

**CITY OF LOS ANGELES  
BOARD OF FIRE COMMISSIONERS**

**MINUTES  
TUESDAY, MARCH 21, 2006 AT 3:00 P.M.**

The Regular Meeting of the Board of Fire Commissioners convened Tuesday, March 7, 2006 at 3:06 p.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Los Angeles.

**I. ROLL CALL**

Present: President Dalila Sotelo, Vice President Jill Furillo, Commissioners Andrew Friedman and Casimiro U. Tolentino. Deputy City Attorney Janet Jackson and Acting Fire Chief Dennis Keane.

Absent: Commissioner Genethia Hudley-Hayes

The flag salute was followed by a moment of silence in honor of past and present members of the Los Angeles City Fire Department who devote their lives to the protection of our community.

**II. PUBLIC HEARING**

**1. PUBLIC COMMENT**

None.

2. [BFC 06-019] - Fiscal Year 2006-07 Annual Cost of Special Services. Consideration of the Fire Chief's transmittal dated February 7, 2006, submitting request for approval of a fee increase of special services and permit recovery schedules relative to Continuing Permits Division 4, Non-Continuing Permits Division 5, Emergency Inspection Fees, Miscellaneous Permit Activity Fees, and High-Rise Inspection Permit Fees (Los Angeles Municipal Code Sections 57.04.12, 57.05.31, 57.05.32, 57.01.28, 57.01.30, 57.05.15, 57.06.15, 57.119.01).

RECOMMENDATION: 1) The fees charged for Continuing (Division 4) Permit Activities (L.A.M.C., Section 57.04.12) be increased approximately 6.3% as listed in Attachment A. 2) The fees charged for Non-Continuing (Division 5) Permit Activities (L.A.M.C., Sections 57.05.31 and 57.05.32) be increased approximately 6.3% as listed in Attachment B. 3) Miscellaneous Fees (L.A.M.C., Sections 57.01.28, 57.01.30, 57.05.15, and 57.06.15 be increased approximately 6.3% as listed in Attachment C. 4) High-Rise Fees ((L.A.M.C., Section 57.119.01) be increased approximately 7.3% as listed in Attachment D. 5) Instruct the Board's Commission Executive Assistant to publish the required notices of a public hearing on the proposed fee enactment at a regularly scheduled meeting of the Fire Commission. (Recommendation No. 5, Adopted on 2/21/05). 6) The attached Resolution (Attachment E) adjusting the Commission controlled fees as detailed in the Fire Department report

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[BFC 06-019] be adopted after the required public hearing, and notice of this action be transmitted to the Mayor and City Council at the conclusion of the public hearing.

DISCUSSION: Georgia Mattera, Fire Administrator provided an overview of the annual fee increase, including the approval process. The matter was opened for discussion and questions from the Board. Chief Keene indicated that there was a correction to Recommendation Number 5 (page 2) and that the paragraph should read: 5) Instruct the Board's Commission Executive Assistant to publish the ~~required notices of a public hearing on the proposed fee enactment at a regularly scheduled meeting of the Fire Commission~~ as required (Recommendation No. 5, Adopted on 2/21/05).

MOTION: Commissioner Friedman motioned for approval of the Department report as amended.

SECONDED: Commissioner Furillo

AYES: 4

NAYS: 0

**III. REGULAR AGENDA**

1. PUBLIC COMMENT

None.

2. COMMISSION BUSINESS

A. Continued discussion and further consideration of the Board of Fire Commissioners' Action Plan relative to the recent Fire Department audits:

1. Public Comment
2. Status report and recommendations from the Board of Fire Commissioners' Committees
3. Discussion, consideration, and recommendations relative to the Board of Fire Commissioners' Draft Action Plan

DISCUSSION: President Sotelo indicated that she had simplified the agenda to deal specifically with the audit and that item number 3. Regular Items would be postponed until the Special Meeting of Tuesday. She announced that an off site Special Meeting would be conducted on March 28<sup>th</sup> from 9 to 11 a.m. at the Frank Hotchkiss Training Facility. Bea Lopez, EEO Director, distributed a notebook with the compilation of responses received from the employee organizations. She indicated that the Department's first draft was also being provided under separate cover. Ms. Lopez indicated that there is a general consensus of agreement on the audit findings among the stakeholders and that discussions would continue on the few areas of disagreement. She proceeded to highlight some of the contents in the notebook. The matter was opened for discussion and questions from the Board.

