Employees, Project Manager, and Consultants for this contract, and all public agencies from whom permits will be obtained and their Directors, Officers, Agents and Employees harmless against any and all liability, claims, judgments, costs and demands, including demands arising from injuries or death of persons (Contractor's employees included) and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigation arising through the sole negligence or sole willful misconduct of Authority, and will make good to and reimburse Authority for any expenditures, including reasonable attorneys' fees Authority may incur by reason of such matters, and if requested by Authority, will defend any such suits at the sole cost and expense of Contractor.

In the event Contractor or its insurer refuses or fails to provide a legal defense to Authority after receiving written notice of the legal action and a tender and demand for defense, Authority shall have the right to select counsel of its own choice to represent all the interests of the Authority. Contractor agrees that the amount of legal costs and expenses, including attorneys' fees, may be withheld by Authority from any contract amounts due and owing to Contractor until such time as a final determination is made as to the responsibility for payment of said fees and costs.

### **SECTION 11 – CONTRACT DOCUMENTS**

For the purposes of this Agreement the "Contract Documents are the items listed below. The Contract Documents are hereby incorporated into this Agreement and made a part thereof by this reference.

- 1) OCFA Invitation for Bid RO2152
- 2) Orange County Fire Authority General Conditions
- 3) Drawings and Specifications for Upgrade of Emergency Power Distribution by RFOTC (Produced by Mullen & Associates Inc. and approved by OCFA)
- 4) Contractor Bid responding to RO2152 of August 17, 2016
- 5) Contractor Bid Bond dated August 12, 2016
- 6) Contractor Performance Bond
- 7) Contractor Labor and Materials Payment Bond
- 8) Designation of Subcontractors
- 9) Non-Collusion Affidavit
- 10) Site Visit Certification August 17, 2016
- 11) Contractor Certification of Worker's Compensation
- 12) Contractor Certification of Non-Discrimination by Contractors
- 13) Contractor Debarment and Suspension Certification
- 14) Designator of Sureties

- 15) Prevailing Wage Certification
- 16) Addenda to RO2152, Number 1, 2, and 3
- 17) Supplemental Agreements amending or extending the Work contemplated and which may be required to complete the Work in a substantial and acceptable manner

## **SECTION 12 – MISCELLANEOUS PROVISIONS**

Compliance with Labor Code and Public Contract Code. Authority is subject to the provisions of law relating to prevailing wages, labor law generally, and public contracts in the State of California. It is agreed that all provisions of law applicable to public contracts are a part of this contract to the same extent as though set forth herein, and will be complied with by the Contractor.

No contractor or subcontractor may be listed on a proposal for a public works unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

No contractor or subcontractor may be awarded or perform a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Contractor shall not pay less than the prevailing wage. It shall be the responsibility of the Contractor to obtain the prevailing wage rates from the Director of Industrial Relations directly.

Independent Contractor. Neither Authority nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the services required herein, except as otherwise set forth herein. Contractor shall perform all services required herein as an independent contractor of Authority and shall remain at all times as to Authority a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of Authority.

Assignment. Contractor shall neither delegate its duties or obligations, nor assign its rights with respect to this Contract, either in whole or in part. Any such attempted delegation and/or assignment shall be void and deemed void at such occurrence, if it were to occur.

Computation of Time. When any period of time is referred to in these Contract Documents by days, it shall be computed to exclude the first and include the last day of the period, provided, however, that if the last day of the period falls on a Saturday, Sunday, or legal holiday, that day shall be omitted from the computation.

Interest. Any monies not paid when due to either party under this Contract shall bear interest at the rate of ten (10%) percent per annum, commencing on the forty-sixth (46th) day after demand for payment thereof after such monies are lawfully due and payable, except as otherwise provided in these Contract Documents.

Remedies Cumulative. No remedy herein reserved to Authority is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other given in the Contract as now or hereafter existing or at law, equity, or by statute.

Non-waiver. The failure of the Authority to notify the Contractor of any default under this Contract shall not be deemed to be a waiver by Authority of any continuing default by Contractor of any term, covenant, or condition set forth in this Contract, nor of the Authority's right to declare a default for any such continuing breach, and the failure of Authority to insist upon strict performance of any of the terms, covenants, or conditions of the Contract, or to exercise any option in the Contract in any one or more instances, shall not be construed as a waiver or relinquishment of any such terms, covenants, conditions or options, but the same shall be and remain in full force and effect.

Severability. In case any one or more provisions set forth in the Contract shall for any reason be held invalid, illegal, or unenforceable in any respect, any such invalidity, illegality, or unenforceability shall not affect any other provision of the Contract, and this Contract shall be construed as if such invalid, illegal, or

unenforceable provision had never been incorporated therein so long as the deletion of such provision does not, in the Authority's judgment, materially alter this Contract.

**No Third Party Beneficiaries.** This Contract are not intended and shall not be deemed or construed, to confer any rights, powers, or privileges on any person, firm, partnership, corporation, or other entity not a party to this Contract except as may be expressly provided in the Contract to the contrary.

**Oral Agreements.** No oral order, objection, claim, or notice by any party to the other shall affect or modify any of the terms or obligations contained in this Contract, and none of the provisions of the Contract shall be held to be waived or modified by reason of any act whatsoever, other than by a definitely agreed waiver or Modification in writing and executed in the manner required in this Contract by authorized officers or representatives of the Parties. No evidence shall be introduced in any proceeding of any other waiver or modification.

**Counterparts.** This Contract may be executed in any number of counterparts, and each of such counterparts for all purposes shall be deemed to be an original, and all of such counterparts should constitute one and the same agreement.

**Governing Law.** The Contract, including the Contract Documents, shall be governed by the laws of the State of California.

**Attorneys' Fees.** If either party commences an action against the other party arising out of or in connection with this Agreement or its subject matter, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs of suit from the losing party.

**Services Prior to Execution.** Notwithstanding the fact that this Contract is executed as of the date first set forth above, the Parties recognize that a portion of the Work required under the Contract may have been performed prior to such date, all of which Work shall be governed by the terms and conditions of this Contract and shall be deemed to be a part of the Work. Without limiting the foregoing, all of Contractor's liabilities and obligations to Authority shall apply to all Work and services provided by the Contractor for the Work prior hereto, notwithstanding the fact that the Work may have been performed prior to the date hereof pursuant to prior negotiations, representations, agreements, understandings, or otherwise.

**Survival of Rights.** Any indemnity, warranty, guarantee given by the Contractor to the Authority under this Contract shall survive the expiration or termination of this Contract and shall be binding upon Contractor until any action under this Contract is barred by the applicable statute of limitations.

**SIGNATURES ON FOLLOWING PAGE**



IN WITNESS WHEREOF, the parties hereto have executed this Construction Agreement as of the date first hereinabove written.

**"OCFA"**

**ORANGE COUNTY FIRE AUTHORITY**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Jeff Bowman, Fire Chief

**APPROVED AS TO FORM.**

By:  \_\_\_\_\_

DAVID E. KENDIG  
GENERAL COUNSEL

Date: 9/22/16 \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Sherry A.F. Wentz  
Clerk of the Board

**"FIRM"**

**GA TECHNICAL SERVICES INC.**

Date: 9/7/16 \_\_\_\_\_

By:  \_\_\_\_\_

Frank Cervantes, President  
DIR# 1900001050 Expires 06/30/2017  
Contractor's State License No. 816080  
(Expiration Date 12/31/2016)

## WORKER'S COMPENSATION INSURANCE CERTIFICATION

### IFB RO2152 – Upgrade of Emergency Power Distribution at RFOTC

Labor Code section 3700 in relevant part provides:

Every employer except the State shall secure the payment of compensation in one or more of the following ways:

- a. By being insured against liability to pay compensation to one or more insurers duly authorized to write compensation insurance in this state.
- b. By securing from the Director of Industrial Relations, a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his employees.

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of work of this contract.

Date

9/7/16

Legal Name of Contractor

GA Technical Services, Inc.

Signature

*[Handwritten Signature]*

Print Name

Tommy Conner

Title

Operations Manager

(In accordance with Article 5 - commencing at section 1860, chapter 1, part 7, division 2 of the Labor Code, the above certificate must be signed and filed with the awarding body prior to performing any work under this Contract.)

## PREVAILING WAGE CERTIFICATION

### IFB RO2152 – Upgrade of Emergency Power Distribution at RFOTC

I hereby certify that I will conform to the State of California Public Works Contract requirements regarding prevailing wages, benefits, on-site audits with 48-hour notice, payroll records, and apprentice and trainee employment requirements, for all Services on the above Project, including, without limitation, the State labor compliance monitoring and enforcement by the Compliance Monitoring Unit of the Department of Industrial Relations, if this Project is subject to a labor compliance.

