



**NOTICE AND CALL OF A SPECIAL MEETING  
OF THE  
ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS**

A Special Meeting of the  
Orange County Fire Authority Board of Directors  
has been scheduled for July 1, 2015  
at 6:00 p.m.

The meeting will be held at:  
Orange County Fire Authority  
Regional Fire Operations & Training Center  
Board Room  
1 Fire Authority Road  
Irvine, CA

The business to be transacted at the meeting will be  
as shown on the attached Agenda.

Opportunity will be provided for members of the public to address the  
Orange County Fire Authority Board of Directors  
regarding any item of business as described on the Agenda.

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Elwyn A. Murray, Board Chair



# ORANGE COUNTY FIRE AUTHORITY

## AGENDA

### BOARD OF DIRECTORS SPECIAL MEETING

Wednesday, July 1, 2015

6:00 P.M.

#### Regional Fire Operations and Training Center

#### Board Room

1 Fire Authority Road

Irvine, CA 92602

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>

If you wish to speak before the Fire Authority Board, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to being heard before the Board. Speaker Forms are available at the counters of both entryways of the Board Room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040.

### CALL TO ORDER

INVOCATION by OCFA Chaplain

PLEDGE OF ALLEGIANCE by Director Perry

### ROLL CALL

#### 1. PRESENTATIONS

No items.

#### REPORTS

No items.

**PUBLIC COMMENTS**

Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Board on items within the Board's subject matter jurisdiction but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Board as a whole, and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience.

The Agenda and Minutes are now available through the Internet at [www.ocfa.org](http://www.ocfa.org). You can access upcoming agendas on the Monday before the meeting. The minutes are the official record of the meeting and are scheduled for approval at the next regular Board of Directors meeting.

**2. MINUTES**

No items.

**3. CONSENT CALENDAR**

No items.

**4. PUBLIC HEARING(S)**

No items.

**5. DISCUSSION CALENDAR****A. Third Amendment to the Amended Joint Powers Authority Agreement – Orange County Fire Authority**

Submitted by: Lori Zeller, Assistant Chief/Business Services Department and Sandy Cooney, Director/Communications and Public Affairs

Recommended Actions:

1. Approve the form of the Third Amendment to the Amended JPA Agreement.
2. Direct staff to submit the proposed Third Amendment to the Amended JPA Agreement to the OCFA's member agencies for consideration by each member agency's governing body.

**B. Legislative Update AB 1217**

Submitted by: Sandy Cooney, Director/Communications and Public Affairs

Recommended Action:

Receive the oral update and provide additional direction to the Communications and Public Affairs Director, if needed.

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**BOARD MEMBER COMMENTS**

**ADJOURNMENT** - The next special meeting of the Orange County Fire Authority Board of Directors is scheduled for July 23, 2015, at 5:30 p.m.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby, front gate public display case, and website of the Orange County Fire Authority, Regional Fire Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 24 hours prior to the meeting. Dated this 30<sup>th</sup> day of June 2015.

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

**UPCOMING MEETINGS:**

Human Resources Committee Meeting	Tuesday, July 7, 2015, 12:00 noon
Budget and Finance Committee Meeting	Wednesday, July 8, 2015, 12:00 noon
Claims Settlement Committee Meeting	Thursday, July 16, 2015, 5:30 p.m.
Executive Committee Meeting	Thursday, July 16, 2015, 6:00 p.m.



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Board of Directors Meeting  
July 1, 2015

Agenda Item No. 5A  
Discussion Calendar

**Third Amendment to Amended Joint Powers Authority Agreement  
Orange County Fire Authority**

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**Contact(s) for Further Information**

Lori Zeller, Assistant Chief [lorizeller@ocfa.org](mailto:lorizeller@ocfa.org) 714.573.6020  
Business Services Department

Sandy Cooney, Director [sandycooney@ocfa.org](mailto:sandycooney@ocfa.org) 714-573-6801  
Communications and Public Affairs

**Summary**

This agenda item is submitted to request the Board to approve the form of, and direct staff to circulate, the Orange County Fire Authority's Third Amendment to the Amended Joint Powers Authority Agreement to eliminate alternate directors.

**Prior Board/Committee Action**

At its meeting of June 25, 2015, the Board of Directors directed General Counsel to (1) draft a proposed amendment to the JPA Agreement which would eliminate alternate directors, and (2) after Board approval of the form of the amendment, submit the proposed amendment to the governing bodies of OCFA's member agencies for approval.

**Recommended Action(s)**

1. Approve the form of the Third Amendment to the Amended JPA Agreement.
2. Direct staff to submit the proposed Third Amendment to the Amended JPA Agreement to the OCFA's member agencies for consideration by each member agency's governing body.

**Impact to Cities/County**

Approval of the Third Amendment by two-thirds (e.g., 16 of 24) of the member agencies will allow for continued representation by every member agency on the OCFA Board, while eliminating the attendance of occasional alternate members who may be less informed on complex or sensitive OCFA matters.

**Fiscal Impact**

Not Applicable.

**Background**

The Orange County Fire Authority (OCFA) was formed in 1995 to provide regional fire protection and related services to the County of Orange and 18 member cities. Subsequent to formation, 6 additional cities have become members of the OCFA. The original JPA agreement was amended on September 23, 1999, and renewed in 2010 by the First Amendment, which provided for a term that runs through 2030. In 2013, OCFA's members approved a Second Amendment to the Amended JPA, which amended several provisions to promote financing equity among the members.

