



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

August 19, 2021, at 4:00 PM

CALL TO ORDER

Council Chair, Fire Chief Brian Marshall called the meeting to order at 4:01 PM

PLEDGE TO THE FLAG

ROLL CALL

Roll call was taken, all present: 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 16 (7 in person, 9 online)

PUBLIC COMMENT ON AGENDA/NON-AGENDA ITEMS

None

COUNCIL MEMBER ANNOUNCEMENTS

None

CONSENT AGENDA

1. Approval of Action Summaries:
July 6, 2021

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

At the Council's discretion posted agenda items can be discussed out of order, Chief Marshall announced that the Council would be handling the closed session items first and then return to open session to continue the meeting.

Council Action: Harms/King: Move to discuss agenda items out of order
(AYES: King, Harms)
Motion Passed

RECESS TO CLOSED SESSION

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

Open session was reconvened at 4:57 PM

DISSOLUTION OF AUTHORITY (Gear)

Osman Mufti gave a presentation on the memo the attorneys created regarding the assessment of the JPA (attached). Based on the JPA agreement there are three options if member agencies withdraw from the JPA, at this time it has been determined the JPA will move forward with the option of dissolving the agency. The JPA assets will be divided amongst the three member agencies based on their percentage of contributions. There is an exhibit in the memo that details all the assets and liabilities. The agency has no loans or bond that need to be wrapped up. The authority does not own any real property, the current building we are in is leased and the training facility has a ground lease that requires a 6 month to terminate that lease. With no real property, the only areas to be divided would be physical assets and finances.

The only issue around physical assets at this time would be the airplane at Zinfandel, determining value, if any and who holds title of it. Originally agreement was made between Cal OES and Sacramento Metropolitan Fire to take the airplane as a donation from Fed Ex.

Chief Harms inquired about the improvements made to Zinfandel and was told by Osman that those improvements would stay with the Zinfandel property when the lease is terminated. The Zinfandel lease with Metro Fire states that it all reverts to Metro if the authority terminates the lease.

The authority has over a hundred employment contracts with instructors that once a determination is made on the end date of courses being scheduled will need to be notified of termination of their contracts.

In respect to finances, as of August 16th we have not received the contributions from member agencies to date, except for Sacramento City Fire. Cal OES legal has been contacted to find out if funds earmarked for US&R and MOBEX trainings can only be used for those specific trainings or if they can be used at the agency's discretion. The projected Fire training revenue for the agency through December is approximately \$40,000 and projected revenue for Spring is approximately \$100,000. This gives you some more information to assist in the decision as to when to stop holding trainings.

The recommended next steps for the board:

- Have an auditor conduct a final audit of the Authority's finances at the end of the fiscal year to determine the final financial standings of the Authority and assist with what is available to distribute. It is recommended that the current auditor, Richardson and Company conduct the audit as they are familiar with the Authority's books.

Discussion items:

Issue 1: Determine when trainings will be wrapped up?

Issue 2: What message do we want to communicate to everyone regarding the direction that the agency is headed? A message that can be consistent throughout the agency.

Issue 3: What happens to the Authority records?

There was a preliminary discussion with Cal OES regarding the handling of the records but if other member agencies have staff that field record requests maybe this is something they can take on. The decision would allow the Authority to tell customers this is where our records will be housed and how to go about requesting those documents. Depending on the financial outcome at the end of the fiscal year, possibly looking at providing the agency that will be housing those records some additional funds to offset the cost of staff having to provide those services.

Council questions/discussion:

Chief Marshall asked for clarification of audits, as they are usually in arrears a couple years, do we go back and cover the audit periods where the gap would be if a final audit took place. Attorney DeeAnn Gillick, spoke with the auditor regarding the gap years and was told that this would not be necessary, it is more economic and efficient to only complete a final audit.

Chief King in reviewing the schedule for US&R trainings, I have a question about contracts and schedules. Nicole Paskey stated the list in the memo is only showing contracts that are currently in place and not all classes that are to be scheduled this year.

- Chief King has requested to have a list of US&R trainings not on the books to date and what trainings can be accomplished in this year.

Chief Harms asked Nicole, how far out are you currently scheduling courses? Through the third week of June, but I'm not sure if that is going to be possible. How many classes does Fire Training have waiting to be scheduled? Barbara stated she has 16 classes ready to be opened but none of those are scheduled past the end of April.

