



California Fire & Rescue Training Authority. Sacramento

3121 Gold Canal Dr., Mather, CA 95670 • Phone (916) 475-1660 • Fax (916) 475-1662

www.fireandrescuetraining.ca.gov

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

June 8, 2021, at 3:00 PM

This meeting was held in person as well as via phone conference for the public that could not attend the meeting.

CALL TO ORDER

Council Chair, Fire Chief Brian Marshall called the meeting to order at 3:01 PM

A moment of silence was taken for the Los Angeles County firefighter whose life was taken on June 1, 2021.

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 6 with 20 people attending via phone conference.

PUBLIC COMMENT ON AGENDA/NON-AGENDA ITEMS

Nicole Paskey spoke to the board regarding the dissolution of the JPA, the lack of transparency from the board and disrespect shown to JPA staff, the impact to other agencies the JPA contracts with and the lack of direction given to JPA staff to notify others of the coming dissolution of the JPA.

Barbara Livanos spoke to the board regarding her feelings on the dissolution of the JPA.

COUNCIL MEMBER ANNOUNCEMENTS

None

CONSENT AGENDA

1. Approval of Action Summaries:
May 11, 2021
2. FY 2022 Fiscal Document/County of Sacramento District Signature List

Council Action: Harms/King: Move to approve consent agenda

(AYES: King, Harms)
Motion Passed

EXECUTIVE DIRECTOR REPORT (Gear)

Chief Gear discussed the continued issues the JPA has had with the Gold Canal building, to date the JPA has spent \$41,516 in repairs, funds that were not budgeted for nor anticipated.

A meeting was held with JPA staff to inform them of the plan to dissolve the JPA and they were informed if they chose to seek other employment, all would be given great recommendations.

Council Action: Harms/King: Move to accept and file Executive Director Report

(AYES: Harms, King, Marshall)
Motion Passed

CFRTA STATUS AND UPDATE REPORT (Gear)

Speaking with general counsel Ms. Wilson, she directed Chief Gear to meet with the JPA staff and inform them of the plan to dissolve the JPA. No specifics of the plan to dissolve the JPA were discussed, Chief Gear deferred to Council members for further guidance.

Chief Harms discussed his time with the JPA over the last 4 ½ years with ups and downs that the agency has dealt with over that time frame. The agency has had issues with programs, such as the paramedic program, facility issues – Tech Center lease, and being close to bankruptcy at one point. He shared history of the JPA move to the CESC and the decision to dissolve the CESC contract and move the JPA to the current location at Gold Canal Drive.

Chief Harms acknowledged the JPA Staff has made this agency work. OES Director came in to meet in December to discuss the future of the JPA, while it was a difficult decision the OES Director chose to look at other options for delivery of training. About 20% of Metro staff attends the JPA classes, so we need to find a way to continue to provide those trainings through another avenue.

It was acknowledged that staff was not informed of the dissolution of the JPA at the time of the decision because the member agencies were trying figure out how to move forward. For the JPA to be dissolved, there needs to be a plan to deal with inventory, contracts, records, etc. and getting it done in year time frame may be too aggressive. Apologized for the way the JPA staff received the message of the plan to dissolve the agency, he would have preferred to have given the JPA staff that message.

Chief King agrees with Chief Harms historical discussion of the JPA. Chief King has been transparent over the last few years of challenging the current training model and looking at other models, as well his department has been approached by other JPA's that have other models in place. This JPA has been transformed over the years into many different things.

He stated an apology was owed to all employees on how the message was sent. The OES letter was given to Counsel members in the last closed session meeting to be accepted, the conversation has gone no further than that. As part of the US&R teams, he also has concerns regarding services provided to the US&R teams. There is no hidden agenda, there is no plan being put together in secret. Since the conversation was held in closed session, it wouldn't have been appropriate to have conversations with the JPA staff at that time. The commitment will be having conversations with staff to discuss the best solutions moving forward.

Chief Marshall stated that in closed sessions the board members are bound by the Brown Act to keep those meeting confidential. The OES letter is a public document, but the conversation was during closed session, behind closed doors and could not be discussed. We are not experts on the dissolution process, someone would need to be hired to give us some direction and next steps to move forward.

There is a commitment to keep trainings, US&R programs, etc. in place, although he is not sure what that would look like. We will need experts to develop that plan for us on how all these functions will work. A lot of valid concerns that cannot be answered today until we get some legal opinions on this. He apologized for the way that the JPA employees were notified. We can give more information as we move forward, please bear with us as we go through this, and understand you may ask questions that we can't answer due to legal issues surrounding them. He then opened the floor for comments.

Nicole Paskey stated we'd like the Governing Council to meet more often than quarterly to be able to be updated on decisions being made. We have brought to the Council other agency's wanting to join the JPA, as well as solutions to the agency's issues, and Council has always turned us down. All JPA staff are currently in the process of looking for employment, as no type of incentive is being given to stay. Has there been any discussion or process to hire legal counsel to assist with this process or is that a process that is only beginning now? Chief Marshall stated that could not be answered in open session. This is an unfortunate situation all around and hopefully the verbal commitments being made by Chief Marshall will be upheld.