Date September 7, 2016  
Legal Name of Contractor GA Technical Services, Inc.  
Signature [Signature]  
Print Name Frank Cervantes  
Title Operations Manager

Schedule of Values - Bid R02152 - Upgrade of Emergency Power Distribution - RFOTC Submitted by GA Technical Services Inc.												
		DESCRIPTION OF WORK										
		Emergency Electrical Power Distribution System Modifications										
	PROJECT TITLE:											
	R02152											
			MATERIAL		LABOR		EQUIPMENT		TOTALS			
Item Description	UOM	Unit Quan	Unit Quan	Item Unit Cost	Unit Quan	Item Unit Cost	Unit Quan	Item Unit Cost	By Item Total	Major item LS Total	Group Total	NOTES (Labor totals)
<b>ELECTRICAL</b>											\$ 125,310	
Conduit Work	L.S.	1	1	\$5,100.00	200	\$104.98	1	\$4,300.00	\$ -	\$ 30,396		\$20,996.00
Pull Boxes	L.S.	1	1	\$6,500.00	25	\$104.98	1	\$1,200.00	\$ -	\$ 10,325		\$2,624.50
Splicing and Cable Identification	L.S.	1	1	\$12,000.00	225	\$104.98			\$ -	\$ 35,621		\$23,620.50
Connections to Equipment or System	L.S.	1	1	\$4,800.00	150	\$104.98			\$ -	\$ 20,547		\$15,747.00
Grounding	L.S.	1	1	\$2,000.00	50	\$104.98			\$ -	\$ 7,249		\$5,249.00
Submittals, Shop Drawings and Record Drawings	L.S.	1	1	\$3,100.00	125	\$104.98			\$ -	\$ 16,223		\$13,122.50
Inspections	L.S.	1	1	\$750.00	40	\$104.98			\$ -	\$ 4,949		\$4,199.20
<b>AUTOMATIC TRANSFER SWITCH</b>											\$ 71,666	
Furnishing of ATS as specified	EACH	1	1	\$23,500.00	80	\$104.98	1	\$750.00	\$ -	\$ 32,648		\$8,398.40
Installation	L.S.	1	1	\$1,000.00	275	\$104.98	1	\$750.00	\$ -	\$ 30,620		\$28,869.50
Testing and Certification	L.S.	1	1		80	\$104.98			\$ -	\$ 8,398		\$8,398.40
<b>INSTRUMENTATION, CONTROL AND MONITORING SYSTEM</b>											\$ 88,289	
Furnishing of ICM System as Specified	EACH	1	1	\$26,500.00	80	\$104.98	1	\$2,000.00	\$ -	\$ 36,898		\$8,398.40
Installation and Supervision	L.S.	1	1		200	\$104.98	1	\$1,250.00	\$ -	\$ 22,246		\$20,996.00
System Calibration	L.S.	1	1	\$2,000.00	80	\$104.98			\$ -	\$ 10,398		\$8,398.40
System Validation	L.S.	1	1	\$1,800.00	40	\$104.98			\$ -	\$ 5,999		\$4,199.20
Testing and Acceptance	L.S.	1	1	\$1,500.00	60	\$104.98			\$ -	\$ 7,799		\$6,298.80
Instruction Manuals	EACH	10	1	\$750.00	40	\$104.98			\$ -	\$ 4,949		\$4,199.20
<b>SITE CLEARING</b>											\$ 18,964	
Site clearing as specified	L.S.	1	1	\$500.00	150	\$93.09	1	\$4,500.00	\$ -	\$ 18,964		\$13,963.50
<b>EARTHWORK</b>											\$ 66,296	
Excavation	L.S.	1	1	\$500.00	250	\$114.55	1	\$8,500.00	\$ -	\$ 37,638		\$28,637.50
Furnish and Install Asphalt Paving as Specified	L.S.	10	1	\$6,000.00	200	\$95.79	1	\$3,500.00	\$ -	\$ 28,658		\$19,158.00
<b>CAST-IN-PLACE CONCRETE</b>											\$ 1,800	
Furnish and Installation of Cast-In-Place Concrete as Specified	L.S.	1	1	\$4,000.00	75	\$104.98	1	\$1,800.00	\$ -	\$ 1,800		\$7,873.50
			\$102,300.00		\$253,347.50		\$28,550.00					

Total	\$ 372,325
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\*Vendor submitted a line item price error for cast-in-place concrete however will honor this originally submitted bid price.

**Detailed Labor and Fee Breakdown**  
**Orange County Fire Authority**  
**RO2152 - Upgrade of Emergency Power Distribution - RFOTC**  
**PLEASE VERIFY PROPER CALCULATION**

## LABOR RATES FEE SCHEDULE

[illegible]



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
September 22, 2016

Agenda Item No. 5A  
Discussion Calendar

**Amendment to Employment Agreement with Fire Chief Jeff Bowman**

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**Contact(s) for Further Information**

Brian Young, Interim Director  
Human Resources Department

[brianyoung@ocfa.org](mailto:brianyoung@ocfa.org)

714.573.6014

**Summary**

This item is submitted to request approval of an amendment to the employment agreement with Fire Chief Jeff Bowman.

**Prior Board/Committee Action**

At its August 25, 2016, meeting, the Board of Directors reviewed the performance of the Fire Chief.

**RECOMMENDED ACTION(S)**

Approve an amendment to the employment agreement with Fire Chief Jeff Bowman.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

To be discussed following closed session.

**Background**

On August 25, 2016, the Board of Directors met in closed session to deliver the performance evaluation for Fire Chief Jeff Bowman. In closed session on September 22, 2016, the Board will confer with its designated labor negotiators and, if acceptable terms are arrived at, the proposed revisions will be discussed and considered in open session. In the event the closed session negotiations do not produce a proposed agreement, no action will be needed in open session.

This agenda item is submitted as a contingency, to ensure an opportunity for discussion and approval of the contract, if needed.

**Attachment(s)**

Fire Chief Employment Agreement, Revised – To be distributed following closed session



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
September 22, 2016

Agenda Item No. 5B  
Discussion Calendar

**Request by Director Barnett:**  
**Pension Termination Liability Estimate, Pension Liability Data Extract,  
Pension Reform Committee, & Pre-Retirement Workers' Compensation Data**

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**Contact(s) for Further Information**

Rick Barnett, OCFA Director	<a href="mailto:rbarnett@villapark.org">rbarnett@villapark.org</a>	714.958.1500
Lori Zeller, Assistant Chief Business Services Department	<a href="mailto:lorizeller@ocfa.org">lorizeller@ocfa.org</a>	714.573.6020

**Summary**

This agenda item is submitted in response to a request from Director Barnett (Villa Park) for the Board of Directors to discuss special actions he is requesting for OCFA staff, OCERS staff, and the Board of Directors to undertake.

**Prior Board/Committee Action**

A related request from Director Barnett regarding pension liabilities was previously considered by the Executive Committee in January 2015 (Attachment 1), and the Human Resources Committee in February 2015 (Attachment 2). A response from the Human Resources Committee was provided to Director Barnett on February 5, 2015 (Attachment 3).

**RECOMMENDED ACTION(S)**

Vote individually on each of the following requests from Director Barnett:

1. Request OCERS to calculate the estimated "pension termination liability" that OCERS would accrue or bill to OCFA if OCFA terminated future enrollment in OCERS.
2. Request OCERS to program an OCFA individualized actuarial data extract report from its information system for provision of data to an external party coordinated by Director Barnett.
3. Consider establishing an OCFA Pension Reform Ad Hoc Committee.
4. Direct OCFA staff to analyze and prepare a special report summarizing how many workers' compensation claims were filed within one year before the claimant's retirement date, with the special report to analyze three years of historical data.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

This agenda item is submitted in response to a request from Director Barnett (Villa Park) for the Board of Directors to discuss and vote on actions he is requesting for OCFA staff, OCERS staff, and the Board of Directors to undertake. Each request is briefly described below:

### ***Estimated Pension “Termination Liability”***

The City of Villa Park recently requested CalPERS to provide the City with a pension termination liability calculation estimating how much the City would owe CalPERS should Villa Park terminate future enrollment. Director Barnett would like OCFA to formally request OCERS to perform the same calculation on behalf of OCFA.

It may be worthwhile to consider the feasibility of terminating future enrollment in OCERS before considering a request to calculate “pension termination liability” since requesting the calculation will result in expenditure of public resources. Attached is a report that summarizes a previous analysis performed by the County of Orange regarding alternative options to OCERS (Attachment 4). Although the report is dated June 2006, the report did analyze a variety of options. Ultimately, the analysis cited legislative requirements, voter approval, labor negotiation requirements, and other complexities as factors that supported the recommendation to remain with OCERS.

