

# MINUTES

## ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Special Meeting**  
**Thursday, May 28, 2015**  
**5:30 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 special meeting of the Orange County Fire Authority Board of Directors was called to order on May 28, 2015, at 5:32 p.m. by Chair Murray.

### INVOCATION

Chaplain Robert Benoun offered the invocation.

### PLEDGE OF ALLEGIANCE

Chair Murray led the assembly in the Pledge of Allegiance to our Flag.

### ROLL CALL

Angelica Amezcua, Santa Ana  
Rick Barnett, Villa Park  
Carol Gamble, Rancho Santa Margarita  
Noel Hatch, Laguna Woods  
Warren Kusumoto, Los Alamitos  
Joe Muller, Dana Point  
John Perry, San Juan Capistrano  
Ed Sachs, Mission Viejo  
David Shawver, Stanton  
Phillip Tsunoda, Aliso Viejo

Robert Baker, San Clemente  
Ellery Deaton, Alternate, Seal Beach  
Gerard Goedhart, La Palma  
Robert Johnson, Cypress  
Jerry McCloskey, Laguna Niguel  
Al Murray, Tustin  
Dwight Robinson, Lake Forest  
Don Sedgwick, Laguna Hills  
Tri Ta, Westminster  
Jeremy Yamaguchi, Alternate, Placentia

**Absent:** Lisa Bartlett, County of Orange  
Gene Hernandez, Yorba Linda  
David Sloan, Seal Beach  
Todd Spitzer, County of Orange

Craig Greene, Placentia  
Jeffrey Lalloway, Irvine  
Elizabeth Swift, Buena Park

### Also present were:

Fire Chief Jeff Bowman  
Assistant Chief Lori Zeller  
Assistant Chief Brian Young  
Assistant Chief Mike Schroeder  
Clerk of the Authority Sherry Wentz

Assistant Chief Lori Smith  
Assistant Chief Dave Thomas  
Human Resources Director Jeremy Hammond  
Communications Director Sandy Cooney  
General Counsel David Kendig

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

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

**CLOSED SESSION (F: 11.15)**

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, CS2, Conference with Legal Counsel-Existing Litigation, CS3, Conference with Legal Counsel-Existing Litigation, and CS4, Conference with Legal Counsel-Anticipated Litigation.

Chair Murray recessed the meeting to Closed Session at 5:35 p.m.

**CS1. CONFERENCE WITH LABOR NEGOTIATOR**

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

Employee Organizations: Orange County Fire Authority Managers' Association  
Authority: Government Code Section 54957.6

**CS2. 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)

**CS3. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

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

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

Authority: Government Code Section 54956.9(a)

**CS4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

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

Director Yamaguchi arrived at this point (5:45 p.m.)

Director Sedgwick arrived at this point (5:46 p.m.)

Director Amezcua arrived at this point (5:50 p.m.)

Minutes

OCFA Board of Directors Special Meeting

May 28, 2015 Page - 2

Chair Murray reconvened the meeting at 6:43 p.m.

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

General Counsel David Kendig reported the Board unanimously directed General Counsel to proceed to defend a lawsuit filed by Medix Ambulance Service, Inc. The complaint was served on May 11, 2015, and it alleges interference with contractual relations and interference with prospective economic advantage. There was no other reportable action.

### **1. PRESENTATIONS**

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

1. Presentation of Life Saving Certificates to California Highway Patrol Officers Daryl Hansen and Tim Montoya (F: 11.09C)
2. Recognition of former OCFA Director Sam Allevato for his service to the OCFA (F: 11.09D)

On motion of Director McCloskey and second by Director Johnson, the Board voted unanimously to approve the requests as submitted and make presentations to those present.

Chair Murray and Fire Chief Bowman presented certificates of recognition to Highway Patrol Officers Daryl Hansen and Tim Montoya for their heroic rescue of a mother and child from a burning vehicle.

Chair Murray recognized former OCFA Director Sam Allevato for his service to the OCFA.

Director Murray used his Chair's discretion to bring forward the update on AB 1217. He announced he would need to leave the meeting following the update, and that Director McCloskey, as Budget and Finance Chair, would preside over the meeting in his absence, since Vice Chair Hernandez was absent.