Barbara Livanos was interested in finding out how the current business model has not been successful and how she may have assisted in making it more successful. While she understands the legal limitations around confidentiality of closed session, she would like the Governing Council to take into consideration the JPA staff when making future decisions. Hard to stay motivated and continue to work for an organization when staff was not notified of the decisions being made and is unsettling.

Stephanie Ogren introduced herself as OES Legal Counsel and is attending on behalf of OES and not as Board Counsel. She discussed the definition of the JPA and the legal aspect of the notification process when a member agency wants to withdraw from a JPA. A one-year notice is to be given and that is where OES is at in the current process, there are still some hard decisions to be made and finding balance for each of the member agencies, and the JPA.

Chief Marshall, stated with the board legal counsel being from OES it blurred lines between the agencies, and this is the reason behind hiring outside legal counsel. It is a complicated issue and OES is doing everything in the legal confines of this process.

Lana Nielsen stated while the closed session conversation and discussion of the OES intent to withdraw is confidential, the letter being sent to the Governing Council Chair and a response being given to OES back in May, at what point does that letter become a public document and the JPA staff should have been notified. We are not asking council to discuss details of closed session but to be consistently told that it was a confidential matter, at some point this became public and should have been a discussion with staff. Does the Council plan or have any ideas on possibly coming up with any financials options for staff, so that we do stay around and assist with the plans or is this something that is not being considered at all, which gives staff the ability to make decisions for their own future?

Chief Marshall stated the way this needs to be handled is to have an expert in the legal aspect of dissolving the JPA, there is a process in place that we must follow to do this. We must make decisions that are legal and ethical, and unfortunately there some things we can't talk about, some things that haven't been decided, and some things we don't have the legal expertise to talk about. I know this is difficult, this is part of dealing with an issue in closed session and then bringing an issue to you, unfortunately you found out what this letter said previously.

Lana Nielsen stated while you are all talking legalities, for staff this is our livelihood, a year from now will we have jobs? We understand it's a process and you have to go make a plan but realistically how long is staff supposed to stick by and wait for a plan that could benefit us down the road but may not. At the end of all of this, you all still have jobs, our lives are just hanging in the balance while this is all being worked through. At some point we have to decide to cut ties and move on. So as others have stated, please take us into consideration when you are making decisions and be aware that 5 people's livelihoods are being directly impacted by the decisions you are making.

Larry Collins stated the notice must be a year in advance but doesn't mean the agency will be shut down in a year, correct?

Stephanie Ogren, stated yes, I am not giving any legal advice, but a year notice must be given it does not mean the lights will be shut off in one year. There is going to be a dissolution process and an agreement between agencies of who will take over functions of the authority and that process will take however long it takes.

Chief Marshall stated if you read the JPA agreement, an agency must give a year notice, the OES letter states that if there is an agreement for the dissolution of the JPA in a quicker fashion it could have went that way. The earliest it could even be dissolved is June 30, 2022 but there is a lot of work to be done. Likes the idea of meeting more often and something that Council will have to discuss.

Nicole Paskey, asked do we want to continue to do business as usual for the next year or have an end date to stop running classes, as they do take time to tie up? If you don't have an answer today, we would like some guidance on how to proceed and something in writing to send to contractors explaining why we would be ending contracts early.

Chief Marshall stated Chief Gear as the Executive Director will be able to provide you with any information for those issues.

No further comments from audience.

Chief Harms stated regarding Barbara's comment, I agree with the ups and downs discussed regarding training, but the plans moving forward are not a reflection of the staff, or the quality of the training being held at the JPA. As we can put together plans and get more information, we will be able to share that information with you all. Lana, you brought up something about a time frame and we just don't know, that is part of these next steps. We don't know what this is going to look like as we move forward, and I understand that's frustrating, but I will share what I can as we move forward.

Larry Collins stated they are aware the need for training is still there, even with US&R and has been addressed. We still have to find a way to fill that need, maybe in a more effective and efficient way.

Chief Marshall, we again apologize about how the message got out to staff, that was not the way we wanted to do business. We do take this seriously, we must do things legally, there is an avenue we will work down through Chief Gear, and then you can work through Chief Gear going up. We will give you all the information we can, and as we go through the process the attorneys advise us to go through, information will start freeing up. We do take this seriously and appreciate all your comments.

Council Action: Harms/King: Move to accept and file the CFRTA Update and status report.

(AYES: Harms, King, Marshall)
Motion Passed

TRAINING REPORT (Gear)

1. Training Programs Report

CFRTA Training continues to grow in coordination with our member agencies, whose training goals remain our priority. The CFRTA Training program has been self-sustaining while contributing funds to administrative expenses in FY 20/21. Even though CFRTA has ended its EMS program, the organization has remained competitively successful in the sole delivery of fire training programs. Training registration fees have increased and may continue to due to a substantial increase in State Fire Training and contractor fees, and competition. As FY 20/21 comes to a close, staff has prepared the next Fiscal Year's budget and is beginning to schedule the next Fiscal Year's fire training programs. Fire training programs are determined based on needs discussed in Training Working Group meetings with our member agencies, our competition's course offerings, a course interest list based on student needs, and financial feasibility based on previous course offerings and current costs. Future trainings will also be based on recruitment and promotional deadlines for our member agencies and agencies from surrounding counties. The Sacramento Regional Fire Fighter Academy completed Phase I of its application process on May 28th, 2021, and applicants have since been notified of whether they have moved on to Phase 2. CFRTA has received a significant amount of positive feedback in its course surveys regarding course content, instruction, and the administrative staff. As for FY 21/22, staff is working on expanding and/or updating its instructor cadre, contracts, and training courses offered, with a focus on its member agencies' goals and needs.