As a general rule, OCERS charges individual plan sponsors for the cost of special reports when the request will cost more than \$5,000.

### ***Individualized Actuarial Data Extract***

Director Barnett has requested OCFA staff to provide the following:

*“Anonymized individual records for each employee, retired annuitant, and separated participant (and spouses), including associated benefit plan and any additional benefits provided by OCFA, years of service, gender, age, and salary for the last 1-3 years to calculate final pensionable pay.”*

Director Barnett would like this data provided to Joe Nation, a Professor at Stanford Institute for Economic Policy Research for the stated purpose of “estimating OCFA’s actual obligation and future contribution rates.” OCFA does not possess this complete data set. OCERS is the agency that has the data in question. OCFA’s pension liability and future contribution rates are calculated annually by OCERS’ actuary (Segal Consulting) on behalf of all employers participating in OCERS.

OCFA staff contacted OCERS to determine if the OCFA-specific report requested by Director Barnett is available, and they indicated that such a report does not exist. OCERS does possess the requested data within its database; however, special report programming would be required to extract the requested information for OCFA participants only.

### ***Establish a Pension Reform Committee***

Director Barnett is requesting that the Board of Directors consider establishing a Pension Reform Ad Hoc Committee. Additional details relating to this request can be provided by Director Barnett at the meeting, if desired.

### ***Workers’ Compensation***

Director Barnett is requesting OCFA staff to prepare a special report summarizing how many workers’ compensation (WC) claims were filed within one year before the claimant’s retirement date, with the special report to analyze three years of historical data. Although some staff time will be required to cross-reference three years of WC claims against retirement records, we do have the information to enable us to prepare this special report, if desired.



OCFA staff routinely prepares a Workers' Compensation Report each year for review with the Human Resources Committee (HRC) and the Board of Directors. This report is scheduled for review at the October 4 meeting of the HRC and the October 27 meeting of the Board. Staff will be glad to include this requested three-year analysis as part of the WC Report in October.

Since this special report under discussion is combining two topics, WC claims and retirement, it is likely that a subsequent area of question may arise as to how many of the retirements were disability retirements. It is important to point out that WC claims management is handled by OCFA completely separate from the approval of disability retirements, which is governed by OCERS. OCERS produces routine reports summarizing Disability Retirement Statistics, with the most recent report provided as Attachment 5.

**Attachment(s)**

1. Executive Committee Agenda Item re: Director Request for Preparation of Pension Report dated January 15, 2015
2. Human Resources Committee Agenda Item re: Director Request for Preparation of Pension Report dated February 3, 2015
3. Letter Response from HRC Chairman Shawver to Director Barnett dated February 5, 2015
4. County of Orange Board of Supervisors Agenda Item re: Orange County Employees Retirement System dated June 6, 2006
5. OCERS Agenda Item re: 2015 Disability Retirement Statistics dated January 4, 2016



**Orange County Fire Authority**  
**AGENDA STAFF REPORT**

**Executive Committee Meeting**  
**January 15, 2015**

**Agenda Item No. 5C**  
**Discussion Calendar**

**Director Request**  
**for Preparation of Pension Report**

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**Contact(s) for Further Information**

Rick Barnett, OCFA Director	<a href="mailto:rbarnett@villapark.org">rbarnett@villapark.org</a>	714.958.1500
Jeff Bowman, Fire Chief	<a href="mailto:jeffbowman@ocfa.org">jeffbowman@ocfa.org</a>	714.573.6010
Lori Zeller, Assistant Chief Business Services Department	<a href="mailto:lorizeller@ocfa.org">lorizeller@ocfa.org</a>	714.573.6020

**Summary**

This agenda item is submitted in response to a request from Director Barnett (Villa Park) for staff to prepare a report regarding OCFA's pension plans with the Orange County Employees Retirement System (OCERS).

**Prior Board/Committee Action**

Not Applicable.

**Recommended Action(s)**

Review the request and provide direction to staff regarding preparation of any additional reports.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

Attached is a request received from Rick Barnett, OCFA Director from the City of Villa Park, regarding OCFA pension plans. Rule 2b of the Board Rules states the following regarding Board Member requests for items to be placed on Board agendas:

"During the Board Member Comments portion of a Board meeting, any member may request that an item be placed on a future agenda of the Board of Directors. Staff will prepare reports as appropriate and place the item on the agenda for the next meeting of the Board of Directors. **At any other time, any Board Member may contact the Chair to request that an item be placed on the agenda of the next meeting of the Board of Directors. This item will be placed on the Board Discussion Calendar portion of the agenda for concurrence by the Board. No staff reports or materials will be prepared until the full Board directs that the item be placed on an agenda.**"

Per discussion with Chairman Murray, this request is being presented to the Executive Committee to allow an opportunity for discussion with Director Barnett, and to facilitate a better understanding of the request. In addition, staff has included links to several reports that were prepared over the last year relating to OCFA pension plans.

**Attachment(s)**

1. E-mail Request from Director Barnett, dated December 7, 2014

*The following documents are available electronically – links are included below:*

2. OCFA 2014 Long Term Liability Study, October 2014  
[http://ocfa.org/uploads/pdf/sr\\_bd141023-03.pdf](http://ocfa.org/uploads/pdf/sr_bd141023-03.pdf)
3. Paying Down OCFA's Unfunded Pension Liability, September 2013  
[http://www.ocfa.org/uploads/pdf/sr\\_bd130926-15.pdf](http://www.ocfa.org/uploads/pdf/sr_bd130926-15.pdf)
4. OCERS 2013 Actuarial Valuation Power-Point Summary, Segal Company, June 2014, (Attachment 3a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140611-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140611-03.pdf)
5. OCERS 2013 Actuarial Valuation Report, Segal Company, June 2014 (Attachment 2a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140709-02.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140709-02.pdf)
6. OCERS Illustration of Retirement Costs, Unfunded Actuarial Accrued Liability and Funded Ration under Alternative Economic Scenarios, Segal Company, July 2014 (Attachment 3a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140813-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140813-03.pdf)
7. OCERS Triennial Study of Actuarial Assumptions, July 2014 (Attachment 3b)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140813-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140813-03.pdf)

**Zeller, Lori**

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**From:** Rick Barnett <rbarnett@villapark.org>  
**Sent:** Sunday, December 07, 2014 10:20 AM  
**To:** dkendig@wss-law.com; Zeller, Lori; Bowman, Jeff  
**Subject:** Pensions

David and Lori, would you please provide a summary of the OCFA pension coverage, ie vesting schedule for both safety and non safety personal, i.e. 3/55 etc in plain English so that all board members can understand it, including the new people. I would request the summary include a synopsis of the benefits including whether or not these are joint life benefits and the effect of a death of the employee on the non employee benefits. Do children get the benefits if both spouses die? What coverage?

Please also provide a plain English translation life expectancy chart so that the board can see what life expectancies are being used to calculate the premiums.

Please also provide a summary of the health insurance benefits pre and post retirement for both classes of employees and well as an explanation of how this coverage interfaces with Medicare. In other words what happens at Medicare age when the private sector is generally relegated to Medicare coverage and how are employees dependents treated at that point?

What is the current aggregate deficit as between health and retirement and what rate of return is presently imputed in determining that deficit?

Finally, what is the status of the law with regard to the OCFS's ability to set the allocation as between the agency and employees. I understand conventional wisdom is that it is controlled by PEPRA , however, I believe there is case authority indicating that the OCFA may have constitutional latitude to transcend PEPRA ( I believe our labor negotiator may be familiar with that issue).

Please segregate the response as between public and privileged information.

Since these programs are driving huge deficits and in my opinion represent the agencies most serious problem, I see this information as crucial.

I intend to make this request and any response public, so please advise as to the scope of any privileged material.

Thanks, Rick

Rick Barnett  
Mayor, Villa Park, CA  
Sent from a mobile device



**Orange County Fire Authority**  
**AGENDA STAFF REPORT**

**Human Resources Committee Meeting**  
**February 3, 2015**

**Agenda Item No. 3C**  
**Discussion Calendar**

**Director Request for**  
**Preparation of Pension Report**

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**Contact(s) for Further Information**

Jeremy Hammond, Director  
Human Resources Department

[jeremyhammond@ocfa.org](mailto:jeremyhammond@ocfa.org)

714.573.6018

**Summary**

This agenda item is submitted in response to a request from Director Barnett (Villa Park) for staff to prepare a report regarding OCFA's pension plans with the Orange County Employees Retirement System (OCERS).

