

MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting
Thursday, January 22, 2015
6:00 P.M.**

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

CALL TO ORDER

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on January 22, 2015, at 6:06 p.m. by Chair Murray.

INVOCATION

Chaplain Ken Krikac offered the invocation.

PLEDGE OF ALLEGIANCE

Director McCloskey led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL

Present: Sam Allevato, San Juan Capistrano
Rick Barnett, Villa Park
Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
Dwight Robinson, Lake Forest
Don Sedgwick, Laguna Hills
David John Shawver, Stanton
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo

Bob Baker, San Clemente
Carol Gamble, Rancho Santa Margarita
Craig Green, Placentia
Gene Hernandez, Yorba Linda
Warren Kusumoto, Los Alamitos
Joe Muller, Dana Point
Roman Reyna, Santa Ana
Ed Sachs, Mission Viejo
David Sloan, Seal Beach
Todd Spitzer, County of Orange
Tri Ta, Westminster

Absent: Jeffery Lalloway, Irvine

Lisa Bartlett, County of Orange

Also present were:

Fire Chief Jeff Bowman
Assistant Chief Lori Zeller
Assistant Chief Mike Schroeder
Assistant Chief Brian Young
General Counsel David Kendig
Human Resources Director Jeremy Hammond

Deputy Chief Craig Kinoshita
Assistant Chief Dave Thomas
Assistant Chief Lori Smith
Communications Director Sandy Cooney
Clerk of the Authority Sherry Wentz

ADMINISTRATION OF OATH OF OFFICE FOR THE NEWLY APPOINTED BOARD MEMBERS

Clerk of the Authority Sherry Wentz administered the Oath of Office to all new Board Members present.

1. PRESENTATIONS (F: 10.091) (X: 11:09)

A. Requests for Commendations and Proclamations

1. Length of Service Recognition

On motion of Director Shawver and second by Vice Chair Hernandez, the Board voted unanimously to approve the request as submitted.

Chair Murray and Fire Chief Bowman presented Fire Captain Joe Brock with his 40-year badge.

PUBLIC COMMENTS (F: 11.11)

Ray Geagon, newly appointed President of the Orange County Professional Firefighters Association, Local 3631, pledged support for Chief Bowman. He also presented a check to Director Allevato in the amount of \$2,500 from Local 3631, for the Availa-Espinoza family who were victims of the recent San Juan Capistrano fire. (F: 17.04B)

Stephen Wontrobski, Mission Viejo resident, commented on his request to review working documents associated with the Procurement Audit by LSL. (F: 15.02A1) (X: 14.05B1a)

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

Budget and Finance Committee Chair McCloskey reported at its January 14, 2015, meeting, the Committee voted unanimously to appoint Sam Allevato as Vice Chair and himself as Chair of the Committee, received the quarterly status update on the Orange County Employee's Retirement System, and approved the Internal Control Review of Capital Assets and Inventory Control. The Committee reviewed the Monthly Investment Reports and the proposed Updated Broker/Dealer List and voted unanimously to direct staff to place these items on the agenda for the Executive Committee meeting of January 15, 2015, with the recommendation that the Executive Committee receive and file the reports. The Committee reviewed the FY2014/15 Mid-Year Financial Report and the 2015 Grant Priorities and voted unanimously to direct staff to place these items on the agenda for the Board of Directors meeting of January 22, 2015, with the recommendation that the Board of Directors approve the recommended actions.

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

Human Resources Committee Chair Shawver indicated there was no meeting of the Human Resources Committee in the month of January.

REPORT FROM THE CLAIMS SETTLEMENT COMMITTEE CHAIR (F: 12.02C6)

Claims Settlement Committee Chair Murray reported at the January 14, 2015, meeting, the Claims Settlement Committee considered and unanimously authorized an offer of settlement on the Worker's Compensation claim regarding Dwayne Best v the OCFA, the substance of which upon acceptance by the parties will be disclosed upon request, after the agreements have been fully executed and approved.

REPORT FROM THE FIRE CHIEF (F: 11.14)

Chief Bowman welcomed the new Board Members and introduced the Executive Team to the Board including new Assistant Chief of Operational Planning Brian Young and Assistant Chief of Support Services Mike Schroeder. He provided a PowerPoint presentation reviewing the accomplishments of the 120-Day Plan, and underscored those items that will roll into the 180-Day Plan. He reported on the Availa-Espinoza family fire in San Juan Capistrano, commending dispatchers, operational staff, public information officers, and investigators who worked on the fire.

Director of Communications and Public Affairs Sandy Cooney addressed the Availa-Espinoza fire and announced an outreach scheduled for February 7, 2015, in San Juan Capistrano to educate the public of the need for working smoke alarms in the home.

Director Allevato requested the meeting be adjourned in memory of the Availa-Espinoza family.