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Commissioner Tolentino recommended that a timeline be put into place for the public and stakeholder comment review period. Ms. Lopez indicated that the cut off was April 5<sup>th</sup>. Commissioner Tolentino noted that the Stentorians' response contained a disclaimer, and indicated that the disclaimer is extended to all the responses in the packet. He said that the audit is very complex and critical and that further input or changes are to be expected. He explained that the comments and input received are not concrete and are subject to change based on resources provided, further input, and upon reflection by all the stakeholders.

Commissioner Furillo indicated that she anticipates having questions after she reviews the recommendations. President Sotelo thanked the organizations for being part of the process and providing their specific perspectives and recommendations. She remarked on the collaboration efforts among the various stakeholders to make the Department better and provided a brief outline of the next planning phase. She indicated that the Board scheduled a public hearing on March 28<sup>th</sup> at 9 a.m. to encourage public participation from the rank and file. The Board will take testimony and listen to all ranks; they will also invite outside organizations within the larger community to obtain various perspectives. She indicated that Ms. Lopez and Chief Cooper would be taking all the recommendations and synthesizing the work into one draft document by April 5<sup>th</sup>. President Sotelo explained the proposed process, expectations, and goals of the Board for developing the action plan. She indicated that the action plan would be an outline of how the implementation plan would be developed and explained the value for input from all the organizations and the Department. She explained that the responses would be incorporated and used to carry through the implementation plan.<sup>1</sup> She opened the meeting for comments from the Board.

Vice President Furillo acknowledged the work that staff and stakeholders have contributed toward the process and in the gathering of information. She indicated that the process is at a point where the areas of agreement can move forward quickly to resolve the issues and that in the areas where there may be conflict as to the necessary resolution--discussion could continue on those issues, to try and build consensus. Vice President Furillo is of the opinion that if there are areas where conflicts remain, that the Commission will provide leadership to reach a decision making process and that it would provide direction to move forward with an action plan. Commissioner Tolentino concurred. He said that his perspective from participating in the Technology and Personnel Committees is that input from the stakeholders has been very positive; there has been lots of work done by staff, stakeholders, and various groups. He said that the sense is that people want to make sure that all the recommendations do work and everyone is trying to reach a consensus--even giving up on certain areas for the good of the whole process. He indicated that he appreciates the support everybody is providing and the fact that, at the Committee level, there are preliminary conceptual agreements on certain areas because once the concepts are in place--it facilitates the framework of the difficult task. He said that he is confident that the correct roadmap is being followed.

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Commissioner Friedman said he echoed the commissioners' comments and thanked President Sotelo for her leadership in the difficult process that the Department is undergoing. He indicated that based on her suggestion that the Commissioners visit some fire stations to see what the rank and file has to say relative to the audit recommendations; he visited FS 61 and received a slightly different perspective. He indicated that his fact-findings are not scientific but nevertheless wanted to provide the information. Commissioner Friedman reported that there were no women at this particular station when he visited. However, representatives from a number of minorities, including African-American, Latino, Filipino, and Asian were present. He said that he asked the members if they had read the audit--they had. Every one of individuals present indicated that they have not experienced or seen any discrimination or hostile work environment. Commissioner Friedman indicated that the City's policy is of Zero Tolerance; therefore, even if there is one act of discrimination it is unacceptable. He said that what is being done (audit process) is very important because there should be zero tolerance of any type. He said that he is concerned that the newspaper reported that there is rampant racism, sexual harassment, and hazing in the Fire Department. He emphasized that that the audit is very important and he is learning a lot from it. However, that the audit survey was not a scientific poll; the questionnaire was sent to a targeted a group of only 1800 individuals and only 430 responses were received--24% of the sampling but only approximately 10% of the entire workforce. He clarified and emphasized that he does think it is extremely important for the Commission to make recommendations but cautioned that the audit questionnaire responses are not scientific responses and therefore, based on the unscientific survey of the audit the conclusion on "rampant" can't be determined and it important not to let it be said that the audits have found rampant discrimination. He spoke on the importance for the Board to continue its work because it is important to solve the existing problems. In closing, Commissioner Friedman indicated that he wanted to clarify--so that he is not misunderstood, that he believes that discrimination should not exist in any form and that he agrees that there should be zero tolerance; that anyone that knows his personal history is aware that his parents are survivors of Auschwitz and that he was personally discriminated against in communist Hungary--so he does not make slight of discrimination, the only point is--face it, deal with it, but do not jump to the conclusion.