**Prior Board/Committee Action**

This request was originally presented at the January 15, 2015, Executive Committee meeting. The Executive Committee recommended Director Barnett's request be referred to the Human Resources Committee for its review and discussion prior to taking any further action.

**Recommended Action(s)**

Review the item and provide direction to staff.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

At the January 15, 2015, Executive Committee Meeting, Rick Barnett, OCFA Director from the City of Villa Park, submitted a request for a comprehensive study of the OCFA's pension plans with the Orange County Employees Retirement System (OCERS) and possible revisions to the plan. After hearing a presentation from Director Barnett, the Executive Committee unanimously approved referring this matter to the Human Resources Committee for discussion and vetting.

**Attachment(s)**

January 15, 2015, Executive Committee Meeting, Staff Report Agenda Item 5C entitled, "Director Request for Preparation of Pension Report"



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Executive Committee Meeting  
January 15, 2015

Agenda Item No. 5C  
Discussion Calendar

**Director Request  
for Preparation of Pension Report**

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**Contact(s) for Further Information**

Rick Barnett, OCFA Director	<a href="mailto:rbarnett@villapark.org">rbarnett@villapark.org</a>	714.958.1500
Jeff Bowman, Fire Chief	<a href="mailto:jeffbowman@ocfa.org">jeffbowman@ocfa.org</a>	714.573.6010
Lori Zeller, Assistant Chief Business Services Department	<a href="mailto:lorizeller@ocfa.org">lorizeller@ocfa.org</a>	714.573.6020

**Summary**

This agenda item is submitted in response to a request from Director Barnett (Villa Park) for staff to prepare a report regarding OCFA's pension plans with the Orange County Employees Retirement System (OCERS).

**Prior Board/Committee Action**

Not Applicable.

**Recommended Action(s)**

Review the request and provide direction to staff regarding preparation of any additional reports.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

Attached is a request received from Rick Barnett, OCFA Director from the City of Villa Park, regarding OCFA pension plans. Rule 2b of the Board Rules states the following regarding Board Member requests for items to be placed on Board agendas:

"During the Board Member Comments portion of a Board meeting, any member may request that an item be placed on a future agenda of the Board of Directors. Staff will prepare reports as appropriate and place the item on the agenda for the next meeting of the Board of Directors. **At any other time, any Board Member may contact the Chair to request that an item be placed on the agenda of the next meeting of the Board of Directors. This item will be placed on the Board Discussion Calendar portion of the agenda for concurrence by the Board. No staff reports or materials will be prepared until the full Board directs that the item be placed on an agenda.**"

Per discussion with Chairman Murray, this request is being presented to the Executive Committee to allow an opportunity for discussion with Director Barnett, and to facilitate a better understanding of the request. In addition, staff has included links to several reports that were prepared over the last year relating to OCFA pension plans.

**Attachment(s)**

1. E-mail Request from Director Barnett, dated December 7, 2014

*The following documents are available electronically – links are included below:*

2. OCFA 2014 Long Term Liability Study, October 2014  
[http://ocfa.org/uploads/pdf/sr\\_bd141023-03.pdf](http://ocfa.org/uploads/pdf/sr_bd141023-03.pdf)
3. Paying Down OCFA's Unfunded Pension Liability, September 2013  
[http://www.ocfa.org/uploads/pdf/sr\\_bd130926-15.pdf](http://www.ocfa.org/uploads/pdf/sr_bd130926-15.pdf)
4. OCERS 2013 Actuarial Valuation Power-Point Summary, Segal Company, June 2014, (Attachment 3a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140611-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140611-03.pdf)
5. OCERS 2013 Actuarial Valuation Report, Segal Company, June 2014 (Attachment 2a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140709-02.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140709-02.pdf)
6. OCERS Illustration of Retirement Costs, Unfunded Actuarial Accrued Liability and Funded Ration under Alternative Economic Scenarios, Segal Company, July 2014 (Attachment 3a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140813-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140813-03.pdf)
7. OCERS Triennial Study of Actuarial Assumptions, July 2014 (Attachment 3b)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140813-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140813-03.pdf)

**Zeller, Lori**

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**From:** Rick Barnett <rbarnett@villapark.org>  
**Sent:** Sunday, December 07, 2014 10:20 AM  
**To:** dkendig@wss-law.com; Zeller, Lori; Bowman, Jeff  
**Subject:** Pensions

David and Lori, would you please provide a summary of the OCFA pension coverage, ie vesting schedule for both safety and non safety personal, i.e. 3/55 etc in plain English so that all board members can understand it, including the new people. I would request the summary include a synopsis of the benefits including whether or not these are joint life benefits and the effect of a death of the employee on the non employee benefits. Do children get the benefits if both spouses die? What coverage?

Please also provide a plain English translation life expectancy chart so that the board can see what life expectancies are being used to calculate the premiums.

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What is the current aggregate deficit as between health and retirement and what rate of return is presently imputed in determining that deficit?

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Thanks, Rick

Rick Barnett  
Mayor, Villa Park, CA  
Sent from a mobile device





## ORANGE COUNTY FIRE AUTHORITY

P.O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602

Jeff Bowman, Fire Chief

(714) 573-6000

[www.ocfa.org](http://www.ocfa.org)

February 9, 2015

Rick Barnett, Director  
OCFA Board of Directors  
17855 Santiago Boulevard  
Villa Park, CA 92861

Subject: ***Request for Pension Report***

Dear Director Barnett:

Following referral from the Executive Committee, the Human Resources Committee (HRC) considered your request relating to OCFA pensions at its meeting of February 3, 2015, and directed the following actions:

- Provide additional clarification to you regarding those pension reports that already exist, and identify which of those reports can be used as resources to find the specific pieces of information being requested (See Attachment).
- Refer you to coordinate with OCFA's Legislative Services Manager, Jay Barkman, and Director of Communications, Sandy Cooney, to identify legislative proposals that affect OCFA's pension programs. Additionally, if legislative solutions to pension concerns are desired, those should be brought for consideration by OCFA's Board as part of its formal legislative platform action plan.
- Extend an offer to arrange a meeting for you with OCERS' staff and/or actuary to further discuss details used in performance of annual actuarial studies. Please let Lori Zeller, Assistant Chief/Business Services, know if you would like her to arrange such a meeting.
- Recommend that you consider attending future meetings of the OCERS' Board of Retirement to gain additional information and insight into the function and administration of the existing pension programs.

The HRC indicated its appreciation for your interest in this topic, and its intent to support your efforts through the actions outlined above. If you have any questions, please call me at (714) 931-8863 or Assistant Chief Lori Zeller at (714) 573-6020.

Respectfully,

A handwritten signature in cursive script that reads "David John Shawver".

David Shawver, Chair  
Human Resources Committee

c: Human Resources Committee  
Executive Committee  
Executive Management  
David Kendig, General Counsel

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma  
Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Santa Ana • Seal Beach • Stanton • Tustin • Villa Park  
Westminster • Yorba Linda • and Unincorporated Areas of Orange County

**RESIDENTIAL SPRINKLERS AND SMOKE ALARMS SAVE LIVES**

**Orange County Fire Authority**  
**Reports Relating to OCFA Pension Programs**

**Reference Material**

*The following documents are available electronically, with links included below. Underneath the link for each report, we have listed specific information that may be found within that report.*

1. OCFA 2014 Long Term Liability Study, October 2014  
[http://ocfa.org/uploads/pdf/sr\\_bd141023-03.pdf](http://ocfa.org/uploads/pdf/sr_bd141023-03.pdf)
  - Summary of ***pension and retiree health plans*** for safety and general members
  - Employee and employer contribution rates
  - Current deficit (unfunded liability)
  - Assumed rate of return for computing the unfunded liability
2. Paying Down OCFA's Unfunded Pension Liability, September 2013  
[http://www.ocfa.org/uploads/pdf/sr\\_bd130926-15.pdf](http://www.ocfa.org/uploads/pdf/sr_bd130926-15.pdf)
  - Board-adopted plan for accelerating the payment of OCFA's pension liability
3. OCERS 2013 Actuarial Valuation Power-Point Summary, June 2014, (Attachment 3a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140611-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140611-03.pdf)
  - Various benefit formulas offered at OCERS
  - Contribution rates for all plan sponsors, and for all benefit formulas
  - Valuation of plan assets
  - Historical rate of return on assets
  - Unfunded actuarial accrued liability and funded ratio
  - Summary of active membership
  - Summary of retired members and beneficiaries
4. OCERS 2013 Actuarial Valuation Report, June 2014 (Attachment 2a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140709-02.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140709-02.pdf)
  - Highly detailed information relating to all data listed under Report #3 above.
5. OCERS Illustration of Retirement Costs, Unfunded Actuarial Accrued Liability and Funded Ratio under Alternative Economic Scenarios, Segal Company, July 2014 (Attachment 3a)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140813-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140813-03.pdf)

