

# MINUTES

## ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting**  
**Thursday, July 26, 2018**  
**6:00 P.M.**

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

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### CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on July 26, 2018, at 6:36 p.m. by Chair Sachs.

### INVOCATION

Chaplain Devin Chase offered the Invocation.

### PLEDGE OF ALLEGIANCE

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

### ROLL CALL

Lisa Bartlett, County of Orange  
Tim Brown, San Clemente  
Ellery Deaton, Seal Beach  
Shelley Hasselbrink, Los Alamitos  
Noel Hatch, Laguna Woods  
Joe Muller, Dana Point  
Vince Rossini, Villa Park  
Don Sedgwick, Laguna Hills  
Michele Steggell

Leah Basile, Lake Forest  
Laurie Davies, Laguna Niguel  
Carol Gamble, Rancho Santa Margarita  
Dave Harrington, Aliso Viejo  
Robert Johnson, Cypress  
Al Murray, Tustin  
Ed Sachs, Mission Viejo  
Dave Shawver, Stanton  
Tri Ta, Westminster

**Absent:** Sergio Farias, San Juan Capistrano  
Todd Spitzer, County of Orange  
Juan Villegas, Santa Ana

Gene Hernandez, Yorba Linda  
Elizabeth Swift, Buena Park

### Also present were:

Fire Chief Brian Fennessy  
Assistant Chief Lori Smith  
Human Resources Director Brigette Gibb  
General Counsel David Kendig  
Clerk of the Authority Sherry Wentz

Assistant Chief Lori Zeller  
Assistant Chief Dave Anderson  
Assistant Chief Mark Sanchez  
Assistant Chief Randy Black

Chair Sachs using the Chair's discretion with no Board objections, moved all Closed Session items to follow the Consent Calendar.

## **1. PRESENTATIONS**

No items.

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

Stephen Wontrobski, Mission Viejo resident, addressed the use of reserve firefighters and the current labor negotiations.

## **REPORTS**

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

Human Resources Committee Chair Al Murray reported at the July 10, 2018, special meeting, the Committee voted unanimously to send the Contract Extension for Firefighter Wellness & Fitness (WEFIT) Services to the Executive Committee with the Human Resources Committee's recommendation to approve the recommended actions.

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

Budget and Finance Chair Joe Muller reported at the July 11, 2018, meeting, the Committee voted unanimously to receive and file the Orange County Employees' Retirement System Quarterly Status Update; to send the Monthly Investment Reports to the Executive Committee for its approval; and to send the 2017 Urban Areas Security Initiative Grant Program Agreement to Transfer Property or Funds, to the Board of Directors for approval of the recommended actions. The Committee was presented the Direct Request to Explore Using the Orange County Investment Pool as an Additional Investment Option staff report, reviewed the response from the County Treasurer, and determined using the Orange County Investment Pool as an additional Investment Option, was not a viable option at this time.

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

Claims Settlement Committee Chair Sachs reported the Committee considered Workers' Compensation claims for claimants Thomas Arick, Jeff Baclawski, and Eric Weave. There were no reportable actions.

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

Fire Chief Brian Fennessy introduced Assistant Chief of Operations Mark "Pokey" Sanchez, presented an update of the Fire Season, thanked Division Chief Andy Kovacs for his efforts working with the explorers and those in training who helped in the Fire Explorer program, noting there were 40 graduates from the program. He reported OCFA has been tasked by California's

Office of Emergency Services (Cal OES) to put on a Radiological Dispersal Device Exercise hosting the five Southern California Task Forces, and noted Division Chief Jeff Adams will be the lead for this event which will occur in November. He thanked all of the firefighters fighting the fires throughout the state.

