



ORANGE COUNTY FIRE AUTHORITY

AGENDA

BOARD OF DIRECTORS REGULAR MEETING
Thursday, September 28, 2017
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 Senior Chaplain Dave Keehn

PLEDGE OF ALLEGIANCE by Director Bartlett

ROLL CALL

1. PRESENTATIONS

A. Requests for Commendations and Proclamations

Submitted by: Sherry Wentz, Clerk of the Authority

1. Recognition of Edgar Vazquez for Life Saving
2. Recognition of OCFA's Purchasing Division as recipient of the National Procurement Institute's 2016 Annual Achievement of Excellence in Procurement Award
3. Presentation of Certificate of Achievement to the Business Services Department – Finance Division, Orange County Fire Authority for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR)

Recommended Action:

Approve request as submitted and make presentations to those present.

B. Presentation of OCFA Flag by Firefighter Phillip Chun

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 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. 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.

CLOSED SESSION

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Negotiators: Peter Brown, Liebert Cassidy and Whitmore
Employee: Orange County Employees' Association
Organization:
Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LABOR NEGOTIATOR

Negotiators: Brigitte Gibb, Human Resources Director
Employee: Orange County Professional Fire Fighters Association,
Organization: Local 3631
Authority: Government Code Section 54957.6

CS3. CONFERENCE WITH LABOR NEGOTIATOR

Negotiators: Elizabeth Swift, Board Chair; Ed Sachs, Board Vice Chair; Joe Muller, Budget and Finance Committee Vice Chair

Unrepresented Employee: Interim Fire Chief

Authority: Government Code Section 54957.6

CS4. PUBLIC EMPLOYEE APPOINTMENT

Title: Interim Fire Chief

Authority: California Government Code Section 54957

CS5. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION

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

CLOSED SESSION REPORT

REPORT FROM THE HUMAN RESOURCES COMMITTEE CHAIR

REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR

As there was no meeting this month, there will be no report.

REPORT FROM THE CLAIMS SETTLEMENT COMMITTEE CHAIR

As there was no meeting this month, there will be no report.

REPORT FROM THE FIRE CHIEF

- ISO Rating (Schroeder)
- CA Wildland Fires Status (Young)

2. MINUTES

- A. Minutes from the July 13, 2017, Special Board of Directors Meeting (A), Minutes from the July 27, 2017, Regular and Special Board of Directors Meeting (B), Minutes from the August 24, 2017, Special Board of Directors Meeting (C), and Minutes from the August 31, 2017, Special Board of Directors Meeting (D)**

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Action:

Approve as submitted.

3. CONSENT CALENDAR

A. Amendment to 2017 and 2018 Board Meeting Schedules

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

Recommended Action:

To provide to on-going communication to staff and its labor negotiators during the contract negotiation process, it is recommended that the Board adopt the proposed Resolution entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS TO TEMPORARILY EXPAND THE REGULAR MEETING DATES OF THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2018 AND REMAINDER OF 2017.

B. State Standard Agreement for Fire Protection Services of State Responsibility Areas

Submitted by: Brian Young, Assistant Chief/Operations Department

Recommended Action:

To continue provision of fire protection services of State Responsibility Areas, it is recommended that the Board approve and authorize the Board Chair to sign the Assignment of three-year Cooperative Fire Protection Agreement between the State of California Department of Forestry and Fire Protection and the County of Orange to OCFA.

C. Carryover of FY 2016/17 Uncompleted Projects and First Quarter Budget Adjustment

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

Recommended Actions:

To carryover funding for one-time projects and grant-funded projects that were not completed prior to year-end in FY 2016/17 and require a rebudget to FY 2017/18, it is recommended that the Board authorize the following proposed budget adjustments:

1. Approve a budget adjustment in the General Fund (121) increasing revenues by \$520,739 and expenditures by \$2,373,116.
2. Approve a budget adjustment in the General Fund CIP (12110) increasing expenditures by \$1,288,881.
3. Approve a budget adjustment in the Fire Stations and Facilities Fund (123) increasing expenditures by \$7,814,115.
4. Approve a budget adjustment in the Communications and Information Systems Fund (124) increasing expenditures by \$1,885,180.
5. Approve a budget adjustment in the Fire Apparatus Fund (133) increasing expenditures by \$1,377,240.
6. Approve a budget adjustment in the Structural Fire Entitlement Fund (171) increasing expenditures by \$549,651.
7. Approve a budget adjustment transferring \$2,100,000 from the General Fund (121) to the General Fund CIP (12110) to ensure sufficient fund balance in the fund to complete the projects.

D. Establishment of Designated Staffing Stations and Specialty Pay for Manpower Coordinators

Presented by: Brian Young, Assistant Chief/Operations Department

Recommended Actions:

The recommended actions will continue addressing the impacts associated with extraordinary forced hiring of firefighter personnel.

1. Establish a 7.5% specialty pay for 24 designated manpower coordinators at Fire Stations 22 (Laguna Hills) and 64 (Westminster).
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$200,147 to fund the specialty pay.

END OF CONSENT CALENDAR**4. PUBLIC HEARING(S)**

No items.

5. DISCUSSION CALENDAR**A. Interim Fire Chief Limited Term Employment Agreement**

Presented by: Brigitte Gibb, Director/Human Resources

Recommended Actions:

To provide day-to-day leadership during the Fire Chief recruitment process, it is recommended that, following the Closed Session negotiation of agreement terms, the Board approve a limited term employment agreement for an Interim Fire Chief.

B. Request for Proposal for Full Emergency Services for City of Garden Grove

Presented by: Mike Schroeder, Assistant Chief/Organizational Planning Department

Recommended Actions:

When a city requests a proposal for emergency services from the OCFA, the Board needs to authorize the use of staff time to prepare the request, it is recommended that the Board, upon receipt of the required payment to the OCFA, direct staff to prepare a proposal for the City of Garden Grove for a full emergency services agreement.

BOARD MEMBER COMMENTS

ADJOURNMENT – Pending the Board’s approval, the next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, October 26, 2017, 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 Operations and Training Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 21st day of September 2017.

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

UPCOMING MEETINGS:

Human Resources Committee Meeting	Wednesday, October 3, 2017, 12 noon
Budget and Finance Committee Meeting	Wednesday, October 11 2017, 12 noon
Claims Settlement Committee Meeting	Thursday, October 26, 2017, 5:00 p.m.
Executive Committee Meeting	Thursday, October 26, 2017, 5:30 p.m.
Board of Directors Meeting (Pending Board approval)	Thursday, October 26, 2017, 6:00 p.m.





MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Special Meeting
Thursday, July 13, 2017
5:00 P.M.**

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

CALL TO ORDER

A special meeting of the Orange County Fire Authority Board of Directors was called to order on July 13, 2017, at 5:00 p.m. by Chair Swift.

INVOCATION

Chaplain Jeff Hetschel offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Tim Brown, San Clemente
Melissa Fox, Irvine
Craig Green, Placentia
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Ed Sachs, Mission Viejo
David Shawver, Stanton
Michele Steggell, La Palma

Laurie Davies, Laguna Niguel
Carol Gamble, Rancho Santa Margarita
Dave Harrington, Aliso Viejo
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Don Sedgwick, Laguna Hills
Todd Spitzer, County of Orange
Elizabeth Swift, Buena Park

Absent: Lisa Bartlett, County of Orange
Ellery Deaton, Seal Beach
Joe Muller, Dana Point
Bill Nelson, Villa Park
Juan Villegas, Santa Ana

Leah Basile, Lake Forest
Sergio Farias, San Juan Capistrano
Al Murray, Tustin
Tri Ta, Westminster

Also present were:

Assistant Chief Lori Zeller
Assistant Chief Dave Anderson
Assistant Clerk Martha Halvorson

Assistant Chief Mike Schroeder
Assistant Chief Lori Smith
Assistant Counsel Michael Daudt

1. PRESENTATIONS

No items.

PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, addressed unfunded actuarial accrued liability, State Senate Bill 302, and Stanton's operational budget.

2. MINUTES

No items.

3. CONSENT CALENDAR

No items.

4. PUBLIC HEARING(S)

No items.

Vice Chair Sachs arrived at this point (5:10 p.m.).

5. DISCUSSION CALENDAR

A. Increase of Contingency Funds Tenant Improvements for Urban Search and Rescue Warehouse and Training Center (F: 22.05A1a)

Assistant Chief Dave Anderson presented the increase of Contingency Funds Tenant Improvements for Urban Search and Rescue Warehouse and Training Center.

Discussion ensued.

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

1. Authorize and approve the change order to the existing contract with ICS for additional soil removal and treatment in the amount of \$8,910, bringing the contract amount from \$21,788 to a new total of \$30,698.
2. Authorize and approve the change order of \$3,600 for GSI Environmental Services.
3. Authorize and approve the Pacific Plumbing blanket order amount of \$2,500 for plumbing repair.
4. Not authorize and not direct staff to remove the existing subsurface concrete structure.
5. Not authorize and not direct staff to continue potential project delay costs totaling \$27,870 to Hoffman Construction.

Motion failed by the following vote:

SUPPORT (4):

Melissa Fox, Irvine
Shelley Hasselbrink, Los Alamitos

Carol Gamble, Rancho Santa Margarita
Michelle Steggell, La Palma

OPPOSED (12):

Tim Brown, San Clemente
Craig Green, Placentia
Noel Hatch, Laguna Woods
Rob Johnson, Cypress
Don Sedgwick, Laguna Hills
Todd Spitzer, County of Orange

Laurie Davies, Laguna Niguel
Dave Harrington, Aliso Viejo
Gene Hernandez, Yorba Linda
Ed Sachs, Mission Viejo
Dave Shawver, Stanton
Elizabeth Swift, Buena Park

ABSENT (9):

Lisa Bartlett, County of Orange
Ellery Deaton, Seal Beach
Joseph Muller, Dana Point
Bill Nelson, Villa Park
Juan Villegas, Santa Ana

Leah Basile, Lake Forest
Sergio Farias, San Juan Capistrano
Al Murray, Tustin
Tri Ta, Westminster

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

1. Authorize an additional \$100,000 to the existing 15% contingency amount (\$92,439) for a new contingency total of \$192,439 and a total project amount not to exceed \$808,697.
2. Authorize staff to increase FY 2017/18 General Fund (121) appropriations in the amount of \$100,000 to fund the increased contingency.
3. Authorize a change order to the existing contract with ICS for additional soil removal and treatment in the amount of \$8,910, bringing the contract amount from \$21,788 to a new total of \$30,698.
4. Authorize a change order in the amount of \$29,106 to completely remove concrete foundations discovered after removal of the slab.

Motion carried by those present with Director Gamble voting in opposition.

B. Change Order and Contract Increase for the Audio Video Systems Upgrade Project
(F: 19.07B11)

Assistant Chief Dave Anderson requested the item pulled to be considered at a future Board of Directors meeting.

On motion of Director Spitzer and second by Director Johnson, the Board of Directors voted unanimously by those present to defer the item to a future meeting.

BOARD MEMBER COMMENTS (F: 11:13)

Director Spitzer thanked those members whose cities have contributed donations to the Orange County Drowning Prevention Task Force, and asked those cities who have not, to consider giving a donation, or setting up an annual contribution within their city budgets.

Director Hatch, noting the importance of drowning prevention, addressed a recent dry drowning accident that resulted in a fatality.

Director Shawver thanked Division Chief Dave Steffen for his coordination with the Garden Grove Fire Department for providing a fire truck to water down a camp site being used by the cub scouts to deter the extreme heat.

ADJOURNMENT – Chair Swift adjourned the meeting at 6:37 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for July 27, 2017, at 6:00 p.m.