OCERS Triennial Study of Actuarial Assumptions, July 2014 (Attachment 3b)  
[http://www.ocfa.org/uploads/pdf/sr\\_bf140813-03.pdf](http://www.ocfa.org/uploads/pdf/sr_bf140813-03.pdf)

  - Detailed data comparing actuarial assumptions to actual experience for prior 3 years
  - Economic and demographic assumptions
  - Recommended changes to assumptions

## Agenda Item

## AGENDA STAFF REPORT

ASR Control 06-000853

**MEETING DATE:** 06/06/06

**LEGAL ENTITY TAKING ACTION:** Board of Supervisors

**BOARD OF SUPERVISORS DISTRICT(S):** All Districts

**SUBMITTING AGENCY/DEPARTMENT:** County Executive Office (Approved)

**DEPARTMENT CONTACT PERSON(S):** Thomas Beckett, 834-5969

**SUBJECT:** Orange County Employees Retirement System

<b>CEO CONCUR</b> Concur	<b>COUNTY COUNSEL REVIEW</b> Approval Not Required	<b>CLERK OF THE BOARD</b> Discussion 3 Votes Board Majority
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**Budgeted:** Yes      **Current Year Cost:** \$49,990      **Annual Cost:** N/A

**Staffing Impact:** No      **# of Positions:**      **Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** CEO Fund 017: \$49,990

**Prior Board Action:** Minute Order - Board Directive of July 19, 2005

### RECOMMENDED ACTION(S)

1. Discuss the staff report on the employer cost comparison of the Orange County Employees Retirement System (OCERS) and the California Public Employees Retirement System (CalPERS) and make the determination that the County of Orange will remain with OCERS.
2. Approve payment of invoice from CalPERS in the amount of \$49,990 for actuarial services performed in connection with the study of the CalPERS option.

### SUMMARY:

Pursuant to the directive of the Board of Supervisors of July 19, 2005, the County Executive Office submits a report comparing employer costs of the Orange County Employees Retirement System and the California Public Employees Retirement System.

### BACKGROUND INFORMATION:

#### Historical Background

During 2004, the Orange County Employees Retirement System (OCERS) changed its actuary from Towers Perrin to The Segal Company (Segal). Segal completed an actuarial study as of December 31, 2004 which

reflected a substantial increase of the County's unfunded actuarial liability for employee pensions and required the annual employer contribution by the County to increase from the previous amount of \$190 million to \$319 million. The major factors causing this increase are changes to procedure, methodology and assumptions and amendment of the retirement plan.

As follow up to the Segal report, the OCERS Board formed an ad hoc group which held public meetings and discussed the actuarial methods and assumptions used by OCERS for the past several years. Subsequently OCERS made a few adjustments to its methodology and assumptions, but did not change the demographic assumptions made by Segal. These adjustments, in addition to the change by the OCERS Board on the investment rate of return from 7.5% to 7.75%, resulted in an annual employer contribution by the County of \$249 million.

### Retirement Plan Options

On July 19, 2005, your Board directed the County Executive Office to evaluate CalPERS as a possible alternative to OCERS. The Board also directed staff to evaluate other potential alternatives to OCERS such as the Los Angeles County Employees Retirement Association (LACERA), San Bernardino County Employees Retirement Association (SBCERA) and TIAA-CREF. In addition to the aforementioned, CEO staff also evaluated two other alternatives: 1) creating a Joint Retirement and Benefits Organization for Riverside and Orange Counties; and 2) establishing a Board-governed County Retirement Plan.

Each of these options would require passage of State legislation in order for the County to leave OCERS and most of these would require legislation for the County to create or join a different retirement plan. CEO Legislative Affairs staff advised the staff team on the schedule and process for accomplishing the required passage of legislation, if any would be ultimately proposed by the Board.

Since any change to a different retirement plan would constitute a change in the terms and conditions of employment, a proposed change would be subject to the meet and confer process with the employee unions pursuant to the Meyers-Milius-Brown Act (Government Code Section 3500 et seq.). Thereafter, this proposal would be subject to the vote of County employees.

Specifically, under CalPERS law: 1) a general election would be held in which a majority (50+1) of all active County employees would be required to disapprove a proposed contract with CalPERS. If a contract were approved at this point, one option is that the County could enter CalPERS for prospective employees while maintaining the existing plan at OCERS for current employees; or 2) if by a second election an affirmative vote of at least two-thirds (2/3) of active OCERS members is attained, the County could transfer all existing assets and service records from OCERS to CalPERS.

Should a change to a different retirement plan be ultimately approved, an evaluation would be required for the transfer of assets and liabilities from OCERS to the new plan. After considering all other options, staff concluded that CalPERS could most feasibly be compared with OCERS. The other retirement plan options are not feasible for the following reasons:

LACERA - this option is not feasible because it requires approval of the voters of Los Angeles County to permit Orange County representation on the LACERA Board.

SBCERA - this option also requires voter approval of San Bernardino County for Orange County representation on the SBCERA Board.

TIAA-CREF - TIAA-CREF would change the current defined benefit (DB) pension plan to a defined contribution (DC) plan for future County employees. During the past several years, some public institutions for higher education have converted from a DB to a DC plan. Maintaining both a DB plan for active

employees and DC plan for future employees would probably be more expensive for several years at the onset, although the cost of a DC plan would be less expensive in the long term.

However, it appears unlikely at this time that the labor unions would support such a conversion. Additionally, the vast majority of governmental employers offer DB retirement plans. A conversion by the County to a DC plan would be detrimental for the County's efforts to retain some of its active employees and recruit new employees in the future.

**Joint Retirement and Benefits Organization** - a joint retirement and benefits organization such as, with Riverside County is an option for designing a plan to meet the specific needs of two jurisdictions. In order to effect this change, the costs to the County at least at the onset would be higher as compared to maintaining the current retirement plan. However, the County is currently the major sponsor in OCERS and represented on the OCERS Board. It is unknown whether the formation of a new retirement system with another county would be beneficial with respect to representation on the retirement board, or would result in reduced employer costs in the long term.

**Board-Governed Retirement Plan** - presently the Board governs a retirement plan for employees who work part time, or on an extra help or temporary basis. Pursuant to Article XVI, Section 17 of the California Constitution (Pension Protection Act of 1992), the governing board of a retirement plan must exercise their duties to primarily benefit members of the retirement system, including both active employees and retirees. Under this type of plan, the Board's duty to minimize employer costs is subordinate to the duty to administer the plan for the benefit of the members. Such a dual role could create conflicts between duties of a retirement plan governing board on behalf of its members and the Board of Supervisors on behalf of the County as the employer and thereby, increase the likelihood of legal challenges from employee unions and others.

#### CalPERS Option

As the other options above were considered, CalPERS emerged as offering the most feasible option to the current OCERS retirement plan. Established in 1932, CalPERS is a very large system which serves approximately 1 million active and inactive members and 500,000 retirees plus eligible families. As of February 2006, the market value of the CalPERS fund was approximately \$207.1 billion. CalPERS administers retirement programs for the majority of State of California employees and contractually for numerous cities, counties and other governmental agencies throughout the State.

In comparison, OCERS which was established in 1945 serves approximately 24,000 active and deferred members and 10,000 retirees plus eligible families. As of February 2006, the market value of the OCERS fund was approximately \$6.4 billion. The County employees total approximately 17,000 and comprise over 70% of the OCERS plan.

CEO staff confirmed that legislative change would be required to both leave OCERS and join CalPERS. Staff also established contact with representatives of CalPERS to research the transfer process and other considerations. The principal CalPERS contacts were Ken Marzion, Assistant Executive Officer, and Rick Santos, Associate Pension Actuary. At the onset CalPERS staff indicated that the County retirement benefit structure could not be accommodated in the current CalPERS pension allowance payment system. Therefore, in addition to legislation permitting the County to leave OCERS and join CalPERS, legislation would also be required for CalPERS to offer the same benefit structure and level as OCERS.

After further discussion, CalPERS staff agreed that they could provide information which would reflect the cost of offering the County's retirement benefits consistent with the CalPERS actuarial assumptions and methodology. The objective was to have the ability to make a fair comparison of costs of the County's benefits within the CalPERS structure and the OCERS structure. However, in order to accomplish this objective, CalPERS actuaries were required to perform additional actuarial calculations, using new benefit

formulas not normally used by CalPERS. This increased the cost of CalPERS' actuarial calculations, beyond the cost that was originally estimated as further discussed below.

