



California Fire & Rescue Training Authority. Sacramento

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Governing Council

Fire Chief Brian Marshall
Deputy Chief Niko King
Fire Chief Todd Harms

California Governor's Office of Emergency Services
Sacramento Fire Department
Sacramento Metropolitan Fire District

*Asst. Chief Joe Gear
Executive Director*

CALIFORNIA FIRE AND RESCUE TRAINING AUTHORITY AT SACRAMENTO GOVERNING COUNCIL

September 24, 2021 at 10:30 AM

CALL TO ORDER

Council Chair, Fire Chief Brian Marshall called the meeting to order at 10:30 AM

PLEDGE TO THE FLAG

ROLL CALL Roll call was taken, all present except for Meg Wilson, legal counsel: Fire Chief Brian Marshall, Deputy Chief Niko King, Fire Chief Todd Harms. Staff: Executive Director Assistant Chief Joe Gear, Council Clerk Lana Nielsen, and an audience of 3 with 8 people attending via Zoom video conference.

PUBLIC COMMENT ON AGENDA/NON-AGENDA ITEMS

None

COUNCIL MEMBER ANNOUNCEMENTS

None

CONSENT AGENDA

1. Approval of Action Summary:
August 19, 2021

Council Action: Harms/King: Move to approve consent agenda
(AYES: King, Harms)
Motion Passed

EXECUTIVE DIRECTOR REPORT (Gear)

Chief Gear met with the Executive Director of the Ca. Aerospace Museum at Zinfandel training site and inspected the interior and exterior of the plane. He was interested in some parts of the plane but not the entire plane due to the inability to move the airplane out to McClellan in its current condition. He did advise Chief Gear that they are partners with Sacramento City College who operates an Aviation Technicians Academy at McClellan and offered a suggestion to possibly allow their Aviation Technician students to dissect the airplane and take any parts that they felt they could use. Once that was completed the plane would be scrap and we could sell it as scrap material.

Sacramento Airport fire was also contacted to see if they would be interested in doing a joint training burn with Sacramento Metro Fire and Sacramento City Fire. No response has been received from Airport Fire Chief at this time.

These were just a couple options to review for the disposal of the airplane at Zinfandel. Before the aircraft can be removed the Title and Logs need to be transferred into the CFRTA's name. The original donation of the plane was made to Sacramento Metro Fire and then donated to the CFRTA, but the transfer of the title was never completed with the FAA.

Council comments/questions:

Chief Harms said he will look into locating the title to the airplane for transfer of ownership.

Chief Marshall asked what plan B is if the title could not be located?

There is no plan B, without title the CFRTA is not able to sell or do anything with the airplane. Legal counsel stated without transfer of title the airplane is not the property of the CFRTA and would still be the property of Sacramento Metro Fire.

Council Action: Harms/King: Move to accept and file Executive Director Report
(AYES: King, Harms)
Motion Passed

TRAINING REPORT (Gear)

1. Fire Training programs report

To date the training numbers for FY 2021/22: 83 classes held, and 1,500 students trained. Some meetings have been held with CSTI to discuss the availability for them to offer training courses in place of the CFRTA once the agency is dissolved.

Barbara Livanos stated we are facing challenges due to no statement being provided to students and instructors regarding the dissolution of the agency. To date we have lost one instructor that will not be working with us in 2022, which causes a loss of 8 courses that could have been taught before April 2022. We have other instructors asking about any recourse if courses are cancelled for any reason. There are a lot of people that we service have concerns continuing with our agency. Currently there have been 53 classes scheduled this fiscal year between July 2021 and April 2022.

Council comments/questions:

Chief King restated the training deadline is April 30, 2022 and wants to stay on track with that date to not cause any further frustrations among instructors and students. Legal Counsel asked about creating a written statement with Chief Gear stating the intentions of the CFRTA is to be committed to providing trainings through April 30, 2022 with the dissolution being effective June 30, 2022. Chief Marshall has no issue with creating a statement and would like to have it sent for approval to the Council members.

Chief King asked if CSTI is ready to handle calls and answer questions regarding future fire trainings that they might be holding. Nicole Paskey stated after discussing with CSTI there is about 2/3rds minimum of our courses that CSTI can not facilitate.

They are not prepared to answer those questions at this time and it's a discussion that must happen between CSTI and Cal OES. We have been transparent with CSTI with our offer to assist them with information they may need but since we are not transitioning our courses and the way we facilitate the classes then at this time those conversations are better had between CSTI and Cal OES.

Chief Harms supports putting a statement out regarding the dissolution of the agency and being transparent. He is getting questions from staff regarding future trainings and what the plan looks like for training, currently there is no plan in place. The other question being asked is regarding lost certificates. How many people call about lost certificates? Some of the certificates are electronic through State Fire Training (SFT), those that aren't kept electronically, SFT should be able to confirm someone's attendance in a past SFT courses. Chief Harms suggested as decisions are made with the dissolution that we post additional information to assist students in areas such as who to contact when they are looking for copies of their certificates.