Director Reyna arrived at this point (6:42 p.m.)

Director Ta arrived at this point (6:44 p.m.)

2. MINUTES

A. Minutes from November 20, 2014, Regular Board of Directors Meeting (F: 11.06)

Director Spitzer requested a modification to the Minutes regarding his comments having to do with the ambulance RFP process to change his statement to read "Director Spitzer addressed the County's Ambulance Request for Proposal (RFP) process noting *in his opinion* only Dr. Stratton can nullify the RFP."

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On motion of Vice Chair Hernandez and second by Director Johnson, the Board voted unanimously to approve as amended the Minutes from the November 20, 2014, Board of Directors meeting.

B. Minutes from December 4, 2014, Regular Board of Directors Meeting (F: 11.06)

On motion of Vice Chair Hernandez and second by Director Johnson, the Board voted unanimously to approve as submitted the Minutes from the December 4, 2014 Board of Directors meeting.

3. CONSENT CALENDAR

Consent Calendar Agenda Item No. 3A was pulled for separate consideration.

A. Adoption of Revised Conflict of Interest Code (F: 20.02A1)

Director Spitzer pulled this item inquiring if training is in place for new designated employees filing Fair Political Practice Commission (FPPC) Form 700s to ensure compliance.

On motion of Director Spitzer and second by Vice Chair Hernandez, the Board of Directors voted unanimously to adopt:

RESOLUTION NO. 2015-01

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

and direct the Clerk of the Authority to submit the Resolution to the Orange County Board of Supervisors, as the Code reviewing body, for approval. Director Barnett abstained.

B. Secured Fire Protection Agreements: Vireo Apartments, Elements 1 Apartments, and The Oaks (F: 18.14)

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

1. Approve and authorize the Fire Chief or his designee to execute Secured Fire Protection Agreements with Sares Regis Group related to the Vireo Apartments at Park Place, Parcel 1 D and 2D of lot line adjustment 579285-LL, in the City of Irvine; Campos Verdes LLC and Capos Verdes 1, LLC related to Elements Site 1

Apartments Tract 17641, in the City of Irvine; and Development Solutions Oak, LLC related to the Oaks development Tract 17441, in the City of San Juan Capistrano.

2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreements in the Official Records of the County of Orange and furnish each developer a copy of the conformed document within fifteen days of recordation.

C. 2015 OCFA Grants Priorities (F: 11.10G)

On motion of Director Robinson and second by Director Johnson, the Board of Directors voted unanimously to approve OCFA's Grant Priorities for 2015.

D. 2015 OCFA Legislative Policy Guidelines (F: 11.10F)

On motion of Director Robinson and second by Director Johnson, the Board of Directors voted unanimously to adopt the 2015 OCFA Legislative Policy Guidelines and direct OCFA staff to initiate procedures to implement those policies.

E. Amendment to Agreement with the City of Santa Ana for Use of Community Development Block Grant Funds (F: 16.02G1)

On motion of Director Robinson and second by Director Johnson, the Board of Directors voted unanimously to approve and authorize the Board Chair to execute the proposed amendment to the agreement between the City of Santa Ana and OCFA to extend Agreement A-2013-173.

END OF CONSENT CALENDAR

4. PUBLIC HEARING(S)
No items.

CLOSED SESSION (F: 11.15)

CS1. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiator: Jeremy Hammond, Human Resources Director, and
Peter Brown, Liebert Cassidy Whitmore

Employee Organization: Orange County Employees' Association

Authority: Government Code Section 54957.6

CS2. CONFERENCE WITH LABOR NEGOTIATOR

Chief Negotiator: Jeff Bowman, Fire Chief

Employee Organizations: Unrepresented Executive Management (excluding Fire Chief)

Authority: Government Code Section 54957.6

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matters on the Agenda identified as CS1, Conference with Labor Negotiator, and CS2, Conference with Labor Negotiator.

Chair Murray recessed the meeting to Closed Session at 7:11 p.m.

Chair Murray reconvened the meeting at 8:52 p.m. with all prior Board Members present.

CLOSED SESSION REPORT (F: 11.15)

General Counsel Kendig indicated the Board took no reportable action during Closed Session.

5. DISCUSSION CALENDAR

A. Approval of Memorandum of Understanding General and Supervisory Units Orange County Employees Association (F: 17.04D1)

Human Resources Director Jeremy Hammond presented the staff report.

On motion of Director Spitzer and second by Vice Chair Hernandez, the Board of Directors voted to approve the proposed General and Supervisory Unit MOU between the Orange County Fire Authority and the Orange County Employees Association, for a term of December 19, 2014, to December 15, 2017. Director Barnett opposed and Director Ta abstained.

B. Revisions to the Personnel and Salary Resolution (F: 17.02)

Fire Chief Jeff Bowman presented the staff report.

