



# ORANGE COUNTY FIRE AUTHORITY

## BOARD OF DIRECTORS

### Regular Meeting Agenda

**Thursday, March 28, 2024  
6:00 P.M.**

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

Link to:

[Board of Directors Member Roster](#)

#### **NOTICE REGARDING PUBLIC ACCESS AND PARTICIPATION**

This meeting is open to the public. Board members will participate in person. There are several alternative ways to make comments including:

**In Person Comments at Meeting:** 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 their 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.

If you wish to speak, 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 item being considered. Speaker Forms are available at the entryway of meeting location.

**E-Comments:** Alternatively, you may email your written comments to [coa@ocfa.org](mailto:coa@ocfa.org). E-comments will be provided to the Board members upon receipt and will be part of the meeting record as long as they are received during or before the Board acts on an item. Emails related to an item that are received after the item has been acted upon by the Board will not be considered.

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 members 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 the 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>



In compliance with the Americans with Disabilities Act and [Board of Directors policy](#), if you need reasonable accommodations to participate in this meeting, please complete the [ADA Reasonable Accommodation Form](#) available on the Agency's website and email to [COA@ocfa.org](mailto:COA@ocfa.org), or you may contact the Clerk of the Authority at (714) 573-6040 during regular business hours to submit your request orally. Please notify us at least 48 hours prior to the meeting to enable the Authority to make reasonable arrangements to assure accessibility to the meeting.

**CALL TO ORDER** by Chair O'Neill

**INVOCATION** by OCFA Chaplain Devin Chase

**PLEDGE OF ALLEGIANCE** by Director Kalmick

**ROLL CALL** by Clerk of the Authority

**REPORTS**

**A. Report from Budget and Finance Committee**

**B. Report from the Fire Chief**

- Open House
- ECC Dispatcher Excellence

**PUBLIC COMMENTS**

**Please refer to instructions on how to submit a public comment on Page 1 of this Agenda.**

**1. PRESENTATION**

None.

**2. CONSENT CALENDAR**

*All matters on the consent calendar are considered routine and are to be approved with one motion unless a director or a member of the public requests separate action on a specific item.*

**A. Minutes for the Board of Directors Meeting**

Submitted by: Maria D. Huizar, Clerk of the Authority

The record will show that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Recommended Action:

Approve the Minutes for the February 22, 2024, Regular Meeting as submitted.

**B. Designation and Appointment of Interim Treasurer for the Orange County Fire Authority**

Submitted by: Lori Zeller, Deputy Chief/Administration & Support Bureau and Robert C. Cortez, Assistant Chief/Business Services Department

On March 13, 2024, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors agenda by a vote of 7-0 (Director Chun and Hasselbrink absent).

Recommended Action:

Adopt Resolution No. 2024-01 appointing OCFA's Assistant Chief of Business Services, Robert C. Cortez, as Interim Treasurer for the Orange County Fire Authority, effective immediately until the Treasurer position is filled and the new incumbent is formally appointed by the Board.

**C. FY 2023/24 Mid-Year Budget Adjustment**

Submitted by: Robert C. Cortez, Assistant Chief/Business Services Department and Stuart Lam, Budget Manager/Treasury & Financial Planning

On March 13, 2024, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors agenda by a vote of 7-0 (Director Chun and Hasselbrink absent).

Recommended Action:

Authorize the proposed mid-year budget adjustments and transfers as detailed in this report and attachments.

**3. DISCUSSION CALENDAR**

**A. OCFA's Joint Powers Agreement, History of Equity Mitigation, & Planning Beyond 2030**

Submitted by: Lori Zeller, Deputy Chief/Administration & Support Bureau and Robert Cortez, Assistant Chief/Business Services Department

Recommended Action:

Receive and file.

**B. FY 2023 SAFER Grant Application**

Submitted by: Robert C. Cortez, Assistant Chief/Business Services Department and TJ McGovern, Deputy Fire Chief/Emergency Operations Bureau

Recommended Action:

Direct staff to submit the FY 2023 Staffing for Adequate Fire and Emergency Response Grant application to fund the addition of a fourth firefighter/paramedic at Fire Stations 7, 18, 45, 46, and 57 to enhance service delivery, improve efficiency and enhance firefighter safety.

**C. Delegation of Authority to Approve Agreements for the Temporary Use of Property**  
Submitted by: Brian Fennessy, Fire Chief, Terry (TJ) McGovern, Deputy Chief/Emergency Operations Bureau and David E. Kendig, General Counsel

Recommended Action:

Adopt Resolution 2024-02 amending the OCFA's "Roles/Responsibilities/Authorities" matrix to broaden the Fire Chief's delegated authority to approve agreements for the temporary use of property.

**BOARD MEMBER COMMENTS**

**RECESS TO CLOSED SESSION**

*The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The Board of Directors find, based on advice from the General Counsel, that discussion in open session of the following matter will prejudice the position of the Authority on item listed below:*

**CS1. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION** pursuant to paragraph (2) and (3) of subdivision (d) of Section 54956.9 of the Government Code: One (1) Case

**CS2. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to Government Code Section 54957.6  
 Negotiators:

Peter Brown, Liebert Cassidy Whitmore; Stephanie Holloman, Assistant Chief/Human Resources Director and Lori Zeller, Deputy Chief/Administration & Support Bureau

Employee Organizations: Orange County Professional Firefighters Association, IAFF - Local 3631

**CS3. CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54954.5  
 Position: Fire Chief

**RECONVENE TO OPEN SESSION**

**CLOSED SESSION REPORT** by General Counsel

**ADJOURNMENT** – The next meeting of the Orange County Fire Authority Board of Directors will be on Thursday, April 25, 2024, at 6:00 p.m.

**Adjourn in Memory of  
 OCFA Fire Captain/Paramedic Robin "Rob" Culp**

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury and as required by the State of California, Government Code § 54954.2(a), that the foregoing Agenda was posted in the lobby and front gate public display case 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.

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Maria D. Huizar, CMC  
Clerk of the Authority

**FUTURE BOARD AGENDA ITEMS – THREE-MONTH OUTLOOK:**

- Long-Term Liability Study & Accelerated Pension Paydown Plan
- Wildfire Resource Center (Camp 18) Site Selection
- FY 2024/25 Budget Adoption
- Fiscal Year 2022/23 Backfill/Overtime and Total Earnings/Compensation Analysis

**UPCOMING MEETINGS:**

Budget & Finance Committee  
Executive Committee  
Board of Directors

Wednesday, April 10, 2024, 12 noon  
Thursday, April 25, 2024, 5:30 p.m.  
Thursday, April 25, 2024, 6:00 p.m.

# **MINUTES ORANGE COUNTY FIRE AUTHORITY**

**Board of Directors Regular Meeting  
Thursday, February 22, 2024  
6:00 P.M.**

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

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## **CALL TO ORDER**

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on February 22, 2024, at 6:01 p.m. by Chair O'Neill.

## **INVOCATION**

The Invocation was led by Chaplain Kent Kraning

## **PLEDGE OF ALLEGIANCE**

Director Traut led the assembly in the Pledge of Allegiance.

## **ROLL CALL**

John O'Neill, Garden Grove, Chair  
Phil Bacerra, Santa Ana  
Chris Duncan, San Clemente  
Mike Frost, Dana Point  
Beth Haney, Yorba Linda  
Noel Hatch, Laguna Woods  
Joe Kalmick, Seal Beach  
Austin Lombard, Tustin  
Chi Charlie Nguyen, Westminster  
Bob Ruesch, Mission Viejo  
Joshua Sweeney, Laguna Hills  
Connor Traut, Buena Park

Troy Bourne, San Juan Capistrano, Vice Chair  
Ross Chun, Aliso Viejo  
Katrina Foley, County of Orange  
Carol Gamble, Rancho Santa Margarita  
Shelley Hasselbrink, Los Alamitos  
Kelly Jennings, Laguna Niguel  
Tammy Kim, Irvine  
Vince Rossini, Villa Park  
Nitesh Patel, La Palma  
Dave Shawver, Stanton  
Mark Tettemer, Lake Forest

**Absent:** Anne Mallari, Cypress

Donald P. Wagner, County of Orange

## **Also present were:**

Fire Chief Brian Fennessy  
Deputy Chief TJ McGovern  
Assistant Chief Lori Smith  
Assistant Chief Jim Ruane  
Director of Communications Matt Olson  
General Counsel David Kendig

Deputy Chief Lori Zeller  
Assistant Chief Robert Cortez  
Assistant Chief Rob Capobianco  
Assistant Chief Stephanie Holloman  
Clerk of the Authority Maria D. Huizar

## REPORTS

### A. Report from Budget and Finance Committee

Budget and Finance Committee Chair Bourne reported at its February 14, 2024, meeting, the Committee by a unanimous vote recommended forwarding the Annual Grant Priorities for 2024 to the Board of Directors for approval. The Committee also reviewed the Prefunding of CIP Projects Policy Review Process – B&FC Recommendation for Board Consideration. By a unanimous vote, the Committee recommended forwarding the item for Board approval and adoption of the proposed draft policy language changes to the Fiscal Stability Budget Policy, to formalize the prefunding of CIP regional assets, specifically for the future replacement of helicopters. Lastly, the Committee held its annual election of both the Chair and Vice Chair, electing Director Lumbard as Vice Chair of the Committee, and Director Bourne as Chair for the ensuing year.

### B. Report from the Fire Chief

Fire Chief Fennessy began his report thanking all for their support in text messages, emails, cards, and telephone calls received before, during and after his surgery. He noted his diagnosis was shared in order to magnify the resources available to OCFA employees. He also presented the EMS calls data noting in 2023 there were more than 132,000 EMS calls. He shared a story of a recent cardiac arrest patient, where CPR and cardiac defibrillation restarted his heart, ultimately saving a life. He complimented OCFA professional staff as they remain on the forefront of EMS services, providing a video interview with firefighter paramedic Dawn Hazard, who also serves as OCFA's EMS Services and Supply Equipment Coordinator. He reported on the lifesaving actions of our firefighters with an infant transport warming mattress, which prevents loss of neonatal body heat during transport preventing cold stress and hypothermia. Chief Fennessy stated there is a need for residents to prepare for the significant rainstorms projected to hit the communities OCFA serves. He shared a video illustrating swift water rescues that occur during severe storm systems. He concluded with the OCFA Strategic Goals, FY 23-24 – Second Quarter Update.

## PUBLIC COMMENTS (FILE 11.11)

Duke Steppe, President, OCFA Management Association (OCFAMA), welcomed new Directors Beth Haney and Mike Frost; shared appreciation with the Board of Directors for their work with the various labor negotiations in 2023, and for Past Chair Rossini's contribution and involvement in moving negotiations forward bringing the OCFAMA Memorandum of Understanding to completion. Additional thanks to Local 3631, Chief Officers Association, Executive Management Team, and Fire Chief Fennessy for their support and leadership.

Director Duncan recognized Assistant Chief Lori Smith's staff; Assistant Fire Marshal Ryan Aloï, Assistant Fire Marshal Antonio Solares, and Fire Prevention Specialist Eric Gomez for their excellent service to the city of San Clemente.

## **1. PRESENTATIONS (FILE 11.09)**

- A.** Clerk of the Authority Huizar administered the Oath of Office to newly appointed Director Beth Haney, representing the city of Yorba Linda.
- B.** Chair O'Neill and Fire Chief Fennessy presented former Chair Rossini an award in recognition of his past year of distinguished service as Chair in 2023.

Chris Hamm, President of Local 3631, praised Past Board Chair Rossini's leadership and thanked him for his service in 2023.

## **2. CONSENT CALENDAR**

On motion of Director Duncan, and second by Vice Chair Bourne, approved 23-0 Agenda Item Nos. 2A, 2C-2D, (Directors Mallari and Wagner absent). Agenda Item No. 2B was pulled for separate consideration.

### **A. Minutes for the Board of Directors Meeting (FILE 11.06)**

The record will show that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Action: Approve the Minutes for the January 25, 2024, Regular Meeting as submitted.

### **B. Annual Grant Priorities for 2024 (FILE 11.10G)**

Director Gamble pulled this item for separate consideration.

Assistant Chief Cortez provided a summary of the staff report.

Chris Hamm, President Local 3631, spoke in support of inclusion of Engine 45 city of Rancho Santa Margarita, and Engine 46 city of Stanton, in the Staffing for Adequate Fire & Emergency Response (SAFER) Grant Program request to provide the proper staffing needed to both stations. He noted grant funding sources are not always reinstated and encouraged board members to reach out to their federal elected officials to ensure continued funding of this particular grant.

Brief discussion ensued.

By motion of Director Gamble and second by Director Duncan, approved unanimously 23-0 (Directors Mallari and Wagner absent) to add Station 45 and 46 to the list for evaluation asking staff to return the item to the Board before the final grant letter submission is made.



Director Shawver requested staff provide the cost of personnel that is not covered by the grant.

Director Chun asked staff provide to Board Members the language used in letters directed to congressional representatives for funding of OCFA grant priorities.

**C. Award of Public Works Contract for RFOTC Training Grounds Modifications and Upgrades (FILE 19.07B25)**

Action:

1. Accept Neuroth Construction, Inc. bid dated December 7, 2023.
2. Approve and award the public works contract to Neuroth Construction, Inc. in the amount of \$2,347,227.
3. Approve the plans and specifications for the Training Grounds Modifications and Upgrades at the OCFA RFOTC, as included in the contract.

**D. Award of Public Works Contract for Fire Station 41 Airfield Modifications (FILE 19.07C41)**

Action:

1. Accept J&L Constructors, Inc. bid dated January 11, 2024.
2. Approve and award the public works contract to J&L Constructors, Inc. in the amount of \$790,000.
3. Approve the plans and specifications for the airfield modifications OCFA Fire Station 41, as included in the contract.

**3. DISCUSSION CALENDAR**

**A. Prefunding of CIP Projects Policy - B&FC Review Process and Recommendation for Board Consideration (FILE 11.13)**

Assistant Chief Cortez presented the Prefunding of CIP Projects Policy – B&FC Review Process and Recommendation for Board Consideration.

Discussion ensued.

On a friendly motion of Director Gamble and second by Director Bacerra, and by a unanimous roll call vote approved 23-0 (Directors Mallari and Wagner absent) to pause consideration of the item, to provide for General Counsel's legal review of the OCFA Joint Power's Agreement of the disposition of the money in prefunded Capital account in the event of withdrawal of a member agency or termination of the JPA; returning this item for further discussion of the Board at a future meeting.

## **RECESSED TO CLOSED SESSION**

General Counsel Kendig reported the Board would convene in Closed Session to consider item CS2 as it appears on the agenda with consultation with its labor negotiator's Assistant Chief Stephanie Holloman and Deputy Chief Lori Zeller.

**CS1. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION** pursuant to paragraph (2) and (3) of subdivision (d) of Section 54956.9 of the Government Code: One (1) Case

**CS2. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to Government Code Section 54957.6

Negotiators:

Peter Brown, Liebert Cassidy Whitmore; Stephanie Holloman, Assistant Chief/Human Resources Director and Lori Zeller, Deputy Chief/Administration & Support Bureau

Employee Organizations:

Orange County Professional Firefighters Association, IAFF - Local 3631

## **RECONVENED TO OPEN SESSION**

### **CLOSED SESSION REPORT**

General Counsel Kendig stated there was no reportable action.

### **BOARD MEMBER COMMENTS**

Director Rossini thanked Fire Chief Fennessy, praised Chair O'Neill in his service as the Vice Chair in 2023, and continued with thanking the Board Members, executive staff, the rank and file, leaders of the respective unions, and the entire OCFA family for making last year's Board Meetings efficient and effortless. He noted he was very honored to be a part of last year's success.

Director Chun expressed gratitude to Deputy Chief Zeller for meeting with him to discuss the renewal of the Joint Powers Agreement. He appreciated the time and thorough explanation.

**ADJOURNMENT** – Chair O'Neill adjourned the meeting at 8:58 p.m. The next meeting of the Orange County Fire Authority Board of Directors will be on Thursday, March 28, 2024, at 6:00 p.m.

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Maria D. Huizar, CMC  
Clerk of the Authority



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

**Board of Directors Meeting**  
**March 28, 2024**

**Agenda Item No. 2B**  
**Consent Calendar**

**Designation and Appointment of Interim Treasurer**  
**for the Orange County Fire Authority**

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**Contact(s) for Further Information**

Lori Zeller, Deputy Chief Administration & Support Bureau	<a href="mailto:lorizeller@ocfa.org">lorizeller@ocfa.org</a>	714.573.6020
Robert C. Cortez, Assistant Chief Business Services Department	<a href="mailto:robertcortez@ocfa.org">robertcortez@ocfa.org</a>	714.573.6012

**Summary**

This agenda item is submitted to request the appointment of Assistant Chief of Business Services, Robert C. Cortez as Interim Treasurer for the Orange County Fire Authority (OCFA), pursuant to Article II, Section 13 of the Joint Powers Agreement.

**Prior Board/Committee Action**

On March 13, 2024, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors agenda by a vote of 7-0 (Director Chun and Hasselbrink absent).