#### **A. Legislative Update AB 1217 (F: 11.10F4)**

Communications Director Sandy Cooney presented an update on Assembly Bill 1217, noting the bill passed in the Assembly.

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

Chair Murray in compliance with AB 1234, reported both he and Vice Chair Hernandez met recently with legislative committee members in Sacramento regarding AB 1217.

Minutes

OCFA Board of Directors Special Meeting

May 28, 2015 Page - 3

A lengthy discussion ensued.

On motion of Director Hatch and second by Director Shawver, the Board voted unanimously to receive the oral update.

Chair Murray left at this point (7:35 p.m.).

Director Tsunoda left at this point (7:32 p.m.)

Director McCloskey assumed the chair.

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

Budget and Finance Committee Chair McCloskey reported at its May 14, 2015, special meeting, the Committee reviewed and voted unanimously to receive and file the reports for the Communication with Auditors for FY 2014/15 Financial Audit and Rosenow Spevacek Group, Inc.'s Final Property Tax Revenue Projections. The Committee reviewed the Monthly Investment Reports and the Third Quarter Financial Newsletter, and voted unanimously to direct staff to place these items on the agenda for the Executive Committee meeting, with recommendations that the Executive Committee receive and file the reports. The Committee also reviewed the 2015 Tax and Revenue Anticipation Note and the FY 2015/16 Proposed Budget and voted unanimously to direct staff to place these items on the agenda for the Board of Directors meeting with recommendations that the Board of Directors approve the recommended actions.

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

Human Resources Committee Chair Shawver reported at its May 5, 2015, meeting, the Committee received an oral presentation on the WeFit Program and received and filed the Annual Hotline Report. The Committee also received updates from the Human Resources Director on Workers' Compensation data, the selection process of the Firefighter's Academy, and the revised hiring process for firefighters.

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

Director Shawver reported on behalf of Chair Murray, the May 21, 2015, Claims Settlement meeting was cancelled, thus there was nothing to report.

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

Fire Chief Bowman reported on the recent Fire/EMS Demonstration Event attended by Board Members. At the request of Director Shawver, he provided an update on the Standards of Coverage document. He introduced Assistant Chief Mike Schroeder, who provided an update on the emergency ambulance service transition.

Fire Chief Bowman also reported he is in contact with the Orange County Sheriff to discuss ways to work together more efficiently during fire season. He introduced Assistant Chief Lori Zeller who provided a summary of the decision to discontinue services with UBS Financial.

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

Robert Alvarado, Orange County Professional Firefighters Association, Local 3631, provided an update on the labor group's recent fundraising events.

Stephen Wontrobski, Mission Viejo resident, addressed his concern that ambulance transport contracts violate County law.

## **2. MINUTES**

### **A. Minutes from April 23, 2015, Special Board of Directors Meeting (F: 11.06)**

On motion of Director Johnson and second by Director Ta, the Board voted to approve the Minutes from the April 23, 2015, special meeting, as submitted. Directors Ellery and Yamaguchi were recorded as abstaining, due to not being in attendance at this meeting. Director Tsunoda and Chair Murray were absent for the vote.

## **3. CONSENT CALENDAR**

### **A. Resolution Extending Benefits and Compensation for Activated Military Reservists (F: 17.19)**

On motion of Director Ta and second by Director Amezcua, the Board voted to approve and adopt the proposed Resolution continuing and extending benefits and compensation for activated military reservists. Director Tsunoda and Chair Murray were absent for the vote.

### **B. Ratify Appointment to Executive Committee (F: 12.02A1)**

On motion of Director Ta and second by Director Amezcua, the Board voted to ratify the appointment of Dwight Robinson as a Structural Fire Fund Alternate to the Executive Committee. Director Tsunoda and Chair Murray were absent for the vote.

**C. Secured Fire Protection Agreement: Marriott Park Place (F: 18.14)**

On motion of Director Ta and second by Director Amezcua, the Board voted to:

1. Approve and authorize the Fire Chief or his designee to execute a Secured Fire Protection Agreement with US WB Park Place Irvine Hotel Owner, LLC related to the Marriott Hotel, Park Place development in the City of Irvine.
2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange, and furnish the developer a copy of the conformed document within fifteen days of recordation.

Director Tsunoda and Chair Murray were absent for the vote.