President Sotelo responded that she agrees that what needs to be done is uphold the whole concept of zero tolerance and that even if one person felt discriminated or if one person saw discrimination-- it makes this process critical. She said that regardless of whether rampant, not rampant, whether the LA Times figured it or didn't figured it out as rampant—that that is their conclusion; it is the opposite of what the Board is seeing and hearing, every single time there is a meeting they see a broader picture. She said that the Mayor believes there should be zero tolerance in the Department and that she as the President of the Commission believes it too.

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Commissioner Tolentino agreed with President Sotelo and indicated that he also does not except the “rampant” description of the LA Times. He said that he thinks its good that the Commissioners are going out to the fire stations--he has been to three fire stations; in two, they indicated that they know of or are aware of hazing but not in their particular stations has any hazing occurred. Yet at another station, he was told by a long-time firefighter that women have no place in the Fire Department—and that unfortunately, is a point of view that sometimes is a reality. He indicated that each situation does not need to be counted but it gives a perspective of the situation.

Vice President Furillo indicated that she absolutely agrees that zero tolerance should be the policy and does not think it is a rampant issue either. However, in her discussions with women, what she found in the areas that deal with the current policies has not been very encouraging. She said that it is disturbing when women indicate that they do not want to help recruit women because they are concern about the treatment of women—they do not want to subject women or friends to poor treatment. Vice President Furillo indicated that all Commissioners have different experiences but all agree that there should be zero tolerance; she looks forward to seeing policies implemented. The meeting was opened for public comment.

**PUBLIC COMMENT:**

Mr. Pat McOsker, President, UFLAC, thanked the Board for going out on their own and finding out what is going on at the stations. He commented that Fire Station 61 was ground zero for all the things that are going on. He said that one of the ten things highlighted on the anonymous letter happened at 61s--regarding a female rookie firefighter who felt and perceived harassment. He indicated that subsequently all members were transferred out and proceeded to explain the issues members deal with when transferred from a work location. He said that those employees were mistreated by the Fire Department and were not charged for almost a year--just detailed out to various stations and not able to work together; they perceived it as being treated unfairly so it is not surprising that they indicated that there are no harassment issues in the Department. Mr. McOsker commented that what it points out to, is what UFLAC has been saying all along--one of the things that are at the root of this problem is that there is a problem. He said that UFLAC does not discount the findings of the audit and agrees that they need to be fixed; he appreciates the statements of zero tolerance but thinks one thing at the root is the training and treatment of rookie firefighters—“we need to maintain a real standard in our drill tower, we need to enforce that standard, we need to have confidence, we need to restore confidence in the rookies that come out to the field so that out in field, firefighters are able to treat them the way that they out to be—its something that needs to be fixed. Again, I don’t know I was not at fire station 61, I don’t know who is right or who is wrong, I suspect it’s a little bit of both, but we do have a problem out there and were not surprised that you heard from the firefighters there that it wasn’t there fault.”

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Mr. Gary Mellinger said that he wanted to address Commissioner Friedman's comments. He said " my wife also fled Hungary early in the 40s when they closed the iron curtain, she was a displaced person--they called them DPs—similar to the N-word in this country. And she lived with that stigma for quite a few years till they immigrated to the United States through the Lutheran Church." Mr. Millinger said that he wanted to address a couple of things: having attended a movie a few nights ago with two Fire Commissioners and several female organizations of the fire Department; a movie called Taking the Heat about the New York Fire Department and wished all could have seen it. He said that he attended the meeting with psychologists, his attorneys, and several colleagues and that after the movie his group discussed the movie. He proceeded to provided his views on the why people tend to not speak up in public for fear of retaliation and harassment. He said that today the Board would be reviewing some lawsuits and that the Chick audit addressed those things of intimidation, relation, and harassment.