After this objective was established, a series of working sessions followed which addressed issues, including the following:

- Legislation required for the County to leave OCERS and join CalPERS
- Legislation required for CalPERS to offer County benefits
- Methodology to determine amount of assets to be transferred
- Other approval requirements
- Review of timing of asset and liability determination
- Review of process and mechanics of transfer

The parties involved in working through these issues included representatives of the County Executive Office, Human Resources and County Counsel; CalPERS; OCERS; and the various County labor organizations. Subsequently a core team of professional actuaries and consultants representing all of the aforementioned entities worked diligently in reviewing the actuarial and economic issues and assumptions/methodology underlying all of the cost calculations.

The final product of all of the analysis and calculation is two hypothetical cases, one for CalPERS and one for OCERS, which compare the annual costs of each system to provide the County's current retirement benefit. Exhibit A summarizes the rates for each of the County's four rate groups and also gives an aggregate total for each of the retirement systems. The rates shown are expressed as a percentage of pay in each rate group and in total. Exhibit B summarizes the same information except that it is expressed in dollars instead of percentage of pay.

Since adjustments were made for the rate calculations so that CalPERS and OCERS could be directly compared, the results are hypothetical and would not be actual rates. For example, the OCERS asset value is based on actual market. In the OCERS normal rate setting process, market gains and losses are phased in over five years using a smoothing methodology which is a standard actuarial practice. For the purpose of this report, both systems use full market value. Additionally, the information used for the rate calculations is subject to change over time.

Looking at the summary totals for the two systems as expressed in Exhibit A, the Employer rates are 24.39% for CalPERS and 23.77% for OCERS, a difference of .62% (sometimes also referred to as 62 basis points). Exhibit B reflects the difference in dollars which is \$6 million.

#### Investment Allocation and Performance Analysis

The final step in the staff analysis of the CalPERS option was the review of the comparative historical and projected investment earning rates for CalPERS and OCERS. An independent investment consultant, PFM Advisors, was engaged to conduct a review of both of the retirement systems. The evaluation included the following:

- Analysis of the investment allocation policies
- Identification of the similarities and differences
- Analysis of whether the policies of each system confirm the present rate of return
- Evaluation of the "social responsibility" investment criteria used by CalPERS
- Conclusions and actions required to potentially transfer assets to CalPERS

By deliberate decision, OCERS has a relatively more conservative investment approach. OCERS allocates assets more to fixed income investments and less to domestic equity investments. Due to the more

conservative nature of the OCERS asset allocation, CalPERS will tend to perform better during rising markets and OCERS will perform better during falling markets. Over an extended period of time with multiple shifts in the market, both plans will have similar outcomes. Based on historical data, the long term comparison of the systems is roughly even.

The PFM report also confirms that there would be a series of actions necessary to actually effect a transfer from OCERS to CalPERS, including legislative actions, employee approval through an election process and a valuation of the assets for transfer. The PFM report does not reach a conclusion on recommending a course of action. Rather, advantages and disadvantages are raised which should be considered in the County's decision making process, along with the basic analysis of the asset allocation and performance of the two systems.

#### Conclusion of Comparison of OCERS and CalPERS

The fact that the comparison resulted in little difference between the two systems in employer costs can be interpreted as corroborating the integrity of the overall approach of each of the systems. In the absence of any other extenuating information, there would be little reason to consider transferring the County's active and retired employees to CalPERS. Such a transfer would require the time and costs of legislative and administrative changes with no long term assurance of measurable gain or benefit.

Additionally, since County employees comprise over 70% of those served by OCERS and the County is represented on the OCERS Board, a transfer to the large CalPERS plan would probably result in little or no County representation on the CalPERS governing board. The County would also be required to consider the impact such a departure would have on the other remaining employers served by OCERS. It is recommended that the Board make the determination to remain with OCERS.

#### Recommendation for Payment of CalPERS Invoice

At the time the Board directed staff to compare the costs of providing retirement benefits to County employees through CalPERS instead of OCERS, staff advised the Board that the County would have to reimburse CalPERS for the cost of any actuarial calculations necessary to make such comparison. The cost was initially estimated to be \$5,600. Since then, the cost has increased substantially. This is because the benefit structure available under CalPERS differs in a number of respects from the benefit structure provided to County employees by OCERS. In order to make an "apples-to-apples" comparison, it was necessary for the CalPERS actuary to create new assumptions and hypothetically assume (for purposes of performing an actuarial calculation) that CalPERS offered the same benefit structure as OCERS. This entailed substantial additional work by the CalPERS actuary and as a result, the final invoice from CalPERS is in the amount of \$49,990. It is requested that the Board authorize payment of this invoice from CEO Fund 017 to reimburse CalPERS.

#### **FINANCIAL IMPACT:**

Current year (one-time) cost of \$49,990

#### **STAFFING IMPACT:**

N/A

#### **REVIEWING AGENCIES:**

County Counsel, Human Resources

**EXHIBIT(S):**

Exhibit A - Comparison of CalPERS & OCERS Contribution Rates and Exhibit B - Comparison of CalPERS & OCERS Expected Contributions



**Exhibit A**  
**Comparison of CalPERS & OCERS Contribution Rates**

	<u>General</u>			<u>Law</u>	
	<u>AFSCME</u>	<u>2.7% @ 55</u>	<u>Probation</u>	<u>Enforcement</u>	<u>Total</u>
■ <b>CalPERS<sup>(1)</sup></b>					
● <b>County Rate</b>					
□ <b>Normal Cost</b>	8.32%	10.71%	25.29%	22.03%	13.12%
□ <b>UAL Amortization</b>	<u>2.09%</u>	<u>11.22%</u>	<u>9.24%</u>	<u>15.07%</u>	<u>11.27%</u>
□ <b>Total</b>	10.41%	21.93%	34.53%	37.10%	24.39%
● <b>Average Member Rate</b>	<u>6.96%</u>	<u>10.09%</u>	<u>12.44%</u>	<u>11.93%</u>	<u>10.35%</u>
● <b>Total</b>	17.37%	32.02%	46.97%	49.03%	34.74%
■ <b>OCERS/Segal<sup>(2)</sup></b>					
● <b>County Rate</b>					
□ <b>Normal Cost</b>	9.19%	11.90%	20.86%	21.12%	13.67%
□ <b>UAL Amortization</b>	<u>2.28%</u>	<u>9.70%</u>	<u>9.58%</u>	<u>14.70%</u>	<u>10.10%</u>
□ <b>Total</b>	11.47%	21.60%	30.44%	35.82%	23.77%
● <b>Average Member Rate</b>	<u>7.32%</u>	<u>10.36%</u>	<u>11.61%</u>	<u>11.68%</u>	<u>10.49%</u>
● <b>Total</b>	18.79%	31.96%	42.05%	47.50%	34.26%
■ <b>Projected Payroll</b>	\$ 43.8	\$ 722.5	\$ 55.8	\$ 143.4	\$ 965.5

(1) As provided by CalPERS.

(2) As provided by The Segal Company.

**Exhibit B**  
**Comparison of CalPERS & OCERS Expected Contributions**

	<b>General</b>			<b>Law</b>	
	<b>AFSCME</b>	<b>2.7% @ 55</b>	<b>Probation</b>	<b>Enforcement</b>	<b>Total</b>
<b>■ CalPERS <sup>(1)</sup></b>					
● <b>County Rate</b>					
<input type="checkbox"/> <b>Normal Cost</b>	\$ 3.6	\$ 77.4	\$ 14.1	\$ 31.6	\$ 126.7
<input type="checkbox"/> <b>UAL Amortization</b>	<u>0.9</u>	<u>81.1</u>	<u>5.2</u>	<u>21.6</u>	<u>108.8</u>
<input type="checkbox"/> <b>Total</b>	4.6	158.5	19.3	53.2	235.5
● <b>Estimated Average Member Rate</b>	<u>3.0</u>	<u>72.9</u>	<u>6.9</u>	<u>17.1</u>	<u>100.0</u>
● <b>Total</b>	7.6	231.3	26.2	70.3	335.4
<b>■ OCERS/Segal <sup>(2)</sup></b>					
● <b>County Rate</b>					
<input type="checkbox"/> <b>Normal Cost</b>	\$ 4.0	\$ 86.0	\$ 11.6	\$ 30.3	\$ 132.0
<input type="checkbox"/> <b>UAL Amortization</b>	<u>1.0</u>	<u>70.1</u>	<u>5.3</u>	<u>21.1</u>	<u>97.5</u>
<input type="checkbox"/> <b>Total</b>	5.0	156.1	17.0	51.4	229.5
● <b>Average Member Rate</b>	<u>3.2</u>	<u>74.9</u>	<u>6.5</u>	<u>16.7</u>	<u>101.3</u>
● <b>Total</b>	8.2	230.9	23.5	68.1	330.8
<b>■ Projected Payroll</b>	\$ 43.8	\$ 722.5	\$ 55.8	\$ 143.4	\$ 965.5

(1) As provided by CalPERS.