Martha Halvorson, CMC
Assistant Clerk of the Authority

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular and Special Meetings
Thursday, July 27, 2017
6:00 P.M.**

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

CALL TO ORDER

A regular and special meeting of the Orange County Fire Authority Board of Directors was called to order on July 27, 2017, at 6:03 p.m. by Chair Swift.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Lisa Bartlett, County of Orange
Laurie Davies, Laguna Niguel
Sergio Farias, San Juan Capistrano
Craig Green, Placentia
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Al Murray, Tustin
Ed Sachs, Mission Viejo
Todd Spitzer, County of Orange
Juan Villegas, Santa Ana

Leah Basile, Lake Forest
Ellery Deaton, Seal Beach
Melissa Fox, Irvine
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Joe Muller, Dana Point
Bill Nelson, Villa Park
David Shawver, Stanton
Elizabeth Swift, Buena Park

Absent: Tim Brown, San Clemente
Dave Harrington, Aliso Viejo
Michele Steggell La Palma

Carol Gamble, Rancho Santa Margarita
Don Sedgwick, Laguna Hills
Tri Ta, Westminster

Also present were:

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

Assistant Chief Lori Zeller
Assistant Chief Mike Schroeder
Assistant Chief Dave Anderson
Human Resources Director Brigitte Gibb

1. PRESENTATIONS

On motion of Director Murray and second by Director Hernandez, the Board of Directors voted unanimously by those present to approve the request as submitted and make presentations to those present.

A. Recognition of Avalon Fire Captain John Meffert (F: 11.09C) (X: 11.09)

Division Chief Greg McKeown presented a PowerPoint presentation of a Cessna 310R that crashed on the I-405 freeway on its approach to John Wayne Airport. Chair Swift and Fire Chief Bowman presented a recognition to Avalon Fire Captain John Meffert for his heroic rescue of its two passengers.

B. Thank you from Workmeister Family to OCFA Staff and Board (F: 11.09)

Assistant Chief Mike Schroeder presented a PowerPoint presentation regarding a tragic accident that resulted in life threatening injuries to father and son. The Workmeister family gave special thanks to the crew of Fire Station 54 (Lake Forest), Paramedic John Paul O'Hara, and the OCFA Board of Directors for the family member's survival.

PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, spoke in opposition to State Senate Bill 302 and addressed OCFA member city's cost for services.

Dave Lopez, Seal Beach resident, spoke in opposition to the Orange County Sheriff's Department's failure to abide by and intent to terminate the existing memorandum of understanding concerning air operations between the two agencies.

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

Human Resources Chair Noel Hatch reported at the July 11, 2017, meeting the Committee received and filed the Quarterly Human Resources Accomplishment/Project Update, Recruiting Program and Promotional Process Updates, reviewed and voted unanimously to send the New/Revised Classification Specifications for Human Resources Specialists and Analyst Services to the Executive Committee for its approval, and also to send both the Master Position Control Revision for Human Resources Manager, and the Master Position Control Revision for Emergency Command Center Positions to the Board of Directors for their approval.

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

As there was no meeting this month; there was no report.

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

As there was no meeting this month; there was no report.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Fire Chief Bowman provided the FY 2016/17 Performance Update. He introduced Assistant Chief Dave Anderson who introduced newly hired Emergency Command Center Manager Jeff Logan and provided a brief overview of the formation of the Technology Task Force noting that Director Murray will serve as its Chair. Assistant Chief Lori Smith introduced Battalion Chief Brian Norton who provided a PowerPoint informational presentation on the Gold Spotted Oak Borer and its impact on the environment. Assistant Chief Lori Smith also provided a brief report on the outcome of the 4th of July. Assistant Chief Brian Young provided a status of California wildland fires.

Director Farias arrived at this point (6:57 p.m.).

Director Muller addressed a recent fire that occurred at the Doubletree Hotel and commended the crew of Fire Station 29 (Dana Point) for its firefighting efforts.

Director Spitzer arrived at this point (7:01 p.m.).

2. MINUTES

A. Minutes from the May 25, 2017, Regular Board of Directors Meeting (F: 11.06)

On motion of Director Johnson and second by Director Hernandez, the Board of Directors voted unanimously by those present to approve the May 25, 2017, Regular Board of Directors meeting minutes as submitted. Directors Hatch and Spitzer were recorded as abstentions due to their absence from the meeting.

Director Bartlett arrived at this point (7:06 p.m.).

3. CONSENT CALENDAR

A. Proclamation Declaring October 8-14, 2017, as “Fire Prevention Week” (F: 11.09A)

On motion of Director Johnson and second by Director Davies, the Board of Directors voted unanimously by those present to approve the proposed annual proclamation.

B. County-wide Community Wildfire Protection Plan (F: 16.02I)

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

1. Find that the proposed project is Statutorily Exempt from the provisions of CEQA as a feasibility and planning study pursuant to Section 15262 of the CEQA Guidelines.
2. Approve the County-wide Community Wildfire Protection Plan for Orange County.

C. Emergency Command Center Trial Program for Communications Training Officer
(F: 17.12)

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

1. Establish a 15% specialty compensation for Fire Communications Dispatchers selected to act as Communications Training Officers in Dispatcher Academy #13.
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$97,632 to fund the specialty compensation.

D. Master Position Control Revision for Emergency Command Center Positions
(F: 17.12) (X: 18.0)

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

1. Approve freezing one Senior Fire Communications Supervisor position on the Master Position Control.
2. Approve converting three part-time Fire Communications Dispatcher positions to full-time on the Master Position Control.
3. Approve a budget adjustment decreasing appropriations in the FY 2017/18 General Fund (121) Budget by \$27,457.

E. Master Position Control Revision for Human Resources Manager (F: 17.12) (X: 17.10)

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

1. Approve the addition of one Human Resources Manager position to the Master Position Control in order to reduce OCFA exposure to personnel-related liabilities and inefficiencies.
2. Approve a budget adjustment increasing appropriations in the FY 2017/18 General Fund (121) Budget by \$253,681 (salary and benefits) to fund the additional Human Resources Manager.

F. Master Position Control Revision for Urban Search and Rescue Positions (F: 17.12)
(X: 22.05)

On motion of Director Johnson and second by Director Davies, the Board of Directors voted unanimously by those present approve adding two part-time Limited-Term Fire Equipment Technicians to the Master Position Control list. These positions replace the use of Extra Help personnel and will be funded through the Urban Search and Rescue grant funds received from the Federal Emergency Management Agency.

G. Acceptance of Funds from the 2016 Homeland Security Grant Program for an Administrative Fire Captain Assigned to the Orange County Intelligence Assessment Center (F: 16.02A1)

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

1. Approve the FY 2016 Homeland Security Grant Program Agreement and authorize the Fire Chief to execute it and any necessary attachments and agreement(s) to accept and administer the Urban Area Security Initiative Grant.
2. Approve a Budget Adjustment in Fund 121 to increase revenue and appropriations by \$160,000 for the FY 2016 Homeland Security Grant Program award.

H. Response to Grand Jury Report Regarding Benefit Enhancements (F: 20.04A9)

On motion of Director Johnson and second by Director Davies, the Board of Directors voted unanimously by those present to as required by the Grand Jury, approve and authorize the Clerk of the Authority to submit to the Presiding Judge of the Superior Court the Orange County Fire Authority's response to the Orange County Grand Jury report entitled "Pension Enhancements: A Question of Government Code Compliance."

END OF CONSENT CALENDAR

4. PUBLIC HEARING(S)

A. Community Risk Reduction Fee Study and Adoption of Associated Fee Schedules (F: 15.05A)

Assistant Chief Lori Zeller introduced Finance Manager Jim Ruane who provided an overview of the Community Risk Reduction Fee Study and Adoption of Associated Fee Schedules. Jim introduced Fee Consultant Eric Johnson of Revenue and Cost Specialist, who summarized his role in the review of the model and data within the fee schedules.

Director Bartlett arrived at this point (7:06 p.m.).

Chair Swift opened the public portion of the Public Hearing. Chair Swift closed the Public Comments portion of the meeting without any comments from the public.

Brief discussion ensued.

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

1. Conduct a Public Hearing.
2. Find that, in accordance with California Government Code Section 66014, the proposed fees do not exceed the cost of providing services and are only for the purpose of meeting operational expenses and are, therefore, exempt from compliance with the California

- Environmental Quality Act pursuant to Public Resources Code Section 21080, and eliminate the proposed fee for prevention field services, AF1 Firework Stands.
3. Approve and adopt Resolution No. 2017-04 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY SUPERSEDING ALL PREVIOUS RESOLUTIONS AND APPROVING CHANGES IN COMMUNITY RISK REDUCTION AND MISCELLANEOUS FEES with the exclusion of the proposed fireworks booth inspection fee.

Motion failed by the following vote:

SUPPORT (4):

Craig Green, Placentia
David Shawver, Stanton

Bill Nelson, Villa Park
Todd Spitzer, County of Orange

OPPOSED (15)

Lisa Bartlett, County of Orange
Laurie Davies, San Clemente
Sergio Farias, San Juan Capistrano
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Joe Muller, Dana Point
Ed Sachs, Mission Viejo
Juan Villegas, Santa Ana

Leah Basile, Lake Forest
Ellery Deaton, Seal Beach
Melissa Fox, Irvine
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Al Murray, Tustin
Elizabeth Swift, Buena Park

On motion of Vice Chair Sachs and second by Director Murray, the Board of Directors voted by those present to:

1. Conduct a Public Hearing.
2. Find that, in accordance with California Government Code Section 66014, the proposed fees do not exceed the cost of providing services and are only for the purpose of meeting operational expenses and are, therefore, exempt from compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21080.
3. Approve and adopt Resolution No. 2017-04 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY SUPERSEDING ALL PREVIOUS RESOLUTIONS AND APPROVING CHANGES IN COMMUNITY RISK REDUCTION AND MISCELLANEOUS FEES.

The Motion carried with Directors Green and Spitzer voting in opposition.

Chair Swift, using the Chair's discretion, requested the Closed Session items CS4, Conference with Legal Counsel – Anticipated Litigation, and CS5, Conference with Legal Counsel – Initiation of Litigation, be brought forward on the agenda.

CLOSED SESSION (F: 11.15)

CS4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b)
(1 case)

CS5. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9(c) (1 case)

General Counsel David Kendig reported the Board would convene to Closed Session to consider the matters on the agenda identified as CS4, Conference with Legal Counsel – Anticipated Litigation, and CS5 Conference with Legal Counsel – Initiation of Litigation.

Chair Swift recessed the meeting to Closed Session at 7:39 p.m.

Chair Swift reconvened the meeting from Closed Session at 8:19 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

5. DISCUSSION CALENDAR

A. Actions to Reduce Firefighter Overtime & Extraordinary Volume of Forced Hiring Activity (F: 17.10D)

Assistant Chief Lori Zeller presented the Actions to Reduce Firefighter Overtime & Extraordinary Volume of Forced Hiring Activity.

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

1. Direct staff to convert funding for 53 existing positions (17 Fire Captains, 15 Fire Apparatus Engineers, and 21 Firefighters) from overtime-funded to full-time salary and benefit-authorized positions, by taking the following actions:
 - a. Restore and activate 42 existing frozen positions on the Master Position Control (15 Fire Captains, 15 Fire Apparatus Engineers, and 12 Firefighters).
 - b. Add two Fire Captains (one regular position and one limited-term/grant-funded position) and 9 Firefighters as authorized positions to the Master Position Control.
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$345,191 to fund the difference between current budgeted overtime pay and regular salary and benefit costs for these converted positions.
3. Authorize staff to temporarily exceed the number of authorized firefighter positions on the Master Position Control to enable the hiring of 50 firefighters into each of the next two academies. This temporary authorization shall only apply to the next two academies (45 and 46), pending attrition/promotions that will occur during and following academy graduations.

5. DISCUSSION CALENDAR

B. Increase of Contingency Funds Tenant Improvements for Urban Search and Rescue Warehouse and Training Center (F: 22.05A1a)

Assistant Chief Dave Anderson presented the Increase of Contingency Funds Tenant Improvements for Urban Search and Rescue Warehouse and Training Center.

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

1. Approve and authorize an additional \$100,000 to the existing contingency amount of \$192,439 for a new contingency total of \$292,439 and a total project amount not to exceed \$908,697.
2. Approve and authorize staff to increase FY 2017/18 Capital Improvement Program (123) appropriations in the amount of \$100,000 to fund the increased contingency.
3. Approve and authorize a change order to the existing contract with ICS and GSI as required for the additional work performed, not to exceed the authorized contingency funding for the project.
4. Direct legal counsel to investigate and evaluate the merit of initiating litigation against those potentially responsible for the OCFA's costs of addressing the undisclosed soil contamination and vault removal at the property and report back to the Board with recommendations.