On motion of Director McCloskey and second by Director Hatch, the Board of Directors voted unanimously to approve proposed revisions to the Personnel and Salary Resolution, Part 3, Article 1, Sections 9 – 14, as discussed in closed session negotiations.

C. Board Meeting Schedule for Calendar Year 2015 (F: 11.05)

Assistant Chief Lori Zeller presented the staff report.

On motion of Chair Murray and second by Director Johnson, the Board of Directors voted unanimously to adopt Resolution No. 2015-02 amending the 2015 Meeting Schedule for the Orange County Fire Authority Board of Directors to temporarily expand the regular meeting schedule to include monthly Board meetings.

D. FY 2014/15 Mid-Year Financial Report (F: 15.04 14/15)

Assistant Chief Lori Zeller presented a PowerPoint presentation on the 2014/15 Mid-Year Financial Report.

Stephen Wontrobski, Mission Viejo resident, complimented the Board for adopting the Civic Openness In Negotiations Ordinance (COIN) review. He also addressed overtime use within the OCFA.

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

1. Approve a budget adjustment in Fund 121 to allocate \$3,000,000 of available unencumbered funds identified in the FY 2013/14 financial audit to OCFA's unfunded pension liability and allocate the remaining \$2,985,060 to OCFA's Capital Improvement Program.
2. Approve a budget adjustment in Fund 121 to increase the FY 2014/15 Jurisdictional Equity Adjustment Payments by \$4,978,772 resulting in full accrual of the Payments per the Second Amendment to the Amended Joint Powers Agreement, pending resolution of the appeal.
3. Authorize the following staffing changes:
 - a. Unfreeze two Fire Prevention Specialist positions in the Community Risk Reduction Department to improve OCFA's response to increased development activity.
 - b. Convert the 22 Hand Crew Firefighter positions from limited-term to permanent status.
4. Direct staff to return to the Board of Directors in March 2015 for approval of all additional budget adjustments discussed herein for the FY 2014/15 budget.

E. Board Member Requests for Legal Services (F: 17.10G1)

General Counsel Kendig presented the staff report.

On motion of Director Spitzer and second by Chair Murray, the Board of Directors voted unanimously to:

1. Provide policy direction that individual members of the Board may communicate questions directly to General Counsel when: (a) the inquiry relates to OCFA business, and (b) it appears likely that it will require thirty (30) minutes or less of legal services to respond.
2. Direct that, as to those inquiries from individual Board members that appear likely to require more than thirty (30) minutes of legal services to respond, the Board member may either:
 - a. When time allows, request the Chair of the Board to place an item on the next Executive Committee or Board Agenda to consider whether to authorize General Counsel to perform the legal services; or
 - b. When it would frustrate the purpose of the Board Member's request to postpone the legal services until after the next meeting, submit the item to the Chair of the Board to determine whether to authorize the performance of the services.

CLOSED SESSION CONTINUED (F: 11.15)

General Counsel Kendig, due to time constraints, recommended continuing the two remaining Closed Session items to a future date.

CS3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b)
(1 case)

CS4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of Case: Orange County Fire Authority and City of Irvine v All Persons Interested in the Matter of the Validity of that Second Amendment to Amended Joint Powers Authority
Case No.: Court of Appeal, Fourth Appellate District, Division Three – Appellate Case No. G050687
Authority: Government Code Section 54956.9(d)(1)

BOARD MEMBER COMMENTS (F: 11.13)

Director Gamble reported on a personal incident that occurred in December where 9-1-1 services were called and the dispatcher was professional, calm, and reassuring, and noted Engine 71 responded within 4 minutes.

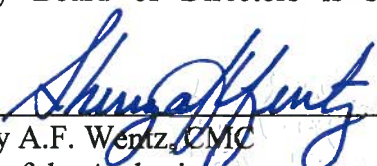
Chair Murray reported Tustin firefighters provided great service containing a condo fire to one structure. He announced an OCFA Board Orientation is scheduled for February 5, 2015. He reminded the Board of the upcoming Best and Bravest Award dinner on January 29, 2015. He congratulated Director Spitzer on his appointment to Chair of the Board of Supervisors and to Director Lalloway for his Chair appointment to the Orange County Transportation Authority.

Vice Chair Hernandez asked if the Board would want to adjourn and briefly meet with General Counsel on the two outstanding matters in Closed Session.

General Counsel Kendig recommended adjourning the meeting as the two Closed Session items could be covered at the Board Orientation, on February 5, 2015, or at a future date.

ADJOURNMENT

Chair Murray adjourned the meeting at 10:12 p.m., in memory of the members of the Availa-Espinoza family who perished from a recent fire in San Juan Capistrano. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for February 26, 2015, at 6:00 p.m.



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