

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

**MINUTES
TUESDAY, APRIL 18, 2006 AT 3:00 P.M.**

The Regular Meeting of the Board of Fire Commissioners convened Tuesday, April 18, 2006 at 3:05 p.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Los Angeles.

Present: President Dalila Sotelo, Vice President Jill Furillo, Commissioners Genethia Hudley-Hayes and Casimiro U. Tolentino. Commissioner Andrew Friedman arrived at 3:08 p.m. Fire Chief William Bamattre and Deputy City Attorney Janet Jackson.

Vice President Jill Furillo departed at 4:20 p.m.

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.

1. PUBLIC COMMENT

None

2. COMMISSION BUSINESS

A. Approval of the Minutes – Regular meeting of January 17, 2006

ACTION: The minutes were approved as submitted. (Furillo/Tolentino)

B. Activities/Events/Meetings

Postponed.

C. Request for future Agenda items

Postponed.

D. Continued discussion and further consideration of the Board of Fire Commissioners' Action Plan related to the 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

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DISCUSSION: President Sotelo provided a recap and status of the audit action plan process. She said that today's meeting would focus on two particular areas of the audit, leadership and HRDC issues. She said that she requested this particular panel to be before the Board because they are experts and play an intricate role in determining the future of the Department; that their commitment and dedication had been demonstrated over the a last 75-days. She proceeded to introduce the panel: John Miller, President, Chief Officers Association (OCA), Henry Olvera, Los Bomberos, Cori Tipton, President, Sirens, Armando Hogan, President, Stentorians, Pat McOsker, President, UFLAC Local 112, Chief Kwame Cooper, Liaison to the Fire Commission, Norma Gutierrez, Personnel Director, and Bea Lopez, EEO Director.

The meeting was opened for comments from the Board. Vice President Furillo indicated that she has had the opportunity to converse with many employees—stakeholders, organization leaders, firefighters, and paramedics, who provided a wide range of opinions. VP Furillo said that many problems have been identified in the audit and its her opinion that the Board should not shy away from looking at important structural changes that need to happen with respect to leadership and communication issues, and if it is necessary, the possibility of making personnel changes at the top. She said that she questions whether the goals, values, and zero tolerance policy are being communicated out in the field as they should. VP Furillo is of the opinion that further dialogue and discussion is necessary but that the Department needs to continue moving forward to resolve the issues.

Commissioner Friedman said that he is particularly interested in the Board of Rights issue, he would like to hear the panel members' perspective on the current disciplinary procedures and if there should be changes to the current Board of Rights process. President Sotelo responded that the request was very appropriate but that she wanted to limit today's conversation to leadership and HR.

Commissioner Hudley-Hayes commented on the importance of obtaining a variety of information from the various stakeholders and said that she is pleased that the Board has been obtaining a full cross section of information through committee meetings, public hearings, and fire stations visits. She indicated that what she found to be most rewarding and informative have been the fire station visits; she provided an overview of the conversations that she encountered relative to work environment issues. Commissioner Hudley-Hayes said that she wants to make sure that the structural and communication changes are thoughtfully conversed upon because there is a need to create a structure with authentic communication--that not just goes from the top down but also from the bottom up. She commented on the importance of assuring that the process that is developed, be fluid and organic so that it remains functional and in place after everybody that creates it leaves the Department.

Commissioner Tolentino indicated that he shares the same thoughts as the other commissioners. He thinks that the Board should shy away from immediate structural and personnel changes; the Board needs to explore further and really look at the

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structure and organization of the Department. He remarked on the Board's commitment and dedication for making changes and exploring the different avenues of communication available. Commissioner Tolentino provided an overview of the interactions he has had with employees during his fire station visits. He said that he appreciates the fact that everybody is trying to flush out the negative issues and working towards the same issues--to maintain strong values and goals.