BOARD MEMBER COMMENTS

Director Deaton reported on a near drowning where OCFA responders saved a life.

Director Hernandez thanked Director Murray for his recent presentation on drowning prevention.

Director Murray thanked Chief Solano of Tustin and others for their responses to the recent incidents in Tustin.

Chair Swift reported Fire Station 61 (Buena Park) is under construction, reminded Board Members of the Dispatcher Academy Graduation on August 3, and of the 9/11 Memorial Service at the RFOTC, with individual services taking place at each OCFA fire station.

Director Green reported attending the Explorer Graduation.

REPORTS

No items.

CONTINUED CLOSED SESSION (F: 11.15)

CS1. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to Litigation regarding Pension Liability

CS2. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to Litigation regarding Air Operations

CS3. 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)

General Counsel David Kendig reported the Board would reconvene to Closed Session to consider the matters on the agenda identified as CS1, Conference with Legal Counsel – Anticipated Litigation, and CS2, Conference with Legal Counsel – Anticipated Litigation, and CS3, Conference with Legal Counsel-Existing Litigation.

Chair Swift recessed the meeting to Closed Session at 8:37 p.m.

Chair Swift reconvened the meeting from Closed Session at 10:27 p.m.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

ADJOURNMENT – Chair Swift adjourned the meeting at 10:28 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, September 28, 2017, at 6:00 p.m.

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

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Special Meeting
Thursday, August 24, 2017
6:00 P.M.**

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

CALL TO ORDER

A special meeting of the Orange County Fire Authority Board of Directors was called to order on August 24, 2017, at 6:20 p.m. by Chair Swift.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Leah Basile, Lake Forest
Tim Brown, San Clemente
Sergio Farias, San Juan Capistrano
Dave Harrington, Aliso Viejo
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Al Murray, Tustin
David Shawver, Stanton
Elizabeth Swift, Buena Park
Juan Villegas, Santa Ana

Lisa Bartlett, County of Orange
Ellery Deaton, Seal Beach
Craig Green, Placentia
Shelley Hasselbrink, Los Alamitos
Gene Hernandez, Yorba Linda
Joe Muller, Dana Point
Ed Sachs, Mission Viejo
Todd Spitzer, County of Orange
Tri Ta, Westminster

Absent: Laurie Davies, Laguna Niguel
Carol Gamble, Rancho Santa Margarita
Don Sedgwick, Laguna Hills

Melissa Fox, Irvine
Bill Nelson, Villa Park
Michele Steggell, La Palma

Also present were:

Acting Fire Chief Dave Anderson
Assistant Chief Lori Zeller
Assistant Chief Mike Schroeder
Clerk of the Authority Sherry Wentz

Assistant Chief Brian Young
Assistant Chief Lori Smith
General Counsel David Kendig
Human Resources Director Brigitte Gibb

1. PRESENTATIONS

No items.

PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, addressed public service, firefighter wages, costs borne by contract cities, and his opposition to Senate Bill 302.

2. MINUTES

No items.

3. CONSENT CALENDAR

No items.

4. PUBLIC HEARING(S)

No items.

5. DISCUSSION CALENDAR

A. Amendment to Board Rules of Procedure regarding Disclosure of Closed Session Information (F: 11.03)

General Counsel David Kendig presented the Amendment to the Board Rules of Procedure regarding Disclosure of Closed Session Information.

Discussion ensued.

On motion of Director Shawver and second by Director Deaton, the Board of Directors voted by those present to allow Board Members to communicate certain confidential information learned in an OCFA closed session to the legal counsel for the city or county they represent, or to the city council or board of supervisors for the city or county they represent, the Board adopted Resolution No. 2017-05 entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS AMENDING THE BOARD OF DIRECTORS' RULES OF PROCEDURE to amend the Board of Directors Rules of Procedure adopting a policy to allow disclosure of closed session information.

Directors Hatch and Spitzer voted in opposition. Director Murray abstained, due to a potential conflict of interest.

B. Change Order and Contract Increase for the Audio Video Systems Upgrade Project
(F: 19.07B11)

Acting Fire Chief Dave Anderson presented the Change Order and Contract Increase for the Audio Video Systems Upgrade Project.

On motion of Director Murray and second by Director Hernandez, the Board of Directors voted by those present to approve and authorize the Purchasing Manager to:

1. Process the change order to replace the electronic voting system.
2. Execute the proposed 2nd amendment to the construction contract.
3. Increase Purchase Order P0009974 by \$62,979.97 for a new project total of \$626,505.49.

Director Shawver voted in opposition.

REPORTS

No items.

BOARD MEMBER COMMENTS (F: 11.13)

Chair Swift noted Fire Station 61 (Buena Park) is now officially under construction.

CLOSED SESSION PUBLIC COMMENTS (F: 11.11)

Stephen Wontrobski, Mission Viejo resident, addressed unfunded liability.

Warren Kusumoto, former OCFA Board Member (Los Alamitos), addressed the selection process of a new Fire Chief as he was on the prior Fire Chief Selection Ad Hoc Committee.

The following members of the public spoke in support of the Board initiating the recruitment process for a new Fire Chief:

Scott Wiedensohler, OCFA Fire Captain/Fullerton resident
Michael Contreras, OCFA Battalion Chief/Mission Viejo resident
Dwight Robinson, former OCFA Board Member (Lake Forest)

Director Harrington arrived at this point (7:12 p.m.).

The following members of the public spoke in support of the Board rescinding Fire Chief Bowman's resignation and supporting his reinstatement:

Ron Saathoff, Past President, International Association of Firefighters
Dave Rose, Past President, Orange County Professional Fire Fighters Association, Local 3631
Tim Staging, Vice President, Orange County Professional Fire Fighters Association, Local 3631
Baryic Hunter, President, Orange County Professional Fire Fighters Association, Local 3631

Director Spitzer inquired if there was an authorized representative to speak on behalf of the Chief Officers Association's position on this issue prior to the Board recessing into Closed Session. There was no response from the audience.

CLOSED SESSION (F: 11.15)

CS1. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION

Authority: Government Code Section 54956.9(d)(2) – Significant Exposure to Litigation regarding Pension Liability

CS2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9(c) (1 Case)

CS3. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9(c) relating to potential soil contamination claims at the Urban Search and Rescue Warehouse

CS4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9(c) relating to Air Operations

CS5. 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)

CS6. CONFERENCE WITH LABOR NEGOTIATOR

Negotiators: Lori Zeller, Assistant Chief/Business Services Department; and
Brigette Gibb, Human Resources Director

Employee: Orange County Employees' Association

Organization:

Authority: Government Code Section 54957.6

CS7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b) (1 case)

CS8. PUBLIC EMPLOYEE APPOINTMENT

Position: Fire Chief

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

General Counsel David Kendig reported the Board would convene to Closed Session to consider the matters on the Agenda identified as CS1 and CS7, Conference with Legal Counsel – Anticipated Litigation, CS2 through CS4, Conference with Legal Counsel – Initiation of Litigation, CS5, Conference with Legal Counsel – Existing Litigation, CS6, Conference with Labor Negotiator, and CS8, Public Employee Appointment.

Chair Swift recessed the meeting to Closed Session at 7:25 p.m.

Chair Swift reconvened the meeting from Closed Session at 11:26 p.m., with all prior members present.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there were no reportable actions.

ADJOURNMENT – Chair Swift adjourned the meeting at 11:27 p.m., in memory of Director Steggell’s mother who passed away, today. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for September 28, 2017, at 6:00 p.m.

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

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Special Meeting
Thursday, August 31, 2017
5:30 P.M.**

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

CALL TO ORDER

A special meeting of the Orange County Fire Authority Board of Directors was called to order on August 31, 2017, at 5:30 p.m. by Chair Swift.

INVOCATION

Senior Chaplain Dave Keehn offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Lisa Bartlett, County of Orange
Laurie Davies, Laguna Niguel
Sergio Farias, San Juan Capistrano
Dave Harrington, Aliso Viejo
Gene Hernandez, Yorba Linda
Al Murray, Tustin
Don Sedgwick, Laguna Hills
Todd Spitzer, County of Orange
Elizabeth Swift, Buena Park

Leah Basile, Lake Forest
Ellery Deaton, Seal Beach
Melissa Fox, Irvine
Shelley Hasselbrink, Los Alamitos
Robert Johnson, Cypress
Bill Nelson, Villa Park
David Shawver, Stanton
Michele Steggell, La Palma
Tri Ta, Westminster

Absent: Tim Brown, San Clemente
Craig Green, Placentia
Joe Muller, Dana Point
Juan Villegas, Santa Ana

Carol Gamble, Rancho Santa Margarita
Noel Hatch, Laguna Woods
Ed Sachs, Mission Viejo

Also present were:

Acting Fire Chief Dave Anderson
Assistant Chief Lori Zeller
Assistant Chief Mike Schroeder
Assistant Clerk Martha Halvorson

Assistant Chief Brian Young
Assistant Chief Lori Smith
General Counsel David Kendig
Human Resources Director Brigitte Gibb

PRESENTATIONS

No items.

REPORT FROM FIRE CHIEF (F: 11.14)

Acting Fire Chief Dave Anderson introduced Assistant Chief Brian Young who presented a PowerPoint presentation and update on the California Task Force 5 deployment to Hurricane Harvey.

PUBLIC COMMENTS (F: 11.11)

Chair Swift opened the Public Comments portion of the meeting. Chair Swift closed the Public Comments portion of the meeting without any comments from the general public.

CLOSED SESSION (F: 11.15)

CS1. PUBLIC EMPLOYEE APPOINTMENT

Title: Fire Chief

Authority: California Government Code Section 54957

General Counsel David Kendig reported the Board would convene to Closed Session to consider the matter on the Agenda identified as CS1, Public Employee Appointment.

Chair Swift recessed the meeting to Closed Session at 5:45 p.m.

Chair Swift reconvened the meeting at 9:30 p.m., with all prior Board Members present.

CLOSED SESSION REPORT (F: 11.15)

General Counsel David Kendig stated there was no reportable action.

BOARD MEMBER COMMENTS (F: 11.13)

The Board Members offered no comments.

ADJOURNMENT – Chair Swift adjourned the meeting at 9:31 p.m. in memory of retired OCFA firefighter Mary Blaul, who passed on August 31, 2017. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for September 28, 2017, at 6:00 p.m.

Martha Halvorson, CMC
Assistant Clerk of the Authority



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
September 28, 2017

Agenda Item No. 3A
Consent Calendar

Amendment to 2017 and 2018 Board Meeting Schedules

Contact(s) for Further Information

Lori Zeller, Assistant Chief Business Services Department	lorizeller@ocfa.org	714.573.6020
Sherry Wentz, Clerk of the Authority	sherrywentz@ocfa.org	714.573.6041

Summary

This item is submitted for approval of amended regular meeting schedules for the Board of Directors for calendar year 2018 and the remainder of 2017.

Prior Board/Committee Action

Not Applicable.

RECOMMENDED ACTION(S)

To provide to on-going communication to staff and its labor negotiators during the contract negotiation process, it is recommended that the Board adopt the proposed Resolution entitled A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS TO TEMPORARILY EXPAND THE REGULAR MEETING DATES OF THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2018 AND REMAINDER OF 2017.

Impact to Cities/County

Not Applicable.

Fiscal Impact

The costs associated with the recommended action would be approximately \$10,800. This amount would cover additional Board Member stipend payments and increase in meal service associated with holding six additional meetings. If approved, the additional cost would be included in the mid-year budget adjustment.

Background

The labor contract negotiation process is underway with the Orange County Employees Association, with potential continuation into 2018. In addition, the Orange County Fire Authority Managers Association's Memorandum of Understanding (MOU) is due to expire in June 2018. OCFA staff recommends that the Board again expand its regular 2018 Meeting Schedule and the remainder of 2017 to temporarily hold its regular Board meetings on monthly-basis (see Resolution's Exhibit to the Attachment for specific meeting dates) until the labor negotiation process has been completed with new MOU's approved and implemented. These additional meetings would enable the Authority's labor negotiators and staff to obtain direction from the Board regarding desired objectives for negotiations and to report progress during on-going negotiations.

In keeping with the Board Rules of Procedure, the Board Chair has the discretion to cancel any meeting should there be a lack of business.