Trainings are currently scheduled through the end of December 2021, other courses have been put on hold until further direction from Council is given.

Council Action: Harms/King: Move to accept and file the Training Report

(AYES: Harms, King, Marshall)
Motion Passed

2. US&R Training Programs Report

With COVID restrictions lifting and the increased need for training throughout the State, CFRTA has a full training calendar for FY 21/22. CFRTA has worked with the Task Forces to prioritize and fund training. The results are below.

JPA Funded Courses & Support

- IATA/ AFMAN 24-204 - Full & Recertification hosted virtually
- OES Swiftwater Boat Course
- FEMA US&R Task Force Leader
- FEMA US&R Planning Team Manager
- FEMA US&R Technical Search Specialist
- FEMA US&R Safety Officer
- FEMA US&R Canine Search Specialist
- FEMA US&R Canine Evaluations
- Assist SFT, due to lack of funding, to complete student manuals and task books
- Assist SFT, due to lack of funding, to host the SCS Curriculum Rewrite Committee
- US&R Training Working Group and Ad Hoc Groups

FEMA US&R Contract Courses

- FEMA US&R Canine Evaluations hosted by CA-TF2 LA County
- FEMA US&R Canine Evaluations hosted by CA-TF6 Riverside
- FEMA US&R Heavy Equipment & Rigging Specialist hosted by CA-TF7 Sacramento
- FEMA US&R Medical Specialist (Two Classes) host by CA-TF4 Oakland
- FEMA US&R Logistics Specialist hosted by CA-TF6 Riverside

Other Contract Training

- San Jose FD FEMA US&R Equivalent Heavy Equipment & Rigging Specialist Task Force Mobilization Exercises
- CA-TF3 Menlo Park January 2022
- CA-TF5 Orange County March 2022
- CA-TF6 Riverside Fall 2021
- CA-TF1 LA City TBS
- CA-TF? Sacramento TBD
- CA-TF4 Oakland TBD
- CA-TF8 San Diego TBD

With changes coming to the JPA, Nicole asked that direction be given by Council on when and how to notify the US&R teams regarding contracts they may have in place. Chief Harms stated the council should give direction to staff on a plan for the next year but as of now to continue to move forward with business as usual. Both Chief King and Chief Marshall agreed.

Nicole asked if the Council would support dispersing each of the Task Force's training funds in advance of the dissolution of the JPA.

Chief Marshall stated the council would not support that option as legal actions would need to be taken to make those type of changes. Chief Harms stated while we are going through this process, we cannot change the rules that are currently in place.

Council Action: Harms/King: Move to accept and file the US&R Training Report

(AYES: Harms, King, Marshall)
Motion Passed

ACTION ITEMS

1. Resolution Fiscal Year 2021/22 Preliminary Budget (attached)

Council Action: Harms/King: Move to receive and adopt FY 2021/22 Preliminary budget

(AYES: Harms, King, Marshall)
Motion Passed

RECESS TO CLOSED SESSION at 4:36 PM

CLOSED SESSION GOVERNMENT CODES:

EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957(b))

Title: Executive Director

LEASE NEGOTIATION (California Government section 54956.8) – Gold Canal Building CFRTA Lease with Sacramento Metropolitan Fire District

Return to open session at 5:10 PM

CLOSED SESSION REPORT

No reportable action

2. Gold Canal Lease (Gear)

Chief Gear discussed the current Gold Canal Lease is expiring June 30, 2021 and has an option to extend for another year. It was asked that Council approve the extension of the current lease for one year, to expire on June 30, 2022.

Council Action: Chief Harms recused himself from the vote.
Marshall/King: Move to extend the current Gold Canal Lease for one year.

(AYES: King, Marshall)
Motion Passed

GOVERNING COUNCIL QUESTIONS AND COMMENTS

Chief King wanted to emphasize that there are no secret plans being made regarding the JPA and the council would be coming to staff for assistance with any plan on dissolving the agency.

Chief Marshall stated that we will be holding monthly, in person Council meetings to continue discussions regarding the JPA. He has directed Chief Gear to schedule monthly meetings through the end of December 2021.

Meeting adjourned at 5:17 PM.

NEXT MEETING(S) - Location: California Fire & Rescue Training Authority
3121 Gold Canal Drive, Rancho Cordova, CA 95670
Tuesday, July 6, 2021 – 1:00 PM
Thursday, September 16, 2021 – 4:00 PM

Posted on June 3, 2021, by:



Lana Nielsen, Council Clerk