Commissioner Friedman commented on the progress that the stakeholders and the Department have made relative to the audit finding; he noted the Fire Chief's willingness to follow the Board's direction for implementing the recommendations of the audit. He said that given the direction of those involved and the work that has been completed thus far, he is fairly confident that the Board's recommendations will be enacted and enforced, mainly because everyone agrees that there is a problem and everyone wants to work together to solve it. President Sotelo agreed and added that Chief Bamattre and his staff have been incredibly helpful during the entire process. She said that Chief Bamattre's commitment to doing the work and working with the Commission has brought the process along quickly. She indicated that the proposed changes are intended to improve the Department not to break it down or the services being provided to the citizens of Los Angeles. President Sotelo said that she knows that the firefighters want the best for the citizens of Los Angeles and that they do their job wonderfully from a point of fighting fires and responding to emergencies but there are improvements to make, such as how the Department communicates with each other and operationally to look at the work environment. She said that this is an opportunity to look at everyday operations of the Department and see what can be changed for the betterment.

President Sotelo opened the meeting for discussion on institutional changes that will encourage a positive work environment through the promotional system, recognition, or other mechanisms. Commissioner Hudley-Hayes indicated that she would like to have a clear understanding of how values, goals, and priorities are communicated through the chain of command. She remarked on the need for consistency and persistence for communicating the Department's vision, values, goals and priorities. Commissioner Tolentino requested feedback from the panel on the subject matter.

Pat McOsker indicated that stakeholders and management should develop the goals and values collaboratively. He said that in addition to the usual fire service component, the vision statement should reflect values of diversity, community service, and customer service approach type things.

Armando Hogan said that the biggest challenge for him is that the messages from the Fire Chief are not clearly communicated as intended through the chain of command. Mr. Hogan explained the challenges and disconnect that the station commanders content with when a higher-ranking officer does not agree or acceptance a policy or procedure. He spoke on the importance of education and strong practices so that all members accept a process, policy, practice, or procedure.

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John Miller indicated that things have changed since the audits came out. He explained that the Fire Chief has implemented executive officer symposiums where small groups of Chiefs get together to provide dialogue and get a better understanding of where and why a policy is implemented so that the information is better relayed to their commands. He said that in addition to a long-term and measurable strategic plan, there is need for an operational plan, a human resource growth plan, and a human resource management plan—all should be consistent with the external and internal constituency opinion.

Cori Tipton indicated that it is important that the leadership level buys in to the customer service and human relations aspect of the plan; it needs to be part of the evaluation process or the officer selection process so that the vision continues throughout the organization. She said that the Fire Chief's orders are not being followed down the chain of command, that there are mixed messages being given at the lower level based on personal experiences or point of views. She spoke on how the issue is perpetuated among the ranks. In addressing policy change within the Department, Ms. Tipton indicated that Chief Bamattre put into place and followed through on a brilliant five-year EMS plan but its time to do it on the human relations side.

Henry Olvera, Los Bomberos indicated that effective communication should be a primary goal but probably the most difficult one to explain. He said that the instant command system is not very good at communicating because there are no clear methods of instruction at all levels.

Fire Chief Bamattre remarked on some of the challenges of making policy changes within the Department structure. He said that an example is the driving policy, it was developed to address the number of accidents and settlements; the policy change was a three-prong approach, a public relations campaign to educate the public, a Department wide training segment, and then the change in policy. He said that there has been ongoing communication to facilitate the policy change but that the issue is controversial and implementing the policy has been challenging. Chief Bamattre provided an overview of an effective policy change--the EMS Plan. He indicated that the EMS policy and plan was implemented in spite of opposition and it has achieved the expected goals. He summarized on how policy decisions are promulgated and communicated in the Department.

Commissioner Tolentino said that implementation of policies is not being questioned; the issue appears to be the actual communication of policy down through the chain of command. Discussion ensued on policy implementation and the need for an effective communication system. Commissioner Hudley-Hayes indicated that she wants to have a clear understanding of how human relation information is communicated to the fire stations. She wants to make sure that there is consistency throughout the Department's ranks; that people are respected and that there are consequences if those things don't happen. Vice President Furillo said that even though there is an absolute acceptance of zero tolerance on the part of the Fire Chief and others at the top, the

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opinion is not being enforced at the station level; it appears that there is no consistent measure of communication and reinforcement of policies down to the line staff. She said that there is a need for a real education process and that everybody must participate. President Sotelo indicated that she wanted to bring back focus to the specific issues and indicated that there is a mission statement and a series of core values established within the Department but she is not sure everybody is committed to those values. Commissioner Tolentino suggested that the existing mission statement be modified thereby adding vitality and sensitivity to what the Department does and that the statement reflect a vision of the Department as a whole. He said that when a Department policy is put into place, it should be respected and adhered to, even when some don't agree with it. Commissioner Friedman said that the mission and vision statements are important but that referencing the zero tolerance policy in its self may not achieve the goals that the Board is trying to accomplish. He thinks that the next specific steps need to be determined, whether its education or something else. President Sotelo responded that it is important for the vision of the Department to be stated clearly so everybody knows what the expectations are. She elaborated on her expectations for the next step relative to leadership and communication; then opened discussion on the work to be done on the mission statement goals.

