

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Special Meeting
Thursday, June 27, 2013
6:30 P.M.

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

CALL TO ORDER

A special meeting of the Orange County Fire Authority Board of Directors was called to order on June 27, 2013, at 6:33 p.m. by Chair Trish Kelley.

INVOCATION

Chaplain Ken Krikac offered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present:	Joseph Aguirre, Placentia	Sam Allevato, San Juan Capistrano
	Bob Baker, San Clemente	Rick Barnett, Villa Park
	Randal Bressette, Laguna Hills	Carol Gamble, Rancho Santa Margarita
	Gerard Goedhart, La Palma	Noel Hatch, Laguna Woods
	Robert Johnson, Cypress	Trish Kelley, Mission Viejo
	Warren Kusumoto, Los Alamitos	Jerry McCloskey, Laguna Niguel
	Kathryn McCullough, Lake Forest	Al Murray, Tustin
	Janet Nguyen, Alternate, County of Orange	David Shawver, Stanton
	David Sloan, Seal Beach	Todd Spitzer, County of Orange
	Elizabeth Swift, Buena Park	Tri Ta, Westminster
	Phillip Tsunoda, Aliso Viejo	Steven Weinberg, Dana Point
Absent:	Pat Bates, County of Orange	Eugene Hernandez, Yorba Linda
	Jeffrey Lalloway, Irvine	Sal Tinajero, Santa Ana

Also present were:

Fire Chief Keith Richter	General Counsel Dave Kendig
Deputy Chief Craig Kinoshita	Assistant Chief Laura Blaul
Assistant Chief Brian Stephens	Assistant Chief Dave Thomas
Assistant Chief Lori Zeller	Clerk of the Authority Sherry Wentz
Assistant Clerk Lydia Slivkoff	

PRESENTATIONS

1. Requests for Commendations and Proclamations (X: 11.09)

On motion of Director Murray and second by Vice Chair Weinberg, the Board voted unanimously to approve the request as submitted, and make the presentation.

- A. Chair Kelley and Fire Chief Richter presented a Certificate of Recognition and token of appreciation to Robert Barnhart, Director of Safety and Facilities of the Irvine Unified School District, and congratulated him on his retirement after 40 years of services. (F: 11.09B)

PUBLIC COMMENTS (X: 11.11) (F: 11.10H) (X: 19.09A)

Chair Kelley opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, provided public comments on his objection to the contract awards for fire engines, and indicated a protest letter was not disclosed.

Chair Kelley closed the Public Comments portion of the meeting.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS1, Conference with Legal Counsel-Anticipated Litigation.

Chair Kelley recessed the meeting to Closed Session at 6:46 p.m.

Director Tsunoda arrived at this point (7:00 p.m.)

- CS1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b)
(1 case)

Chair Kelley reconvened the meeting at 8:25 p.m., with Director Nguyen absent.

CLOSED SESSION REPORT (F: 11.15)

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

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

Budget and Finance Committee Chair Al Murray reported at the June 12, 2013, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the Annual Workers' Compensation Update and Actuarial Report for CY 2012 to the Board of Directors with the recommendation that the Board approve the item. He also reported the Committee received a status update on the Orange County Employees' Retirement System, and requested staff provide a monthly report.

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No items.

CONSENT CALENDAR

2. FY 2012/13 Mid-Year Budget Adjustment (F: 15.04 12/13)

On motion of Director Bressette and second by Director Spitzer, the Board voted unanimously to authorize the proposed mid-year budget adjustment in the General Fund (Fund 121) including an increase of \$1,760,000 in revenue and an increase of \$1,760,000 in appropriations.

DISCUSSION CALENDAR

3. June Legislative Reports (F: 11.10F1)

Legislative Analyst/Grants Administrator Jay Barkman provided a report on recommended legislative positions, and indicated the OCFA has been asked to support legislation seeking restitution for emergency responders when criminal acts have been committed.

On motion of Vice Chair Weinberg and second by Director Bressette, the Board, by roll call vote, voted to approve recommended legislative positions.

