

**CITY OF LOS ANGELES  
BOARD OF FIRE COMMISSIONERS  
MINUTES  
TUESDAY, MAY 6, 2008**

The Regular Meeting of the Board of Fire Commissioners convened at 9:15 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Los Angeles.

Present: President Genethia Hudley-Hayes, Vice President Casimiro Tolentino, Commissioners Diana Bontá, Andrew Friedman and Jill Furillo. Fire Chief Douglas Barry and Deputy City Attorney Janet Jackson.

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

**1. PUBLIC COMMENT**

None.

**2. ITEMS NOTICED FOR PUBLIC HEARING**

(Taken out of Order)

- A. [BFC 08-046] - Fire Chief's transmittal dated April 9, 2008, submitting a request for approval to modify the method of fee calculation and authorize an increase of the High-Rise Building Annual Inspection and Permit Fee. Change of the following:
1. Amendment to the Los Angeles Municipal Code (L.A.M.C.) Section 57.119.
    - a. Modify the method of determining costs from salaries with fringe benefits to total costs including salaries and indirect costs.
    - b. Include charging fees for inspection of high-rise residential apartments and condominiums.
  2. High-Rise Building Annual Inspection and Permit Fee Increases:
    - a. Building inspection rate to \$0.0131 per square foot of building area (+18 percent).
    - b. Garage inspection rate to \$0.0066 per square foot of garage area (+18 percent).
    - c. Base building fee of \$900 for all high-rise buildings including vacant and/or partially vacant buildings.

Recommendation: The Board approves the report and recommendations.

PUBLIC COMMENT: None

**MOTION** (Friedman/Tolentino): That Board approves the report and recommendations.

**ADOPTED:** AYES - 5 NAYS - 0

- B. [BFC 08-047] - Fire Chief's transmittal dated April 8, 2008 submitting the Fiscal Year 2008-09 Unified Program Fee Adjustment report. Change of the following fees:
1. Unified Program (L.A.M.C., Section 57.14.10C) – increase 10% (Attachment 1)

Recommendation: The Board approves the report and recommendations.

PUBLIC COMMENT: None

**MOTION** (Furillo/Bontá): That Board approves the report and recommendations.

**ADOPTED:** AYES - 5 NAYS - 0

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- C. [BFC 08-048-R1] - Fire Chief's transmittal dated April 8, 2008 submitting the Fiscal Year 2008-09 Annual Cost of Special Services Fee Adjustment report. Change of the following fees:
1. Continuing Permit Activities (L.A.M.C., Section 57.04.12C) – 5% decrease (Attachment A).
  2. Non-Continuing Permit Activities and Emergency Inspections (L.A.M.C., Sections 57.05.31 and 57.05.32) – 5% decrease (Attachment B).
  3. Miscellaneous Fees (L.A.M.C., Sections 57.01.28, 57.01.30, 57.05.14, 57.05.15 and 57.06.15) - 5% decrease (Attachment C).
  4. Brush Administrative Cost Fee (L.A.M.C., Section 57.21.07) - increase from \$982 to \$1026.

Recommendation: The Board approves the report and recommendations.

PUBLIC COMMENT: None

**MOTION** (Tolentino/Friedman): That Board approves the report and recommendations.

**ADOPTED**: AYES - 5 NAYS – 0

### **3. COMMISSION BUSINESS**

- A. Approval of the Minutes of the Regular Meeting of April 1, 2008.

Recommendation: Approve the minutes.

**MOTION** (Bontá/Tolentino): That the Board approves the minutes as submitted.

**ADOPTED**: AYES - 5 NAYS – 0

- B. Verbal report from the Fire Commission Personnel/Employee Relations Committee [Tolentino/Hudley-Hayes.]

Recommendation: That the Board provides instruction to staff and adopts any necessary action relative to the Committees' assignments or verbal report.

Commissioner Tolentino provided an overview of the business considered by the Committee at their last meeting. He reported that the Committee had an extensive discussion on the proposed scope of duties of the Professional Standards Division and inspector general positions. A copy of the Committee's minutes has been forwarded to Commissioner Friedman for his review because he was tasked by the Board to oversee the development of the inspector general position.