President Sotelo instructed Norma Gutierrez, Personnel Director to provide, in 30-days, a fair method by which mission and vision statements could be incorporated into the promotional process. Ms. Gutierrez indicated that the request is attainable with the internal process but that the civil service process is administered by the Personnel Department. However, the Personnel Department does take the Fire Department's input seriously and that it can be suggested to them. It was noted that the Board would be discussing at another meeting, how policy and decisions are made in the Department, how they are communicated, and what would be a workable discretionary policy for input. Discussion ensued regarding the value of communication throughout the various levels, the issues surrounding policy implementation, and moving forward to make necessary changes. Vice President Furillo excused herself from the meeting at 4:20 p.m.

President Sotelo indicated that there were three motions on the table and the following was considered:

MOTION NO. 1 - President Sotelo said that the Motion to consider was to direct the Department to work with the stakeholder organizations in a collaborated manner to develop a vision that is dynamic and inclusive of the human relation goals of the Department; and, to then come up with a way to go to the individual fire houses to start testing out the vision statement; and, report back to the Commission with a period update of the process with a goal that it all happens within 60-days.

Commissioner Hudley-Hayes, made a Motion to direct the Department to work with the stakeholders and develop a vision statement that is dynamic, that embodies the goals of the human relations goals; that is organic, meaning that is flexible and that it can be

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modified when there is need to for it to change. President Sotelo added that the details of the Motion were, to create a vision statement as described within 60-days and back to the firehouses for further discussion. She said that she would like to direct the Fire Department to create in collaboration with the stakeholder employee groups, a vision that is dynamic and includes the human relations goals; and that the draft vision be to communicated to as many fire houses as possible for feed back. Commissioner Friedman said that he would second that Motion.

AYES: 4 - Friedman, Hudley-Hayes, Sotelo, Tolentino; Absent: Furillo

ACTION: Adopted

MOTION NO. 2 - President Sotelo said that the second Motion was to consider a report back to the Commission from the Chief about policies that are discretionary and the process by which policy can have input; and, a list of policies that are not discretionary and how those policies are communicated. She clarified that the Department was to report back to the Commission on two items, one of which is discretionary policies and how those policies are created; and how input can be derived from the field in determining and creating those policies. She said that the second portion was, on policies that are not discretionary that are actual directives from the Fire Chief, how those are communicated and how a system of communication can be enhanced. The Motion was moved by Commissioner Tolentino and second by Commissioner Hudley-Hayes.

AYES: 4 - Friedman, Hudley-Hayes, Sotelo, Tolentino; Absent: Furillo

ACTION: Adopted

MOTION NO. 3 - President Sotelo said that the third Motion was to consider an Ad Hoc Committee of the Commission to deal with the audit, specifically to talk about recommendations and such. At which time, Deputy City Attorney Janet Jackson requested further clarification of the motion---if the Ad Hoc Committee was limited to less than the majority of the Commission for the sole purpose of dealing with the audit. President Sotelo clarified, yes. The Motion was moved by Commissioner Friedman and second by Commissioner Tolentino.

AYES: 4 - Friedman, Hudley-Hayes, Sotelo, Tolentino; Absent: Furillo

ACTION: Adopted

President Sotelo opened discussion for appointment of the Fire Commission Audit Ad Hoc Committee and suggested that committee members be changed out in a predetermined time. Deputy City Attorney Jackson provided clarification on the subsidiary body process established under the Brown Act provision. She informed the Board that the two selected commissioners would need to serve the entire term of the ad hoc committee assignment. President Sotelo said that she appreciated the advice provided by Deputy City Attorney Jackson but requested that she verify the information she had provided. President Sotelo proceeded to appoint Commissioners Tolentino and Hudley-Hayes to the Fire Commission Audit Ad Hoc Committee for a six-month term.