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### **2. Minutes from the (A) June 20, 2018, Special Meeting, and (B) June 28, 2018, Board of Directors Regular Meeting (F: 11.06)**

On motion by Director Murray and second by Laurie Davies, the Board of Directors voted unanimously by those present to approve the Minutes from the June 20, 2018, Special Board of Directors Meeting, and the June 28, 2018, Regular Board of Directors Meeting. Directors Bartlett, Brown, Johnson, Sedgwick, Steggell, and Ta were recorded as abstentions due to their absence from the June 20, 2018, Special meeting. Directors Bartlett, Brown, Davies, Farias, Hernandez, Muller, and Steggell were recorded as abstentions due to their absence from the June 28, 2018, Regular meeting.

Chair Sachs stated prior to consideration of the Consent Calendar Items A-E, he would report the action of the Executive Committee on Agenda Item 3D "Legislative Report". The committee adopted a neutral position on AB 1912 (Rodriguez) due to amendments that require the apportionment of a Joint Power Authority's liabilities only if that agency dissolves. However upon direction given by Director Spitzer, he requested that staff seek amendments allowing member agencies to appeal the binding arbitration provisions of the Bill through and to a proper court. If directors require more discussion the item can be pulled from the Consent Calendar.

### **3. CONSENT CALENDAR (Agenda Item No. 3D was pulled for separate consideration)**

#### **A. Fire Prevention Week Proclamation (F: 11.09)**

On motion of Director Ta and second by Director Johnson, the Board of Directors voted by those present to approve the proposed Proclamation as submitted. Director Shawver voted in abstention.

#### **B. 2017 Urban Areas Security Initiative Grant Program Agreement to Transfer Property or Funds (F: 16.02H)**

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

1. Approve the FY 2017 Urban Areas Security Initiative Grant Program Agreement and authorize the Fire Chief to execute it and any necessary attachments and agreement(s) to accept and administer the UASI Grant.

2. Approve a budget adjustment to the FY 2018/19 General Fund (121) budget increasing revenues and expenditures by \$100,000, due to an additional grant award from the FY 2016 Grant Program. Director Shawver voted in abstention.

**C. Project Overview for Construction of Fire Station 10 (Yorba Linda) (F: 19.07C10.a)**

On motion of Director Ta and second by Director Johnson, the Board of Directors voted by those present to receive and file the report. Director Shawver voted in abstention.

**D. July 2018 Legislative Report (F: 11.10F1)**

Stephen Wontrobski, Mission Viejo resident, expressed his opposition to AB 1912.

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

1. Adopt a neutral position on AB 1912 (Rodriguez).
2. Direct staff to continue to monitor AB 1912 and report to the Executive Committee any amendments that significantly impact the OCFA or its member agencies. Directors Davies, Gamble, Harrington, Sedgwick, and Shawver voted in opposition.

**E. Acceptance of 2018 California Governor's Office of Emergency Services Urban Search and Rescue Radioactive Dispersal Device Exercise Reimbursement Agreement (F: 21.15C)**

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

1. Approve and authorize the Fire Chief, or his designees, to execute a Reimbursement Agreement with California Governor's Office of Emergency Services for California Task Force 5 to plan and host the 2018 Urban Search and Rescue Radioactive Dispersal Device Exercise. Director Shawver voted in abstention.
2. Approve a Budget Adjustment in the General Fund (121) increasing revenues and expenditures in the amount of \$491,181.60 for the purposes of completing this training exercise. Director Shawver voted in abstention.

**END OF CONSENT CALENDAR**

## **CLOSED SESSION**

### **CS1. CONFERENCE WITH LABOR NEGOTIATOR**

Agency Designated Representative: Peter Brown, Liebert Cassidy and Whitmore  
Employee Organizations: Orange County Professional Firefighters Association,  
Local 3631, Orange County Employees Association,  
Orange County Fire Authority Managers Association,  
and all unrepresented employees

Authority: Government Code Section 54957.6

### **CS2. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION**

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

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

Authority: Government Code Section 54956.9(c) – Initiation of Litigation (2 cases)

### **CS4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 4791 Eureka Avenue, Yorba Linda, AC 92886

Negotiating Parties: Jeff Baize and Lisa Kalustian, Brookhurst Development and  
Advisory Corporation; Craig Steffens, Yorba Linda Equipment Rentals;  
OCFA Property Manager Patrick Bauer; and OCFA Division Chief Andy  
Kovacs