**D. First Amendment to Secured Fire Protection Agreement: The Preserve at San Juan, LLC (F: 18.15)**

On motion of Director Ta and second by Director Amezcua, the Board voted to:

1. Approve and authorize the Fire Chief or his designee to execute the proposed First Amendment to the Secured Fire Protection Agreement with the Preserve at San Juan, LLC.
2. Direct the Clerk of the Authority to record the First Amendment to the Secured Fire Protection Agreement in the Official Records of the County of Orange, and furnish the developer a copy of the conformed document within fifteen days of recordation.

Director Tsunoda and Chair Murray were absent for the vote.

**4. PUBLIC HEARING(S)**

**A. Adoption of the Fiscal Year 2015/16 Proposed Budget (F: 15.04)**

Assistant Chief Lori Zeller presented an overview of the proposed budget.

Acting Chair McCloskey opened the public portion of the Public Hearing. Acting Chair McCloskey closed the public portion of the Public Hearing without any comments from the general public.

On motion of Acting Chair McCloskey and second by Director Ta, the Board voted to:

1. Adopt the FY 2015/16 Proposed Budget.
2. Adopt the proposed Resolution.
3. Direct staff to amend the Master Position Control to add positions, as further described in the FY 2015/16 Proposed Budget, including 9 Firefighters, 3 Dispatchers, 2 Senior IT Analysts, 1 Senior Fire Apparatus Technician, 1 Delivery Driver, and 1 part-time HR Analyst.
4. Approve and authorize a change to OCFA's workers' compensation funding policy to establish the annual budget using the 50% confidence level provided by the independent actuary, rather than the former 60% confidence level.

5. Approve and authorize a FY 2014/15 budget adjustment to transfer \$2,936,970 in budgeted expenditures from the Capital Project Funds to the General Fund, including the General Fund CIP Fund; transfer \$401,063.16 in “rolled” project budgets and expenditures which represent encumbrances from previous fiscal years; and to reduce transfers out of the General Fund by \$1,133,712 as a result of these budget transfers.

Chair Murray and Director Tsunoda were absent for the vote.

Director Ta left at this point (8:22 p.m.)

## **5. DISCUSSION CALENDAR**

### **B. Approval of 2015 Tax and Revenue Anticipation Notes (F: 15.10E)**

Treasurer Tricia Jakubiak presented the staff report.

On motion of Director Johnson and second by Director Goedhart, the Board voted to:

1. Adopt the proposed Resolution authorizing the issuance of the 2015-2016 Tax and Revenue Anticipation Notes.
2. Approve and authorize the temporary transfer of up to \$11,000,000 from Fund 123 (Fire Stations and Facilities) to Fund 121 (General Fund) to cover a projected temporary cash flow shortfall for FY 2015/16.
3. Approve and authorize the repayment of \$11,000,000 borrowed funds from Fund 121 to Fund 123 along with interest when General Fund revenues become available in FY 2015/16.

Chair Murray, Director Tsunoda, and Director Ta were absent for the vote.

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

Director Amezcua stated she would address and discuss the issues presented this evening regarding AB 1217 with her city council members and city manager.

Director Johnson reported attending Fire/EMS Demonstration Event. He also noted the City of Cypress had two major fires affecting 46 apartment homes displacing 46 families. He thanked all of the firefighters involved, as several fire stations assisted in containing the fire.

Director Hatch complimented all the Board Members who addressed issues raised during the meeting; stating it was a pleasure to be associated with them and the quality they bring to the OCFA.

Director Shawver thanked Fire Chief Bowman for his review and explanation of the Standards of Procedure.

Director Muller thanked Director Gamble for suggesting an alternative Joint Powers Authority option should AB 1217 pass.

Director Sachs complimented Director Amezcua for her grace under fire during the discussions of AB 1217.

Director Perry thanked the OCFA for recognizing former OCFA Director Sam Allevato for his service.

Director Deaton offered thanks to all the firefighters for their work.

Director Gamble thanked the Directors for their support in their AB 1217 efforts.

Acting Chair McCloskey stated AB 1217 is a solution looking for a problem.

**ADJOURNMENT** – Acting Chair McCloskey adjourned the meeting at 8:50 p.m. The next special meeting of the Orange County Fire Authority Board of Directors is scheduled for June 25, 2015, at 5:30 p.m.



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