### **4. GENERAL MANAGER'S REPORT**

- A. Events/Meetings/Announcements:

1. [BFC 08-063] – Calendar of Events.

Recommendation: Receive and File

Fire Chief Barry reported on the recent department events and activities.

- B. Significant Incidents/Activities:

1. Verbal report - Significant Incidents/Activities for the period of May 2 through May 6, 2008.

Assistant Chief Fulmus, Bureau of Emergency Services, provided a summary of the May 2<sup>nd</sup> Elysian Park brush fire, the May 5<sup>th</sup> house of worship fire and a greater-alarm structure fire that occurred the prior night. At the request of Commissioner Friedman, information on the Hollywood and Vine Fire was provided. In response to Commissioner Bonta's inquiry, Chief Hill provided information on the building inspection process.

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2. [BFC 08-051] - Significant Incident Summary report for the period of April 7 through April 14, 2008.

Recommendation: Receive and File

The report was received and filed.

3. [BFC 08-055] - Significant Incident Summary report for the period of April 14 through April 21, 2008.

Recommendation: Receive and File

The report was received and filed.

4. [BFC 08-062] - Significant Incident Summary report for the period of April 21 through April 28, 2008.

Recommendation: Receive and File

The report was received and filed.

- C. Verbal report on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of April 16 through May 6, 2008.

Recommendation: That the Board provides instruction to staff and adopts any necessary action relative to the LAFD matters considered by or referred to City Council/Committee during the reporting period.

Chief Barry reported that the Fire Department had been scheduled for the FY 2008-09 Budget Hearing before the Budget and Finance Committee on April 28<sup>th</sup>. The Department is awaiting the Committee's recommendation, which will be forwarded to City Council.

**5. OLD BUSINESS**

(Taken out of order) Items A, B and C were considered jointly.

- A. Continued discussion and consideration of City policy compliance relative to services and programs provided by organizations to the Fire Department.

Recommendation: The Board provides instruction to staff and adopts any necessary action relative to services, programs and association with organizations, entities or affiliates to ensure that all LAFD programs and services are in compliance with City policy.

- B. [BFC 08-065] - Fire Chief's transmittal dated April 28, 2008, submitting an overview of the LAFD Youth Development Programs, including the Learning for Life Youth Service Provider.

Recommendation: Approve the report and recommendations.

- C. Review and consideration of the following documents relative to the LAFD Explorer Program:

1. [BFC 08-064] – Human Relations Commission Resolution dated March 3, 2008 regarding the Explorer Program.
2. [BFC 08-053] - Correspondence from the Board of Fire Commissioners' to the City Attorney requesting a legal opinion on the distinct and legal separation between the Boy Scouts of America and Learning for Life.

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3. [BFC 08-052] - Correspondence from Lambda Legal Services to the City Attorney regarding the LAPD and LAFD Explorer Program relationship with Learning for Life and Boy Scouts of America.
4. [CF 00-1590 - S1 and S2] - Council Motions, Goldberg/Feur and Miscikowski/Ridley-Thomas, regarding the Boy Scouts of America – City Policy prohibiting discrimination.

Recommendation: The Board provides instruction to staff and adopts any necessary action relative to services and programs provided by the Learning for Life, Boy Scouts of America and its affiliate organizations to ensure that all LAFD programs and services are in compliance with City policy.

Items 5. A, B and C were considered jointly.

PUBLIC COMMENT: 40 speakers

DISCUSSION: Rabbi Allen Freehling, Executive Director and Jehan F. Agrama, Commissioner, of the Human Relations Commission (HRC) provided an overview of the City's anti-discrimination policies. They discussed the March 3<sup>rd</sup> action taken by the HRC, which recommends severing ties with the Learning for Life Youth Service provider. The HRC supports the enhancement of the City's youth programs so that the services provided are inclusive of everyone. Mike Bonin, Chief of Staff, Council District 11, thanked the Board for undertaking the Explorer Program needs. Mr. Bonin indicated that a proactive phase-out of the current program is necessary so that the City can move forward to implement an enhanced, alternative and inclusive program. President Hudley-Hayes thanked the public, speakers and staff for their time and concerns. She indicated that it was not the Board's intention to suspend the Explorer Program, that the main issue to be discussed at the meeting was of legal concern. That the Board's intent was to review the process to ensure that there are no violations of City policies or ordinances. She assured the participants that the Board was not accusing anyone of discrimination and noted that they did have a need for a legal opinion on the relationship between Learning for Life and the Boy Scouts of America. President Hudley-Hayes said that the City Attorney opinion on the subject was forthcoming and in the interim would introduce recommendations through a motion.