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PUBLIC COMMENT:

Ms. Brenda Lee commented that there are still incidents occurring out in the field and made reference to an incident involving inappropriate use of a women's locker room at a fire station. Ms. Gina Libby commented on two cases of proposed disciplinary actions against her husband, John Libby. She said that certain pending litigation cases would provide evidence to support the allegations and demonstrate the seriousness in mishandling of investigative and disciplinary procedures and cases in the Department. Mr. Steve Bressler commented that the Commission is in charge of the Department and they could simply make a rule that enforces the driving rule. He also commented on the three-whole score process.

E. Status report from the Board of Fire Commissioners Committees:

1. EMS Committee [Commissioners Furillo/Friedman]
2. Human Relations Development Committee (HRDC)
[Commissioners Sotelo/ Hudley-Hayes]
3. Personnel/Employee Relations Committee
[Commissioners Tolentino/Hudley-Hayes]
4. Technology Committee [Commissioners Hudley-Hayes/Tolentino]

Postponed.

3. GENERAL MANAGER'S REPORT

A. Significant Incidents/Activities

Postponed.

B. Budget status report

Postponed.

4. CONSENT ITEMS

(Taken out of order)

MOTION: Commissioner Tolentino motioned for approval of items A and B.

SECONDED: Commissioner Hudley-Hayes

AYES: 4 - Furillo, Hudley-Hayes, Sotelo, Tolentino; Absent: Friedman

- A. [BFC 06-042] – Fire Department's transmittal dated March 17, 2006, submitting a request for acceptance of grant funds to continue the development and maintenance of national urban search and rescue

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response system resources - Urban Search and Rescue Task Force FY2006 readiness cooperative agreement.

Department's Recommendation: The Board: 1) Request the Council and Mayor to authorize the Fire Chief to accept the US&R task Force FY 2006 Readiness Cooperative Agreement from the Federal Emergency Management Agency for the US&R Unit no-match Cooperative Agreement in the amount of \$632,915 for the term of April 1, 2006 through July 31, 2007, or end of any extension period as allowed by the Grantor. 2) Request the Council and Mayor to continue the employment authority for two (2) Los Angeles Fire Department positions of Fire Captain I, Code 2142-1, and one (1) position of Management Analyst II, Code 1984-2, as approved by the Council and Mayor on April 15, 2005 for the previous FEMA Cooperative Agreement grant, and extend from June 30, 2006 to July 30, 2007 (reference: Council File No.05-0017.) 3) Request the Council and Mayor to authorize the Fire Department to deposit funds into the Fire Department Grant Fund 335 for expense and equipment items, and to reimburse the Fire Department's operating budget for actual costs incurred. 4) Request the Council and Mayor to approve and authorize the Controller to transfer funds as needed between Fund 335 and Fund 100/38, based on the Fire Department submissions to the City Administrative Officer documenting actual costs incurred, or upon any modifications of the grant budget, for the implementation of the Federal Emergency Management Agency Urban Search and Rescue no-match Cooperative Agreement program through the end of the grant term. 5) Request the Council and Mayor to authorize the Fire Department to prepare instructions for the Controller for any necessary technical accounting adjustments, subject to approval of the CAO, and instruct the Controller to implement the instructions. 6) Forward this report to the Mayor and City Council for approval.

- B. [BFC 06-043] – Fire Department's transmittal dated March 4, 2006, submitting a request for approval of First Amendment to Contract No. C-106252 with Lynden J. and Associates, Inc. for court reporter services.

Department's Recommendation: The Board: 1) Approve amendment to Agreement No. C-106252 with Lynden and Associates, Inc. as allowed in Section 10.0 – Amendments, as submitted. 2) Authorize the Fire Chief to execute the amendment. 3) Instruct the Board Office to submit the First Amendment to Contract No. C-106252 to the Mayor's Office for review in accordance with Executive Directive No. 3.

5. ITEMS CALLED SPECIAL (FROM THE CONSENT ITEMS)

None

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6. ADJOURNMENT

The meeting was adjourned at 4:40 p.m. (Hudley-Hayes/Furillo)

ATTEST BY:

DALILA T. SOTELO, President

BLANCA GOMEZ-REVELLES
Commission Executive Assistant II

Date: August 1, 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.