**RECOMMENDED ACTION(S)**

Adopt Resolution No. 2024-01 appointing OCFA's Assistant Chief of Business Services, Robert C. Cortez, as Interim Treasurer for the Orange County Fire Authority, effective immediately until the Treasurer position is filled and the new incumbent is formally appointed by the Board.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

Tricia Jakubiak, OCFA's Treasurer was appointed by the OCFA Board on January 27, 2005, as required by California Government Code Section 6505.5 and 6505.6 and the OCFA's Joint Powers Agreement, Article II, Section 13. Ms. Jakubiak will retire from the OCFA effective March 21, 2024. Upon the Board's appointment, Assistant Chief Cortez will fulfill the role of Treasurer during a transition period as the OCFA conducts a recruitment to fill this vacancy. Once the position is filled, staff will seek OCFA Board approval to appoint the new Treasurer.

**Attachment(s)**

Proposed Resolution

**RESOLUTION NO. 2024-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
ORANGE COUNTY FIRE AUTHORITY, ORANGE COUNTY,  
CALIFORNIA, APPOINTING AN INTERIM TREASURER  
FOR THE ORANGE COUNTY FIRE AUTHORITY**

**WHEREAS**, The Orange County Fire Authority was established on March 1, 1995, as a joint powers authority to provide Fire and Emergency Medical Services to the member Cities and unincorporated areas of the County of Orange; and

**WHEREAS**, State law and the Orange County Fire Authority Joint Powers Agreement require that the Board designate or appoint a Treasurer to perform the functions as required by Government Code Sections 6505 and 6505.5 including any subsequent amendments thereto.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Board of Directors of the Orange County Fire Authority does hereby appoint OCFA's Assistant Chief/Business Services Department, Robert C. Cortez, as the Interim Treasurer until the Treasurer position is filled, as required by Government Code Section 6505.6.
2. This appointment is effective immediately.
3. Pursuant to the Joint Powers Agreement and Government Code section 6505.1, Mr. Cortez shall file an official bond with the Risk Management Division, the premiums for which shall be an expense of the Authority.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of March, 2024.

\_\_\_\_\_  
JOHN O'NEILL, CHAIR  
Board of Directors

ATTEST:

\_\_\_\_\_  
MARIA D. HUIZAR, CMC  
Clerk of the Authority

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID E. KENDIG,  
General Counsel



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

**Board of Directors Meeting  
March 28, 2024**

**Agenda Item No. 2C  
Consent Calendar**

### **FY 2023/24 Mid-Year Budget Adjustment**

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#### **Contact(s) for Further Information**

Robert Cortez, Assistant Chief  
Business Services Department

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

714.573.6012

Stuart Lam, Budget Manager  
Treasury & Financial Planning

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

714.573.6302

#### **Summary**

This item is submitted to request approval to adjust revenues, expenditures and transfers to reflect changes identified after adoption of the FY 2023/24 budget.

#### **Prior Board/Committee Action**

A comprehensive mid-year financial review was presented to the Budget and Finance Committee and the Board of Directors in January, highlighting proposed mid-year changes to the FY 2023/24 budget that are needed based on events that have occurred since the budget was adopted last May. The Board directed staff to return in March with the technical budget adjustments required to implement the proposed changes.

On March 13, 2024, the Budget and Finance Committee reviewed the proposed agenda item and directed staff to place the item on the Board of Directors agenda by a vote of 7-0 (Director Chun and Hasselbrink absent).

#### **RECOMMENDED ACTION(S)**

Authorize the proposed mid-year budget adjustments and transfers as detailed in this report and attachments.

#### **Impact to Cities/County**

The proposed mid-year adjustments to the FY 2023/24 budget will have no impact to cash contract city charges in the current FY.

#### **Fiscal Impact**

Financial impact is detailed in the report, with an overall increase in revenues (all funds combined) of \$29,316,389 and an overall increase in expenditures (all funds combined) of \$31,894,323, and a rebudget of remaining helicopter expenditures from FY 2022/23 to FY 2023/34 in the amount of \$12,190,741.

Increased Cost Funded by Structural Fire Fund: \$0

Increased Cost Funded by Cash Contract Cities: \$0

#### **Background**

This report is submitted to request approval of the technical budget adjustments following the January mid-year financial review. The following is a summary of budgetary changes needed since

the adoption of the FY 2023/24 budget in May 2023 (See Attachment 1 for the total proposed adjustment for each Fund).

Overall, the proposed changes in the General Fund result in an estimated total revenue increase of approximately \$26.5 million and an estimated total expenditure increase of \$24.5 million. **Approximately \$17.5 million of the expenditure increases are related to emergency incidents that are offset by corresponding revenue increases or are items that are cost neutral.** Expenditures not offset by revenue increases are primarily due to the impact of new labor agreements that were ratified too late in the FY 2023/34 budget development process for inclusion in the Adopted Budget; however, these costs were disclosed to the Board at the time of budget adoption and the Board was advised that these costs would be added mid-year. Additional expenditure adjustments outlined below are driven by higher costs for services and supplies that were not known at the time of budget adoption including increased fuel and utility costs.

**FY 2023/24 General Fund Estimated Revenue Adjustments - \$26.5 million**

**Property Taxes:** Based on property tax billing data provided by the Auditor/Controller and property taxes received to date, projections indicate an approximate \$6.4 million increase over budget. **\$6,371,053**

**Assistance by Hire (ABH)/Emergency Incident:** ABH is the term used when OCFA responds to requests for assistance to incidents outside our area of responsibility, on a reimbursement basis. Current year's activity is \$7.9 million greater than budget due to various in-county and out-of-county responses. Staff will be monitoring this source of revenue for additional reimbursements. An expenditure adjustment is also proposed to the overtime/backfill category to cover the costs associated with providing the ABH services. **\$7,872,604**

**Grant/CalFire/Reimbursements:** This category represents reimbursements for Grants or other programs where expenditures are reimbursed once incurred. The \$1.8 million adjustment is for Quick Reaction Force Program (\$758K), CalFire augmentation funding (\$488K), funding from Senate Bill AB102 for handcrew equipment (\$250K), supplemental funding for the 2022 US&R Grant (\$158K), donations from Maruchan (\$100K), and County of Orange wire cutter grant (\$85K). **\$1,839,855**

**OCPFA Retiree Medical Trust Payment:** OCFA's audit firm Lance, Soll & Lunghard issued a final report on the OCPFA Medical Benefit Trust for the period January 1, 2022 through December 31, 2022 showing a \$7,836,090 excess fund balance credit due to the OCFA. Per the terms of the OCFA/OCPFA Health Plan Agreement, OCFA will remit these funds to the OCFA Retiree Medical Trust held at OCERS. **\$7,836,090**

**RDA Pass-Through Revenue:** A \$2.4 million budget increase is recommended based on higher than anticipated RDA pass-through revenue received in the first installment in January and updated projections provided by OCFA's property tax and RDA pass-through revenue consultant Harris & Associates. **\$2,357,641**

**Miscellaneous:** This category of revenue adjustments includes interest earnings, updates to cash contract city maintenance charges, increased charges for crews & equipment services, increased insurance settlement receipts, and increased late payment penalty fees. **\$263,877**

**FY 2023/24 General Fund Estimated Expenditure Adjustments - \$24.5 million**

**Assistance by Hire/Emergency Incident Costs:** As mentioned under Revenue for ABH, an adjustment is needed for in-county and out-of-county responses, primarily in the overtime/backfill category, but also for response-related supplies. This category also comprises US&R activation expenditures. **\$8,067,694<sup>(1)</sup>**

**Grant/CalFire/Reimbursable Programs:** These expenditure items include Quick Reaction Force Program (\$758K), CalFire augmentation funding (\$488K), funding from Senate Bill AB102 for handcrew equipment (\$250K), supplemental funding for the 2022 US&R Grant (\$158K), County of Orange wire cutter grant (\$85K), and donations from Maruchan (\$80K). **\$1,820,015<sup>(1)</sup>**

**OCPFA Retiree Medical Trust Payment:** OCFA's audit firm Lance, Soll & Lunghard issued a final report on the OCPFA Medical Benefit Trust for the period January 1, 2022 through December 31, 2022 showing a \$7,836,090 excess fund balance credit due to the OCFA. Per the terms of the OCFA/OCPFA Health Plan Agreement, OCFA will remit these funds to the OCFA Retiree Medical Trust held at OCERS. **\$7,836,090<sup>(1)</sup>**

**Personnel/Training:** At the time of budget development for current fiscal year 2023/24, a new firefighter labor agreement was approved by the Board and incorporated into the Adopted Budget, but the OCFA was still in the process of finalizing new labor agreements with the Chief Officer's Association (COA), OCFA Manager's Association (OCFAMA), and Orange County Employees Association (OCEA). Budget adjustments are now required to account for the impacts of these new MOUs to our FY 2023/24 budget as follows: \$1.9M for OCEA, \$1.3M for COA, and \$425K for OCFAMA. This category also includes \$40,000 for anticipated overtime expenditures related to OCFA's annual open house. **\$3,678,374**

**Supplies/Equipment/Professional Services:** This category includes one-time adjustments for services and supplies which were unknown or for which costs have increased since budget development. Adjustments include increased fuel costs (\$534K); increase vehicle outfitting costs (\$200K), Outreach Recruitment Team trailer and supplies (\$90K); Starlink satellite communications for command vehicles (\$68K), HazMat suits and gloves (\$25K); HazMat Response Team supplies (\$17K); supplies for OCFA's annual open house (\$14K); WEFIT equipment maintenance and repair (\$10K); and services and supplies to support Public Information Officers (\$10K). **\$967,650**

**Interfund Borrowing:** At the time of budget development, staff was in the process of analyzing whether OCFA's cash flow needs could be met with interfund borrowing. When the budget was adopted in May, the Board approved interfund borrowing as our cash flow management mechanism in FY 2023/24. The money is borrowed from the Workers' Compensation Self-Insurance Fund 190 and repaid with interest which is reflected as a cost to the General Fund. **\$2,102,500**

<sup>1</sup> Expenditure increase is wholly or partially cost neutral, offset by a corresponding revenue source or dedicated fund balance.

**FY 2023/24 CIP and Other Fund Adjustments**

- **Fund 12110 – General Fund CIP:** An increase in expenditures in the amount of \$5,020,000 is needed for roof replacement for the RFOTC (\$4,500,000), vehicle outfitting costs for 44 Dodge Rams (\$266,000) and 2 HazMat vehicles (\$254,000). A detailed CIP project description for the RFOTC roof replacement project is included in Attachment 3.
- **Fund 124 – Communications & Information Systems:** A decrease in expenditures in the amount of \$750,000 is needed due to lower than anticipated costs for the EMS enterprise system.
- **Fund 133 – Fire Apparatus:** A carry-over adjustment is needed to rebudget remaining helicopter expenditures from FY 2022/23 to FY 2023/34 in the amount of \$12,190,741. This portion of the mid-year adjustment is not an increase in overall expenditures, but rather a change in timing from the prior year to the current year, and therefore, it is funded by corresponding unspent fund balance which remains available from the prior year. In addition to the carry-over adjustment, an increase in expenditures of \$3,113,000 is needed for the following: increase in emergency vehicle expenditures due to significant inflationary cost increases for Type 1 Engines (\$2,906,159), increase in grant funded vehicle expenditures (\$125,000), and increase in support vehicle expenditures (\$81,841). A detailed list of fire apparatus changes is included in Attachment 3.
- **Fund 139 – Settlement Agreement:** An increase in expenditures in the amount of \$39,000 is needed to accommodate Trustee and PARS fees for administering the 115 Trust.
- **Interest Earnings:** Interest earning revenue for each of the CIP and Other Funds have been increased based on the latest projections. The net interest earnings adjustment is a \$2,775,269 increase.

#### **FY 2023/24 Fund Balance Transfer Adjustments**

- **Unencumbered Fund Balance:** The FY 2022/23 year-end audit identified unencumbered fund balance in the amount of \$173,363. This fund balance increase resulted primarily from additional revenue received in the fiscal year, as well as salary savings and S&S savings in the General Fund. Per the OCFA's Amended Joint Powers Agreement (JPA), the Board of Directors has the discretion to allocate this year-end unencumbered fund balance to the Structural Fire Fund Entitlement Fund for use by eligible member agencies, pursuant to the equity calculation as defined in the JPA. While that discretionary option is available, staff instead recommends allocating the unencumbered fund balance as follows, due to organizational need:
  - Allocate 100% to remain in the General Fund to maintain the contingency reserve at 10% of expenditures, pursuant to the OCFA's Financial Stability Budget Policy.
- **CIP to Fund 121 Transfers:** The Financial Stability Policy requires a reconciliation of the 10% contingency reserve at mid-year. In order to maintain the 10% General Fund contingency reserve of \$47,325,126, a fund balance transfer of \$1,431,948 is required from the CIP to the General Fund (\$1,431,948 from Fund 133 to Fund 121).
- **CIP Transfers to Fund 12110:** With the addition of the \$4,500,000 million RFOTC roof replacement project budgeted in Fund 12110, fund balance transfers totaling \$4,000,000 are required to maintain positive fund balance in Fund 12110 (\$2,000,000 from Fund 123 to Fund 12110 and \$2,000,000 from Fund 124 to Fund 12110).

The proposed revenue and expenditure adjustments are summarized in the table below:



<b>Fund</b>	<b>Revenues</b>	<b>Expenditures</b>
General Fund (121)		
Property Taxes	\$6,371,053	-
Assistance by Hire/Emergency Incident	\$7,872,604	\$8,067,694
Grant/CalFire/Reimbursements	\$1,839,855	\$1,820,015
OCPFA Retiree Medical Trust Payment	\$7,836,090	\$7,836,090
RDA Pass-Through Revenue	\$2,357,641	-
Miscellaneous	\$263,877	-
Personnel/Training	-	\$3,678,374
Supplies/Equipment/Professional Services	-	\$967,650
Interfund Borrowing	-	\$2,102,500
Total General Fund (121)	\$26,541,120	\$24,472,323
GF Capital Improvement Program (12110)	-	\$5,020,000
Fire Stations & Facilities (123)	\$1,022,675	-
Comm. & Info Systems (124)	\$175,948	(\$750,000)
Vehicle Replacement (133)	\$655,640	\$3,113,000
Settlement Agreement (139)	\$234,701	\$39,000
SFF Entitlement Fund (171)	\$102,421	-
Workers' Compensation (190)	\$583,884	-
<b>Total All Funds</b>	<b>\$29,316,389</b>	<b>\$31,894,323</b>
Vehicle Replacement (133) Helicopter Rebudget	-	\$12,190,741
<b>Total with Fund 133 Rebudget</b>	<b>\$29,316,389</b>	<b>\$44,085,064</b>

**Attachment(s)**

1. FY 2023/24 Mid-Year Budget Adjustments
2. Combined Budget Summary
3. Fund 133 Mid-Year Budget Adjustment Detail and Project Descriptions

**FY 2023/24 Mid-Year Budget Adjustments**

The following adjustments to the FY 2023/24 budget are requested:

***General Fund (Fund 121)***

Revenues: \$26,541,120 increase  
Expenditures: \$24,472,323 increase  
Operating Transfer In from Fund 133: \$1,431,948

***General Fund CIP (Fund 12110)***

Expenditures: \$5,020,000 increase  
Operating Transfer In from Fund 123: \$2,000,000  
Operating Transfer In from Fund 124: \$2,000,000

***Fire Stations and Facilities Fund (Fund 123)***

Revenues: \$1,022,675 increase  
Operating Transfer Out to Fund 12110: \$2,000,000

***Communications and Information Systems Fund (Fund 124)***

Revenues: \$175,948 increase  
Expenditures: \$750,000 decrease  
Operating Transfer Out to Fund 12110: \$2,000,000

***Fire Apparatus Fund (Fund 133)***

Revenues: \$655,640 increase  
Expenditures: \$15,303,741 increase  
Operating Transfer Out to Fund 121: \$1,431,948