The proposed Resolution adheres to the established meeting schedule of meeting on the fourth Thursday of the month, apart from the November meeting. The meeting for the month of November has been scheduled for the third Thursday to be held on the same evening as the regular Executive Committee, due to the Thanksgiving holiday. The temporary schedule will continue the Board's tradition of going dark in the month of December.

Attachment(s)

Proposed Resolution

RESOLUTION NO. 2017-XX

**A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY
BOARD OF DIRECTORS TO TEMPORARILY EXPAND THE
REGULAR MEETING DATES OF THE BOARD OF DIRECTORS FOR
CALENDAR YEAR 2018 AND REMAINDER OF 2017**

WHEREAS, the Orange County Fire Authority was established on March 1, 1995; and

WHEREAS, a Board of Directors was established; and

WHEREAS, as such, a schedule of the dates, times, and location of the Regular meetings of the Board is required, and

WHEREAS, due to continued labor negotiations it has been determined that it would be in the Board's interest to temporarily meet on a monthly-basis during the 2018 calendar year and remainder of 2017 to utilize these additional meetings for staff to obtain direction from the Board regarding its desired objectives and to report on progress during the on-going labor negotiations.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Orange County Fire Authority does hereby adopt the attached exhibit establishing meeting dates for calendar year 2018 and remainder of 2017.

PASSED, APPROVED and ADOPTED this 28th day of September 2017.

ELIZABETH SWIFT, CHAIR
Board of Directors

ATTEST:

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

2017 MEETING SCHEDULE



ORANGE COUNTY FIRE AUTHORITY Board of Directors

MEETING DATES

January 26

March 23

May 25

July 27

September 28

October 26

November 16*

December – Dark

***Meeting moved up one week, due to the upcoming Thanksgiving holiday.**

MEETING TIME – PER CURRENT BOARD RULES OF PROCEDURE LOCATION OF MEETINGS:

RFOTC – Board Room
1 Fire Authority Road
Irvine, California 92602
(714) 573-6000

(Red identifies the additional meetings.)

2018 MEETING SCHEDULE



ORANGE COUNTY FIRE AUTHORITY Board of Directors

MEETING DATES

January 25

February 22

March 22

April 26

May 24

June 28

July 26

August 23

September 27

October 25

November 15*

December – Dark

***Meeting moved up one week, due to the upcoming Thanksgiving holiday.**

MEETING TIME – PER CURRENT BOARD RULES OF PROCEDURE

LOCATION OF MEETINGS:

RFOTC – Board Room
1 Fire Authority Road
Irvine, California 92602
(714) 573-6000

(Red identifies additional meetings.)



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
September 28, 2017

Agenda Item No. 3B
Consent Calendar

**State Standard Agreement for Fire Protection
Services of State Responsibility Areas**

Contact(s) for Further Information

Brian Young, Assistant Chief brianyoung@ocfa.org 714.573.6014
Operations Department

Brian Norton, Battalion Chief briannorton@ocfa.org 714.573.6171
Wildland Pre-Fire Management

Summary

This agenda item seeks approval of the assignment of the standard State Fire Protection Agreement to OCFA for fire protection services of State Responsibility Areas.

Prior Board/Committee Action

Not applicable.

RECOMMENDED ACTION(S)

To continue provision of fire protection services to State Responsibility Areas, it is recommended that the Board approve and authorize the Board Chair to sign the Assignment of three-year Cooperative Fire Protection Agreement between the State of California Department of Forestry and Fire Protection and the County of Orange to OCFA.

Impact to Cities/County

Not applicable.

Fiscal Impact

Projected Budget Revenue for duration of agreement:

- FY 2017/18 in the amount of \$6,787,402
- FY 2018/19 in the amount of \$8,485,252
- FY 2019/20 in the amount of \$9,332,677

Background

The State, through CAL FIRE, is responsible for fire protection services in State Responsibility Areas (SRAs) in Orange County. Those SRAs are generally unincorporated wildland open space.

Since 1980, the State has contracted to pay the County to perform those services. Since the formation of the OCFA, it has been necessary to have a tri-party agreement among the County, CAL FIRE, and OCFA that allows the OCFA to continue providing CAL FIRE services in the SRA. This three-year agreement begins July 1, 2017, and will terminate on June 30, 2020, and will continue to provide the ability to bill CAL FIRE for OCFA-owned aircraft, fire engines, specialized equipment, and handcrews deployed on SRA fires.

The delay in the renewal of the agreement was due to the CAL FIRE labor negotiation process, which needed to be completed prior to the issuance of a new agreement. There is no disruption in service due to a 1-year service grace period that was included in the prior contract.

In addition, this agreement provides the OCFA the ability to seek reimbursement from other agencies for fire suppression resources provided on an assistance-for-hire basis.

The Orange County Board of Supervisors approved the agreements at its August 22, 2017, meeting.

Attachment(s)

1. Standard Agreement
2. Assignment of State Fire Protection Agreement

STATE OF CALIFORNIA
STANDARD AGREEMENT
 STD. 213 (Rev 06/03)

AGREEMENT NUMBER 7CA
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below

STATE AGENCY'S NAME

Department of Forestry and Fire Protection (CAL FIRE)

CONTRACTOR'S NAME

County of Orange / Assignee Orange County Fire Authority

2. The term of this Agreement is: 07/01/17 through 06/30/20

3. The maximum amount of this Agreement is: \$ 24,604,331.00
 Twenty Four Million, Six Hundred Four Thousand, Three Hundred Thirty One Dollars and 00/100 cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement:

Exhibit A – Scope of Work 9 Page(s)

Exhibit B – Budget Detail and Payment Provisions 2 Page(s)

Exhibit C* – General Terms and Conditions 1 Page(s)

Check mark one item below as Exhibit D:

☒ Exhibit D – Special Terms and Conditions 2 Page(s)

☐ Exhibit D* Special Terms and Conditions

Exhibit E – Additional Provisions 1 Page(s)

Exhibit F – Gray Book* 1 Page(s)

Exhibit G – Operating Plan* 1 Page(s)

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

Exhibit C can be viewed at www.ols.dgs.ca.gov/pd/traffic/wsca/participatingaddendum/FedExGTC610.pdf

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)		
COUNTY OF ORANGE / Assignee: ORANGE COUNTY FIRE AUTHORITY		
BY (Authorized Signature) ~	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING		
ADDRESS P.O. Box 57115 Irvine, CA 92619-7115		
STATE OF CALIFORNIA		
AGENCY NAME		
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)		
BY (Authorized Signature) ~	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING		
DAVE TETER, DEPUTY DIRECTOR, FIRE PROTECTION		
ADDRESS P.O. BOX 944246, SACRAMENTO, CA 94244-2460		
		<input type="checkbox"/> Exempt per _____

EXHIBIT A, Attachment 1
(Scope of Work)

STD213A
ADDITIONAL SIGNATURES

SOUTHERN REGION DEPARTMENT OF
FORESTRY AND FIRE PROTECTION

By:

Signature

Thomas Porter
Region Chief
CAL FIRE

Date _____

APPROVED AS TO CONTENT:

By:

Signature


Chairman
Orange County Board of
Supervisors

Date 8/22/17



Signed and certified that a copy of this document has
been delivered to the Chair of the Board per G.C. §
25103, Reso. No. 79-1535

Attest:



Printed Name

APPROVED AS TO FORM:

By:



Signature

Mark Serrano
Printed Name

Date: Aug. 4, 2017
Orange County Counsel

**EXHIBIT A, Attachment 1
(Scope of Work)**

1. Contract agreement between California Department of Forestry and Fire Protection (CAL FIRE) and County of Orange/Assignee Orange County Fire Authority to provide services as described herein:

The terms and conditions of this agreement have been previously reviewed and approved by the Department of General Services (DGS) during prior agreement reformat and rewrites. The completed agreement signed by CAL FIRE (STATE) and County of Orange/Assignee Orange County Fire Authority (COUNTY) provides wildland fire protection to State Responsibility Area (SRA) lands within COUNTY pursuant to Public Resources Code (PRC) Section 4129. Agreement also provides for COUNTY to assist STATE outside of COUNTY on a reimbursable basis when requested by STATE. Agreement contains a hold over clause for time required to obtain agency review and approvals.

2. The services shall be performed at SRA within the County.
3. The services shall be provided during any 24 hour period, Monday through Sunday, year round.
4. The project representatives during the term of this agreement will be:

Direct all operating inquiries to:	Contractor: County of Orange
State Agency: Dept. of Forestry and Fire Protection	
Name: Deputy Director, Fire Protection	Name: Fire Chief, Orange County Fire Authority
Phone: (530) 224-2462	Phone: (714) 573-6010
Fax: (530) 224-2496	Fax: (714) 368-8800

State Agency: Dept. of Forestry and Fire Protection	Contractor: County of Orange
Attention: Deputy Chief, Contract Counties	Attention: Fire Chief, Orange County Fire Authority
Address: 2524 Mulberry Street Riverside, CA 92501	Address: 1 Fire Authority Road Irvine, CA 92603
Phone: (951) 320-6102	Phone: (714) 573-6010
Fax: (951) 320-6395	Fax: (714) 368-8800

Direct all inquiries to:

State Agency: Dept. of Forestry and Fire Protection	Contractor: County of Orange
Section/Unit: Business Services-Contracts	Section/Unit: Orange County Fire Authority
Attention: Bahia Perkins	Attention: Financial Manager Jim Ruane
Address: P.O. Box 944246, Sacramento, CA 94244-2460	Address: P.O. Box 51985 Irvine, CA 92619-1985
Phone: (916) 322-0687	Phone: (714) 573-6304
Fax: (916) 323-1888	Fax: (714) 368-8834

5. This AGREEMENT, made between the County of Orange, through its Board of Supervisors, hereinafter called COUNTY, and the State of California, Department of Forestry and Fire Protection (CAL FIRE), through duly appointed, qualified, and acting officers, hereinafter called STATE. Where the standard clauses, for example in Exhibit C, use the word "Contractor" that word shall mean COUNTY as COUNTY is used in this agreement.

**EXHIBIT A, Attachment 1
(Recitals)**

The STATE and the COUNTY agree that the background of this Agreement is as follows:

- A. There are within COUNTY areas designated by the State Board of Forestry and Fire Protection as State Responsibility Areas for fire protection through authority vested in STATE by Section 4125, of the Public Resources Code.
- B. STATE, under authority of Public Resources Code Section 4141, may assign responsibility to a Federal Forest Agency within COUNTY for the prevention and suppression of all fires on State Responsibility Areas within Federal Forest Agency's Direct Protection Areas.
- C. Designated State Responsibility Areas in Federal Forest Agency's Direct Protection Areas are delineated on maps on file with STATE in Sacramento, California.
- D. COUNTY, by authority of Public Resources Code Section 4129, has elected to assume responsibility for the prevention and suppression of all fires on State Responsibility Areas (SRA) within COUNTY'S SRA Protection Areas (CPA).
- E. Designated State Responsibility Areas in COUNTY'S SRA Protection Areas are delineated on maps on file with STATE in Sacramento, California.
- F. STATE recognizes the capability and efficiency of the COUNTY fire protection organization now maintained by the COUNTY and its qualification to provide the fire protection services described within this agreement.
- G. COUNTY has the responsibility for providing life and property fire protection in areas designated as State Responsibility Areas within COUNTY SRA Protection Areas.
- H. Under the Budget Act, and in accordance with the STATE'S Fire Protection Plan, there is annually appropriated to CAL FIRE, funding for wildland fire protection in said COUNTY.
- I. Under the authority of Section 4135, of the Public Resources Code, monies paid by STATE to COUNTY shall be expended by COUNTY for the sole purpose to fund the fire suppression resources outlined in the "Gray Book", incorporated by reference and marked Exhibit F, of this Agreement, for fire prevention, pre-suppression forces preparedness, and suppression of all fires on State Responsibility Areas within COUNTY'S SRA Protection Areas; and

**EXHIBIT A, Attachment 2
(Detailed Scope of Work)**

1. State and County Responsibilities

The STATE and the COUNTY agree that the following work shall be done under this agreement:

- A. STATE shall supply to COUNTY, the "Gray Book", which outlines and describes the organization to be funded by the STATE to provide fire protection services on a total of approximately 106,584 acres of State Responsibility Area within COUNTY'S SRA Protection Areas.
- B. COUNTY shall provide to STATE a plan of operations and organization for the COUNTY department contemplated hereunder on forms approved by the STATE, a copy of which is attached marked Exhibit G of this Agreement, which shall show that COUNTY organization is capable of meeting the requirements set forth in the "Gray Book."
- C. STATE shall jointly develop and annually review an Operating Plan with the COUNTY that will document those factors specific to that COUNTY. The factors may include specific dispatching procedures, pre-approved initial attack dispatch levels, agency fire protection organization, reimbursement criteria, and other elements agreed to by the STATE and the COUNTY.
- D. The STATE'S designated representative shall annually examine, on-the-ground with the COUNTY'S designated representative, the facilities and services the COUNTY has made available in order to ascertain whether the terms of the agreement have been met. Notwithstanding the foregoing, COUNTY shall permit inspection, at any time by representatives of STATE, of crews, vehicles, property and other components of the organization established under the terms of this Agreement.
- E. Should the operations or organization of COUNTY, in reasonable judgment of the STATE, fail to meet the standard of protection required by this agreement, the STATE shall so inform COUNTY and take any reasonable action to maintain the required level of fire prevention and suppression capability.
- F. For the purpose of effecting mutual aid in times of fire emergency, either STATE or COUNTY may contribute without cost to the other, such persons and facilities as the contributing party may be willing and able to contribute, and which the receiving party may be willing to accept and direct; this provision shall not abrogate the terms and conditions specified in any other written agreement entered into by the parties hereto, for the specific purpose of exchanging fire control forces, either on a voluntary or upon a pay basis.
- G. Rewards as provided in Public Resources Code Section 4417, may be paid by STATE from funds not included in this contract upon recommendation of the Chief of the COUNTY'S department.
- H. COUNTY shall furnish adequate supervision for said fire protection through a qualified and duly appointed Chief Officer of the department providing services contemplated hereunder. When it becomes necessary to contract for the services of other entities to suppress a wildland fire on State Responsibility Area within COUNTY'S SRA Protection Areas, STATE agrees to accept its proportionate level of financial responsibility for those contracts and services required to protect State Responsibility Areas within COUNTY'S SRA Protection Areas, provided that the COUNTY obtains prior approval from STATE and exercises reasonable care and due diligence in the selection and the supervision of the contracting entities

**EXHIBIT A, Attachment 2
(Detailed Scope of Work)**

- I. COUNTY shall submit, when required by the STATE, reports relating to fire occurrence and history, law enforcement, personnel status, and fire prevention activity.
- J. COUNTY shall annually appropriate and expend a sum not less than the amount established annually in the STATE'S Budget Act for said COUNTY for the purpose of preventing and suppressing forest fires as defined in Section 4103, of the Public Resources Code, on the designated State Responsibility Areas within COUNTY'S SRA Protection Areas during the term of this agreement.
- K. COUNTY shall comply with applicable rules and regulations for prescribed burning of wildlands as described in Sections 4461 to 4480, of Public Resources Code.

2. Emergency Operations

When COUNTY resources, equipment, and/or personnel are assigned to a State Responsibility Area wildland fire within COUNTY SRA Protection Area, costs over and above the "Gray Book" allotment may be reimbursed by STATE. Such reimbursements will be in accordance with the following provisions:

- A. COUNTY may use and bill STATE for COUNTY funded engine companies, bulldozers, handcrews, aircraft, specialized equipment, and overhead personnel when used to protect STATE interests. Under certain conditions as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement, COUNTY may also bill STATE for STATE-funded COUNTY engine companies and bulldozers. These reimbursements to COUNTY will be from the STATE Emergency Fund and shall be in addition to the annual payment amount described in Exhibit B, Paragraph 1.A., of this Agreement.

The following conditions shall apply for reimbursement of COUNTY engine companies, bulldozers, aircraft, handcrews, and specialized equipment:

- 1) **ENGINE COMPANIES**
 - (a) STATE shall reimburse COUNTY for engine companies when used on a State Responsibility Area wildland fire within the COUNTY'S SRA Protection Areas in accordance with criteria for determining reimbursement eligibility as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
 - (b) STATE shall reimburse COUNTY for engine companies that provide move-up and cover to STATE-funded COUNTY stations within the COUNTY when such cover assignments are the result of a State Responsibility Area wildland fire within COUNTY'S SRA Protection Areas. Specific conditions for approval of move-up and cover assignments shall be outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
 - (c) Reimbursement of COUNTY engine companies shall be based on COUNTY rates on file with STATE at time of initial dispatch.

**EXHIBIT A, Attachment 2
(Detailed Scope of Work)**

- (d) County engines billed to STATE must be identified by an incident order and request number and the associated cost; such costs shall be limited to engine, officer, operator, and crew.

2) **BULLDOZERS**

- (a) STATE shall reimburse COUNTY for COUNTY bulldozers when used on a State Responsibility Area wildland fire within COUNTY'S SRA Protection Areas in accordance with criteria for determining reimbursement eligibility as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
- (b) Payment of County bulldozers, transports, and operators shall be based on COUNTY operating rates on file with STATE at time of initial dispatch.
- (c) County bulldozers billed to STATE must be identified by an incident order and request number and the associated cost; such costs shall be limited to dozer transport and operator, and dozer and operator.
- (d) COUNTY shall provide STATE a list of bulldozers, size, model, and identification number, which shall be subject to this agreement. These shall be included in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.

3) **AIRCRAFT**

- (a) STATE shall reimburse COUNTY for COUNTY aircraft when used on a State Responsibility Area wildland fire within COUNTY SRA Protection Areas in accordance with criteria for determining reimbursement eligibility as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
- (b) Reimbursement of COUNTY aircraft shall be based on COUNTY operating rates on file with STATE at time of initial dispatch.
- (c) STATE shall pay aircraft pilots at COUNTY rate.
- (d) STATE shall pay for one air tactical officer accompanying a COUNTY fixed-wing aircraft and one crew member assigned to each COUNTY helicopter at the COUNTY rate.
- (e) COUNTY aircraft billed to STATE must be identified by an incident order and request number and the associated cost.
- (f) COUNTY shall provide STATE a list of aircraft by make, model and aircraft identification number, which shall be subject to this agreement. These shall be included in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.

**EXHIBIT A, Attachment 2
(Detailed Scope of Work)**

4) SPECIALIZED EQUIPMENT

- (a) STATE shall reimburse COUNTY for COUNTY specialized equipment when used on a State Responsibility Area wildland fire within COUNTY SRA Protection Areas—in accordance with criteria for determining reimbursement eligibility as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
- (b) For the purpose of this Agreement, Specialized Equipment shall include but is not limited to dozer tenders, helitenders, water tenders, communications units, and mobile kitchens or food service units. Other kinds of specialized equipment may be eligible for reimbursement if authorized by STATE.
- (c) Reimbursement of COUNTY specialized equipment shall be based on COUNTY operating rates on file with STATE at time of initial dispatch.
- (d) COUNTY specialized equipment billed to STATE must be identified by an incident order and request number and the associated cost; such cost shall be limited to the cost of the equipment usage and equipment operator.

5) HAND CREWS

- (a) STATE shall reimburse COUNTY for COUNTY hand crews when used on a State Responsibility Area wildland fire within COUNTY'S SRA Protection Areas in accordance with criteria for determining reimbursement eligibility as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
- (b) When the California Department of Corrections and Rehabilitation or other State Agency pays the base salary of a hand crew, including COUNTY fire department supervisors, correctional officers and inmates, then STATE shall only pay those costs which exceed the basic salary of the crew (e.g. overtime and incidental operating expenses) accrued on the emergency.
- (c) The STATE shall pay only for additional COUNTY personnel needed as crew strike team leaders to a limit of one strike team leader per crew strike team as defined in Incident Command System (ICS) standards for a crew strike team and for one technical specialist-crews per incident.

6) OVERHEAD PERSONNEL

- (a) STATE shall reimburse COUNTY for COUNTY overhead personnel when used on a State Responsibility Area wildland fire within the COUNTY'S SRA Protection Areas in accordance with criteria for determining reimbursement eligibility as outlined in the State/County Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.
- (b) Reimbursement of COUNTY Overhead Personnel shall be based on COUNTY rates on file with STATE at the time initial dispatch.

**EXHIBIT A, Attachment 2
(Detailed Scope of Work)**

B. NOTIFICATION

- 1) Whenever COUNTY expects payment for services under the provisions of this paragraph, COUNTY must notify STATE of the commitment of any of these resources that have been pre-approved for use as an element of initial attack and so documented in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement. This notification must occur in a timely manner so that an appropriate audit trail can be established.
- 2) For those resources employed after initial attack, notification will occur when the request for approval of use is made to STATE.

- C. STATE shall reimburse COUNTY for COUNTY resources (equipment and personnel) when ordered by STATE or COUNTY in support of a special staffing pattern in accordance with conditions for approval of a special staffing pattern as outlined in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.

3. Assistance for Hire

- A. COUNTY resources (equipment and personnel) requested directly by STATE for an out-of-county assignment will be reimbursed as Assistance-for-Hire for actual costs incurred by COUNTY.
- B. For any State Responsibility Area wildland fire where costs are incurred pursuant to the terms of this AGREEMENT, STATE and COUNTY will comply with the processes and procedures for incident billing established in the STATE/COUNTY Operating Plan described in Exhibit A, Paragraph 1.B. and 1.C., of this Agreement.

EXHIBIT B
(Budget Detail and Payment Provisions)

1. Invoicing and Payment Provisions

1. For services satisfactorily rendered, and upon receipt and approval of the invoices, the STATE shall annually pay to COUNTY that amount which is set forth in the STATE'S budget for each fiscal year involved as the STATE'S contribution to the support of the organization maintained by COUNTY for the prevention and suppression of wildland fires on lands described herein. The total amount payable by STATE to COUNTY for Gray Book-County Budget Detail (Gray Book) shall not exceed the amount specified on STANDARD FORM 213, Item 3, during the term of this agreement. This amount shall not include payments to the COUNTY for COUNTY resources used to suppress state responsibility fires under conditions set forth in Exhibit A, Paragraphs 2, A, 1) through 6) of this Agreement.
2. COUNTY shall request payment in an amount not to exceed the sum designated in paragraph A above in the manner described hereinafter.
3. COUNTY shall prepare and submit "Gray Book" invoices to STATE monthly, quarterly, semi-annually, or annually at COUNTY'S option, in arrears after STATE has certified that such services have been satisfactorily provided in accordance with this Agreement, during the period covered by said invoice. The final statement for any fiscal year covered by this Agreement shall be submitted no later than sixty days following the end of that fiscal year. "Gray Book" invoices shall include the Agreement Number and shall be submitted in triplicate in arrears to:

California Department of Forestry and Fire Protection
Southern Region
ATTN: Deputy Chief, Contract Counties
2524 Mulberry St., Riverside, CA 92501

4. In the event that the STATE during the term of this Agreement increases salary, augments staffing, or other expense items, having the effect of increasing such cost, the "Gray Book" may be amended to reflect such increase provided that funds have been appropriated and are available for such purpose. Similarly, in the event that the STATE receives a budget reduction having the effect of decreasing such cost, the "Gray Book" may be amended to reflect such decrease. In the event no appropriation is made for the purpose of this Agreement, the obligations of the parties to each other under this Agreement shall cease and this Agreement shall become null and void.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

EXHIBIT C
(General Terms and Conditions)

3. Prompt Payment Clause

Upon receipt of a properly submitted, undisputed invoice, STATE shall pay COUNTY within forty-five (45) days, or automatically calculate and pay the appropriate late payment penalties as specified in Government Code, Chapter 4.5, Section 927. In the event of an emergency, as defined in Section 927.11, late payment penalties may not apply. Specific to STATE, if an invoice from a business under contract with STATE becomes subject to late payment penalties during the annually declared fire season, then the required payment approval date shall extend 30 calendar days beyond the initial 45-day period. The total shall include the current applicable CAL FIRE Administrative Rate

"GRAY BOOK" FUNDING INFORMATION

County of Orange/California Department of Forestry and Fire Protection (CAL FIRE)

FISCAL YEAR	FUNDING SOURCE	AMOUNT
2017/2018	General Fund	\$6,042,328.00
	SRA	\$745,074.00
2018/2019	General Fund	\$7,552,909.00
	SRA	\$931,343.00
2019/2020	General Fund	\$8,308,200.00
	SRA	\$1,024,477.00
AGREEMENT TOTAL		\$24,604,331.00

EXHIBIT C
(General Terms and Conditions)

PLEASE NOTE: This page will not be included with the final contract, The General Terms and Conditions will be included in the contract by reference to Internet site:

<http://www.documents.dgs.ca.gov/pd/traffic/wsca/participatingaddendum/FedExGTC610.pdf>

EXHIBIT D
(Special Terms and Conditions)

1. Excise Tax

The State of California is exempt from federal excise taxes, and no payment will be made for any taxes levied on employees' wages. STATE will pay for any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this Agreement. California may pay any applicable sales and use tax imposed by another state.