(2) As provided by The Segal Company.



## Memorandum

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**DATE:** January 4, 2016  
**TO:** Members of the Board of Retirement  
**FROM:** Suzanne Jenike, Assistant CEO, External Operations  
**SUBJECT:** 2015 DISABILITY RETIRMENT STATISTICS REPORT

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### Recommendation

Receive and file.

### Background/Discussion

Each January staff provides the Board with disability retirement statistics covering the prior calendar year. The information contained in this item shows the number of disability retirement applications received, the number presented to the Board as well as the categories of types of application, Service Connected or Non-Service Connected, or both.

At the close of 2015 we received 70 new applications and presented a total of 89 cases to the Board. Out of the 89 cases presented seven were sent back to staff for further development or a second opinion. Ultimate the Board adopted the staff recommendation in all but three of those cases.

We have also provided several prior year's statistic reports for informational purposes. This information is intended to reflect the actual number of applications processed so that we can gauge the department's resource needs as well as track our service levels to our members. This data is not intended to show trends of the types of applications filed, employers, status of general or safety etc....as every application for disability retirement is processed based on its own merits.

### Submitted by:



S. J. – APPROVED

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Suzanne Jenike  
Assistant CEO, External Operations

## 2015 Disability Statistics

Total Filed 2015:		
By Type:	#	%
SCD	26	37%
NSCD	7	10%
BOTH	37	53%
	<b>70</b>	<b>100%</b>
By Employer:	#	%
OC Community Resources	3	4%
Superior Court	3	4%
Health Care Agency	6	9%
OC Fire Authority	9	13%
OC Public Works	5	7%
OC Transportation Authority	7	10%
Probation	3	4%
Human Resource Services	1	1%
Sheriff	22	31%
Social Services Agency	6	9%
John Wayne Airport	1	1%
OC Waste and Recycling	4	6%
	<b>70</b>	<b>100%</b>
By Member Type:	#	%
General	38	54%
Safety	32	46%
	<b>70</b>	<b>100%</b>

Total Granted 2015		
By Type / Stage:	#	%
SCD (Initial Board Decision)	48	70%
NSCD (Initial Board Decision)	17	25%
SCD (Hearings)	4	6%
NSCD (Hearings)	0	0%
	<b>69</b>	<b>100%</b>
By Employer:	#	%
Assessor	1	1%
Community Resources	1	1%
District Attorney	1	1%
OC Fire Authority	16	23%
Health Care Agency	6	9%
Probation	6	9%
Waste and Recycling	1	1%
Superior Court	3	4%
Sheriff	18	26%
Social Services Agency	8	12%
OC Transportation Authority	8	12%
	<b>69</b>	<b>100%</b>
By Member Type:	#	%
General	37	54%
Safety	32	46%
	<b>69</b>	<b>100%</b>

Total Denied 2015:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	7	35%
SCD (Initial Board Decision)	11	55%
NSCD (Initial Board Decision)	0	0%
SCD (2nd Board Decision)	1	5%
NSCD & SCD (2nd Board Decision)	1	5%
	<b>20</b>	<b>100%</b>
By Employer:	#	%
Animal Care	1	5%
Sanitation	1	5%
OC Transportation Authority	5	25%
Health Care Agency	0	0%
District Attorney	0	0%
Sheriff	4	20%
Social Services Agency	5	25%
OC Fire Authority	0	0%
Superior Court	4	20%
Probation	0	0%
Public Guardian	0	0%
Waste and Recycling	0	0%
	<b>20</b>	<b>100%</b>
By Member Type:	#	%
General	17	85%
Safety	3	15%
	<b>20</b>	<b>100%</b>

Disabilities In Process Overview	
Total filings pending Board presentation	125
Pending Filed within the past 12 months	70
Pending Filed over 12 months	55

## 2014 Disability Statistics

Total Filed 2014:		
By Type:	#	%
SCD	34	40%
NSCD	7	8%
BOTH	43	51%
	<b>84</b>	<b>100%</b>
By Employer:	#	%
OC Community Resources	2	2%
District Attorney	3	4%
Health Care Agency	4	5%
OC Fire Authority	10	12%
OC Public Works	4	5%
OC Transportation Authority	12	14%
Probation	3	4%
Sanitation	1	1%
Sheriff	31	37%
Social Services Agency	12	14%
OC Waste and Recycling	2	2%
	<b>84</b>	<b>100%</b>
By Member Type:	#	%
General	44	52%
Safety	40	48%
	<b>84</b>	<b>100%</b>

Total Granted 2014		
By Type / Stage:	#	%
SCD (Initial Board Decision)	38	56%
NSCD (Initial Board Decision)	19	28%
SCD (Hearings)	8	12%
NSCD (Hearings)	1	1%
SCD (Writ)	2	3%
	<b>68</b>	<b>100%</b>
By Employer:	#	%
Assessor	1	1%
Community Resources	4	6%
District Attorney	4	6%
OC Fire Authority	12	18%
Health Care Agency	2	2%
Probation	4	6%
Public Works	3	4%
Child Support Services	1	1%
Sheriff	19	28%
Social Services Agency	6	9%
OC Transportation Authority	12	27%
	<b>68</b>	<b>100%</b>
By Member Type:	#	%
General	35	51%
Safety	33	49%
	<b>68</b>	<b>100%</b>

Total Denied 2014:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	9	35%
SCD (Initial Board Decision)	11	42%
NSCD (Initial Board Decision)	2	8%
SCD (2nd Board Decision)	4	15%
NSCD & SCD (2nd Board Decision)	0	0%
	<b>26</b>	<b>100%</b>
By Employer:	#	%
Auditor/Controller	1	4%
Public Guardian	1	4%
OC Transportation Authority	2	8%
Health Care Agency	3	12%
District Attorney	1	4%
Sheriff	5	19%
Social Services Agency	6	23%
OC Fire Authority	1	4%
Public Works	1	4%
Probation	3	12%
Public Guardian	1	4%
Waste and Recycling	1	4%
	<b>26</b>	<b>100%</b>
By Member Type:	#	%
General	23	88%
Safety	3	12%
	<b>26</b>	<b>100%</b>

### Disabilities In Process Overview

Total filings pending Board presentation :109	125
% Pending Filed within the past 12 months	90
% Pending Filed over 12 months	35



## 2013 Disability Statistics

Total Filed in 2013:		
By Type:	#	%
SCD	22	30%
NSCD	13	18%
BOTH	39	53%
	<b>74</b>	<b>100%</b>
By Employer:	#	%
Assessor	1	1%
Auditor/Controller	2	3%
Child Support Services	1	1%
City of San Juan Capistrano	1	1%
OC Community Resources	2	3%
District Attorney	3	4%
Health Care Agency	1	1%
OC Fire Authority	14	18%
OC Public Works	3	4%
OC Transportation Authority	14	19%
Probation	8	12%
Sanitation	1	1%
Sheriff	16	20%
Social Services Agency	4	5%
Superior Court	2	6%
OC Waste and Recycling	1	1%
	<b>74</b>	<b>100%</b>
By Member Type:	#	%
General	42	57%
Safety	32	43%
	<b>74</b>	<b>100%</b>

Total Granted in 2013:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	31	62%
NSCD (Initial Board Decision)	8	16%
SCD (Hearings)	7	14%
NSCD (Hearings)	2	4%
SCD (Writ)*	2	4%
	<b>50</b>	<b>100%</b>
By Employer:	#	%
City of San Juan Capistrano	1	2%
Clerk Recorder	1	2%
District Attorney	2	4%
OC Fire Authority	9	19%
Health Care Agency	1	2%
Probation	1	2%
Public Works	1	2%
Sanitation	1	2%
Sheriff	15	29%
Social Services Agency	3	7%
OC Transportation Authority	14	27%
UCI	1	2%
	<b>50</b>	<b>100%</b>
By Member Type:	#	%
General	35	70%
Safety	15	30%
	<b>50</b>	<b>100%</b>

\*One member was granted SCD and the other matter was regarding setting an effective date.

Total Denied in 2013:		
By Type / Stage:	#	%
SCD & NSCD (Initial Board Decision)	12	32%
SCD (Initial Board Decision)	12	32%
NSCD (Initial Board Decision)	1	3%
SCD (2nd Board Decision)	3	8%
NSCD & SCD (2nd Board Decision)	5	14%
SCD (Writ)**	4	11%
	<b>37</b>	<b>100%</b>
By Employer:	#	%
OC Fire Authority	2	6%
Public Guardian	1	3%
OC Transportation Authority	5	9%
Health Care Agency	4	12%
District Attorney	3	6%
Sheriff	12	37%
Social Services Agency	4	12%
Library	2	6%
Probation	2	3%
Assessor	1	3%
Sanitation	1	3%
		<b>100%</b>
By Member Type:	#	%
General	26	70%
Safety	11	30%
	<b>37</b>	<b>100%</b>

\*\*OCERS prevailed at Superior Court. One member filed a Motion for a New Trial and the other member filed an Appeal.