Under Negotiation: Price and Terms of Payment

Authority: Government Code Section 54956.8

### **CS5. CONFERENCE WITH LABOR NEGOTIATOR**

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

Employee: Fire Chief

Authority: Government Code Section 54957.6

General Counsel David Kendig reported the Board would convene to Closed Session to consider the matters on the agenda identified as CS1 and CS5, Conference with Labor Negotiator, CS2, CS3, Conference with Legal Counsel – Anticipated Litigation, and CS4, Conference with Real Property Negotiators.

Chair Sachs recessed the meeting to Closed Session at 7:03 p.m.

Chair Sachs reconvened the meeting from Closed Session at 7:19 p.m.

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

Director Ta left at this point (7:19 p.m.).

Director Shawver left at this point (7:19 p.m.).

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General Counsel David Kendig stated there were no reportable actions, however the Board discussed only CS5 so far and would be reconvening in Closed Session to consider the other Closed Session items. This completes the report on Closed Session, at this point it is up to the Chair if we move on with Agenda Item 5A.

**4. PUBLIC HEARING(S)**  
No items.

Chair Sachs proceeded to Discussion Calendar 5A.

**5. DISCUSSION CALENDAR**

**A. Amendment to Fire Chief Employment Agreement**

General Counsel David Kendig introduced the Amendment to Fire Chief Employment Agreement and stated the Brown Act requires him to provide a summary to the Chief's Amendment to the Employment Agreement.

On motion of Director Murray and second by Director Johnson, the Board of Directors voted by those present to approve Amendment No. 1 to the Fire Chief's employment agreement.

Directors Shawver and Ta were absent for the vote.

**CLOSED SESSION**

General Counsel David Kendig reported the Board would reconvene to Closed Session to consider the matters on the agenda identified as CS1, Conference with Labor Negotiator, CS2, CS3, Conference with Legal Counsel – Anticipated Litigation, and CS4, Conference with Real Property Negotiators.

Chair Sachs recessed to the meeting to Closed Session at 7:22 p.m.

Chair Sachs reconvened the meeting from Closed Session at 8:27 p.m.

Director Brown left at this point (8:27 p.m.).

Director Hasselbrink left at this point (8:27 p.m.).

Director Davies left at this point (8:27 p.m.).

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

General Counsel David Kendig reported the Board gave direction to its labor negotiators and property negotiators, otherwise there were no reportable actions.

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

Director Rossini thanked Division Chief Andy Kovacs and Battalion Chief Ron Roberts for providing the engine for the Villa Park 4<sup>th</sup> of July parade.

Director Murray thanked staff for the water safety video provided to the City of Tustin.

Director Johnson reported attending and commended the Grand Opening for Fire Station 61 (Buena Park).

Director Bartlett thanked Fire Chief Fennessy for his leadership in collaboration with the Orange County Sheriff's Department regarding the joint operations at John Wayne Airport.

Director Harrington reported on the need to identify defensible positions that can be prepared in advance of a fire, and he commended Fire Chief Fennessy on adjourning in memory of the lost firefighters.

Director Basile reported meeting with Community Risk Reduction representative Kim Brown to review areas within the City of Lake Forest to plan and prevent fires. She commended Fire Chief Fennessy on the work he has done.

Director Sachs stated he and Chief Fennessy have discussed defensible spaces recommending all cities should work with OCFA to define their defensible space. He commended Fire Chief Fennessy's memo that addressed Mission-Driven Culture.

**ADJOURNMENT** – Chair Sachs adjourned the meeting at 8:38 p.m. noting this evening's meeting will be adjourned in memory of CAL FIRE Heavy Fire Equipment Operator Braden Varney from the CAL FIRE Madera-Mariposa-Merced Unit who was tragically killed in the line of duty battling the Ferguson Fire in the Sierra National Forest on July 14, 2018. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for Thursday, August 23, 2018, at 6:00 p.m.

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