Chief Marshall asked Nicole, can the US&R courses scheduled in June be moved up to be able to still be held before the end of the year? Is the flexibility there? Nicole stated its possibly, we could run multiple US&R courses every month and still not be caught up. We would have to work with the hosting task forces and coordinate with them and look at the availability of the sites where those trainings would be held.

Audience question/discussion:

Lana Nielsen: When determining and end date to run courses a couple of things to keep in mind is the time frame to wrap up a course is different than the time frame on the finance side to wrap up a course. For the record, our current audit has been completed and I am waiting on final approval of the report from Chief Gear and the attorneys. After speaking to the auditors regarding the final audit I was told a final audit would not happen until June 30th after the

agency has closed.

Chief Marshall: Regarding audit, are there any outstanding issues with previous audits that we need to resolve before we dissolve? The only outstanding audit issue has to do with a payment due to the last JPA that Metro Fire and the authority were members of at that time. Metro Fire's fire chief at that time decided Metro would not pay their portion of the invoice and at that point it was decided by the authority that this invoice would not be paid.

Lana Nielsen: My other concern is we won't have the funds to run the agency for the upcoming fiscal year. Based on my projections and lack of revenue at this time, we will be lucky to make it through the end of December. Our revenue from courses is generated when a person registers for the course, most of our courses through December are full or almost full and to date that revenue has already been spent. We don't have classes on the books right now that will generate the needed revenue to keep the agency fully functional through the end of June 2022. Looking at this year's budget, from a financial standpoint the agency needs to run classes through the end of April to generate the revenue needed to finance the agency, ending courses sooner would cause a financial hardship on the agency.

Nicole Paskey: Any further discussion on the US&R side of the house if the intention is to still move US&R training or funding to CSTI? Is there any general direction to assist the task forces? They don't know how they are going to facility their FEMA funded training; they don't have the internal structure to do so, and 10 months is not a lot of time for them to come up with a plan B. I'm being flooded with questions that I can't answer so direction is needed.

Chief Marshall: The direction from Cal OES is that the director of Cal OES does not want to see a gap in training. We need to get together and starting planning how this moves forward, areas like administration, staffing, curriculum, and finance. The other piece is what Cal OES does in the future. A meeting with CSTI and the Authority with Cal OES to see what needs to be done after the dissolution of the JPA.

Barbara Livanos stated she needs a final decision regarding the final date that courses will be held to start advertising 2022 courses. I'm having difficulty scheduling classes in 2022 as instructors are hesitant to commit to scheduling a course with so many unknowns about the agency. The sooner I have a confirmed decision on when classes will stop being held the sooner, I can solidify the instructors for those classes. My concern also is if classes end in December, if this impacts staff employment status sooner than previously discussed it's only fair that staff be notified of that.

Steve McKinster wanted to echo the importance of getting a date for the task forces, at least in the West as far as the 8, these are typically national hosting. If we aren't going to be able to host a national course or must cancel a contract, it has more reaching effects than just the 8 here, it has a national impact on the system. If we can get a date from the group that will allow us to plan accordingly.

No other comments from the public.

Council Discussion:

Chief Harms: Thank you all for your input and reports today. I have a couple of items that I'd

like to suggest that we put out there for possible opportunities for us moving forward.

- Plan and execute classes for the US&R portion through April 30, 2022.
- Plan and execute Fire classes through April 30, 2022.
- Official closing of the CFRTA facility June 30, 2022.
- Would like a financial analysis of what finances look like through June 30, 2022.
- Plan in place for all employees to stay on board until June 30, 2022.
- Like to have a discussion of a severance package for employees.
- Like to be able to move forward with Richardson and Company as our auditor.
- Like to have the plane at Zinfandel removed by June 30, 2022 or have a plan in place to get that completed.
- Cal OES to be the long-term custodian of CFRTA records – finance, training documents

Chief Marshall asked the attorneys with all the items Chief Harms has put on the table today, do you need direction or vote and approvals today or is some of these things we can't decide today. Chief Harms stated that he wants to have something completed on the financial side showing what the Authority can or cannot do and have the board in agreement on what needs to be completed moving forward. This will give Chief Gear and the attorneys direction and allow staff to know where we are headed. Not putting this list out there as this is what we must do but more of items to look at during this process.

Osman Mufti stated there is one item we need firm direction on and that is the final dates for scheduling of courses, the rest of the items we can report back on:

- Chief Gear can complete the financial impact.
- We can explore a plan for employees and severance package.
- We can explore options for the plane removal.
- I've already started conversations with Cal OES regarding becoming custodians of Authority records.