Disabilities In Process Overview	
Total filings pending Board presentation	109
% Pending Filed within the past 12 months	64%
% Pending Filed over 12 months	36%

## 2012 Disability Statistics

Total Filed in 2012:		
By Type:	#	%
SCD	32	39%
NSCD	7	9%
BOTH	43	52%
	<b>82</b>	<b>100%</b>
By Employer:	#	%
City of San Juan Capistrano	1	1%
District Attorney	3	4%
Health Care Agency	3	4%
OC Community Resources	3	4%
OC Fire Authority	17	21%
OC Public Works	4	5%
OC Transportation Authority	16	20%
Probation	2	2%
Public Library	1	1%
Sanitation	1	1%
Sheriff	19	23%
Social Services Agency	10	12%
Superior Court	2	2%
	<b>82</b>	<b>100%</b>
By Member Type:	#	%
General	57	70%
Safety	25	30%
	<b>82</b>	<b>100%</b>

Total Granted in 2012:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	27	68%
NSCD (Initial Board Decision)	11	28%
SCD (Hearings)	1	3%
NSCD (Hearings)	0	0%
SCD (Writ)*	1	3%
	<b>40</b>	<b>100%</b>
By Employer:	#	%
Health Care Agency	1	3%
OC Community Resources	1	3%
OC District Attorney	1	3%
OC Fire Authority	7	18%
OC Transportation Authority	12	30%
Probation	1	3%
Sheriff	14	35%
Social Services Agency	2	5%
Superior Court	1	3%
	<b>40</b>	<b>100%</b>
By Member Type:	#	%
General	21	53%
Safety	19	48%
	<b>40</b>	<b>100%</b>

Total Denied in 2012:		
By Type / Stage:	#	%
SCD & NSCD (Initial Board Decision)	9	30%
SCD (Initial Board Decision)	17	57%
NSCD (Initial Board Decision)	1	3%
SCD (2nd Board Decision)	1	3%
NSCD & SCD (2nd Board Decision)	0	0%
SCD (Writ)**	2	7%
	<b>30</b>	<b>100%</b>
By Employer:	#	%
Health Care Agency	2	7%
OC Fire Authority	4	13%
OC Public Work	1	3%
OC Transportation Authority	8	27%
OC Waste & Recycling	2	7%
Probation	2	7%
Sheriff	7	23%
Social Services Agency	4	13%
	<b>30</b>	<b>100%</b>
By Member Type:	#	%
General	20	67%
Safety	10	33%
	<b>30</b>	<b>100%</b>

\*This matter is now at the Court of Appeal.

\*\*OCERS prevailed at Superior Court, however one member filed a Motion for a New Trial which will be heard in March 2013

Disabilities In Process Overview	
Total Filings Pending Board Presentation	97
% Pending Filed within past 12 months	79%
% Pending Filed over 12 months	21%



## 2011 Disability Statistics

<b>Total Filed in 2011: 62</b>		
<b>By Type:</b>	<b>#</b>	<b>%</b>
SCD	33	53%
NSCD	5	8%
BOTH	24	39%
	<b>62</b>	<b>100%</b>
<b>By Employer:</b>	<b>#</b>	<b>%</b>
OC Clerk Recorder	1	2%
OC Fire Authority	11	18%
Auditor Controller	1	2%
OC Community Resources	1	2%
UCI	1	2%
Public Admin/Public Guardian	1	2%
OC Waste & Recycling	2	3%
OC Public Works	1	5%
OC Transportation Authority	7	25%
OC Children & Family Services	1	2%
OC Children & Family Commission	1	2%
Probation	5	6%
DA	1	3%
Sheriff	22	20%
Social Services Agency	5	7%
Superior Court	1	3%
	<b>62</b>	<b>100%</b>
<b>By Member Type:</b>	<b>#</b>	<b>%</b>
General	27	44%
Safety	35	56%
	<b>62</b>	<b>100%</b>

For Disabilities filed in 2010, 3% have been presented to the Board as of 12/31/10. For disabilities filed in 2009, 71% have been presented to the Board as of 12/31/2010. For disabilities filed in 2008, 88% have been presented to the Board or otherwise adjudicated as of 12/31/2010 (1 outstanding application and 7 pending hearings from 2007 filings).

<b>Total Granted in 2011: 44</b>		
<b>By Type / Stage:</b>	<b>#</b>	<b>%</b>
SCD (Initial Board Decision)	28	64%
NSCD (Initial Board Decision)	15	34%
NSCD (Hearings)	0	0%
SCD (Hearings)	0	0%
SDC (Writ)	1	2%
	<b>44</b>	<b>100%</b>
<b>By Employer:</b>	<b>#</b>	<b>%</b>
Child Support Services	1	2%
District Attorney	1	2%
OC Fire Authority	7	16%
OC Children & Family Commission	1	2%
Health Care Agency	3	7%
OC Community Resources	1	2%
OC Public Works	1	2%
OC Transportation Authority	5	11%
Probation	3	7%
City of San Juan Capistrano	1	2%
OC Assessor	1	2%
Sheriff	15	34%
Social Services Agency	3	7%
Superior Court	1	2%
	<b>44</b>	<b>100%</b>
<b>By Member Type:</b>	<b>#</b>	<b>%</b>
General	26	59%
Safety	18	41%
	<b>44</b>	<b>100%</b>

Summary: At the close of 2010, we had processed 64 new applications and presented 78 cases to the Board of Retirement for adjudication. Compared to 2009, we saw an increase of 14% in disability application filings and a 20% growth in the number of cases presented to the Board of Retirement. We continued to have approximately 70% of our filings originate from General members and 30% originating from Safety members. From an appeals perspective, we have approximately 60% of members who are denied appealing their first Board decision. We did not have any Writs filed (appeals from a hearing) during 2010.

<b>Total Denied in 2011: 30</b>		
<b>By Type / Stage:</b>	<b>#</b>	<b>%</b>
SCD & NSCD (Initial Board Decision)	7	23%
SCD (Initial Board Decision)	13	43%
NSCD (Initial Board Decision)	2	7%
SCD (2nd Board Decision)	3	10%
NSCD & SCD (2nd Board Decision)	4	13%
SCD (Writ)	1	3%
	<b>30</b>	<b>100%</b>
<b>By Employer:</b>	<b>#</b>	<b>%</b>
Child Support Services	1	3%
District Attorney	1	3%
OC Children & Family Commission	1	3%
OC Public Works	2	7%
Social Services Agency	4	13%
Health Care Agency	3	10%
Superior Court	1	3%
OC Transportation Authority	7	23%
OC Sanitation District	1	3%
Probation	2	7%
Sheriff	7	23%
	<b>30</b>	<b>100%</b>
<b>By Member Type:</b>	<b>#</b>	<b>%</b>
General	25	83%
Safety	5	17%
	<b>30</b>	<b>100%</b>

<b>2010 Member Appeals</b>		
	<b>#</b>	<b>%</b>
Appealing 1st Decision	12 of 20	60%
Appealing 2nd Decision (Hearings)	0 of 7	0%
Appealing SCD denial 1st decision (NSCD grants only)	2 of 13	15%
Appealing Superior Court decision	0	0%

\* Note: Members granted NSCD but denied SCD appear in the "Total Granted" columns only (except Appeals).





# ORANGE COUNTY FIRE AUTHORITY

## SUPPLEMENTAL AGENDA

### BOARD OF DIRECTORS REGULAR MEETING

Thursday, September 22, 2016

6:00 P.M.

**Regional Fire Operations and Training Center**

**Board Room**

1 Fire Authority Road

Irvine, CA 92602

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>

If you wish to speak before the Fire Authority Board, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to being heard before the Board. Speaker Forms are available at the counters of both entryways of the Board Room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040.

The following item is added to the above stated agenda in the location noted below. This item is posted in conformance with the Brown Act and is to be considered as part of the regular agenda.

### CLOSED SESSION

#### **CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Name of Case: Medix Ambulance Inc. v. Orange County Fire Authority

Case No.: OC Superior Court Case No. 30-2015-00773054-CU-BT-CJC

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

### AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby, front gate public display case, and website of the Orange County Fire Authority, Regional Fire Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 19<sup>th</sup> day of September 2016.

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