***Irvine Settlement Agreement Fund (Fund 139)***

Revenues: \$234,701 increase  
Expenditures: \$39,000 increase

***Structural Fire Fund Entitlement Fund (Fund 171)***

Revenues: \$102,421 increase

***Self-Insurance Fund (Fund 190)***

Revenues: \$583,884 increase

**ORANGE COUNTY FIRE AUTHORITY  
COMBINED BUDGET SUMMARY  
FY 2023/24**

Attachment 2

	121	<u>CIP Funds</u>				<u>Other Funds</u>			Total
	General Fund	12110 General Fund CIP (1)	123 Fire Stations & Facilities	124 Communications & Info. Systems	133 Fire Apparatus	139 Settlement Agreement	171 SFF Entitlement	190 Self Insurance	
<b>FUNDING SOURCES</b>									
<i>Property Taxes</i>	341,623,616	-	-	-	-	-	-	-	341,623,616
<i>Intergovernmental</i>									
State Reimbursements	40,537,953	-	-	-	-	-	-	-	40,537,953
Federal Reimbursements	4,643,711	-	-	-	-	-	-	-	4,643,711
Community Redevelopment Pass-thru	23,334,866	-	-	-	-	-	-	-	23,334,866
<i>Charges for Current Services</i>									
Cash Contract Cities	142,058,493	-	-	-	1,893,746	-	-	-	143,952,239
HMS Revenue	-	-	-	-	-	-	-	-	-
Fees - Community Risk Reduction	7,714,838	-	-	-	-	-	-	-	7,714,838
Other Charges for Services	73,526	-	-	-	-	-	-	-	73,526
ALS Reimbursements, Supplies	4,547,600	-	-	-	-	-	-	-	4,547,600
Charges for Workers' Comp	-	-	-	-	-	-	-	31,807,590	31,807,590
<i>Use of Money and Property</i>									
Interest	2,018,772	-	1,098,018	276,974	1,297,474	911,755	102,421	4,237,974	9,943,388
<i>Other</i>									
Developer contributions	-	-	705,900	-	2,100,000	-	-	-	2,805,900
Miscellaneous	34,951,105	-	-	-	-	-	-	-	34,951,105
Total Revenues & Other Financing Sources	601,504,480	-	1,803,918	276,974	5,291,220	911,755	102,421	36,045,564	645,936,332
Operating Transfer In	1,431,948	15,500,000	2,000,000	4,500,000	13,218,201	2,668,000	-	-	39,318,149
Beginning Fund Balance	42,571,753	6,358,106	22,747,708	5,614,512	17,551,571	28,928,828	3,519,541	143,334,044	270,626,063
<b>TOTAL AVAILABLE RESOURCES</b>	<b>\$645,508,181</b>	<b>\$21,858,106</b>	<b>\$26,551,626</b>	<b>\$10,391,486</b>	<b>\$36,060,992</b>	<b>\$32,508,583</b>	<b>\$3,621,962</b>	<b>\$179,379,608</b>	<b>\$955,880,544</b>
<b>EXPENDITURES</b>									
Salaries & Emp Benefits	\$468,123,818	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$468,123,818
Services & Supplies	87,781,728	14,377,534	-	-	5,947,825	2,168,000	3,509,337	19,164,125	132,948,549
Capital Outlay/Equipment	7,916,308	7,319,995	24,375,225	8,122,908	28,498,666	-	-	-	76,233,102
Total Expenditures	\$563,821,854	\$21,697,529	\$24,375,225	\$8,122,908	\$34,446,491	\$2,168,000	\$3,509,337	\$19,164,125	\$677,305,469
Appropriation for Contingencies	3,000,000		-	-	-	-	-	-	3,000,000
Operating Transfer Out	33,886,201	-	2,000,000	2,000,000	1,431,948	-	-	-	39,318,149
Ending Fund Balance	\$44,800,126	\$160,577	176,401	268,578	182,553	30,340,583	112,625	\$160,215,483	236,256,926
<b>TOTAL FUND COMMITMENTS &amp; FUND BALANCE</b>	<b>\$645,508,181</b>	<b>\$21,858,106</b>	<b>\$26,551,626</b>	<b>\$10,391,486</b>	<b>\$36,060,992</b>	<b>\$32,508,583</b>	<b>\$3,621,962</b>	<b>\$179,379,608</b>	<b>\$955,880,544</b>

[1] Project related budgets segregated for operational budget clarity purposes. As a sub-fund of the General Fund, revenues and expenditures are accounted for as the General Fund in the ACFR, however for cash-flow purposes the expenditures are tracked outside of the General Fund. Therefore 12110 requires cash-flow transfers in the same manner as the other CIP Funds.

## Fund 133 Mid-Year Budget Adjustment Detail and Project Descriptions

Existing Vehicle Number	New (N) / Replc (R) Vehicle	Current Vehicle Type	Dept/Section Assigned to:	Proposed Mid-yr Adj
EMERGENCY VEHICLES				
<b>Engine - Type I</b>				
5264	R	Engine - Type I	Field Operations	400,000
5263	R	Engine - Type I	Field Operations	400,000
5180	R	Engine - Type I	Field Operations	400,000
5200	R	Engine - Type I	Field Operations	400,000
5215	R	Engine - Type I	Field Operations	400,000
5159	R	Engine - Type I	Field Operations	400,000
5216	R	Engine - Type I	Field Operations	400,000
<b>Mid-Size 1/2 Ton Pickup /SUV/Crossover</b>				
3900	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3901	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3902	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3903	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3904	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3905	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3906	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3907	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3908	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3909	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3910	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3911	R	Mid-Size Pickup - 1/2 Ton	Cadre	3,932
3912	R	Mid-Size Pickup - 1/2 Ton	Cadre	3,932
3913	R	Mid-Size Pickup - 1/2 Ton	Air Ops	3,932
3914	R	Mid-Size Pickup - 1/2 Ton	Air Ops	3,932
3915	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3916	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3917	R	Mid-Size Pickup - 1/2 Ton	Ops Support	3,932
3918	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3919	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3920	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3922	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3924	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3926	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3931	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3933	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
3934	R	Mid-Size Pickup - 1/2 Ton	Field Operations	3,932
<b>Total Emergency Vehicles</b>				<b>2,906,159</b>

## Fund 133 Mid-Year Budget Adjustment Detail and Project Descriptions

Existing Vehicle Number	New (N) / Replc (R) Vehicle	Current Vehicle Type	Dept/Section Assigned to:	Proposed Mid-yr Adj
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### GRANT FUNDED VEHICLES

#### Technical Rescue Support

NEW	N	Pickup Utility Heavy Duty	US&R	125,000
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**Total Grant Funded Vehicles** 125,000

### SUPPORT VEHICLES

#### Mid-Size 1/2 Ton Pickup /SUV/Crossover

3921	R	Mid-Size Pickup - 1/2 Ton	Drone	3,932
3923	R	Mid-Size Pickup - 1/2 Ton	Pool	3,932
3925	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3927	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3928	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3929	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3930	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3932	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3935	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3936	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3937	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3938	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3939	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3940	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3941	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3942	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932
3943	R	Mid-Size Pickup - 1/2 Ton	Training Cadre	3,932

#### Storage Trailer

NEW	N	Storage Trailer	Outreach Recruitment Team	15,000
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#### Scissor Lift Vehicle

NEW	N	Scissor Lift (a)	Logistics/PM	-
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**Total Support Vehicles** 81,841

#### Footnotes:

(a) The Adopted FY2023/24 Fund 133 CIP budget included \$60,000 for a new scissor lift. The OCFA is able to purchase two used scissor lifts for less than the cost of a single new lift. No budget increase is needed for the additional scissor lift being added to the CIP.

## **RFOTC ROOF REPAIR OR REPLACEMENT**

**Project Priority:** A

**Project Org:** TBD

**Project Total:** \$4,500,000

**Project Type:** Facilities Refurbishment

**Project Management:** Property Management

**Project Description:** This project is to provide funding to rebuild or replace the roofs for the various buildings at the OCFA Regional Fire and Training Center, depending on the condition. The RFOTC facilities were first constructed in 2004.



Work may include HVAC system modifications or replacements as needed to accommodate the roofing repairs/ replacements.

**Project Status:** The project is anticipated to begin in FY 2023/24.

<b>Fiscal Years:</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>5 Year Total</b>
Budget:	\$4,500,000					\$4,500,000

**Impact on Operating Budget:** An undetermined repair cost savings will be achieved by rebuilding or replacing roofs that have reached the end of their serviceable life.

## **TECHNICAL RESCUE SUPPORT VEHICLE (USAR)**

**Project Priority:** A

**Project Type:** Addition

**Project Management:** Fleet Services

**Project Description:** This is an addition to the OCFA Urban Search & Rescue (USAR) group of vehicles funded by FEMA for support of local emergency responses. The technical rescue support vehicle is a heavy-duty  $\frac{3}{4}$  ton (minimum) crew-cab service body pickup utility unit.



Future replacement evaluation is based on the following criteria:

- Actual miles of the vehicles
- Actual years of operation compared to expected years
- Evaluation of mechanical condition by the Fleet Services Manager
- Evaluation of the maintenance costs by the Fleet Services Manager

The age and mileage targets for heavy-duty pickup utility vehicles are seven years and/or 120,000 miles. The projections for the replacement of these vehicles are based on age. However, mileage will be reviewed before a purchase is made, and the purchase may be deferred if warranted.

**Project Status:** Purchase to occur in FY 2023/24.

<b>Fiscal Years:</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>Total</b>
Budget:	\$125,000					\$125,000

**Impact on Operating Budget:** The addition of a vehicle will increase maintenance costs in the operating budget. Once off warranty, the annual estimated maintenance cost will be \$2,000 per unit. The replacement of older vehicles with high mileage reduces downtime and maintenance costs in the operating budget.

## **OUTREACH TEAM SUPPORT TRAILER**

**Project Priority:** B

**Project Type:** Vehicle Addition

**Project Management:** Fleet Services

**Project Description:** This project is for the purchase of a trailer unit for support of the OCFA Outreach Team, The trailer will provide storage and delivery of equipment (EZ-Ups, tables/chairs, sound system, event supplies) to various outreach events.



**Project Status:** The trailer is anticipated to be purchased in FY 2023/24.

<b>Fiscal Years:</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>5 Year Total</b>
Budget:	\$15,000					\$15,000

**Impact on Operating Budget:** The addition of a vehicle will increase maintenance costs in the operating budget. The annual maintenance cost for the trailer is estimated at \$1,000 annually.





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

**Board of Directors Meeting  
March 28, 2024**

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

### **OCFA's Joint Powers Agreement, History of Equity Mitigation, & Planning Beyond 2030**

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#### **Contact(s) for Further Information**

Lori Zeller, Deputy Chief  
Administration & Support Bureau

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

714.573.6020

Robert Cortez, Assistant Chief  
Business Services Department

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

714.573.6012

#### **Summary**

This agenda item provides an educational overview of OCFA's Joint Powers of Authority Agreement (JPA), related organizational history, and fundamentals for planning beyond 2030.

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

Not Applicable.

#### **RECOMMENDED ACTION(S)**

Receive and file.

#### **Impact to Cities/County**

Not Applicable.

#### **Fiscal Impact**

Not Applicable.

#### **Background**

During the development of OCFA's FY 2023/24 Strategic Goals & Objectives, the Board of Directors added a goal for staff to provide a future presentation to the full Board regarding OCFA's JPA, history of equity mitigation, and JPA planning relative to 2030. The attached PowerPoint presentation outlines these topics, and will be presented by staff during the March 28, 2024 meeting.

For ease of reference, OCFA's JPA governing documents can be viewed using the following links:

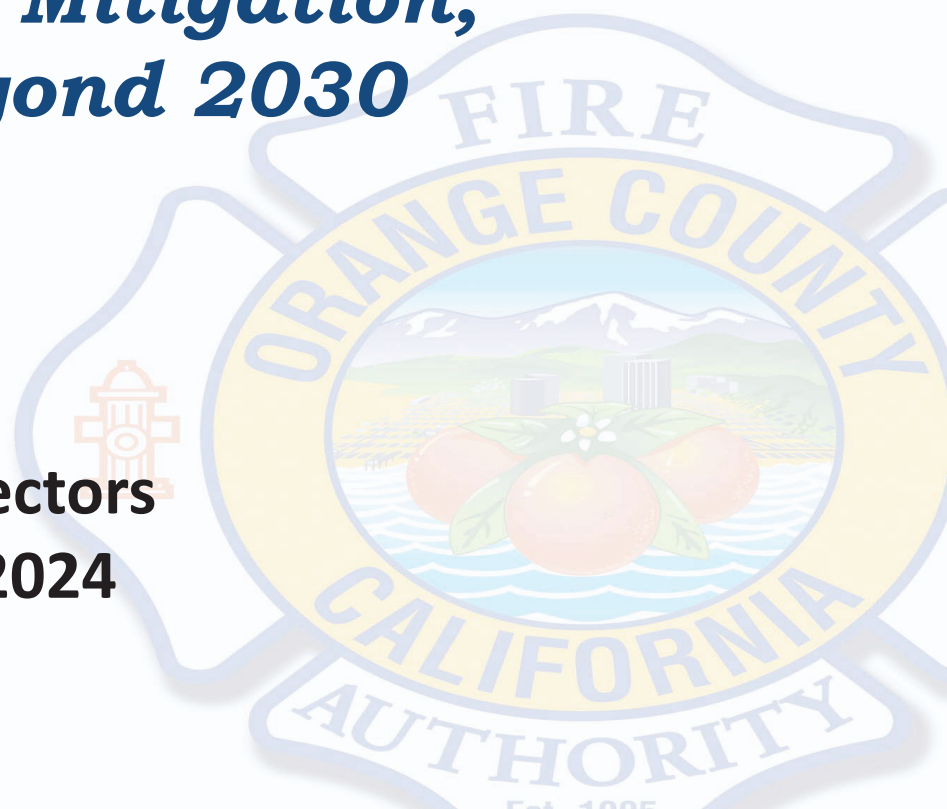
- [OCFA Amended JPA](#)
- [OCFA JPA First Amendment](#)
- [OCFA JPA 3rd Amendment](#)
- [OCFA JPA 4th Amendment](#)

#### **Attachment(s)**

OCFA's JPA, History of Equity Mitigation, & Planning Beyond 2030

***OCFA's Joint Powers Agreement,  
History of Equity Mitigation,  
& Planning Beyond 2030***

**Board of Directors  
March 28, 2024**



# ***Agenda***



**Member Agency Financial Structures**



**OCFA's History of Equity Mitigation**



**Irvine Settlement Agreement**



**OCFA Joint Powers Agreement Terms**

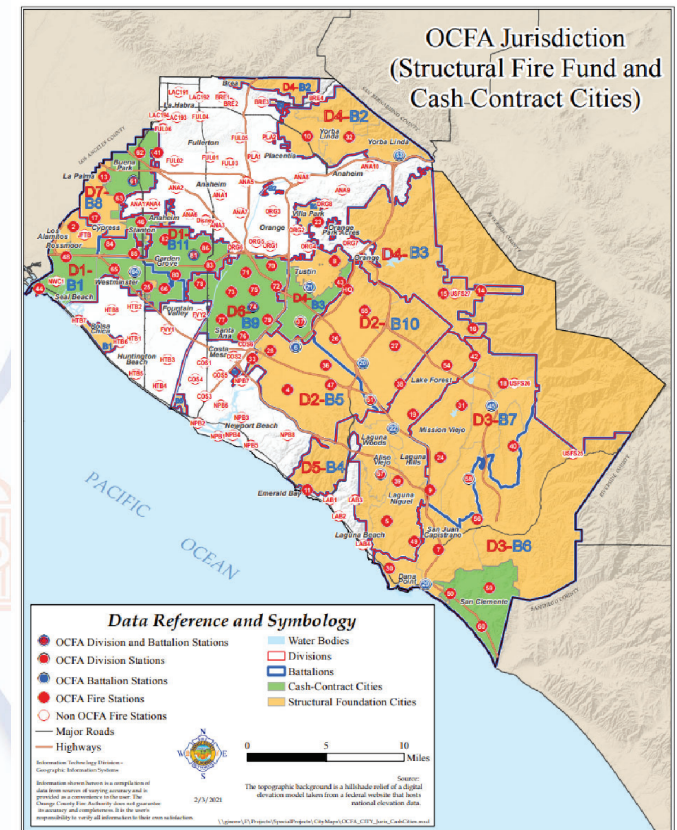


**JPA Planning Beyond 2030**



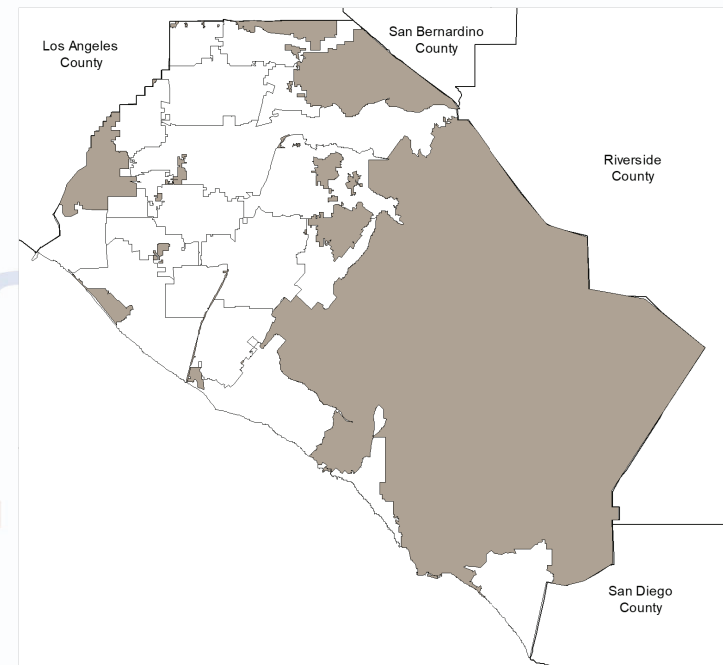
# OCFA Member Agency Financial Structures

- OCFA's membership = 23 cities + Unincorporated Orange County
- Funding =
  - **Structural Fire Fund (SFF)** – 16 agencies
  - **Cash Contract Cities (CCC)** – 8 agencies