SUPPORT (21)

Joseph Aguirre, Placentia	Sam Allevato, San Juan Capistrano
Bob Baker, San Clemente	Rick Barnett, Villa Park
Randal Bressette, Laguna Hills	Carol Gamble, Rancho Santa Margarita
Gerard Goedhart, La Palma	Noel Hatch, Laguna Woods
Robert Johnson, Cypress	Trish Kelley, Mission Viejo
Warren Kusumoto, Los Alamitos	Jerry McCloskey, Laguna Niguel
Kathryn McCullough, Lake Forest	Al Murray, Tustin
David Shawver, Stanton	David Sloan, Seal Beach
Todd Spitzer, County of Orange	Elizabeth Swift, Buena Park
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Steven Weinberg, Dana Point	

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OPPOSED (0)

None

ABSTAINED (0)

None

ABSENT (5)

Pat Bates, County of Orange
Jeffrey Lalloway, Irvine
Sal Tinajero, Santa Ana

Eugene Hernandez, Yorba Linda
Janet Nguyen, Alternate, County of Orange

4. Refunds for Unverified Hazardous Materials Disclosure Inspections (F: 18.11A2)

Fire Chief Richter provided an overview of the refunds for unverified hazardous materials disclosure inspections, and introduced Deputy Chief Kinoshita who provided a detailed PowerPoint presentation on the process for determining refunds.

Public comments were received from Stephen Wontrobski, Mission Viejo resident, in opposition to the length of time for the audit.

On motion of Vice Chair Weinberg and second by Director Bressette, the Board, by roll call vote, voted to:

1. Direct staff to issue refunds to businesses that were billed for hazardous materials disclosure inspections for FY 2005/06 through 2011/12, the performance of which could not be verified during the audit of inspection records.
2. Direct staff to circulate notice to the affected businesses of the availability of a refund to enable those businesses to claim their refunds.
3. Direct staff to make the necessary budget adjustments.
4. Direct the Fire Chief and General Counsel to continue to cooperate with the District Attorney (DA) and, upon conclusion of the DA investigation, review the findings, and conduct a thorough administrative review, and report back to the Board.

SUPPORT (21)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Randal Bressette, Laguna Hills
Gerard Goedhart, La Palma
Robert Johnson, Cypress
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Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Sloan, Seal Beach
Elizabeth Swift, Buena Park
Phillip Tsunoda, Aliso Viejo

OPPOSED (0)

None

ABSTAINED (0)

None

ABSENT (5)

Pat Bates, County of Orange
Jeffrey Lalloway, Irvine
Sal Tinajero, Santa Ana

Eugene Hernandez, Yorba Linda
Janet Nguyen, Alternate, County of Orange

REPORTS

Directors Ta and Tsunoda left at this point (9:13 p.m.)

5. Chief's Report (F: 11.14)

Chief Richter reported Human Resources Director Zenovy Jakymiw would be retiring on July 5, 2013, and thanked him for his many years of service. He also reported the Federal Emergency Management Agency provided its administrative review of CA-TF5, and indicated staff met 95% of the criteria in three categories. Chief Richter thanked US&R staff for their excellent review.

BOARD MEMBER COMMENTS (F: 11.13)

Director Murray commended Investigation staff for the Arson Abatement Program. He indicated he participated in the Battalion Chief testing process and indicated there were many qualified candidates. Director Murray also indicated the Budget and Finance Committee would be interested in reviewing future billing practices.

Director Shawver thanked Assistant Chief Zeller for providing an OCERS update to Board members, and encouraged Director participation in the process.

Director McCullough wished everyone a safe 4th of July.

Chair Kelley reminded Board members to complete the upcoming Chief's evaluation. She also indicated she attended a mock DUI assembly at Capistrano High School, and commended Fire Captain Steve Concialdi for providing the program. Chair Kelley also commended OCFA staff for presenting a program on water safety at the Irvine Aquatic Center.

ADJOURNMENT - Chair Kelley adjourned the meeting at 9:33 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for July 25, 2013, at 6:30 p.m.