Chief King stated he supports all those items listed and giving direction and wants to understand the impacts on the US&R piece. Taking direction and advice from legal counsel it is important to set a date and continued communication and feedback is important, so we know and understand what we are not getting to and what is missed and has been requested.

The direction of the JPA and credibility of the JPA is that we have a target date. I think the two months' time frame is sufficient to have staff close out responsibly and hit the June 30, 2022 deadline. I also support the use of Richardson Company to be used for the final audit and somewhat support the removal of the plane. I don't see us having any issue of Cal OES becoming custodian of the Authority records.

Nicole Paskey stated she would work on getting the information together of what courses can be done and holding to the verbal commitment of not having a gap in training. I appreciate the guidance and decisiveness from Chief Harms to give us a starting point. My question surrounds the US&R funding being reviewed by legal counsel, we have direction from Cal OES those state funds are to be used for US&R and MOBEX specific trainings and we've allocated those funds as such. Other than US&R funds there won't be any funds left at the end of the year. My question is are we able to prewrite contracts to use those allocated funds for the teams, if we are not here to facilitate those trainings are we still able to assist with the financial piece? Since that is what that

money is for, do the funds go back to Cal OES and they disseminate those for these trainings, or if we have the option or Cal OES direction to write those contracts and give those funds directly to the Task Force teams. They are planning their MOBEX's and if we pull their \$150,000 funding that has a huge impact on their plan and it takes years to facility these exercises. If funds are available, can we have the option to still disseminate those funds even though we are not here to facility the trainings, Cal OES would have to pick up that responsibility of providing evaluators and completing the state report. This would give the teams the comfort of knowing they have the funding needed to complete their exercises as scheduled.

Chief Marshall stated in answer to your question, chances are you are going to see a gap in training between May 1st and June 30th and then between July 1st and August 30th there will probably be a gap between the stop and the new start of trainings. I would be hesitant to grant money forward, the obligation of granting that money forward is the JPA, but that doesn't mean we can't be planning for the future and say there is a certain number of dollars for this training. This is why, we hired legal counsel to provide that guidance and what our options are. At this point from the Cal OES perspective, we need to be tying in with CSTI to move that part forward.

Nicole Paskey: For clarification, there are 2 teams that may not have their MOBEX this year, so should I tell those teams that they will not have their \$150,000 of funding as was planned.

Chief Marshall stated the JPA is going to be dissolved, and the direction that Chief Harms stated was we can do business up to a certain point and as of that point business stops and we clean up the loose ends. If we do decide on the April 30, 2022 end date, then that is the drop-dead date for trainings, and we are looking at quality over quantity. We have a plan and we have hired attorneys to be able to lay out a timeline. The item the council must provide direction on is the end date of training. The other items that Chief Harms and Chief King have brought forward is a report back is if it works, the time frame, etc. The three agencies involved also must talk to our attorneys to make sure this all works for each of our individual agencies.

We need to give direction on the end date and provide direction to the Executive Director and counsel to bring back to our next meeting the other items that we will continue to work forward to close the JPA up on June 30, 2022.

Diane Gillick stated the US&R funding is what they have not completely assessed, the legislation piece of it or the commitment of that funding. To answer those questions that staff, and Council have the assessment needs to be completed.

Council Action: Harms/King: Move to continue Fire and US&R Classes through April 30, 2022 with the goal of closing the Authority on June 30, 2022.
(AYES: King, Harms)
Motion Passed

GOVERNING COUNCIL QUESTIONS AND COMMENTS

Chief Harms has suggested an earlier start time for Council meetings, in the morning or after lunch but not the currently scheduled 4:00 PM meeting time. Next meeting to be scheduled September 16th, at 4:00 PM will be changed to 1:30 PM. After some discussion of calendars, it was decided to reschedule the meeting to September 23, 2021 at 1:30 PM.

Council clerk will follow up with Chief King to confirm the September 23, 2021 meeting and notify board members of the new confirmed meeting date and time.

*After a discussion with Chief King the next day, a new meeting date was scheduled for Friday, September 24th at 10:30 AM.

ADJOURNMENT – Meeting adjourned at 6:10 PM

NEXT MEETING(S) - Location: California Fire & Rescue Training Authority
3121 Gold Canal Drive, Rancho Cordova, CA 95670
***Thursday, September 24, 2021 – 10:30 AM**

Posted on August 19, 2021, by:



Lana Nielsen, Council Clerk