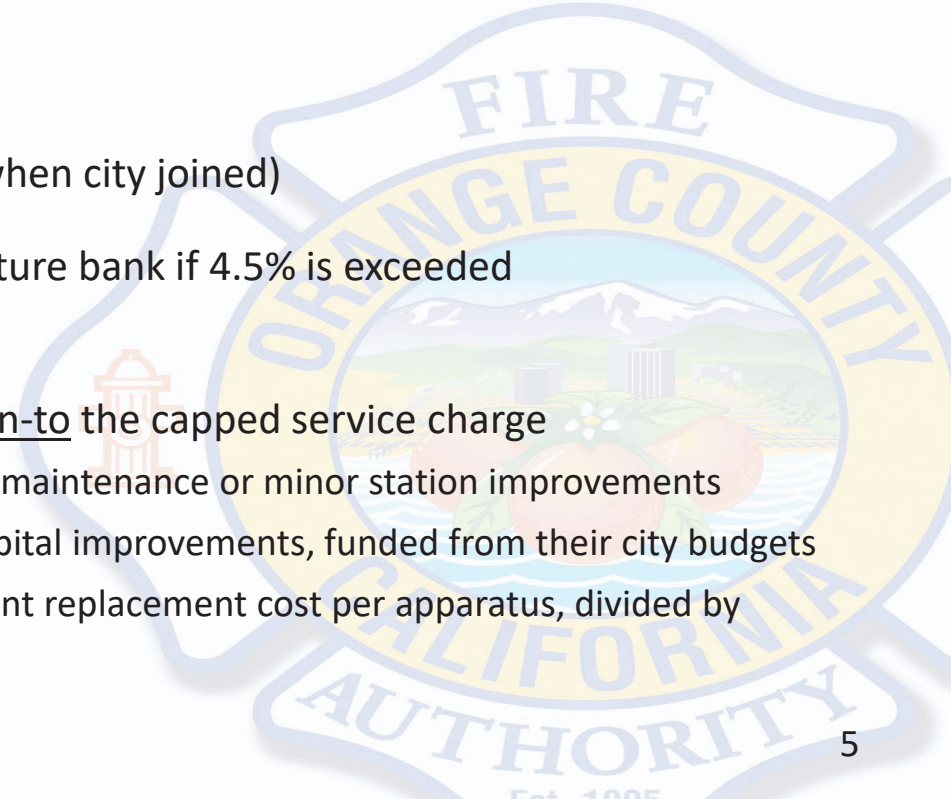
# SFF Financial Structure (16 Agencies)

- Direct funding through property taxes
- SFF = a property tax assessment Pre-Prop-13 for regional fire services (*region represented by shaded areas*)
- Pre-Prop-13, SFF tax was adjusted annually for cost of fire services
- Post-Prop-13, SFF tax was frozen as a %-share of the 1% property tax
  - Could no longer be adjusted to match the cost of fire services
  - Changes thereafter driven by property values
  - Growth limited to 2% per year, turnover of homes, new development
  - SFF = roughly 12.5% of the 1% prop tax across region
- SFF = collected by County and transmitted to OCFA per the Joint Exercise of Powers Agreement (JPA)
- OCFA has no control over SFF tax amounts



# CCC Financial Structure (8 Agencies)

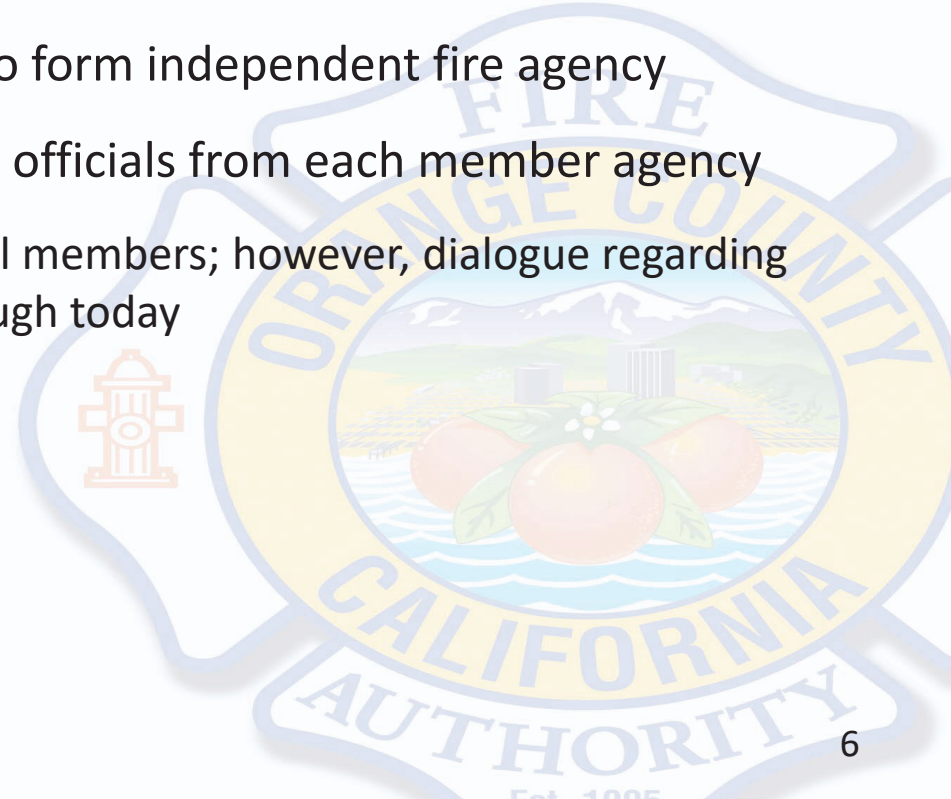
- CCCs had their own city fire departments in the past (Pre-Prop-13); no SFF tax was ever assessed for regional fire services in these cities
- CCCs pay for fire services through their city budgets
- Charges determined by JPA Agreement (based on time when city joined)
- Annual growth for services capped at 4.5%, with a recapture bank if 4.5% is exceeded
  - Current recapture banks are at 0%
- CIP contributions for facilities and vehicles are in-addition-to the capped service charge
  - Facility maintenance = \$15,000/year per station for basic maintenance or minor station improvements
  - CCC own their fire stations and remain responsible for capital improvements, funded from their city budgets
  - Vehicle replacement = yearly contribution based on current replacement cost per apparatus, divided by unit's useful-life





# OCFA's History Studying Equity

- Equity = an issue since 1989 when fire was a County Department
- First Equity Study = 1991 resulted in direction to form independent fire agency
- Formation of OCFA = 1995 governed by elected officials from each member agency
  - OCFA's JPA structure enabled policy input by all members; however, dialogue regarding financial equity has continued from 1995 through today



# Equity Issue and Prop-13

## Comparable SFF Properties

*Different Base Years & Taxable Values = Equal Service*



10 Henry, Irvine  
Base Year: 1986  
Net AV: \$352,034  
SFF Revenue: \$441



8 Henry, Irvine  
Base Year: 2022  
Net AV: \$1,200,000  
SFF Revenue: \$1,504



# Equity Issue and Prop-13

## Comparable SFF Properties

*Different Base Years & Taxable Values = Equal Service*



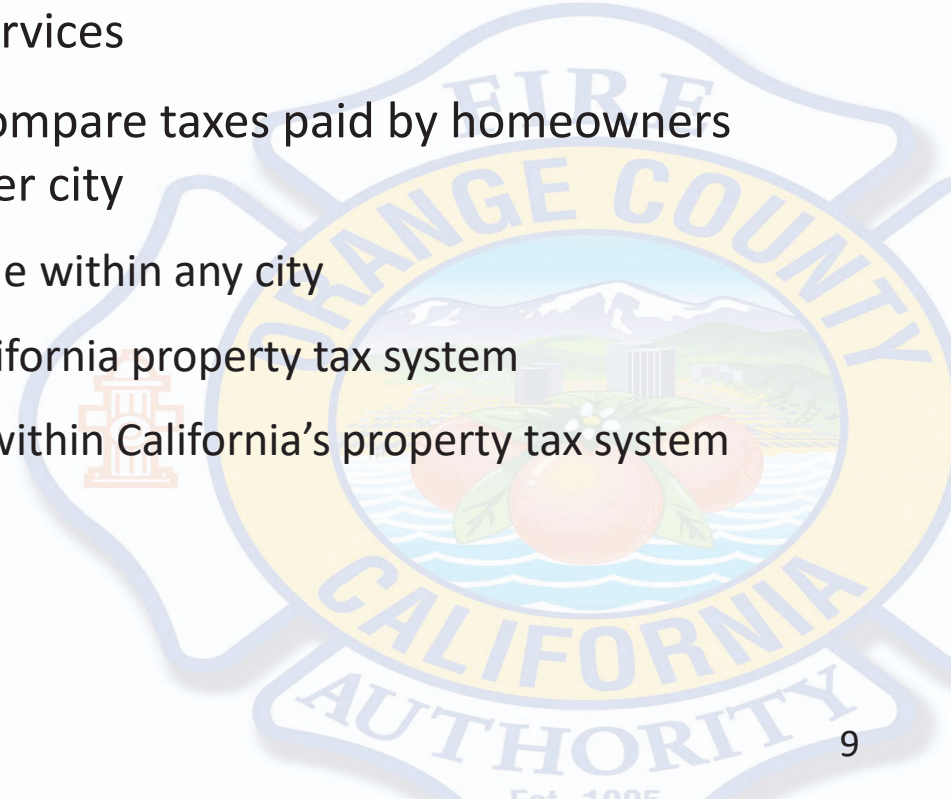
32255 Ridgeway Ave., Laguna Niguel  
Base Year: 1988  
Net AV: \$425,814  
SFF Revenue: \$446



32322 Ridgeway Ave., Laguna Niguel  
Base Year: 2022  
Net AV: \$1,303,000  
SFF Revenue: \$1,366

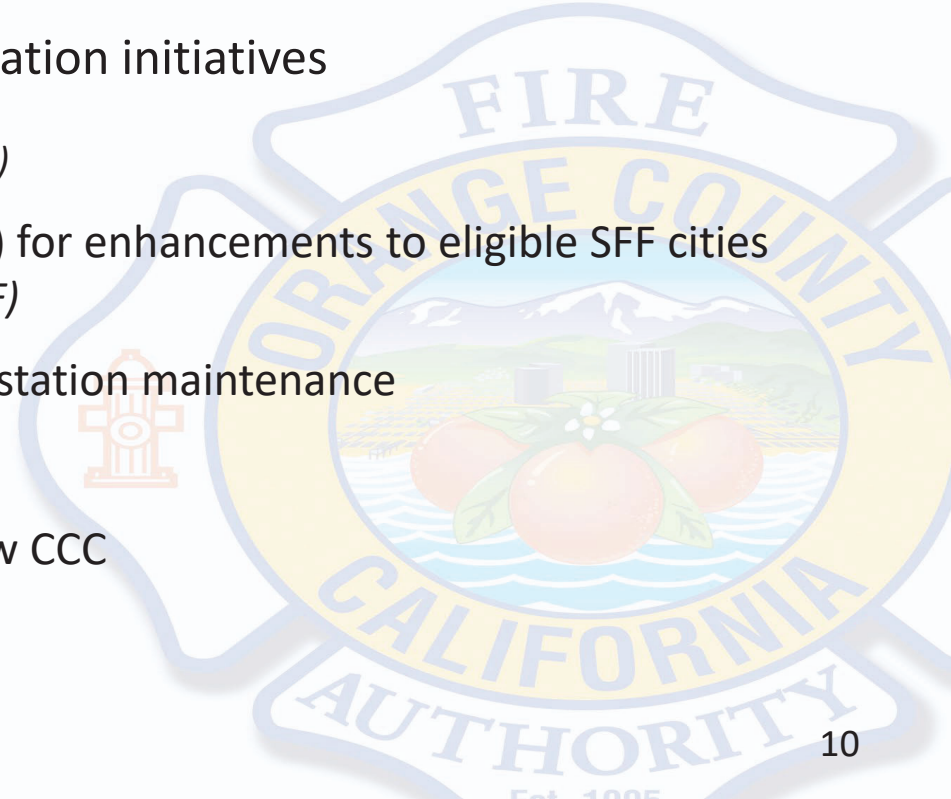
# Equity Issue and Property Taxes

- All homeowners pay 1% property taxes
- All citizens receive equal fire and emergency services
- Equity emerges as a concern when members compare taxes paid by homeowners collectively within one city, compared to another city
  - But....the same issue exists from home-to-home within any city
  - And....OCFA cannot unilaterally change the California property tax system
  - Instead...OCFA has worked to mitigate **equity** within California's property tax system



# Mitigation of Equity Issue (1997-2010)

- Equity Study performed by The Davis Company (1997)
- Adoption of the **1999 Amended JPA**, with mitigation initiatives
  - Ten-year membership commitments (2000-2010)
  - Year-end funds available (at Board's discretion) for enhancements to eligible SFF cities (*the Structural Fire Fund Entitlement Fund, or SFFEF*)
  - CCC contributions to vehicle replacement and station maintenance
  - Caps on annual charges for CCC
  - Refined cost methodology for proposals to new CCC



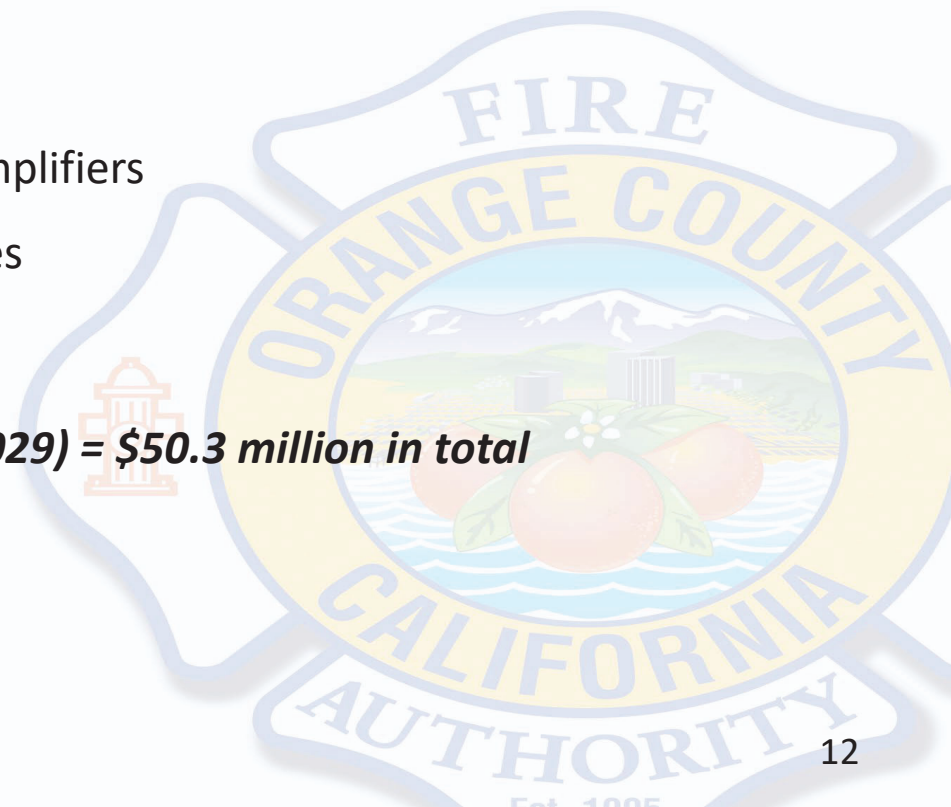
# Continued Mitigation (2010-2019)

- **JPA First Amendment (2010)** = Renewed the JPA for 20 year term; SFFEF equity allocations made mandatory (removing Board's discretion) at each 10th year interval
- **JPA Second Amendment (2013)** = New formula for return of funds to eligible SFF members (in response to Irvine's research to withdraw from OCFA); Irvine agreed to remain in OCFA through 2030
  - County opposed in judicial validation process and prevailed
  - Ruling was jointly appealed by OCFA and Irvine
  - Second Amendment was nullified by Appellate Court
  - Irvine provided Notice of Intent to Withdraw effective July 2020 (unless rescinded prior)
- **Irvine Settlement Agreement (2019)** = Agreement was reached and Irvine once again agreed to remain a member of OCFA through 2030

# Irvine Settlement Agreement

- Funding for a joint police-fire training facility
- Pension security through an irrevocable 115 trust
- Enhanced communication through bi-directional amplifiers
- Advanced technology using remote-operated drones
- Funding for CERT and EMT training for IPD officers

***Annual funding for 11 years (2019-2029) = \$50.3 million in total***





# JPA Governing Terms

## JPA Governing Documents

- **Amended JPA (1999):** Defined governance terms with an initial 10-year term of 2000-2010
- **First Amendment (2008):** Renewed the JPA for a subsequent 20-year term of 2010-2030
- **Third Amendment (2015):** Eliminated alternate Directors on OCFA Board
- **Fourth Amendment (2018):** Formalized OCFA's commitment to its "Snowball Plan"

## JPA Duration of Membership

- Cities and County shall be members for a 20-year term commencing July 1, 2010 (*subject to withdrawal options each 10 years*)

## JPA Renewal

- **20-year terms shall automatically renew**, on the same terms and conditions as the prior term, and with the same cap in effect in the last year of the prior term

## JPA Provisions for Amendments

<u>When</u> do you want the amendment to be effective?	Beginning of Next Term (July 1, 2030)	Mid-Term (before June 30, 2030)
<u>What</u> do you want to amend?	What type of approval is required?	What type of approval is required?
1. CCC cap, CCC cost calculation method, or length of JPA term	<p><b>Option A:</b> JPA Amendments placed on agendas for each member agency to vote upon (City Councils and Board of Supervisors). 2/3 approval is required by 16 of the 24 member agencies.</p> <p><b>Option B:</b> JPA Amendments placed on OCFA Board agenda on/before July 1, 2029; approval is required by 16 of 24 OCFA Directors. Use of this option changes timing and procedure for member agency withdrawals.</p>	<p><b>Option C:</b> JPA Amendments placed on agendas for each member agency to vote upon (City Councils and Board of Supervisors). Unanimous approval is required by all 24 member agencies.</p>
2. Multiple JPA provisions, <u>including</u> #1 above	<u>Option A</u>	<u>Option C:</u>
3. Any JPA provision <u>except</u> #1 above	<u>Option A</u>	<u>Option A</u>
4. Method to determine SFF over/under funded status for annual SFFEF allocations	<p><b>Option D:</b> JPA Amendments placed on OCFA Board agenda; approval is required by 11 of the 16 Directors representing SFF member agencies.</p>	<u>Option D</u>