Chief Marshall stated the website should have some direction on it and was questioning the time frame of having the domain name and directed Chief Gear to work with legal counsel on that issue. Lana Nielsen stated we renew the ownership of our domain name with the State of California annually, with no associated costs. After speaking to the administrator of our website I found there is no specific time frame set to notify the company to shut down the site, and currently the website services are paid monthly.

Council Action: Harms/King: Move to accept and file Fire Training Report
(AYES: King, Harms)
Motion Passed

2. US&R Training programs report

With the opening of FEMA sponsored trainings, we have a full fiscal year calendar for US&R trainings. All task forces have been made aware of the training deadline of April 30, 2022. We are moving forward with a very impacted training calendar. One concern to bring up with the Mobilization Exercises (MOBEX) is with the additional funding of \$50,000 that is being given to the task forces. There is one team that may not be able to run their MOBEX before the April 2022 deadline so do I inform them of we will work with you, or do I inform them that if the exercise is not completed by April 30th. then those funds would not be available?

Chief Harms stated accommodations can be made if everything is in place and all bills can be paid by June 30, 2022 when the CFRTA is dissolved. Legal counsel stated there needs to be a final date of when it's completed to be able to close out the exercise. Nicole Paskey stated she would let the team know they would need a date set and not leave it open ended and she can bring that back to legal counsel and the Board for approval. Lana Nielsen brought up the issue of teams taking months to provide invoices to receive their funding and suggested a deadline being set and making them aware that they must stay within those deadlines.

We are committed and moving forward with as many US&R trainings as we possibly can complete in the next seven months.

Council comments/questions:

Chief King would like the message regarding sending in invoices in a timely manner made to all task forces that are having exercises this fiscal year. He would like a message that is vetted and approved by the board members so that they know all teams have received the message in writing.

Chief Harms thanked Nicole Paskey for all her work managing the US&R trainings and Mobilization Exercises.

Council Action: Harms/King: Move to accept and file UR&R Training Report
(AYES: King, Harms)
Motion Passed

FINANCE REPORT (Gear)

3. FY 2021-22 Financial Analysis

The financial analysis shows a comparison of the way we funded the agency in past practices and what funding the US&R Training Administrators position with US&R funds would look like at the end of the Fiscal Year 2021/22. Legal counsel was not able to find any legal documentation stating that US&R and MOBEX funds had to be used for those specific trainings and they wanted to use those funds to fully fund the US&R Training Administrator position. Since budgets and trainings had already been scheduled with the US&R funds, I pulled US&R reserve funds to be used to fund the administrator position. Calculations on expenses was based on last fiscal year costs, estimates on costs outside of the normal business expenses, such as legal fees; and presumptions that all staff would be fully employed and have their vacations paid out at the end of June 2022. All expenses and revenue in the analysis are only projections with the knowledge that both of those areas have the potential to change over the fiscal year.

Legal counsel stated in past practice the US&R administrator position was fully funded under the administration costs of the agency and shows a negative impact on the agency's fiscal year end funds. Due to being in a different situation with the dissolution of the agency and not finding any legal impediment to the use of the US&R funds, it was suggested that the US&R position be funded with those US&R funds. To fully fund the agency and not have any additional costs hitting the member agencies at the end of June 2022, it was the best use of those funds, and we are able to show the Council members the full picture of the agencies funding.

Council comments/questions:

Chief King, you haven't seen anything that stated we have to keep the US&R funds separate?

Legal counsel stated that is correct, to date we have not received anything from Cal OES stating otherwise. It has always been an understanding in policy to keep those funds separate but nothing legally stating that information. Administratively

it does make sense to use the US&R funds for the US&R training administrator position as it is solely tied to those trainings.

Chief King asked legal counsel, in the dissolution is it your recommendation that in the end if there is any positive sum in an account that it be divided three ways?

Legal counsel stated, yes it would be divided up based on the percentage that each member agency put into the CFRTA.

Chief King stated so we are looking at this as one business, though we have multiple functions, so the best way to proceed in doing business is to look at it as one account to best get business done, employees paid, and classes handled.

Legal counsel stated that yes, since we have not been given any documentation showing legally that the US&R funds had to be used in a specific manner then we can look at it as one account. To date we have not seen anything of that nature and neither has staff.

Lana Nielsen stated the County of Sacramento uses only a single account for reserves and one general fund, so they are showing it as only one account. Here in the agency, we break out the accounts based on funding source per past practices.

Chief Marshall stated that more research on his end (Cal OES) should be done to make sure everyone is on the same page because some of this is tied to legislation. Today there is no direction needed on this only to accept and file the report and then bring it back to the next meeting for direction. I would like to discuss this further with Cal OES legal staff.

Chief Harms stated at this time we can approve what is before us and if additional information or documentation is found we can bring it back to the council for review and possible amendments.