### ***Purpose of the Third Amendment***

Since formation of the OCFA in 1995, the JPA Agreement has provided for each member agency to have representation on the Board of Directors. This provision was key to the formation of the OCFA, as discussed in an early feasibility study in 1991 regarding the formation of a regional Orange County Fire agency, which stated:

*“Provide equal agency representation on a governing board, regardless of participant size, to address cost, expenditure, equity, and service level issues.”*

In addition to providing for each member agency to appoint a representative to act as its Director on the OCFA Board, the JPA Agreement also provides for each member agency to appoint an alternate to act in each Director’s absence.

In discussing AB1217 (Daly), which would reduce member agency representation on the OCFA Board, a majority of the Board concluded that representation of every member agency on the Board remains critically important; however, a majority of the Board also concluded that the provision for alternate Directors could be eliminated. OCFA’s primary Directors have a long history of good attendance at Board meetings. When a Director is occasionally unable to attend, they rarely request their alternate to attend on their behalf since the alternate may be less informed on the complex or sensitive topics for consideration.

As a result of this dialogue, the Board of Directors directed General Counsel to (1) draft a proposed amendment to the JPA Agreement which would eliminate alternate directors, and (2) after Board approval of the form of the amendment, submit the proposed amendment to the governing bodies of OCFA’s member agencies for actual approval. As directed, General Counsel has drafted the proposed Third Amendment, amending Article II, Sections 2 and 5 of the 1999 Amended JPA Agreement (Attachment). In order to become effective, the Third Amendment must be approved by at least two-thirds (e.g., 16 of 24) of the member agencies’ governing bodies.

Staff is requesting the Board of Directors to approve the form of the Third Amendment for distribution to the member agencies for their consideration.

### **[Attachment\(s\)](#)**

Proposed Third Amendment of the Amended JPA Agreement

**THIRD AMENDMENT TO AMENDED JOINT POWERS AUTHORITY AGREEMENT  
ORANGE COUNTY FIRE AUTHORITY**

This Third Amendment ("Third Amendment") to the Amended Joint Powers Authority Agreement is made and entered into by and between the following public entities (collectively referred to as "members"): Aliso Viejo, Buena Park, Cypress, Dana Point, Irvine, La Palma, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Mission Viejo, Placentia, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, and Yorba Linda (collectively referred to as "Cities" and individually as "City") and the County of Orange (referred to as the "County"), each of whom is a member of the Joint Powers Authority, Orange County Fire Authority ("the Authority").

**RECITALS**

WHEREAS, the Authority presently provides fire protection, prevention and suppression services and related and incidental services (collectively, "Fire Services") to Cities as well as to the unincorporated area of the County and State Responsibility Areas ("SRA"); and

WHEREAS, the County and several of the Cities entered into a Joint Powers Authority Agreement to form the Authority as of February 3, 1995 pursuant to the provisions of Article 1, Chapter 5, Division 7, Title I (commencing with Section 6500) of the Government Code of the State of California ("Joint Powers Statutes"); and

WHEREAS, pursuant to the Joint Powers Statutes the members are authorized to jointly provide for the methods of the provision of Fire Services, including the method of financing the provision of Fire Services; and

WHEREAS, on September 23, 1999, the members entered into an amended Joint Powers Authority Agreement ("1999 Amended Agreement") which superseded all prior agreements between the members and is incorporated herein by reference; and

WHEREAS, on July 1, 2010, the members entered into a First Amendment to the Amended Joint Powers Agreement ("First Amendment") which amended several provisions of the 1999 Amended Agreement; and

WHEREAS, on April 20, 2012, the City of Santa Ana joined the Authority and became a party to the 1999 Amended Agreement and the First Amendment; and

WHEREAS, on November 18, 2013, the members entered into the Second Amendment to the Amended Joint Powers Agreement ("Second Amendment") which amended several provisions of the 1999 Amended Agreement. Litigation has been filed by the County challenging the validity of the Second Amendment, and the litigation remains unresolved as of the date of this Third Amendment;

WHEREAS, the parties wish to adopt this Third Amendment to eliminate alternative Board directors;

NOW THEREFORE, the members agree to amend the 1999 Amended Agreement as follows:

## AGREEMENT

1. *Article II, Section 2 of the 1999 Amended Agreement shall be amended to read as follows:*

2. **Designation of Directors.** Each member by resolution of its governing body shall designate and appoint one representative to act as its Director on the Authority Board of Directors (the "Board"), except the County whose Board of Supervisors shall appoint two representatives to act as its Directors. Each representative shall be a current elected member of the governing body. Each Director shall hold office until the selection of a successor by the appointing body. ~~Each member shall also appoint an alternate to act in each Director's absence. Each alternate shall be a current elected representative of the governing board of the member.~~ Each Director ~~and alternate~~ shall serve at the pleasure of his or her appointing body and may be removed at any time, with or without cause, at the sole discretion of that appointing body. Any vacancy shall be filled in the same manner as the original appointment of a Director ~~and/or alternate~~. With approval of the Board, a Director ~~or alternate~~



may be reimbursed for reasonable expenses incurred in the conduct of the business of the Authority.

2. *Article II, Section 5 of the 1999 Amended Agreement shall be amended to read as follows:*

5. **Quorum; Voting.** A majority of the Directors shall constitute a quorum for the purpose of the transaction of business relating to the Authority. Each Director, ~~or alternate in the absence of any voting Director,~~ shall be entitled to one vote. Unless otherwise provided herein, a vote of the majority of those present and qualified to vote shall be sufficient for the adoption of any motion, resolution or order and to take any other action deemed appropriate to carry forward the objectives of the Authority.

3. *Effective Date. This Third Amendment requires the approval of at least two thirds of the members to go into effect, and it shall be effective on the date of approval by a sixteenth member.*



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

**Board of Directors Meeting**  
**July 1, 2015**

**Agenda Item No. 5B**  
**Discussion Calendar**

**Legislative Update AB 1217**

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There are no supportive materials for this item.

This will be an oral report.