## JPA Provisions for Withdrawals & Subsequent Terms

<p><b><i>Automatic Renewal of 20-Year Term or Renewal w/Amendments</i></b> (approved by individual member agencies' governing bodies)</p>	<p><b><i>Renewal w/Amendments</i></b> (approved by 2/3 of OCFA Directors)</p>
<p>Any member may give notice of <b><u>withdrawal</u></b> prior to July 1 of the second to last year of every 10-year interval (Notice by June 30, 2028 – Effective July 1, 2030)</p>	<p>CCC Member has until June 30 of the last year of the term to give notice of intent to <b><u>renew</u></b> if the CCC cap or cost calculation method was amended; same applies for all members if JPA membership term was amended (Notice by June 30, 2030 – Effective June 30, 2031)</p>
	<p>Failure of a member to give timely notice of intent to <b><u>renew</u></b> results in the member being deemed to withdraw</p>
<p>When a member gives notice, or is deemed to have given notice of withdrawal, that City's Board representative is automatically removed from the Board of Directors</p>	

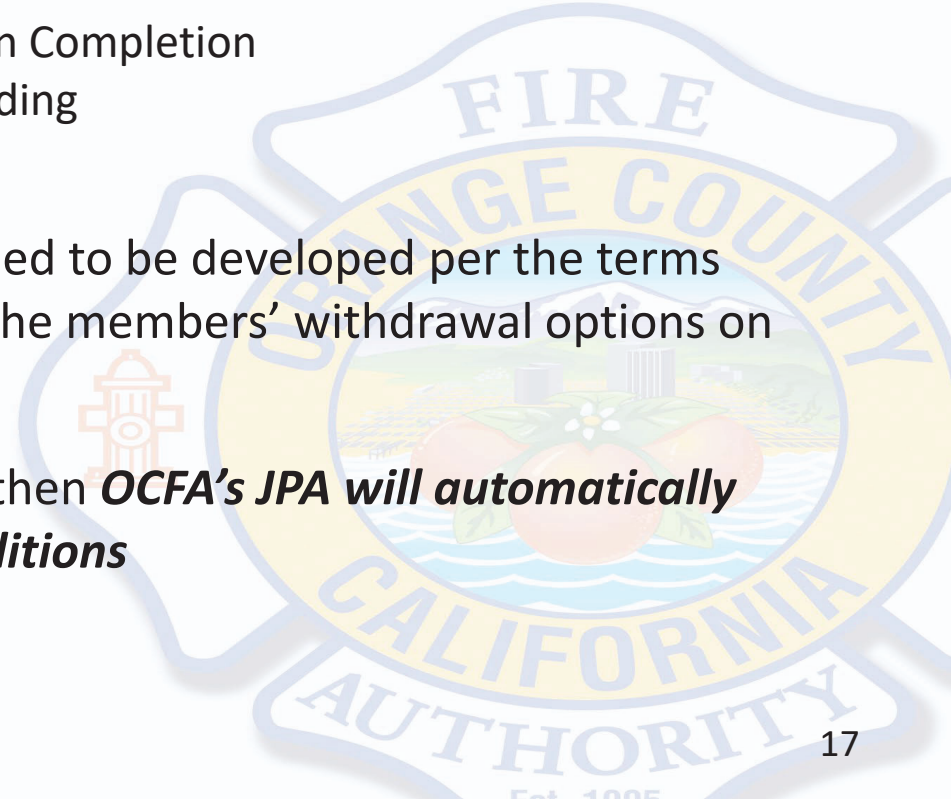


# SFF Withdrawal vs. Transfer of SFF Revenue

- For all SFF members, withdrawal from OCFA is a separate action from transfer of SFF revenue
- Transfer of SFF property tax revenue does not occur automatically upon notice to OCFA of withdrawal, it must be negotiated, to the extent permitted per Government Code and the JPA Agreement
- Per the Appellate Court ruling when they nullified the Second Amendment:
  - ***First, the Authority would need to release the County from its contractual obligation to transmit all SFF funds to the Authority...***

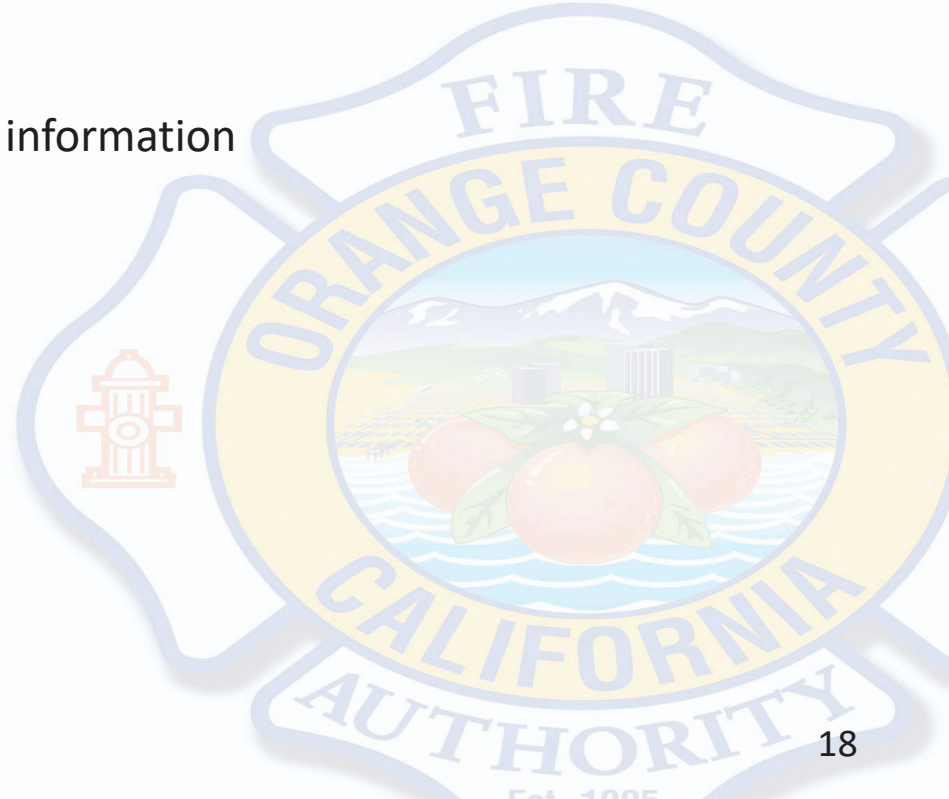
# JPA Planning Beyond 2030

- Factors Previously Identified by Directors for Future Exploration:
  - Remove Snowball Plan from JPA due to Plan Completion
  - Capital Improvement Program (CIP) Prefunding
  - CCC Contributions for Regional CIP Assets
- JPA Amendments for 2030, if desired, would need to be developed per the terms outlined on slide 14, taking into consideration the members' withdrawal options on slide 15
- Alternatively, if amendments are not pursued, then ***OCFA's JPA will automatically renew at 2030 under the same terms and conditions***



# JPA Planning Beyond 2030

- ***No action is requested tonight =***
  - Intent was to provide background/educational information
  - This is a “Receive and File” agenda item
- ***Questions / Comments ?***





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

**Board of Directors Meeting  
March 28, 2024**

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

### **FY2023 SAFER Grant Application**

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#### **Contact(s) for Further Information**

Robert C. Cortez, Assistant Chief Business Services Department	<a href="mailto:robertcortez@ocfa.org">robertcortez@ocfa.org</a>	714.573.6012
TJ McGovern, Deputy Fire Chief Emergency Operations Bureau	<a href="mailto:tjmccgovern@ocfa.org">tjmccgovern@ocfa.org</a>	714.573.6008

#### **Summary**

This item is submitted to seek Board approval for the submission of the FY 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant application.

#### **Prior Board/Committee Action**

In 2017, the Board of Directors approved the submission of the SAFER Grant application. The grant funded a fourth firefighter position for the cities of Buena Park, Tustin, and San Clemente.

At its February 22, 2024 Board of Directors meeting, the Board reviewed the Annual Grant Priorities for 2024 which at the time included the evaluation of Fire Stations 7 (San Juan Capistrano), 18 (Trabuco Canyon) and 57 (Aliso Viejo) for potential funding of a fourth firefighter/paramedic as part of the FY 2023 SAFER grant application. The Board discussed and amended the item directing staff to also include Fire Stations 45 (Rancho Santa Margarita) and 46 (Stanton) to the evaluation process for potential funding of a fourth firefighter/paramedic as part of the SAFER Grant application process.

#### **RECOMMENDED ACTION(S)**

Direct staff to submit the FY 2023 Staffing for Adequate Fire and Emergency Response Grant application to fund the addition of a fourth firefighter/paramedic at Fire Stations 7, 18, 45, 46, and 57 to enhance service delivery, improve efficiency and enhance firefighter safety.

#### **Impact to Cities/County**

Successful grant applications for staffing will provide significant benefit to member cities and the county.

#### **Fiscal Impact**

If the grant is awarded, grant funds will cover 100% of the salaries and benefit costs during the 36-month (three-year) period of performance. There is no cost share or match requirement during the grant period of performance. However, the OCFA will be responsible for 100% of the cost following the end of the period of performance (i.e. starting on the fourth year).

Est. Increased Cost Funded by SFF - Year 1-3: \$0; Year 4: \$3,365,885(FS 7, 18, 45 & 57)  
Est. Increased Cost Funded by CCC - Year 1-3: \$0; Year 4: \$841,471 (FS 46 Stanton)

## Background

Established in the FY 2004 National Defense Authorization Act, the SAFER Act authorizes grants to career, volunteer, and combination local fire departments for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. Specifically, the grant focuses on standards included in the deployment and assembly sections of NFPA 1710.

The objectives of the SAFER Program are to assist local fire departments with staffing and deployment capabilities to respond to emergencies and ensure that communities have adequate protection from fire and fire-related hazards. Local fire departments accomplish this by improving staffing and deployment capabilities, so they may more effectively and safely respond to emergencies. With enhanced staffing levels, recipients should experience a reduction in response times and an increase in the number of trained personnel assembled at the incident scene.

In 2017, the OCFA applied and received funding for new firefighter positions, including the addition of a fourth firefighter on engines to enhance service delivery, improve efficiency, and enhance firefighter safety. At that time, the grant required a Board commitment letter as part of the application process. The grant provided three years of funding with a federal and local cost share split of 75% federal and 25% local in the first two years, and 35% federal and 65% local in the third year. The 2017 grant funded a fourth firefighter on an engine in each of the member cities of Buena Park, San Clemente, and Tustin (all cash contract cities). The cost of each position has been phased-in and will be fully paid for by the three member cities by FY 2024/25.

The FY 2023 SAFER Grant Notice of Funding Opportunity (NOFO) was released, and the application period opened on March 11 with an application submission deadline of April 12, 2024. The SAFER Grant application has changed since the last application submitted in 2017. Notable changes include no Maintenance of Effort (MOE) requirements, no cost share or match, and no position cost limit. Additionally, in-lieu of OCFA's Board commitment letter agreeing to the Terms and Conditions (T's and C's) of the award, the submittal of the application itself services as OCFA's agreement to the T's and C's, should we receive an award. As such, Board approval is necessary for the submission of the SAFER grant application.

Adding the fourth firefighter/paramedic at the five fire stations would increase effective fire force capabilities that are in line with the NFPA 1710 (see attached NFPA 1710 fact sheet) and increase Advanced Life Support capabilities. In addition, in the event of a structure fire, the occupational safety and health administration (OSHA) requires at least two employees enter the Immediate Dangerous to Life and Health (IDLH) atmosphere and remain in visual or voice contact with each other at all times. It also requires at least two employees be located outside the IDLH atmosphere, thus the term, "two in/two out". Following is a link that contains a video presented to the Operations Committee, which helps visually demonstrate the value of four-person staffing <https://vimeo.com/266368739/d7688e75c5>.

Based on the Board's direction provided at its February 22<sup>nd</sup> meeting, the potential for the expiration of the SAFER grant if the Fire Grants and Safety Act (S. 870/H.R. 4090) is not included in the FY 2024 appropriations package, and to enhance service delivery and firefighter safety, staff is recommending that all five fire stations 7, 18, 45, 46, and 57 be included as part of the FY2023 SAFER grant application. If all five fire stations are awarded funding for a fourth firefighter/paramedic post position, this would equate to the addition of 15 firefighter/paramedics to OCFA's overall staffing (1 firefighter/paramedic x 3 shifts x 5 stations).

## Attachment(s)

NFPA 1710 Fact Sheet





## KEY REQUIREMENTS FOR EMERGENCY SERVICES IN NFPA 1710

The minimum requirements for provision of emergency services by career fire departments can be found in NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*.

NFPA 1710 addresses the structure and operation of organizations providing such services, which include fire suppression and other assigned emergency response responsibilities such as EMS and special operations.

The requirements intend to provide effective, efficient, and safe protective services to help prevent fires, reduce risk to lives and property, deal with incidents that occur, and help prepare for anticipated incidents.

The requirements are listed in NFPA 1710 for fire department service deployment based on the type of occupancy, along with the appropriate response staffing levels for each. The minimum staffing level for each occupancy is listed below. For the full breakdown of staffing requirements by position, refer to the subsections specific to each occupancy in 5.2.4.

### KEY REQUIREMENTS



**Occupancy Type:** Single-Family Dwelling  
**Deployment:** Minimum of 16 members or 17 if aerial device is used

The initial full alarm assignment to a structure fire in a typical 2000 ft<sup>2</sup> (186 m<sup>2</sup>), two-story, single-family dwelling without a basement and with no exposures must provide for a minimum of 16 members (17 if an aerial device is used).



**Occupancy Type:** Open-Air Strip Mall  
**Deployment:** Minimum of 27 members or 28 if aerial device is used

The initial full alarm assignment to a structure fire in a typical open-air strip shopping center ranging from 13,000 ft<sup>2</sup> to 196,000 ft<sup>2</sup> (1203 m<sup>2</sup> to 18,209 m<sup>2</sup>) in size must provide for a minimum of 27 members (28 if an aerial device is used).



**Occupancy Type:** Garden-Style Apartment  
**Deployment:** Minimum of 27 members or 28 if aerial device is used

The initial full alarm assignment to a structure fire in a typical 1200 ft<sup>2</sup> (111 m<sup>2</sup>) apartment within a three-story, garden-style apartment building must provide for a minimum of 27 members (28 if an aerial device is used).



**Occupancy Type:** High-Rise  
**Deployment:** Minimum of 42 members or 43 if building is equipped with fire pump

The initial full alarm assignment to a fire in a building with the highest floor greater than 75 ft (23 m) above the lowest level of fire department vehicle access must provide for a minimum of 42 members (43 if the building is equipped with a fire pump).



# KEY REQUIREMENTS FOR EMERGENCY SERVICES IN NFPA 1710 *CONTINUED*

## ADDITIONAL REQUIREMENTS

Fire departments that respond to fires in occupancies that present hazards greater than those found in 5.2.4 must deploy additional resources on the initial alarm as described in 5.2.4.6.

Even though fireground staffing levels have changed, NFPA 1710 continues to require that engine companies be staffed with a minimum of four on-duty members, as stated in 5.2.3. In addition, 5.2.2.2.1 requires that the fire department identify minimum company staffing levels as necessary to meet the deployment criteria required in 5.2.4 to ensure that a sufficient number of members are assigned, on duty, and available to safely and effectively respond with each company.

Additional changes to the 2020 edition of the standard include an update to the definition for *career fire department* and a clarification of how to determine if the department would fall under either NFPA 1710 or NFPA 1720, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments*.

Several new definitions relating to geographic areas based on population density have been added and the number of responders needed based on the type of incident and tasks to accomplish has been included. New requirements have been added for mobile water supply tankers/tenders and deployment and training of incident safety officers. Also, material on wildland fire suppression has been expanded.

## RESPONSE OBJECTIVES

Documenting the benchmarks and response objectives that make up NFPA 1710 is crucial to capturing and tracking data that would be helpful in ensuring the necessary allocation of resources.

Benchmarks	Response Objectives
Alarm answer	15 sec 95% of the time or 40 sec 99% of the time
Alarm processing	64 sec 95% of the time or 106 sec 99% of the time
Turnout - Fire	80 sec
Turnout - EMS	60 sec
First-due engine	240 sec (4 min) 90% of the time
Second-due engine	360 sec (6 min) 90% of the time
Initial full alarm - Low/ medium hazard	480 sec (8 min) 90% of the time
Initial full alarm - High hazard	610 sec (10 min 10 sec) 90% of the time

### Learn More

- ▶ Visit [nfpa.org/1710](https://nfpa.org/1710) for free digital access to the standard.
- ▶ Sign up on [nfpa.org/NFPA-Membership](https://nfpa.org/NFPA-Membership) to:
  - Get one-on-one help with your technical questions at [nfpa.org/tqs](https://nfpa.org/tqs)
  - Access exclusive content
  - Search content and connect with your peers to share information and answer questions on NFPA's online community at [nfpa.org/xchange](https://nfpa.org/xchange)



IT'S A BIG WORLD.  
LET'S PROTECT IT TOGETHER.®

This material contains some basic information about NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*. It identifies some of the requirements in these documents as of the date of publication. This material is not the official position of any NFPA Technical Committee on any referenced topic which is represented solely by the NFPA documents on such topic in their entirety. For free access to the complete and most current version of all NFPA documents, please go to [nfpa.org/docinfo](https://nfpa.org/docinfo). While every effort has been made to achieve a work of high quality, neither the NFPA nor the contributors to this material guarantee the accuracy or completeness of or assume any liability in connection with this information. Neither the NFPA nor the contributors shall be liable for any personal injury, property, or other damages of any nature whatsoever, whether special, indirect, consequential, or compensatory, directly or indirectly resulting from the publication, use of, or reliance upon this material. Neither the NFPA nor the contributors are attempting to render engineering or other professional services. If such services are required, the assistance of a professional should be sought.