Mr. Jerry Thomas, retired employee said " I appreciate Commissioner Friedman's statement but I think they are a little premature because I think the jury is still out--I mean, your charged with fact-finding and I think it is irresponsible for people who are charged with fact-finding--it's a little prematurely responsible for the Commission to make comments before you have everybody to make their comments, you know the NAACP, other community organizations--you know people who want to make private testimony—people who have been injured, who have been disgraced, who have been disrespected. And I think for a member of your panel to make a premature irresponsible comment before you have a general consensus. You know, we don't want to taint or contaminate the panel because you have an irresponsible member; I think if he feels like that maybe he should exclude himself from the panel because fairness is fairness. If we are going to ask people to come forward, I get calls all the time, we want to ask community groups to come forward and you guys are gonna sit up here and be pretty disingenuous, its disingenuous of you guys to sit up here to say well you wanna fix this thing. Its little insincere for you to have one of your---you have a renegade commissioner who's gonna make an irresponsible and independent statement. I am pretty sure that you have to a make an environment that is conducive to individuals who want to step up. I don't think he has ever been black on the fire department but I have, and I've experienced discrimination and I think it disingenuous for you to make those remarks because your not going to get firefighters to step up in an environment to speak their minds when they think there may be some retaliations. So I want you to keep that in mind because you have a responsibility and I think when you guys go in closed session somebody needs to be chastised. I appreciate your time, thank you."

DISCUSSION CONT'D: President Sotelo indicated that for the meeting of March 28<sup>th</sup> the public comment period would be a maximum of three minutes per person. She recapped on the transparency of the process. She said that the process is important to the Board and that they do not undergo it lightly—that it is something that the Board is personally committed to and wants to assure everyone that the end result will better the Department. She remarked on the collective commitment from all those involved and how it needs to continue. President Sotelo wants everyone to participate as part of the

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solution and assured that the Board is not disingenuous and they truly want to get as much clear input as they can. She announced that the regular agenda was closed and indicated that the Board would go into closed session to discuss pending litigation at the department level.

Note: Commissioner Friedman reminded President Sotelo that he could not attend the Meeting of March 28<sup>th</sup> and that he had advised the Commission previously.

3. REGULAR ITEMS

- A. Reconsideration of the intergovernmental contract to provide EMS/Fire Dispatch Services to the City of Santa Monica.

Department's Recommendation: The Board: 1) Rescind the action taken at its meeting of November 1, 2005 relative to the Fire Chief's report dated October 24, 2005 [BFC 05-096]. 2) Approve the revised implementation plan for a regional dispatch component to Department operations. 3) Approve the regional dispatch and interoperability agreement with City of Santa Monica for fire communications. 4) Approve the City Attorney to make any technical adjustments to the contract, if necessary. 5) Forward the agreement to the Mayor's Office and the City Council concurrently for consideration and approval.

Postponed.

4. CLOSED SESSION

- A. The Board will convene in Closed Session Pursuant to Government Code Section 54956.9(a) to confer with Legal Counsel on the following pending litigation cases:

Bressler, Lewis et al. vs. City of LA et al., BC 336783  
Bernal vs. City of LA., BC 340489  
Bond vs. City of LA., BC 343345  
Pierce vs. City of LA., BC 342845  
Jumaane vs. LAFD., BC 294248  
Hernandez vs. City of LA  
Mattson vs. City of LA., BC 341677  
Miller vs. City of LA., BC 332888  
Lenske vs. City of LA., BC 319577

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At 3:52 p.m., City Attorney Jackson indicated that the Board would convene in regular closed session pursuant to Government Code Section 54956.9(a) to confer with Legal Counsel on the following pending litigation cases: Bressler, Bernal, Bond, Pierce, Jumaane, Hernandez, Mattson, Miller, and Lenske.

At approximately 4:24 p.m. City Attorney Jackson called the meeting back in session and reported that during closed session the Board met with its legal counsel to review the update on the pending litigation cases listed on the Board's Agenda, under item 4.A. She reported that there was no formal action taken or recommended in the closed session.

**5. ADJOURNMENT**

The meeting was adjourned at 4:25 p.m. (Tolentino/Furillo)

ATTEST BY:

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DALILA T. SOTELO, President

\_\_\_\_\_  
BLANCA GOMEZ-REVELLES  
Commission Executive Assistant II

Date: June 20, 2006

Note: Actions of the Board shall become final at the expiration of the next five meeting days of the City Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action.