Council Action: Harms/King: Move to accept and file the Financial Analysis Report
(AYES: King, Harms)
Motion Passed

4. FY 2020-21 Year End Budget Summary

In the beginning of FY 20/21 due to the Authority having been financially impacted by the COVID pandemic, the agency had less money in the fund balance to start the fiscal year. Over the last fiscal year, the Authority was able to generate 82% of the revenue that was projected during the final budget process. The operating costs of the agency was kept to 54% of the projected expenses at the time the final budget was completed. Noted below are the explanations for overages in particular line items:

- Group health insurance and unemployment: Both line items show a credit at the end of the year. Sacramento County collects the employee portion of the health benefits in a separate fund account, during the fiscal year those funds were moved into the Group Health Insurance and Unemployment line items to ensure funds in those accounts were kept whole.

- ADV/Legal notices: Line items covered the costs of membership fees and parking lot signage for Gold Canal, that were not incurred in previous years.
- Bldg. Maintenance: Overages in this line item were due to unexpected repair costs to HVAC system, electrical, parking lot lighting, broken windows, and building signage.
- Lease of Property: Overages were due to prior fiscal year expenses hitting FY 20/21 funds 2 CESC lease payments and the zinfandel lease payment for FY 19/20.
- Refuse Collection: Expenses were higher than projected due to overage charges with refuse company at beginning of services. Account adjustments were made to avoid further overages.
- Telephone (technology): Slightly higher than projected due to IT technical assistance needed to set up new phone systems.
- Rental lease of equipment: Slightly higher than projected due to an increase in monthly lease fees.

Council Action: Harms/King: Move to accept and file the Year End Budget Summary
(AYES: King, Harms)
Motion Passed

DISSOLUTION OF AUTHORITY (Gear)

1. Meetings and discussions with the CFRTA General Counsel's office continue as we move closer to the dissolution of the CFRTA. Our attorneys are most helpful in giving us guidance on the potential financial and legal aspects of the dissolution.
2. As the CFRTA Executive Director, I have met with and discussed issues with the Superintendent of CSTI, who is also an OES employee.
3. I have also been making the CFRTA employees aware of job vacancies at OES.
4. When requested, I have provided our CFRTA employees with letters or reference to assist in their searches for new employment.
5. Pragmatically, I am also working on contingency plans regarding future training classes and exercises scheduled to be delivered before the end of April, a mere 31 weeks from today.

It would be very naïve for any of us to think that our current personnel will remain at the CFRTA to the very end of April. They are actively looking for work now. I fully understand that as new positions are offered to them, they will be gone.

We pulled the plug on them without warning, and they have no incentive to hold back their careers and income sources based on decisions over which they had no input or control.

6. Based on the above point # 5, I recommend to the Governing Council that we

develop a severance package to serve as an incentive to our current staff to remain with us until either April 30, 2022 when classes end, or until June 30, 2022 when the dissolution of the CFRTA is complete.

Nicole Paskey stated for the record that we are not speaking for CSTI, and it is for them to decide what the reality is of the courses they can or cannot transition into. When we have the discussions regarding CSTI these are not decisions being made only discussions and they do not involve the CFRTA, at this point it is something that needs to be worked out between CSTI and Cal OES.

Council Action: Harms/King: Move to receive the Dissolution of Authority Report
(AYES: King, Harms)
Motion Passed

ACTION ITEM(S) (Gear)

1. Resolution Fiscal Year 2021/22 Final Budget (Gear)

No discussion or questions regarding the final budget.

Council Action: Harms/King: Move to receive presentation and adopt final budget
(AYES: King, Harms)
Motion Passed

Public comment on closed session:

Barbara Livanos stated that she is requesting the resolution of a severance package be decided sooner rather than later so she can make decisions on what is best for her in looking for future employment.

RECESS TO CLOSED SESSION at 11:48 AM

CLOSED SESSION GOVERNMENT CODES:

Closed session pursuant to Government Code § 54957.6 – Conference with Labor Negotiator

Agency Designated Representatives: Authority Chair, Executive Director, and Authority General Counsel Sloan Sakai Yeung & Wong LLP

Unrepresented Employees: Administrative Officers for Finance, US&R Training, and Fire Training, Logistician/Operations Support, and Financial Secretary

CLOSED SESSION REPORT

No reportable action from closed session.

GOVERNING COUNCIL QUESTIONS AND COMMENTS

Chief Harms wanted it noted in the minutes that this meeting only ran 30 minutes over the expected meeting time. We do much better in the morning then with late afternoon meetings.

ADJOURNMENT - Meeting adjourned at 12:30 PM

NEXT MEETING(S) - Location: California Fire & Rescue Training Authority
3121 Gold Canal Drive, Rancho Cordova, CA 95670
October 26, 2021

Posted on September 20, 2021, by:



Lana Nielsen, Council Clerk