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

**Board of Directors Meeting  
March 28, 2024**

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

### **Delegation of Authority to Approve Agreements for the Temporary Use of Property**

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#### **Contact(s) for Further Information**

Brian Fennessy, Fire Chief	<a href="mailto:brianfennessy@ocfa.org">brianfennessy@ocfa.org</a>	714.573.6010
Terry (TJ) McGovern, Deputy Chief Emergency Operations Bureau	<a href="mailto:tjmcgovern@ocfa.org">tjmcgovern@ocfa.org</a>	714.573.6006
David E. Kendig, General Counsel	<a href="mailto:dkendig@woodruff.law">dkendig@woodruff.law</a>	714.415.1083

#### **Summary**

To enable the OCFA to seize valuable, time-sensitive opportunities to conduct training on sites made available by third parties at little or no cost to OCFA, this item requests the Board broaden the Chief's delegated authority to approve agreements for the temporary use of property.

#### **Prior Board/Committee Action**

Prior Board direction in 1998 and 2007 has had the effect of requiring prior Board or Executive Committee approval for each agreement for the temporary use of property whenever a property owner is not willing to provide a mutual indemnification.

#### **RECOMMENDED ACTION(S)**

Adopt Resolution 2024-02 amending the OCFA's "Roles/Responsibilities/Authorities" matrix to broaden the Fire Chief's delegated authority to approve agreements for the temporary use of property.

#### **Impact to Cities/County**

Not Applicable.

#### **Fiscal Impact**

Providing the requested delegation of authority to approve agreements for the temporary use of property would not have a direct fiscal impact. There could be indirect fiscal impacts in an unknown amount if additional training becomes available to OCFA as a result.

#### **Background**

On July 23, 1998, the OCFA Board authorized the Fire Chief "to execute hold harmless agreements, in substantially the same form as approved, with General Counsel concurrence." The form the Board approved at that time is one where each party agrees to be responsible for its own negligence or wrongdoing. The 1998 staff report (attached hereto as **Attachment 2**) wrote "...agreements in which the OCFA is being asked to hold another party harmless with no reciprocal action and agreements that substantially vary from the proposed Agreement will still require Board approval."



Thereafter, OCFA staff has properly relied upon that authority as the basis for the Fire Chief to approve site access agreements needed for training and other property-access situations without further Board approval but only when the agreement contained the required *mutual* responsibility for indemnification.

On January 25, 2007, the Board was asked to revisit the issue. Because the Board meets infrequently (e.g., monthly, or in 2007, every other month) staff requested the Board to delegate authority for the Fire Chief “to accept all interests in real property and to approve temporary use permits.” The 2007 staff report (attached hereto as **Attachment 3**) stated:

"[I]t is sometimes necessary to make temporary use of property owned by another, such as for temporary construction easements, equipment storage, or training exercises. The property owner will often consent so long as the Authority will agree to be responsible for any harm to the property or persons. In 1998, the Board authorized the Fire Chief or designee to approve hold harmless provisions (i.e. license agreements) that provide for mutual indemnification. However, mutual indemnification is not always possible. The attached Board resolution would allow the Chief or designee to enter into unilateral indemnification agreements provided they have been approved by General Counsel and the Risk Manager, who will determine if the exposure to the Authority has been appropriately addressed through insurance or some other consideration."

According to the Minutes of the 2007 Board action (attached hereto as **Attachment 4**), however, the Board engaged in a lengthy discussion and, on the motion of Director Tettemer, approved only an authorization for the Fire Chief to accept interests in real property when the Executive Committee or Board “has previously approved”. Said another way, the Board did not approve staff’s request to delegate authority to approve temporary use agreements that contained one-way indemnification provisions.

The net effect of the action in 2007 was to leave intact the Board’s 1998 delegation of authority to approve agreements for the temporary use of property that include mutual indemnifications but not to delegate authority to the Fire Chief to approve agreements for the temporary use of property when the OCFA is asked to provide a one-way indemnification of the property owner.

## **Discussion**

There have been several occasions over the years when OCFA has become aware of training opportunities at sites and structures that are about to be demolished. When a structure is about to be demolished, a few property owners have offered to allow the OCFA to conduct fire and other training at the site prior to the demolition, and at little or no cost to the OCFA.

Fire Chief Fennessy and Deputy Chief McGovern view these types of offers as unique, dynamic, valuable and low-cost training opportunities on the unpredictable occasions when such offers arise.

Unfortunately, these opportunities are rare and they usually arise during a narrow window when a property owner is operating under a pre-established demolition and construction schedule. For that reason, seizing the opportunity is usually very time-sensitive. And negotiating and then obtaining Board approval of a temporary use permit within such tight schedules can, and has, precluded the Fire Chief’s ability to seize some of these valuable training opportunities.

Recently, for instance, the owners of a 5-story office building in Cypress that was scheduled for demolition contacted OCFA to offer the building for manipulative training purposes prior to destruction. Training in this 5-story structure would have offered a rare chance to train on OCFA’s

high-rise techniques in a real environment. However, existing Board policy requires Board approval if, like this owner, a property owner is not willing to bear the liability risks of agreeing to a mutual indemnification. And unfortunately, there was insufficient time to negotiate an alternative access agreement, coordinate and conduct a Board meeting, and coordinate training on the offered dates prior to building demolition.

It's important to understand that property owners like the owners of the Cypress building don't invite the OCFA's use of their property at low- or no-cost for live fire training if they will be required to bear the risk of liability for injuries occurring during the training. In fact, General Counsel is not aware of any property owner that has agreed to indemnify OCFA against risks while volunteering their property for free for OCFA training. Given the inherent risks involved in such training, property owners' offers typically include an affirmative request for OCFA to indemnify the owner if someone is injured in connection with the use of the site for OCFA training.

If the Board wishes to enable the Fire Chief to have a greater chance to seize opportunities for OCFA to engage in such training when such offers arise, it is recommended that the Board approve the attached Resolution revising the OCFA's "Roles/Responsibilities/Authorities" matrix to add a delegation of authority for the Chief to approve agreements for the temporary use of property regardless of whether the property owner requests a unilateral indemnification from the OCFA for such use.

As proposed, proposed Resolution 2024-02 (**attached hereto as Attachment 1**) and its attached proposed "Roles/Responsibilities/ Authorities" matrix would authorize the Fire Chief to approve agreements for the temporary use<sup>1</sup> of property only if the cost to the OCFA for the use of the property is \$5,000 or less per day and \$50,000 or less in the aggregate. Agreements exceeding either of those amounts would require approval of the Executive Committee or the Board of Directors.

### **Attachments**

1. Proposed Resolution with Roles and Responsibilities Matrix
2. Staff Report of July 23, 1998
3. Staff Report of January 25, 2007
4. Minutes of the Board of Directors Meeting on January 25, 2007

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<sup>1</sup> "Temporary use" would be defined by the proposed Resolution to mean 30 days or less in a 30-day period.

RESOLUTION NO. 2024-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF ORANGE  
COUNTY FIRE AUTHORITY DELEGATING TO THE FIRE CHIEF  
THE AUTHORITY TO APPROVE AGREEMENTS FOR THE  
TEMPORARY USE OF PROPERTY

WHEREAS, the Joint Powers Agreement that established the Fire Authority, as amended, provides for the Board of Directors to adopt bylaws, rules and regulations for the conduct of its affairs that are not in conflict with the Agreement; and

WHEREAS, it is sometimes necessary for the Authority to use the real property of another for temporary training exercises, equipment storage and the like; and

WHEREAS, for some temporary uses, the property owner requires execution of a license, use permit or other agreement for the temporary use of their property; and

WHEREAS, the Board desires to delegate to the Fire Chief the authority to enter into such agreements for the temporary use of their property on behalf of the Board of Directors, and to update the Roles, Responsibilities and Authorities matrix to reflect that delegation of authority.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Subject to sections 2 and 3 below, the Fire Chief may approve on behalf of the Board of Directors agreements for the temporary use of property so long as each agreement is memorialized in a written document signed by the property owner or the owner's authorized representative. "Temporary use" refers to use of thirty (30) days or less in a 30 day period. The Chief may agree on behalf of the Authority to indemnify the property owner and others against risks arising from or related to the Authority's use of the property in cases where the Chief determines that use of the property will provide an operational benefit to the Authority (which benefit(s) may include but are not limited to training opportunities for OCFA personnel, temporary storage of property, or temporary construction easement), in the event the property owner requires such indemnification as a condition to such use.

Section 2. Prior to approving an agreement for the temporary use of property, General Counsel shall approve the form of the agreement.

Section 3. Any agreement for the temporary use of property requiring payment of more than \$5,000 per day or a payment of more than \$25,000 total for the use of the property shall be approved by the Executive Committee or the Board of Directors.

Section 4. The Board of Directors hereby adopts and approves the attached Roles, Responsibilities and Authorities matrix and the delegations of authority reflected therein. All prior versions of the Roles, Responsibilities and Authorities matrix, and any prior directions of the

Board inconsistent with the attached version, are hereby replaced and superseded with the attached version effective on the effective date of this Resolution.

Section 5. This Resolution shall be effect on the date of its adoption. The Clerk of the Authority shall certify to the adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Directors held March 28, 2024.

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John R. O'Neill  
Chair, OCFA Board of Directors

ATTEST:

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Maria D. Huizar  
Clerk of the Board

APPROVED AS TO FORM:

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David E. Kendig  
General Counsel

## ORANGE COUNTY FIRE AUTHORITY Roles/Responsibilities/Authorities

All authority rests with the Board of Directors unless it is delegated by statute or board action. When delegated, these authorities are further defined by contracts, resolutions, policies, or other board actions. The following chart defines OCFA's levels of authority. The Board of Directors has the authority to change these delegations within the parameters of legal and contractual restrictions.

	Authority Management	Executive Committee	Board of Directors
Levels of Service	Develop and implement programs to provide the identified "Levels of Service."	Approve temporary changes in "Levels of Service."	Approve "Levels of Service" for the Authority.
Resource Deployment	Establish policy/deployment that maintains the approved "Levels of Service."		
Automatic and Mutual Aid Agreements	Fire Chief authorized to execute and renew Automatic Aid and Mutual Aid Agreements as necessary.		
Standard Operating Procedures (SOPs) and General Orders (GOs)	Develop and implement SOPs and GOs consistent with Board policies.		
Budget Adoption	Develop the budget.	Budget & Finance Committee - Review the budget; make recommendations.	Approve the budget prior to June 30 each year (JPA Agreement, Article IV.1)
Budget Execution	Authorize expenditures within approved budget appropriations (JPA Agreement, Article IV.2)		
Budget: Intra- and inter-fund transfer; increases and decreases to appropriation.	Approve intra-fund transfers within adopted budgets		Approve inter-fund transfers between budgets; Approve increases and decreases to appropriations.
Fire Station 41, Air Operations Maintenance Facility - Leases	Negotiate, approve and execute leases and/or lease amendments for Hangars Nos. 1, 2, 3, and 4		

**ORANGE COUNTY FIRE AUTHORITY**  
**Roles/Responsibilities/Authorities**

	Authority Management	Executive Committee	Board of Directors
Fund Balance - Assigned	Assign amounts for workers' compensation and the capital improvement program within requirements of the <i>Assigned Fund Balance Policy</i>	Budget & Finance Committee – Review calculations used to determine assignments for workers' compensation and the capital improvement program for consistency with <i>Assigned Fund Balance Policy</i>	Assign and un-assign fund balance for any specific purposes other than workers' compensation and the capital improvement program, within the guidelines of GASB Statement No. 54
Fund Balance – Committed			Commit and un-commit fund balance via minutes action, within the guidelines of GASB Statement No. 54
Contingency Planning and funding	Develop plan; administer budget in a manner consistent with plan and policies.	Budget & Finance Committee - Review contingencies and spending for compliance with plan and policies.	Establish plan and policies. Transfer of Appropriation for Contingencies requires prior approval of the Chair or the Vice Chair, in the absence of the Chair, and must be reported to the Board immediately in writing.
Debt obligation	Develop and recommend financing plans.	Budget & Finance Committee – Review of recommended financing plans.	Approve all debt obligations.  (Note: long-term bonded indebtedness requires approval by 2/3 <sup>rd</sup> vote of the members.)
Commodity purchases (materials, equipment & supplies) Ord. 8, Sec. 1-3(18)	Approve purchase of all commodities contracts (selection process per Ord. 8, per Art. III selection process or Art. X cooperative purchasing).		Approve commodity purchases with the annual adoption of the budget, no further approval is required.

**ORANGE COUNTY FIRE AUTHORITY**  
**Roles/Responsibilities/Authorities**

	Authority Management	Executive Committee	Board of Directors
Fixed asset purchases	Approve purchase of all fixed asset contracts (selection process per Ord. 8 per Art. III selection process or Art. X cooperative purchasing) within the budgeted amount approved by the Board of Directors.	Approve purchase of fixed assets that exceed the budgeted amount by more than 15% or \$100,000 (whichever is less).	Approve purchase of fixed assets included in the annual budget with the annual adoption of the budget, no further approval is required.
Professional and Consulting Services Contracts - general <i>services and consulting including architectural, engineering, and project management services.</i>	Approve all professional and consulting service contracts (selection process per Ord. 8, Art. III, or Art. X) for annual contract where the annual value to any one firm is less than \$100,000.  Approve multi-year contracts (maximum five years) so long as the total annual contract amount does not exceed Authority Management.	Approve all professional and consulting service contracts in which the annual contract value to any one firm exceeds \$100,000.  Contract extensions beyond the initial contract term and allowable contract extensions (exceeding five years) will require Executive Committee approval prior to contract extension.	
Contract Duration  Five years (three years plus two additional one-year periods)  <i>Applies to contracts exceeding small purchases as defined in Ord. 8 Sec 1-20</i>	Approve extension of contracts within management delegated authority for contracts with a duration up to five years.	Approve extension of contracts exceeding five years or contracts that exceed management delegated authority.	

## ORANGE COUNTY FIRE AUTHORITY Roles/Responsibilities/Authorities

	Authority Management	Executive Committee	Board of Directors
Maintenance Service Contracts - includes <i>repair and maintenance for facilities &amp; equipment</i> .	<p>Approve all maintenance service contracts (selection process per Ord. 8, Art. III, or Art. X) for annual contract where the annual value to any one contractor is less than \$200,000.</p> <p>Approve multi-year contracts (maximum five years) so long as the total annual contract amount does not exceed Authority Management.</p> <p>Approve maintenance service contract increases within limits delegated herein to Authority Management.</p>	<p>Approve all maintenance service contracts in which the annual value to any one contractor exceeds \$200,000.</p> <p>Contract extensions beyond the initial contract term and allowable contract extensions (five year maximum) will require Executive Committee approval prior to contract extension.</p>	
Change Orders/ Modifications Professional & Consulting Service Contract Amendments ( <i>Non Public Projects</i> )	<p>For professional &amp; consulting service contracts within the limits delegated herein to Authority Management, approve change orders in any amount so long as the revised amount remains within the delegated limits.</p> <p>For contracts originally approved by the Executive Committee or Board of Directors, approve change orders within the original scope of work, less than 15%.</p>	<p>Approve change order/modifications to professional &amp; consulting service contracts with original or revised values that exceed those amounts delegated herein to Authority Management.</p>	.
Emergency Purchases (commodity and service contracts)	<p>Approve emergency purchases, as defined in Ord. 8, Sec. 1-3(14) &amp; Sec. 1-22, up to the amounts delegated to Authority Management herein for purchases following standard selection process.</p>	<p>Purchases in excess of the amounts delegated to Authority Management require prior approval of Chair or Vice Chair and must be reported at the next Executive Committee meeting and/or for long-duration emergency incidents, reported quarterly.</p>	<p>Staff will also report to the full Board following the Executive Committee's receipt and/or ratification of the emergency purchases report.</p>



**ORANGE COUNTY FIRE AUTHORITY**  
**Roles/Responsibilities/Authorities**

	<b>Authority Management</b>	<b>Executive Committee</b>	<b>Board of Directors</b>
Sole Source Contracts	Approve any sole source contract less than \$50,000 annually, so long as acceptable justification is established by the using department per the requirements in Ord. 8, Sec. 1-21(1) or Sec. 1-21(2)..	Approve any sole source contracts when aggregate amount exceeds \$50,000, so long as acceptable justification is established by the using department per the requirements in Ord. 8, Sec. 1-21(1) or Sec. 1-21(2). Sole source justification form is a required attachment to the staff report	
Public Projects - Informal & Formal as set forth in the California Public Contract Code Section 22032.	Approve all informal public projects in amounts up to the statutory limits authorized by Public Contract Code Section 22032 (Projects under \$200,000 effective 1-1-19).		Approve all formal public works contracts in amounts at or above the statutory limits authorized by Public Contract Code Section 22032(Projects over \$200,000 effective 1-1-19).
Public Projects - Change Orders/ Modifications for informal and formal Public Projects as set forth in Public Contract Code Section 22032	For informal public projects within the original scope of work, approve change orders in any amount so long as the revised total remains below the statutory limits authorized by Public Contract Code Section 22032 (b).  For formal public projects originally approved by the Board of Directors, approve change orders within the original scope of work up to 15% of original contract amount.		Approve change order/modification on formal public projects over 15% of original contract amount.