2. Settlement of Disputes

In the event of a dispute, within ten (10) days of discovery of the problem contractor shall file a "Notice of Dispute" with:

California Department of Forestry and Fire Protection (CAL FIRE)
Attention: Contracts Manager
P.O. Box 944246
Sacramento, CA 94244-2460

Within ten (10) days of STATE receiving contractor's notice, the contracts manager or designee shall advise contractor of the findings and recommend a method to resolve the dispute. Decision of the contracts manager or designee shall be final.

In the event of a dispute, the language contained within this Agreement shall prevail over any other language including that of the bid proposal.

3. Right to Terminate

Either party may terminate this Agreement at any time by giving a minimum of 12 months notice to the other party. In the event of termination, STATE shall pay Contractor for all costs and un-cancelable obligations incurred to the date of termination up to but not exceeding the maximum amount payable.

4. Potential Subcontractors

Nothing contained in this Agreement or otherwise, shall create any contractual relation between the STATE and any subcontractors, and no subcontract shall relieve the Contractor of his responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the STATE for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the STATE'S obligation to make payments to the Contractor. As a result, the STATE shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

5. Evaluation of Contractor

Performance of the Contractor under this Agreement will be evaluated. The evaluation shall be prepared on Contract/Contractor Evaluation Sheet (STD 4), and maintained in the Agreement file. For consultant agreements, a copy of the evaluation will be sent to DGS, Office of Legal Services, if it is negative and over \$5,000.

EXHIBIT D
(Special Terms and Conditions)

6. Agency Liability

The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the STATE shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

7. Force Majeure

Neither party shall be liable to the other for any delay in or failure of performance, nor shall any such delay in or failures of performance constitute default, if such delay or failure is caused by "Force Majeure." As used in this section, "Force Majeure" is defined as follows: Acts of war and acts of God such as earthquakes, floods, and other natural disasters such that performance is impossible.

8. Contractor Name Change

Contractor shall provide a written notice to the STATE at least thirty (30) days prior to any changes to the Contractor's current legal name.

EXHIBIT E
(Standard Agreement)

ADDITIONAL PROVISIONS

1. Holding Over

A. In the event STATE or COUNTY decides not to renew this Agreement, STATE or COUNTY shall provide the other a minimum of 12 months written notice of such intention. If no such notice is received, and a new Agreement has not been executed, this Agreement shall be automatically extended on the same terms and conditions as contained herein, together with amendments if any, until the earlier of:

1. The date on which a new renewal Agreement is fully executed, or
2. Termination of this holdover Agreement by the mailing by either COUNTY or STATE of 12 months written notice to the other party.

B. Renewal Agreements shall be retroactive to the end of the term of the present Agreement. Any payments made during a holdover period shall, if necessary, be promptly adjusted to comply with payments called for in the new Agreement. Such adjustments shall occur within 60 days after approval of the new Agreement by DGS. COUNTY shall invoice STATE for any billing correction made necessary because of changes in the contract rates.

C. The effectiveness of this Exhibit E, Paragraph 4, is conditional upon the lawful appropriation and availability of STATE funding for COUNTY'S services during the term of this Agreement.

2. Indemnification

Paragraph 5 of Exhibit C, General Terms and Conditions, does not apply because it is superseded by this Paragraph.

COUNTY agrees to indemnify, defend and hold harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by COUNTY in the performance of this Agreement.

Pursuant to Government Code Section 925 et seq., STATE agrees to indemnify, defend and hold harmless the COUNTY, its officers, agents and employees from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by STATE in the performance of this Agreement.

3. Indemnification for Vegetation Management Projects

The STATE agrees to indemnify, defend, and hold harmless the COUNTY, its agents, officers and employees, from and against any and all liability expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, arising solely out of performance by the COUNTY of approved vegetation management projects undertaken as part of fire prevention activities under this Agreement.

4. Notwithstanding the terminology of Public Resources Code Sections 4119, 4153, 4423, and 4436, the COUNTY shall not act as an agent of the STATE but shall exercise the powers granted in those sections independently as authorized by Public Resources Code Section 4129.
5. Paragraph 15 of Exhibit C, does not apply to this Agreement because the services provided in this Agreement were not obtained by means of a competitive bid.

**EXHIBIT F
(Gary Book)**

The "Gray Book" referenced in Exhibit A, Attachment 1, Paragraph 9, is hereby incorporated by reference and made part of this agreement as if attached hereto.

**EXHIBIT G
(Operating Plan)**

The Operating Plan provided by the COUNTY, in accordance with Exhibit A, Attachment 2, Paragraph 1.B and 1.C of this Agreement, is hereby incorporated by reference and made a part of this Agreement as if attached hereto.

ASSIGNMENT OF STATE FIRE PROTECTION AGREEMENT

This Assignment is made and entered into on the date approved by the Board of Supervisors or when fully executed by the parties, whichever occurs later, and is by and between the County of Orange, a political subdivision of the State of California, hereinafter referred to as "County," and the Orange County Fire Authority, hereinafter referred to as "Authority," with County and the Authority sometimes referred to as "Party," or collectively as "Parties."

WHEREAS, the Orange County Fire Authority, a joint powers authority, was formed as of March 1, 1995, between the County of Orange (County) and various cities in Orange County for the provision of fire services; and

WHEREAS, pursuant to Public Resources Code sections 4129 and 4133, the State of California Department of Forestry and Fire Protection (State) may contract with counties to provide fire protection services in State Responsibility Areas (SRAs) within a county, but the State is not authorized to contract directly with the Orange County Fire Authority for such services; and

WHEREAS, State and County entered into Agreement No. 7CA_____ on _____, 2017; and

WHEREAS, State and County are entering into Agreement (Agreement) for wildland fire protection services in SRAs within the county; and

WHEREAS, the parties desire that the Agreement be assigned to the Orange County Fire Authority, and the State concurs with the assignment.

NOW, THEREFORE, the Parties mutually agree as follows:

1. County hereby delegates to Authority the duty to perform all obligations specified in the Agreement and the plans and operating procedures for administering said Agreement. County hereby assigns to Authority all of its rights under the Agreement, including the right of County to request and receive payment and reimbursement directly from State for any services provided under the Agreement. Authority hereby accepts the foregoing delegation and assignment.
2. Authority agrees to honor the terms and conditions of the Agreement and the plans and operating procedures for administering the Agreement.
3. Pursuant to Public Resources Code section 4135, the money paid by State under the Agreement shall be expended for fire protection and suppression.
4. Authority agrees to indemnify, defend with counsel approved in writing by County, and hold County, its elected and appointed officials, officers, employees, agents and those special districts and agencies which County's Board of Supervisors acts as the governing Board harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to Authority's performance under the Agreement. Provided, however, that nothing in this Assignment waives or limits any immunities Authority may have with respect to claims made by third parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year dated below.

ORANGE COUNTY FIRE AUTHORITY
A California Joint Powers Authority

COUNTY OF ORANGE
A political subdivision of the State of
California

By: _____
Elizabeth Swift, Chairwoman
Orange County Fire Authority
Board of Directors

By:  _____
Michelle Steele, Chairwoman
Orange County Board of
Supervisors

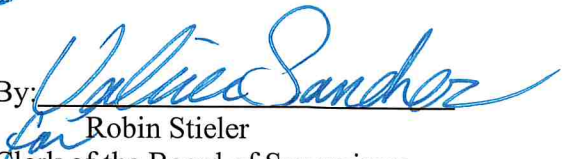
Date: _____

Date: 8/22/17

ATTEST



By: _____
Sherry A.F. Wentz, CMC
Clerk, Orange County Fire Authority

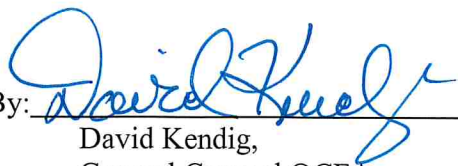
By:  _____
Robin Stieler
Clerk of the Board of Supervisors
County of Orange, California

Date: _____

Date: 8/22/17

APPROVED AS TO FORM:

APPROVED AS TO FORM:
County Counsel

By:  _____
David Kendig,
General Counsel OCFA

By:  _____
Mark Servino
Supervising Deputy County Counsel

Date: _____

Date: _____



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
September 28, 2017

Agenda Item No. 3C
Consent Calendar

**Carryover of FY 2016/17 Uncompleted Projects and
First Quarter Budget Adjustment**

Contact(s) for Further Information

Lori Zeller, Assistant Chief Business Services Department	lorizeller@ocfa.org	714.573.6020
Tricia Jakubiak, Treasurer	triciajakubiak@ocfa.org	714.573.6301
Deborah Gunderson, Budget Manager	deborahgunderson@ocfa.org	714.573.6302

Summary

This item is submitted for approval to carryover funding for one-time projects and grant-funded projects that were not completed prior to year-end in FY 2016/17 and require a rebudget to FY 2017/18. This request also includes a first quarter budget adjustment to appropriate funding for three projects funded by CAL FIRE, which have become necessary since budget approval.

Prior Board/Committee Action

Not Applicable.

RECOMMENDED ACTION(S)

To carryover funding for one-time projects and grant-funded projects that were not completed prior to year-end in FY 2016/17 and require a rebudget to FY 2017/18, it is recommended that the Board authorize the following proposed budget adjustments:

1. Approve a budget adjustment in the General Fund (121) increasing revenues by \$520,739 and expenditures by \$2,373,116.
2. Approve a budget adjustment in the General Fund CIP (12110) increasing expenditures by \$1,288,881.
3. Approve a budget adjustment in the Fire Stations and Facilities Fund (123) increasing expenditures by \$7,814,115.
4. Approve a budget adjustment in the Communications and Information Systems Fund (124) increasing expenditures by \$1,885,180.
5. Approve a budget adjustment in the Fire Apparatus Fund (133) increasing expenditures by \$1,377,240.
6. Approve a budget adjustment in the Structural Fire Entitlement Fund (171) increasing expenditures by \$549,651.
7. Approve a budget adjustment transferring \$2,100,000 from the General Fund (121) to the General Fund CIP (12110) to ensure sufficient fund balance in the fund to complete the projects.

Impact to Cities/County

The proposed adjustments to the FY 2017/18 budget will have no impact to cash contract city charges.

Fiscal Impact

Approval of the requested Carryover adjustments will increase revenues and appropriations in the funds listed commensurate with the equivalent amounts of unexpended fund balance from FY 2016/17. The First Quarter Budget Adjustment will increase expenditures in the General Fund (121) by \$246,140, and by \$100,000 in the Fire Stations and Facilities (123) Fund.

Background

The annual carryover request includes projects in the General and Capital Improvement Program (CIP) funds as summarized on Attachment 1. 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 2016/17; therefore, staff is recommending appropriations for these projects be carried over to FY 2017/18, so the projects can be completed. Carryover requests reflect simply a timing change of planned expenditures.

The first quarter budget adjustment includes three CAL FIRE funded projects which have become necessary after the budget was adopted in May. Those requests are detailed on Attachment 2.