**ORANGE COUNTY FIRE AUTHORITY  
Roles/Responsibilities/Authorities**

	<b>Authority Management</b>	<b>Executive Committee</b>	<b>Board of Directors</b>
Public Projects – Emergency as defined in Public Contract Code Sections 22035 and 22050 (Ord. 8, Sec. 1-53)	Fire Chief or designee has authority to declare an emergency and authorize procurement of construction services and supplies without the competitive bidding requirements when it is impactable to convene a meeting of the Board of Directors prior to addressing the emergency needs.		Authorize exemption from procurement requirements by four-fifths vote (at next scheduled meeting) as required per Public Contract Code Sections 22035 and 22050.
Investment Practices	Provide financial data to Budget & Finance Committee, Executive Committee and Board of Directors. Develop draft policy.	Budget & Finance Committee - Review Treasury/Investment actions to insure compliance with policy. Executive Committee – review monthly reports.	Adopt investment and Treasury policies.
Setting of salaries/benefits and other terms and conditions of employment	Identify issues, recommend negotiations approach; negotiate with labor organizations as approved by the Board of Directors.	Review management recommendations; make recommendations to the Board of Directors.	Provide direction to chief negotiator on negotiations; adopt resulting MOUs and changes in the PSR.
Grievances	Administer procedures pursuant to MOU and PSR provisions.		
Disciplinary Actions	Implement disciplinary actions within legal and MOU requirements.		
Hire/Terminate	Hire/terminate Authority staff.	Make recommendations to the Board of Directors on General Counsel legal services contract and Fire Chief employment contract, and compensation of General Counsel and the Fire Chief.	Hire/terminate Fire Chief and General Counsel.  Approve service contract for General Counsel.  Approve employment contract for Fire Chief.
Appointments			Appointment of clerk, auditor, and treasurer (JPA Agreement Articles II.9 and II.13)

**ORANGE COUNTY FIRE AUTHORITY**  
**Roles/Responsibilities/Authorities**

	Authority Management	Executive Committee	Board of Directors
Classification and Salary Ranges	Administer classification system within existing classes and budget.	Adopt and approve new or modified classes and corresponding salary ranges.	
Settlement of Employee Complaints and Grievances	Approve settlements up to \$10,000 within existing PSR parameters.	Approve settlements up to \$50,000.	Approve settlements over \$50,000.
File Legal Action			Authorize filing of legal action.
Respond to Legal Action			Authorize response to legal action.
Settlement of Claims and Litigation	Approve settlements of claims and litigation up to \$50,000. and workers' compensation claims under \$250,000.		Approve settlements of claims and litigation in excess of \$50,000 and workers' compensation claims above \$250,000.
Level of risk/coverage/exposure	Recommend risk management policies; administer risk management program within established Board of Directors and legal requirements.		Establish policies.
Write-Off for Uncollectible Accounts	Approve write-off of uncollectible accounts up to \$15,000.	Approve write-off of uncollectible accounts over \$15,000. Budget and Finance Committee review annual report of uncollectables and make a recommendation to Executive Committee for final decision.	
Accept Real Property Interests <a href="#">other than for Temporary Use</a>	Accept interest in real property if the Board of Directors or Executive Committee has previously approved.		Approve Purchase Agreements for the acquisition of real property.
<a href="#">Agreement for the Temporary Use of Real Property (less than 30 days)</a>	<a href="#">Approve agreement for the temporary use of property that includes a unilateral or mutual indemnification in a form approved by General Counsel, up to \$5,000 per day and up to \$50,000 in the aggregate.</a>	<a href="#">Approve agreement for the temporary use of property over \$5,000 per day or over \$50,000 in aggregate cost.</a>	

**ORANGE COUNTY FIRE AUTHORITY  
Roles/Responsibilities/Authorities**

	<b>Authority Management</b>	<b>Executive Committee</b>	<b>Board of Directors</b>
Secured Fire Protection Agreements	Approve Secured Fire Protection Agreements, using the standard form agreement previously approved by the Board of Directors, and approved as to form by General Counsel.		Approve Secured Fire Protection Agreements that contain material differences from the standard form approved by the Board of Directors.
Utility licenses and easements	Execute licenses and easements for utilities necessary to implement construction projects approved by the Board or Executive Committee	Approve licenses and easements for utilities where no prior approval of construction projects has occurred	
Accept Grants	Accept all grants except: (1) when the grantor requires approval by the governing body, or; (2) when an adjustment is immediately needed to appropriations to expend the grant, or; (3) when a contract award is needed, requiring approval by the Executive Committee or Board.		Accept all grants in which the grantor requires approval by the governing body.

**CONSENT CALENDAR-AGENDA ITEM #2**  
**BOARD OF DIRECTORS MEETING**  
**July 23, 1998**

TO: Board of Directors, Orange County Fire Authority

FROM: Joan Steiner, Chief  
Finance, Administration, and Human Resources

SUBJECT: **Approval of Hold Harmless Agreement**

Summary:

This agenda item is submitted to request approval of a policy and a Hold Harmless Agreement in the form of the submitted License Agreement.

Committee Action:

On June 26, 1997, the Executive Committee previously delegated the authority to approve hold harmless agreements to the Fire Chief for training purposes. The Administration and Personnel Committee reviewed this item at their July meeting and unanimously recommended Board approval.

Recommended Actions:

1. Approve the submitted proposed Hold Harmless Agreement.
2. Authorize the Fire Chief, or designee, to execute Hold Harmless Agreements.

Background:

The Orange County Fire Authority occasionally will use property owned by a third party to perform tasks necessary to fulfill its mission. For example, on June 26, 1997, the Executive Committee authorized the Fire Chief to approve Hold Harmless Agreements when necessary to conduct training exercises. Another such need has arisen with the reconstruction of Station 22 - we are in need of parking spaces located at the American Savings Bank adjacent to the station. A Hold Harmless Agreement is necessary for the use of the property. We anticipate that other such needs will also arise from time to time and recommend that in the future, the Fire Chief be delegated the authority, with counsel concurrence, to execute such agreements.

The attached proposed Hold Harmless Agreement has been reviewed by General Counsel and is being recommended by staff for approval. The Agreement merely restates existing law by requiring each entity to be responsible for its own actions and the actions of its officers, agents, and employees. This policy will include agreements in substantially the same form as the attached proposed Hold Harmless Agreement. Unilateral agreements in which the OCFA is being asked to hold another party harmless with no reciprocal action and agreements that substantially vary from the proposed Agreement will still require Board approval.

Fiscal Impact:

None.

Consent Calendar-Agenda Item #2  
Executive Committee Meeting  
July 23, 1998  
Page 2

Contact Person:

Fausto Reyes, Manager  
Administrative, Risk Management, and Strategic Planning Services  
(714) 744-0533

Attachments:

Proposed Hold Harmless Agreement

**ORANGE COUNTY FIRE AUTHORITY**

**LICENSE AGREEMENT**

1. This license Agreement is entered into on \_\_\_\_\_ by and between \_\_\_\_\_, hereafter referred to as “Licensee”, and ORANGE COUNTY FIRE AUTHORITY, hereafter referred to as “Licensor”.

2. Licensor is the owner of certain real property situated in \_\_\_\_\_  
*or an unincorporated area of* \_\_\_\_\_ County, California (hereafter referred to as “the Property”), and more particularly described as follows:

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3. Licensor grants to Licensee a license (hereafter referred to as “the License”) to perform the following acts on the Property:\_\_\_\_\_

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4. This License is personal to the Licensee and shall not be assigned. Any attempt to assign the License, shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in Licensee by the grant of this License.

5. This License shall be in effect beginning \_\_\_\_\_  
\_\_\_\_\_ and terminating on: \_\_\_\_\_.

6. On or before the termination date of this License specified in paragraph 5 of this Agreement, Licensee shall remove all of Licensee's personal property from the Property and shall surrender possession of the Property to Licensors in the good order and repair to the satisfaction of Licensors, normal wear and tear excepted.

7. Each party shall indemnify and save harmless the other party, and its officers, agents and employees from any and all losses, liability, damages, claims, suits, actions and administrative proceedings, and demands relating to acts or omissions of the indemnitor, its officers, agents or employees arising out of or incidental to the performance of any of the provisions of this Agreement or any other acts or omissions of the indemnitor, its officers, agents or employees. Neither party assumes liability for the acts or omissions of persons other than each party's respective officers, agents or employees. In the event judgement is entered against both parties because of joint or concurrent negligence of both parties, or their officers, agents or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction and neither party shall be entitled to a jury apportionment.

8. This Agreement constitutes the entire agreement between Licensors and Licensee relating to the License. Any Prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Licensors and Licensee.

Executed on \_\_\_\_\_.

***LICENSOR***

\_\_\_\_\_  
*Signature/Title* Date: \_\_\_\_\_

***LICENSEE***

\_\_\_\_\_  
*Signature/Title* Date: \_\_\_\_\_



**CONSENT CALENDAR - AGENDA ITEM NO. 9**  
**BOARD OF DIRECTORS MEETING**  
**January 25, 2007**

TO: Board of Directors, Orange County Fire Authority

FROM: Lori Zeller, Assistant Chief, Business Services

SUBJECT: **Delegation to Fire Chief of the Authority to Accept Real Property**

Summary:

This item is submitted to delegate authority to the Fire Chief to accept interests in real property and to enter into temporary use permits under specific circumstances.

Recommended Actions:

1. Adopt the submitted Resolution authorizing the Fire Chief to accept on the Authority's behalf all interests in real property and to approve temporary use permits.
2. Adopt the submitted Resolution revising the Roles, Responsibilities, and Authorities for the Orange County Fire Authority, and rescinding Resolution No. 2005-31.

Background:

It is often necessary for the Authority to acquire interests in real property. Specifically, this necessity arises under the following circumstances:

*Acceptance of Property from Developers:*

When residential development creates the need for a new fire station, a developer may be asked to dedicate a site for that purpose. When this happens, the developer will enter into a Secured Fire Protection Agreement, which will be brought to the Board of Directors for approval. Pursuant to those Agreements, the property will then be conveyed to the Authority at a later date. State law requires that real property conveyed to a public agency must be formally accepted by means of a Certificate of Acceptance and allows the governing body to delegate to an agency officer the authority to formally accept the offer and execute the Certificate. The attached Board resolution authorizes the Fire Chief to accept on behalf of the Board offers of dedication and the properties as provided in the Secured Fire Protection Agreements.

*Acceptance of Property from Sellers:*

Occasionally, the Authority will purchase property from a seller (e.g. Fire Stations 29 and 38). In such cases, a Purchase and Sale Agreement will be brought to the Board for approval and a title report and title insurance will be provided. This Board resolution authorizes the Fire Chief to subsequently accept the property pursuant to the Board-approved Purchase and Sale Agreement.

*Temporary Use Permits:*

Additionally, it is sometimes necessary to make temporary use of property owned by another, such as for temporary construction easements, equipment storage, or training exercises. The property owner will often consent so long as the Authority will agree to be responsible for any harm to the property or persons. In 1998, the Board authorized the Fire Chief or designee to

approve hold harmless provisions (i.e. license agreements) that provide for mutual indemnification. However, mutual indemnification is not always possible. The attached Board resolution would allow the Chief or designee to enter into unilateral indemnification agreements provided they have been approved by General Counsel and the Risk Manager, who will determine if the exposure to the Authority has been appropriately addressed through insurance or some other consideration (e.g. additional insurance).

This staff report seeks Board authority for the Fire Chief to (1) accept these real property conveyances, and to (2) enter into such temporary use permits so long as any liability arising from such use is covered by FAIRA or some other instrument of insurance. In addition, the OCFA's Roles, Responsibilities, and Authorities matrix is being revised to reflect this delegation to the Fire Chief.

Fiscal Impact:

None

County/City Impact:

None

Staff Contacts for further info:

Gene Begnell, Battalion Chief  
Strategic Services  
GeneBegnell@ocfa.org  
(714) 573-6198

Dennis Sorensen, Management Analyst  
Treasury/Administrative Support  
DennisSorensen@ocfa.org  
(714) 573-6313

Attachments:

1. Board Resolution 2007-01
2. Board Resolution 2007-02

**RESOLUTION NO. 2007-01**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
ORANGE COUNTY FIRE AUTHORITY AUTHORIZING THE FIRE CHIEF  
TO ACCEPT ON THE AUTHORITY'S BEHALF DEEDS AND GRANTS  
CONVEYING INTERESTS IN REAL PROPERTY**

*WHEREAS*, Government Code Section 27281 provides that instruments conveying an interest in real property to the Orange County Fire Authority ("Authority") may not be recorded without a Certificate of Acceptance from the Authority; and,

*WHEREAS*, Government Code Section 27281 also provides that the Board of Directors may, by a general resolution, authorize one or more officers to accept instruments conveying an interest in real property by executing a Certificate of Acceptance;

*NOW THEREFORE*, the Board of Directors of the Authority resolves:

1. The Fire Chief may accept on behalf of the Board of Directors deeds or grants conveying an interest in, or easement upon, real property in any case in which the Board of Directors or Executive Committee has previously approved an agreement or transaction to acquire the real property interest or easement.
2. The Clerk of the Authority shall utilize the Certificate of Acceptance attached hereto as Exhibit "A" and record the Certificate along with the instrument conveying the interest in real property with the County Recorder.
3. Prior to accepting any interest in real property, General Counsel shall ensure the document or instrument is in a legally acceptable format.

*PASSED, APPROVED AND ADOPTED* this 25<sup>th</sup> day of January, 2007.

\_\_\_\_\_  
BOARD CHAIR

ATTEST:

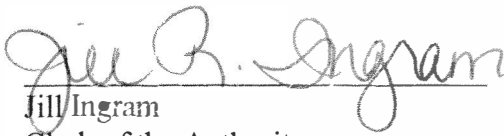
  
Jill Ingram  
Clerk of the Authority

Exhibit "A" Resolution No. 2007-01

CERTIFICATE OF ACCEPTANCE  
OF AN INTEREST IN REAL PROPERTY  
BY THE ORANGE COUNTY FIRE AUTHORITY  
(Governmental Code Section 27281)

This is to certify that the interest in real property conveyed by the instrument dated \_\_\_\_\_ from \_\_\_\_\_ to the Orange County Fire Authority ("Authority"), a Joint Powers Authority of the State of California, and government agency is hereby accepted by the Fire Chief pursuant to the authority of the Fire Chief to accept interests in real property conferred by Board of Directors' Resolution No. 2007-01 adopted on January 25, 2007. The Authority further consents to its recordation.

DATE: \_\_\_\_\_

ACCEPTED: \_\_\_\_\_  
FIRE CHIEF

STATE OF CALIFORNIA   )  
  )  
COUNTY OF ORANGE    )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

Resolution No. 2007-02


STATE OF CALIFORNIA                }  
COUNTY OF ORANGE               }  
CITY OF IRVINE                    }       ss.

I, Jill R. Ingram Clerk of the Orange County Fire Authority, do hereby certify that the foregoing Resolution No. 2007-02 was duly passed and adopted at a regular meeting of the Board of Directors of the Orange County Fire Authority held on the day of January 25, 2007 by the following roll call vote, to wit:

AYES:	Cynthia Adams, Aliso Viejo	Sam Allevato, San Juan Capistrano
	Christine Barnes, La Palma	Joel Bishop, Dana Point
	Neil Blais, Rancho Santa Margarita	David Cadena, Alternate, Stanton
	Doug Davert, Tustin	Catherine Driscoll, Los Alamitos
	Jan Horton, Yorba Linda	Trish Kelley, Mission Viejo
	Steve Knoblock, San Clemente	John Larson, Seal Beach
	Kermit Marsh, Westminster	Don McCay, Buena Park
	Brad Reese, Villa Park	Russ Rice, Placentia
	Dr. Brenda Ross, Laguna Woods	R. Craig Scott, Laguna Hills
	Todd Seymore, Cypress	Christina Shea, Irvine
	Mark Tettemer, Lake Forest	Mike Whipple, Laguna Niguel

NOES:       None

ABSTAIN:   None

  
JILL R. INGRAM

Clerk of the Orange County Fire Authority

**RESOLUTION NO. 2007-02**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
ORANGE COUNTY FIRE AUTHORITY, ORANGE COUNTY,  
CALIFORNIA, ADOPTING THE ROLES, RESPONSIBILITIES, AND  
AUTHORITIES FOR THE ORANGE COUNTY FIRE AUTHORITY,  
AND RESCINDING RESOLUTION NO. 2005-31**

**WHEREAS**, The Orange County Fire Authority was established on March 1, 1995, as a joint powers authority to provide Fire and Emergency Medical Services to the member Cities and unincorporated areas of the County of Orange; and

**WHEREAS**, The Joint Powers Agreement that created the Fire Authority provides for the Board of Directors to adopt bylaws, rules, and regulations for the conducting of its affairs that are not in conflict with the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

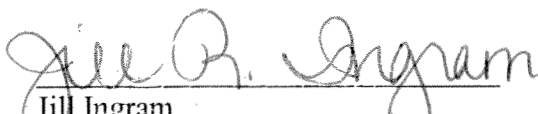
1. The Board of Directors of the Orange County Fire Authority does hereby adopt the attached Roles, Responsibilities, and Authorities Matrix.
2. Resolution No. 2005-31 is hereby rescinded.

**PASSED, APPROVED, and ADOPTED** this 25<sup>th</sup> day of January 2007.

\_\_\_\_\_  
BOARD CHAIR



ATTEST:

  
\_\_\_\_\_  
Jill Ingram  
Clerk of the Authority

## ORANGE COUNTY FIRE AUTHORITY Roles/Responsibilities/Authorities

All authority rests with the Board of Directors unless it is delegated by statute or board action. When delegated, these authorities are further defined by contracts, resolutions, policies, or other board actions. The following chart defines OCFA's levels of authority. The Board of Directors has the authority to change these delegations within the parameters of legal and contractual restrictions.

	Authority Management	Executive Committee	Board of Directors
Levels of Service	Develop and implement programs to provide the identified "Levels of Service."	Approve temporary changes in "Levels of Service."	Approve "Levels of Service" for the Authority.
Resource Deployment	Establish policy/deployment that maintains the approved "Levels of Service."		
Standard Operating Procedures (SOPs) and General Orders (GOs)	Develop and implement SOPs and GOs consistent with Board policies.		
Budget Adoption	Develop the budget.	Budget & Finance Committee - Review the budget; make recommendations.	Approve the budget prior to June 30 each year (JPA Agreement, Article IV.1)
Budget Execution	Authorize expenditures within approved budget appropriations (JPA Agreement, Article IV.2)		
Budget: Intra- and inter-fund transfer; release of reserves/contingencies, designation of fund balance and reserves; increases and decreases to appropriation.	Approve intra-fund transfers within adopted budgets		Approve inter-fund transfers between budgets; release of reserves or contingencies, designation of fund balance and reserves; and increases and decreases to appropriations.
Contingency Planning and funding	Develop plan; administer budget in a manner consistent with plan and policies.	Budget & Finance Committee - Review contingencies and spending for compliance with plan and policies.	Establish plan and policies.

**ORANGE COUNTY FIRE AUTHORITY  
Roles/Responsibilities/Authorities**

	<b>Authority Management</b>	<b>Executive Committee</b>	<b>Board of Directors</b>
Debt obligation	Develop and recommend financing plans.	Budget & Finance Committee – Review of recommended financing plans.	Approve all debt obligations.  (Note: long-term bonded indebtedness requires approval by 2/3 <sup>rd</sup> vote of the members.)
Purchase of: commodities and fixed assets with a unit cost of \$5,000 or more.	Approve purchase of commodities and fixed assets with a unit cost up to \$100,000.	Approve purchase of fixed assets with a unit cost over \$100,000.	
Emergency Purchases/Contracts	Approve emergency purchases up to \$75,000.	Purchases in excess of \$75,000 require prior approval of Chair or Vice Chair and must be reported at the next Executive Committee meeting.	
Purchasing: Service Contracts	Approve service contracts up to \$100,000. Approve Sole Source Service Contracts up to \$50,000.	Approve all service contracts over \$100,000. Approve Sole Source Service Contracts over \$50,000.	
Purchasing: Consultant Contracts	Approve consultant contracts up to \$25,000.	Approve all consultant contracts over \$25,000.	
Public Works	Approve all public works contracts up to \$75,000.		Approve all public works contracts over \$75,000.
Change Orders/ Modifications	Approve change order/modifications, within the original scope of work, up to 15% but not to exceed a total value of \$50,000.	Approve change order/modifications, not within the original scope of work, or over 15%, or exceeding a total value of \$50,000.	



**ORANGE COUNTY FIRE AUTHORITY  
Roles/Responsibilities/Authorities**

	<b>Authority Management</b>	<b>Executive Committee</b>	<b>Board of Directors</b>
Investment Practices	Provide financial data to Budget & Finance Committee, Executive Committee and Board of Directors. Develop draft policy.	Budget & Finance Committee - Review Treasury/Investment actions to insure compliance with policy. Executive Committee – review monthly reports.	Adopt investment and Treasury policies.
Setting of salaries/benefits and other terms and conditions of employment	Identify issues, recommend negotiations approach; negotiate with labor organizations as approved by the Board of Directors.	Review management recommendations; make recommendations to the Board of Directors.	Provide direction to chief negotiator on negotiations; adopt resulting MOUs and changes in the PSR.
Grievances	Administer procedures pursuant to MOU and PSR provisions.		
Disciplinary Actions	Implement disciplinary actions within legal and MOU requirements.		
Hire/Terminate	Hire/terminate Authority staff.	Make recommendations to the Board of Directors on General Counsel legal services contract and Fire Chief employment contract, and compensation of General Counsel and the Fire Chief.	Hire/terminate Fire Chief and General Counsel.  Approve service contract for General Counsel.  Approve employment contract for Fire Chief.
Appointments			Appointment of clerk, auditor, and treasurer (JPA Agreement Articles II.9 and II.13)
Classification and Salary Ranges	Administer classification system within existing classes and budget.	Adopt and approve new or modified classes and corresponding salary ranges.	

**ORANGE COUNTY FIRE AUTHORITY  
Roles/Responsibilities/Authorities**

	<b>Authority Management</b>	<b>Executive Committee</b>	<b>Board of Directors</b>
Settlement of Employee Complaints and Grievances	Approve settlements up to \$10,000 within existing PSR parameters.	Approve settlements up to \$50,000.	Approve settlements over \$50,000.
File Legal action			Authorize filing of legal action.
Respond to legal action			Authorize response to legal action.
Settlement of legal action	Recommend settlement to Board of Directors.		Approve settlements.
Settlement of claims prior to a lawsuit	Approve claims up to \$50,000	Approve claims over \$50,000	
Settlement of Workers Compensation Actions	Approve settlements up to \$50,000	Approve settlements over \$50,000	
Level of risk/coverage/exposure	Recommend risk management policies; administer risk management program within established Board of Directors and legal requirements.		Establish policies.
Write-Off for Uncollectible Accounts	Approve write-off of uncollectible accounts up to \$15,000.	Approve of Write-off of uncollectible accounts over \$15,000. Budget and Finance Committee review annual report of uncollectibles and make a recommendation to Executive Committee for final decision.	
Accept Real Property Interests	Accept interest in real property if the Board of Directors or Executive Committee has previously approved.		Approve Secured Fire Protection Agreements and Purchase Agreements for the acquisition of real property.

Resolution No. 2007-01

STATE OF CALIFORNIA               }  
COUNTY OF ORANGE               }  
CITY OF IRVINE                    }


ss.

I, Jill R. Ingram Clerk of the Orange County Fire Authority, do hereby certify that the foregoing Resolution No. 2007-01 was duly passed and adopted at a regular meeting of the Board of Directors of the Orange County Fire Authority held on the day of January 25, 2007 by the following roll call vote, to wit:

AYES:	Cynthia Adams, Aliso Viejo	Sam Allevato, San Juan Capistrano
	Christine Barnes, La Palma	Joel Bishop, Dana Point
	Neil Blais, Rancho Santa Margarita	David Cadena, Alternate, Stanton
	Doug Davert, Tustin	Catherine Driscoll, Los Alamitos
	Jan Horton, Yorba Linda	Trish Kelley, Mission Viejo
	Steve Knoblock, San Clemente	John Larson, Seal Beach
	Kermit Marsh, Westminster	Don McCay, Buena Park
	Brad Reese, Villa Park	Russ Rice, Placentia
	Dr. Brenda Ross, Laguna Woods	R. Craig Scott, Laguna Hills
	Todd Seymore, Cypress	Christina Shea, Irvine
	Mark Tettemer, Lake Forest	Mike Whipple, Laguna Niguel

NOES:           None

ABSTAIN:       None

  
JILL R. INGRAM

Clerk of the Orange County Fire Authority

# **MINUTES ORANGE COUNTY FIRE AUTHORITY**

**Board of Directors Meeting  
Thursday, January 25, 2007  
6:30 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 meeting of the Orange County Fire Authority Board of Directors was called to order on January 25, 2007, at 6:31 p.m. by Vice Chair Craig Scott.

## **INVOCATION**

The invocation was given by OCFA Chaplain Steve Willis.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Director Adams.

## **ROLL CALL**

<b>Present:</b> Cynthia Adams, Aliso Viejo	Sam Allevato, San Juan Capistrano
Christine Barnes, La Palma	Joel Bishop, Dana Point
Neil Blais, Rancho Santa Margarita	David Cadena, Alternate, Stanton
Doug Davert, Tustin	Catherine Driscoll, Los Alamitos
Jan Horton, Yorba Linda	Trish Kelley, Mission Viejo
Steve Knoblock, San Clemente	John Larson, Seal Beach
Kermit Marsh, Westminster	Don McCay, Buena Park
Brad Reese, Villa Park	Russ Rice, Placentia
Dr. Brenda Ross, Laguna Woods	R. Craig Scott, Laguna Hills
Todd Seymore, Cypress	Christina Shea, Irvine
Mark Tettemer, Lake Forest	Mike Whipple, Laguna Niguel

<b>Absent:</b> Patricia Bates, County of Orange	Bill Campbell, County of Orange
David Shawver, Stanton	

## **Also present were:**

Fire Chief Chip Prather	Deputy Fire Chief Pat Walker
General Counsel Terry Andrus	Assistant Chief Laura Blaul
Assistant Chief Bill Dean	Assistant Chief Patrick McIntosh
Assistant Chief Lori Zeller	Clerk of the Authority Jill R. Ingram

## **PRESENTATIONS**

Vice Chair Scott and Chief Prather presented a token of appreciation to former Chair Keri Lynn Wilson for her service on the OCFA Board of Directors for the years 2005-2006.

Vice Chair Scott and Chief Prather presented the Spirit of OCFA Award to Information Technology Analyst Scott Johnson, Senior Information Technology Analyst Bob Leysack, Senior Fire Communications Supervisor David Paschke, Senior Information Technology Analyst Jeff Robbins, Information Technology Analyst Tom Strong, Senior Communications Technician Roger Thomas, and Fire Communications Supervisor Ryan Turner for their fund raising efforts to help the families of the victims of the Esperanza Fire.

Vice Chair Scott and Chief Prather presented the Spirit of OCFA Award to Firefighter Marc Hansen for his many hours of volunteerism and commitment to the community.

Vice Chair Scott and Chief Prather presented the Spirit of OCFA Award to Fire Community Relations & Education Specialist Polly Bowen, Fire Communications Dispatcher Kim Dennis, Reserve Firefighter David Skarman, and Fire Prevention Specialist Nick Pivaroff for their contributions to the 2006 Spark of Love Campaign.

## **PUBLIC COMMENTS**

Vice Chair Scott opened the Public Comments portion of the meeting. No public comments were received. Vice Chair Scott closed the Public Comments portion of the meeting.

## **ELECTION OF CHAIR/VICE CHAIR**

Director Larson, with a second by Director Seymore, made a motion to nominate R. Craig Scott as Chair of the Orange County Fire Authority Board of Directors. On motion of Director Marsh and second by Director Larson, the Board unanimously voted to close the nominations for Chair. R. Craig Scott was elected Chair by unanimous acclaim.

On motion of Director Seymore, with a second by Director Allevato, the Board voted unanimously to elect Don McCay as Vice Chair of the Orange County Fire Authority Board of Directors.

## **CONSENT CALENDAR**

*All matters on the consent calendar are considered routine and are to be approved with one motion unless a Board Member or a member of the public requests separate action on a specific item.*

Chair Scott pulled Agenda Item No. 1 for discussion. Director Tettemer pulled Agenda Item No. 9 for discussion. Chair Scott pulled Agenda Item No. 13 for public comments.

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to

Minutes

OCFA Board of Directors Meeting

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approve Consent Calendar items 2 through 8, 10 through 12, and 14.

**1. Approval of Minutes from the November 16, 2006, Board of Directors Meeting**

Chair Scott proposed that as a matter of housekeeping, all Board Members not present at the previous Board meeting be marked as abstaining on the approval of the minutes of said meeting. There were no objections by Board Members.

On motion of Director Seymore and second by Director Allevato, the Board voted to approve the Minutes from the November 16, 2006, Board of Directors Meeting as submitted.

Directors Barnes, Bishop, Blais, Cadena, Davert, Driscoll, Horton, Reese, Rice, Shea, and Whipple abstained.

**2. Monthly Investment Reports**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to receive and file the reports.

**3. Monthly Planning and Development Activity Progress Report for December 2006**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to receive and file the report.

**4. FY 2006/07 Second Quarter Progress Report on Planning and Development Services Activity**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to receive and file the report.

**5. Adoption of 2007 Legislative Policy Guidelines**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to adopt the OCFA 2007 Legislative Policy Guidelines and direct OCFA staff to initiate procedures to implement those policies.

**6. Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to approve and file the Comprehensive Annual Financial Report (CAFR).

**7. Property Tax Consulting Services Contract**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to approve the submitted Agreement for Consulting Services with Rosenow Spevacek Group for property tax consultation services in the amount of \$34,000 per year for three years.

**8. Development Impact Fee Consulting Services Contract – Phase II**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to approve the submitted Agreement for Consulting Services with Colgan Consulting Corporation for development impact fee consultation services in an amount not to exceed \$39,900.

**9. Delegation to Fire Chief of the Authority to Accept Real Property**

Director Tettemer requested that the acceptance of all interests in real property and the approval of temporary use permits be presented to the Executive Committee for approval. The Board ensued on a lengthy discussion.

On a substitute motion of Director Tettemer and second by Director Marsh, the Board voted unanimously to:

1. Adopt Resolution No. 2007-01, as amended, authorizing the Fire Chief to accept on the Authority's behalf deeds and grants conveying interests in real property.
2. Adopt the Resolution No. 2007-02, as amended, revising the Roles, Responsibilities, and Authorities for the Orange County Fire Authority, and rescinding Resolution No. 2005-31.

**10. Approval of Increase of Purchase Order for ABS Consulting Inc. for Construction Management of Fire Station 19 (Lake Forest) and Fire Station 29 (Dana Point)**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to authorize an increase to PO #E00373-1 in the amount not to exceed \$178,000.

**11. Request Approval to Increase UCI Purchase Order B00690**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to authorize an increase to UCI Purchase Order B00690 in the amount of \$150,000 for the UCI Center for Occupational & Environmental Health.



**12. Extension of the Tolling Agreement between Orange County Fire Authority (OCFA) and the County of Orange**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to approve the one year extension of the Tolling Agreement between OCFA and the County of Orange.

**13. Update on the OCFA Emergency Ambulance Regionalization Project**

Public comments were received from Joanna Dimas, Medix Ambulance, regarding the Emergency Ambulance Regionalization Project.

On motion of Director Davert and second by Director Knoblock, the Board voted to receive and file the report. Director Marsh abstained.

**14. Monthly Status Report – Renewal of OCFA Joint Powers Agreement**

On motion of Chair Scott and second by Director Seymore, the Board voted unanimously to receive and file the report.

**END OF CONSENT CALENDAR**

Director Adams left at this point.

**BOARD DISCUSSION**

**15. Plan Review and Inspection Fees for Residential Compressed Natural Gas (CNG) Refueling Installation**

Assistant Chief Blaul provided an overview on inspection fees for residential compressed natural gas (CNG) refueling installations.

Public comments were received from Michael Manning, Los Alamitos, regarding inspection fees.

On motion of Director Allevato and second by Vice Chair McCay, the Board voted unanimously to direct staff to continue assessing the hourly service rate of \$145/hour and to streamline the approval and inspection strategy, as outlined in the staff report, reducing the total OCFA fee to \$217.50

## **REPORTS**

### **16. Chief's Report**

Chief Chip Prather indicated that new Board Members will be contacted to determine availability for a Board Orientation. He also reported that this year the OCFA has responded to seven multi-alarm fires in its jurisdiction, and two people have died and one elderly person was seriously injured. Finally Chief Prather indicated that Assistant Chief Bill Dean would be retiring on March 15, 2007 after 36 years of service.

## **BOARD COMMENTS**

Chair Scott indicated that he is looking forward to working with Board Members and that a letter will be sent to Directors requesting volunteers for various committees.

Director Kelley welcomed new members and commended Assistant Chief Dean on his dedication to the community and staff. Director Kelley also commended the Training Department for the excellent job they did at the Academy 31 Ceremony and congratulated the 26 new recruits.

Director Shea indicated that she would like to see the agenda packet separation pages numbered.

Vice Chair McCay commented on the elderly person who was trapped in a fire in Buena Park.

The Board recessed to Closed Session at 7:37 p.m.

## **CLOSED SESSION**

### **CS1 . CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

(Pursuant to Government Code Section 54956.9(a))

Ota v. Orange County Fire Authority

Orange County Superior Court Case Number 05CC10518

The Board reconvened from Closed Session at 7:55 p.m.

Chair Scott announced that no reportable action had been taken in Closed Session.

## **ADJOURNMENT**

Chair Scott adjourned the meeting at 7:56 p.m. The next regular meeting of the Board of Directors is scheduled for March 22, 2007 at 6:30 p.m.

**NEXT MEETINGS:**

Budget and Finance Meeting	Wednesday, February 14, 2007
Executive Committee Meeting	Thursday, February 22, 2007
Board of Directors Meeting	Thursday, March 22, 2007