Attachments

1. List of Carryover requests from FY 2016/17 to FY 2017/18
2. First Quarter Budget Adjustment

ORANGE COUNTY FIRE AUTHORITY
Carryover FY 2016/17 to FY 2017/18

Attachment 1

Fund & Description	2016/17 Revenue Carryover	2016/17 Expenditure Carryover	Appropriate Fund Balance	Additional 2017/18 Funds per Project (for reference only)
Fund 121 - General Fund				
2015 UASI Grant	\$39,500	\$39,500	\$0	-
2015 State Homeland Security Grant	25,600	25,600	0	-
US&R Grant (2015 and 2016)	455,639	455,639	0	-
CalFire Augmentation Funds -- 1 Crew Bus		260,000	260,000	-
CalFire Augmentation Funds -- 1 Superintendent Vehicle		90,000	90,000	-
CalFire Augmentation Funds -- 2 Dozer Transport Tractors		403,000	403,000	-
CalFire Augmentation Funds -- Hvy Equipment Dump Trk		145,000	145,000	-
Washer/Extractor for Service Center		13,000	13,000	-
Fire Station 61 Recovery		623,607	623,607	-
Banner Training Funds Specific for Upgrade		71,630	71,630	-
Total: Fund 121	520,739	2,126,976	1,606,237	-
Fund 12110 - General Fund CIP				
CalFire Augmentation Funds -- EOC Upgrade/8 Cameras (P406)		350,000	350,000	-
Mobile Data Computers (P303)		42,138	42,138	200,000
PCs/Laptops/Tablets/Printers (P331)		104,851	104,851	252,000
800 MHz Radios (P332)		152,571	152,571	85,500
VHF radios (P333)		24,429	24,429	20,800
Fire Station Phones/Alarms/Sound (P334)		258,240	258,240	300,000
Network/Servers/Security (P337)		326,083	326,083	160,000
Data Storage/Backup		30,569	30,569	96,000
Total: Fund 12110	-	1,288,881	1,288,881	1,114,300
Fund 123 - Fire Stations and Facilities				
Replacement of Fire Station 10 (P503)		7,500,000	7,500,000	-
US&R Warehouse Improvement (Phase 1)		214,115	214,115	-
Total: Fund 123	-	7,714,115	7,714,115	-
Fund 124 - Communications & Information Systems				
Public Safety System -- Incident Reporting Replacement		500,000	500,000	400,000
Public Safety System -- Integrated Fire Prevention		484,664	484,664	905,117
RFOTC AV Upgrade Project		150,000	150,000	-
800 MHz CCCS upgrade		750,516	750,516	-
Total: Fund 124	-	1,885,180	1,885,180	1,305,117
Fund 133 - Vehicle Replacement Fund				
4 Full size Cargo Vans		177,000	177,000	-
2 Mid size 4 door		71,000	71,000	85,846
2 Half ton mid size pickups		66,000	66,000	231,294
1 mid size cargo van		32,000	32,000	-
1 minivan		28,000	28,000	-
3 three quarter ton general pickups		134,000	134,000	-
1 service truck		60,000	60,000	-
vehicle outfitting costs		586,000	586,000	-
Station 61 Recovery - US&R Support Vehicle		223,240	223,240	-
Total: Fund 133	-	1,377,240	1,377,240	317,140
Fund 171 - Structural Fire Fund Entitlement				
Remaining allotment, SFF Entitlements: Irvine		500,415	500,415	-
Remaining allotment, SFF Entitlements: Aliso Viejo		282	282	-
Remaining allotment, SFF Entitlements: Laguna Niguel		48,954	48,954	-
Total: Fund 171	-	549,651	549,651	-

FIRST QUARTER BUDGET ADJUSTMENT REQUESTS:

Included in this request, staff is also seeking a first quarter budget adjustment which includes appropriations for the following:

Vehicle Sheds: (Uses CAL FIRE State Augmentation funding already received) Staff has identified a need to provide protective covering to vehicles located at Fire Station 18 during periods of inactivity. Two steel sheds can be purchased and installed with this funding, which has already been received from CAL FIRE specifically for Capital purchases in support of the State's mission. **\$100,000**

Division 20 Pre-Fire Battalion Chief Pickup Truck: (Uses CAL FIRE State Augmentation funding already received) The need for a vehicle for the Pre-Fire Battalion Chief has been identified and will provide support for the State's mission, and uses the funding provided by CAL FIRE. **\$46,140**

Miscellaneous Equipment: (Uses CAL FIRE State Augmentation funding already received) To further enhance our ability to provide service in the State Responsibility areas we are requesting an appropriation for: Additional PODS, which are containers with differing capabilities which can be placed on the rear portion of a HOOK truck, additional blades and ancillary items for the bulldozers, and a wildland desktop training simulator, which will help prepare staff to use the latest observation techniques in suppressing wildland fires. This appropriation uses funding provided by CAL FIRE. **\$200,000**



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors
September 28, 2017

Agenda Item No. 3D
Consent Calendar

**Establishment of Designated Staffing Stations and
Specialty Pay for Manpower Coordinators**

Contact(s) for Further Information

Brian Young, Assistant Chief
Operations Department

brianyoung@ocfa.org

714.573.6014

Jeff Adams, Division Chief
Division 5 and Staffing Program

jeffadams@ocfa.org

949.389.0055

Summary

This agenda item seeks approval of actions to continue addressing the impacts associated with extraordinary forced hiring of firefighter personnel.

Prior Board/Committee Action

On July 27, 2017, the Board of Directors approved several actions to assist staff in addressing the high volume of forced hiring, improving firefighter staffing, and beginning to mitigate the associated negative impacts to personnel. In seeking approval of those actions, staff stated its intent to continue seeking methods to mitigate negative staffing impacts.

RECOMMENDED ACTION(S)

The recommended actions will continue addressing the impacts associated with extraordinary forced hiring of firefighter personnel.

1. Establish a 7.5% specialty pay for 24 designated manpower coordinators at Fire Stations 22 (Laguna Hills) and 64 (Westminster).
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$200,147 to fund the specialty pay.

Impact to Cities/County

Not Applicable.

Fiscal Impact

The cost increase to the FY 2017/18 budget associated with the specialty pay for the remainder of the fiscal year is \$200,147. The ongoing annual cost for future years is \$266,863.

Background

A collaborative workgroup comprised of subject matter experts, labor representatives, and management (Joint-Labor-Management Group [JLM]) began meeting in May 2017 to discuss issues that are causing an extraordinary volume of forced hiring activity in the firefighter ranks. To date, the JLM has identified several actions to begin addressing the root causes of the extraordinary forces and to mitigate the negative impacts. Attached is the staff report that the Board approved in July 2017 describing the problem in detail and beginning to implement solutions. The JLM is committed to continuing its efforts to further refine staffing procedures, enhancing systems, and putting processes in place that should prevent these negative impacts from recurring in the future.

One of the recommended actions is to establish two designated staffing fire stations and to assign responsibility to personnel at those stations to handle all manpower staffing needs for the OCFA. In the past, the OCFA has tried differing structures for handling manpower needs:

- Following the OCFA formation, the Authority had full-time administrative employees who were assigned responsibility for coordinating manpower; however, because staffing needs and issues would arise 24 hours per day, 7 days per week, the regular 40-hour work schedule for the manpower employees was found to be ineffective. As a result, manpower coordination was transitioned to personnel in the field for 24/7 coverage.
- When manpower coordination was transitioned to the field, numerous personnel serving in each of OCFA's nine battalions were assigned the staffing responsibilities; however, too many employees involved in the process resulted in inconsistent interpretation of policies, duplication of efforts, and difficulty coordinating the tasks being performed. Further compounding the inefficient structure is the fact that the OCFA's staffing issues have become more complex since overtime requirements to fill constant staffing is exceeding personnel's desires to volunteer and work the necessary overtime.

The manpower coordinators are responsible for contacting personnel who have already worked all their required shifts and informing them that they are being forced to work another shift. Often, these forces can cause personnel to miss other plans, appointments, and/or commitments, negatively impacting the employee's work-family-life balance. The manpower coordinators must perform this work to ensure that the OCFA is staffed 24/7 and ready to serve the public.

Changing the structure for manpower coordinators from nine battalions to two designated staffing stations will improve consistency, coordination, and eliminate duplication of effort, while still providing necessary redundancy. At the same time, the workload burden for the designated personnel will increase. The new structure will designate Fire Stations 22 (Laguna Beach) and 64 (Westminster) as the "staffing stations," which provides one station in the north end of the county and one in the south end of the county. The four personnel assigned to staff the Truck at each of these stations (eight personnel, with three shifts, for a total of 24 total impacted employees) will be assigned the duties of manpower coordinators.

To address the increased workload proposed for manpower coordinators and recognizing the challenges associated with the work, the JLM is recommending specialty pay for these manpower coordinators at 7.5% of top-step firefighter salary. Personnel transferring into these designated positions will be required to complete a Manpower Coordinator Training Program to demonstrate competencies in administering the system to be eligible for the specialty pay. Because of these actions, we anticipate that the "two designated staffing station" structure will yield well-trained employees who are engaged in effective administration of OCFA's manpower needs.

Following implementation of this recommendation, the OCFA will be better prepared to provide the highest level of emergency, fire, rescue, and emergency medical services, with consistent handling of manpower needs. With the Board of Directors' approval, these recommendations are anticipated to take effect Friday, September 29, 2017.

Attachment(s)

Staff Report dated July 27, 2017, entitled "Actions to Reduce Firefighter Overtime & Extraordinary Volume of Forced Hiring Activity"



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
July 27, 2017

Agenda Item No. 5A
Discussion Calendar

**Actions to Reduce Firefighter Overtime
& Extraordinary Volume of Forced Hiring Activity**

Contact(s) for Further Information

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Operations Department

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Summary

This agenda item seeks approval of actions to reduce overtime and the extraordinary volume of forced hiring activity that has been occurring in the firefighter ranks.

Prior Board/Committee Action

Not applicable.

RECOMMENDED ACTION(S)

These actions are needed to reduce overtime and the extraordinary volume of forced hiring activity that has been occurring in the firefighter ranks:

1. Direct staff to convert funding for 53 existing positions (17 Fire Captains, 15 Fire Apparatus Engineers, and 21 Firefighters) from overtime-funded to full-time salary and benefit-authorized positions, by taking the following actions:
 - a. Restore and activate 42 existing frozen positions on the Master Position Control (15 Fire Captains, 15 Fire Apparatus Engineers, and 12 Firefighters).
 - b. Add two Fire Captains (one regular position and one limited-term/grant-funded position) and 9 Firefighters as authorized positions to the Master Position Control.
2. Increase appropriations in the FY 2017/18 General Fund (121) Budget by \$345,191 to fund the difference between current budgeted overtime pay and regular salary and benefit costs for these converted positions.
3. Authorize staff to temporarily exceed the number of authorized firefighter positions on the Master Position Control to enable the hiring of 50 firefighters into each of the next two academies. This temporary authorization shall only apply to the next two academies (45 and 46), pending attrition/promotions that will occur during and following academy graduations.

Impact to Cities/County

The conversion of overtime-funded positions will enable OCFA to maximize the number of firefighters hired into the next two academies, which will allow vacant positions to be filled through regular work schedules and reduce overtime that existing firefighters are being forced to work. There will be no increase to Cash Contract city charges as a result of this change.

Fiscal Impact

An expenditure increase of \$345,191 is requested in the FY 2017/18 General Fund Budget. In addition, a mid-year budget adjustment may be necessary to reverse the salary savings that was deducted from the FY 2017/18 Salary and Employee Benefits budget since the budget figures estimated an average of 40 vacant firefighter positions during the fiscal year.

Background

Factors Driving Volume of Overtime & Forced Hiring of Firefighters

The OCFA maintains constant staffing levels, which means that every day, all authorized Operations post-positions are staffed. Constant staffing enables delivery of emergency services 24-hours per day, 7 days per week. A post-position is a seat on a fire or EMS response unit (including engines, trucks, and paramedic vehicles) that must be filled to meet the staffing requirements of that unit.

- Backfill occurs when there is a vacancy in a position that requires constant staffing and another employee works overtime to fill the vacancy. Examples include:
 - Positions are temporarily vacant due to personnel on sick leave, vacation, jury duty, military leave, bereavement, workers' compensation, etc.
 - Positions are temporarily vacant due to personnel assigned to paramedic school or assigned to a cadre to teach an academy
 - Positions are vacant due to cost control measures (frozen positions per the MOU)
 - Positions are vacant as a result of retirements, promotions, the addition of new positions to staff a new station, or converting Basic Life Support engines to Advance Life Support
 - Positions are temporarily vacant due to personnel responding to major in/out of county emergency incidents
- Overtime is used for work performed above and beyond the constant staffing requirements. Examples of overtime include strike team or overhead personnel assignments for emergency incidents, either in or out of County, and mandatory training classes that occur on a day other than the employee's regularly assigned shift.

Daily Staffed Frozen Positions - Funded by Overtime

The OCFA has been carrying many frozen positions in the firefighter ranks on the Master Position Control for several years, primarily implemented as a cost-saving measure to balance the budget during the financial downturn starting in FY 2009/10. As reported to the Board each year in our Annual Overtime & Employee Compensation report, the use of backfill/overtime to fill the vacancies created by these frozen positions can produce savings since overtime hours are not "pensionable", meaning they don't result in additional pension earnings for those working the overtime, nor do they require retirement contributions as a percent of pay.

However, lower-cost retirement benefits are now being earned by new firefighters under the Public Employee Pension Reform Act (PEPRA), and these firefighters are paying their full employee-share of retirement costs; therefore, the savings differential from using overtime vs. full-time salary and benefit employees is diminishing. Furthermore, the volume of overtime hours being demanded of our firefighters has become much greater than the hours they wish to work, resulting in an extraordinary amount of forced hiring activity for all firefighter ranks.

Up until now, OCFA has been completing multiple academies and promotional processes per year to fill the vacancies that were occurring, over and above the frozen/overtime-funded positions. We are now reaching a point where the remaining vacancies that need to be filled include these constant-staffed overtime-funded positions, which are frozen on the Master Position Control (meaning we are unable to hire new employees into them). Staff believes the timing is appropriate to complete a transition whereby the overtime-funded positions are converted to regular authorized salary and benefit positions.

Actions to Reduce Overtime & Forced Hiring Activity

Executive management has been meeting with representatives of the Orange County Professional Firefighters Association (OCPFA) to identify actions to reduce the extraordinary amount of

overtime and forced hiring activity. Actions that the joint labor-management (JLM) group have agreed upon include:

- Implement earlier start-dates for the next two firefighter academies (September 2017 and February 2018 instead of October 2017 and March 2018)
- Maximize the number of firefighters hired into each of the next two academies, with a goal of hiring 50 firefighters for each academy
- Implement a continuous open recruitment process
- Develop multiple entry portals for new OCFA firefighters (entry level firefighter, entry level firefighter/paramedic, lateral firefighter/paramedic)
- Balance the timing of promotions into Engineer and Captain ranks in a manner that works in harmony with the timing of Firefighter Academy graduations
- Utilize multiple communication methods with candidates during recruitment processes
- Make multiple programming changes in the automated Staffing System to enable employees to enter a greater variety of “availabilities,” which will facilitate voluntary coverage of shifts that require overtime/backfill instead of forcing employees to work overtime
- Implement methods to encourage/incentivize employees to enter “availabilities” to cover shifts that require overtime/backfill

The JLM group will continue meeting to sustain progress on the variety of initiatives already agreed upon, monitor the effectiveness of the initiatives as they are completed, and continue seeking new and better methods to minimize negative staffing impacts.

Financial Impact of Recommended Actions

A key part of implementing the initiative to maximize the number of firefighters hired into each of the next two academies involves a change in the structure of the frozen positions OCFA has been carrying and filling with overtime (as discussed above). Converting these frozen positions from overtime-funded to regular full-time salary and benefit positions is required. Although there is an ongoing cost to make the conversion, staff believes that the net financial impact of this change is a worthy investment to achieve the goal of reducing overtime and forced-hiring activity.

The matrix below identifies the anticipated reduction in overtime costs and the corresponding increase in regular salary and benefit costs associated with converting the proposed 53 positions. The partial-year impact anticipated in FY 2017/18 will be offset by a one-time budget reduction due to a later start-date for expanded Fire Station 20 staffing, compared to the timeline that we anticipated when the budget was developed.

Reason for Budgetary Change	Budget Category	Annual Cost Impact	FY 17/18 Partial Year Cost Impact (6 months)
Convert 53 positions from overtime-funded (OT) to regular salary and employee benefits (S&EB)	Reduce OT	- 9,099,279	- 4,549,638
	Increase S&EB	+11,079,356	+ 5,539,678
Adjust budget for timing of expanded Station 20	Reduce S&EB	n/a	- 644,850
Net Financial Impact		+1,980,081	+345,191

The net financial impact of the proposed changes during FY 2017/18 is an increase in expenditures of \$345,191. Once all hiring and promotional activities are complete for these converted positions, we anticipate that annual overtime costs will be reduced by \$9.1 million.

Attachment(s)

None.



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
September 28, 2017

Agenda Item No. 5A
Discussion Calendar

Interim Fire Chief Limited Term Employment Agreement

Contact(s) for Further Information

Brigette Gibb, Director
Human Resources

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Summary

This agenda item seeks approval of a limited term employment agreement for an Interim Fire Chief.

Prior Board/Committee Action

Not Applicable.

RECOMMENDED ACTION(S)

To provide day-to-day leadership during the Fire Chief recruitment process, it is recommended that, following the Closed Session negotiation of agreement terms, the Board approve a limited term employment agreement for an Interim Fire Chief.

Impact to Cities/County

Not Applicable.

Fiscal Impact

The Interim Fire Chief employment agreement is funded by appropriations already included in the FY 2017/18 budget for salaries and benefits for the Fire Chief position.

Background

Following the former Fire Chief's resignation, which was effective September 17, 2017, Assistant Chief Dave Anderson was appointed Acting Fire Chief, and has been serving in that capacity until an interim Fire Chief can be appointed. Appointment of an Interim Fire Chief will provide the day-to-day leadership needed during this transitional period. The proposed employment agreement will be circulated after Closed Session negotiations, which will take place prior to the consideration of this item.

Attachment(s)

Fire Chief Classification Specification



FIRE CHIEF

Class Code:
5836

Bargaining Unit: EXECUTIVE MANAGEMENT

ORANGE COUNTY FIRE AUTHORITY
Established Date: Mar 1, 1995

DESCRIPTION:

CLASS SUMMARY:

Incumbent is responsible for performing executive level activities. Incumbent is responsible for planning, organizing, and directing the operation of the Orange County Fire Authority (OCFA) and to act at the direction of the OCFA Board of Directors.

DISTINGUISHING CHARACTERISTICS:

The Fire Chief is the third level in a three level executive management series. The Fire Chief is distinguished from the Deputy Fire Chief, which has responsibility for assisting the Fire Chief in organizing and directing the operation of the OCFA.

ESSENTIAL FUNCTIONS:

(These duties are intended to be representative sample of the duties performed by the class.)

Confers with and directs the day-to-day activities of the OCFA through the Deputy Fire Chief; directs his training and development and evaluates his performance.

Plans, implements, and directs all phases of the operations of the Authority; formulates departmental operating policy in conformance with Board of Directors' policy and legislative mandate.

Develops and recommends departmental goals and objectives and delegates authority and responsibility to meet the goals and objectives; evaluates and reports to the Board of Directors on the effectiveness and efficiency of departmental operations.

Establishes the implementation of OCFA standard operating procedures and ensuring compliance with Federal, State, and local laws.

Reviews management staff recommendations for staff and equipment; recommends departmental budget priorities; presents and justifies program and budget recommendations for the Board of Directors.

Coordinates with contiguous fire departments and develops mutual assistance programs where appropriate.

Meets with citizen groups to discuss and explain the various OCFA all-risk injury prevention and life safety programs; promotes community support of the Authority programs.

Evaluates community needs; recommends modification of departmental operations to meet new or changed needs.

Works closely with the City Manager's Technical Advisory Committee, three standing committees of the Board of Directors, as well as special ad hoc committees as needed.

Performs other duties of a similar nature or level.

MINIMUM QUALIFICATIONS:

EDUCATION AND EXPERIENCE (*position requirements at entry*):

Bachelor's Degree in Public Administration, Business Administration, or a related field. Ten (10) or more years of progressively responsible divisional or departmental management experience, including labor relations, meet and confer with employee groups, and grievance resolution. Up to four years of job-related experience can be substituted for up to two years of the education requirement for this position; or, an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

Desirable: Additional college-level or coursework above the Bachelor's Degree level. Enrollment in the National Fire Academy Executive Fire Officer Program; Public Administration, Fire Protection Administration or related field; qualified under the National Wildfire Coordinating Group guidelines, in one or more Incident Command System Section Chief positions.

LICENSES AND CERTIFICATIONS (*position requirements at entry*):

Possession of or ability to obtain a valid California Driver License, Class C or higher, before date of appointment, may be required. This classification is subject to enrollment in the California DMV Pull Notice Program, which periodically provides Risk Management with the incumbent's Driver License record and status.

KNOWLEDGE (*position requirements at entry*):

Knowledge of:

- Contemporary leadership principles and practices applicable to a modern, decentralized, service-oriented organization;
- Management principles and practices necessary to plan, analyze, develop, direct, and evaluate regional programs, administrative policies, organizational structures, and the various OCFA all-risk injury and life safety practices;
- Principles and processes necessary to accomplish organizational change in a highly traditional and unionized work environment;
- Principles and modern methods of fire suppression/prevention;
- Administration principles and practices including organization, fiscal management, budgetary preparation and controls, program planning, implementation, and administration; local government funding regulations and processes including fee for service, property tax regulation and cost recovery;
- Federal and State laws, rules, and procedures governing fire suppression, prevention, and investigation;
- Principles of employee supervision and personnel management including labor relations, training, disciplining of personnel, and modern information systems.

SKILLS (*position requirements at entry*):

Skill in:

- Plan, organize, direct, and coordinate operations of the OCFA, and motivate organizational units to meet departmental objectives;
- Coordinate departmental program objectives with the general goals of the total

organization and its various operations;

- Define problem areas; direct the collection, interpretation, and evaluation of data and development of sound solutions to technical and administrative fire suppression problems;
- Coordinate and initiate actions, implement decisions and recommendations;
- Interpret complex regulations, laws, and guidelines;
- Establish and maintain effective working relationships with others, especially in sensitive relationships with representatives of other agencies or governmental units, employee associations, and citizen groups;
- Deal tactfully and persuasively with others in controversial situations;
- Evaluate the adequacy of procedures, budgets, staffing requirements, and programs;
- Communicate effectively through oral presentations, written reports, and discussions with executive level staff, and other Federal, State, and local agencies, departments, groups, and individuals.

SUPPLEMENTAL INFORMATION:

PHYSICAL REQUIREMENTS:

Positions in this class typically require: fingering, grasping, talking, hearing, seeing and repetitive motions.

Light Work: Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

WORKING CONDITIONS:

Incumbents work in a standard office environment.

NOTE: The above job description is intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the needs of the department.



Orange County Fire Authority
AGENDA STAFF REPORT

Board of Directors Meeting
September 28, 2017

Agenda Item No. 5B
Discussion Calendar

Request for Proposal for Full Emergency Services for City of Garden Grove

Contact(s) for Further Information

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Summary

This item is submitted to inform the Board of Directors about a request from the City of Garden Grove to have the OCFA prepare a proposal for full emergency services including all-risk emergency response, fire prevention, public education, and fire dispatch services by contract.

RECOMMENDED ACTION(S)

When a city requests a proposal for emergency services from the OCFA, the Board needs to authorize the use of staff time to prepare the request, it is recommended that the Board, upon receipt of the required payment to the OCFA, direct staff to prepare a proposal for the City of Garden Grove for a full emergency services agreement.

Impact to Cities/County

Not Applicable

Fiscal Impact

The City of Garden Grove will be charged \$75,000 to prepare the full-service proposal. If the City elects to contract with the OCFA for fire protection services, the amount will be credited toward the first year's contract costs.

Background

The OCFA has been notified that a Request for Proposal from the City of Garden Grove for full emergency services including all-risk emergency response, fire prevention, public education, and fire dispatch services by contract will be forthcoming.

The OCFA has readily participated in preparing proposals for other cities within Orange County in the past and is capable of assisting the City of Garden Grove.

The full-service proposal will offer one or more service option(s) at the amount designed to ensure full recovery of all projected costs to the OCFA to provide the requested services. The proposal(s) will be submitted to the Garden Grove City Council for its consideration and desired action.

Attachment(s)

None.