**MOTION** (Hudley-Hayes/Furillo): In the absence of a legal opinion from the City Attorney's office regarding the City's anti-discrimination policies and Learning for Life, Inc. ("Learning for Life"), I move that the Board instruct the Fire Chief to immediately take the following actions and direct all Department personnel responsible for the Fire Department's Explorer program to: 1) Not begin annual re-charter activities with Learning for Life on October 1, 2008 for the calendar year 2009 and all subsequent years; and 2) The Department is directed not to engage in any re-chartering activities with any other corporate subsidiaries or corporate affiliates of the Boy Scouts of America or Learning For Life in any other jurisdiction outside of the City of Los Angeles or the County of Los Angeles; and 3) The Department takes all necessary actions to end any and all affiliation with Learning for Life and any other corporate affiliates or corporate subsidiaries of the Boy Scouts of America effective October 1, 2008; and 4) The Department takes all necessary actions to implement a revised youth development program in conjunction with the Mayor's Volunteer Program, effective January 1, 2009; and 5) That this policy remain in effect until such time as the Board of Fire Commissioners receives a definitive legal opinion from the City Attorney's Office finding that the Learning For Life organization as it is currently constituted, does not violate any of the City's anti-discrimination policies.

DISCUSSION: The matter was opened for discussion and questions from the Board. At the conclusion of discussion, Commissioner Furillo seconded the Motion and President Hudley-Hayes called for a vote by sound. The Motion was **ADOPTED** unanimously: AYES - 5  
NAYS - 0

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- D. [BFC 08-044-R1] - Fire Chief's transmittal dated April 21, 2008, requesting authorization to begin the 2007 Brush Clearance Appeals Process and appointment of the following hearing officers to conduct appeals on behalf of the Board of Fire Commissioners: 1) Janice Iving 2) David Shapiro 3) Paula Petrotta (alternate hearing officer).

Recommendation: Approve the report and recommendations.

Fire Chief Barry reported that the information requested by the Board at the prior meeting had been incorporated into the revised report. Captain Knight, Brush Clearance Unit, provided an overview of the issues outlined in the report. The commissioners discussed the hearing officer hiring process with staff and City Attorney Jackson. The Board determined that they needed additional information and clarity of the City's process; they requested that the Personnel Department be invited to a future Board meeting for further discussion. **MOTION** (Furillo/Bontá): That the Board approves the Department's report and recommendations. **ADOPTED:** AYES - 5 NAYS - 0.

- E. Verbal status report and consideration on the disposition of the Fire Department Budget.

1. Fiscal Year 2007-08 Budget
2. Mayor's Proposed Fiscal Year 2008-09 Budget

Recommendation: That the Board provides instruction to staff and adopts any necessary action relative to the Fire Department budget.

A budget update was provided, followed by discussion and questions from the Board. In response to Commissioner Bonta's inquiry on budget process milestones, Salvador Martinez, Chief Management Analyst, provided an overview of the budget process and timelines. No Board action was taken.

- F. Verbal status report and consideration of the Department's strategic implementation plan - indicators of progress/measures of success of reforms.

Recommendation: That the Board provides instruction to staff and adopts any necessary action relative to the Department's plan for reform.

Chief Barry indicated that the Stakeholders group was scheduled to meet on June 22<sup>nd</sup> and that he expects to have a quarterly implementation report for the Board in June. No Board action was taken.

## **6. NEW BUSINESS**

- A. [BFC 08-066] - Fire Chief's transmittal dated April 28, 2008, requesting acceptance of an in-kind donation of fourteen portable Tom Tom One XL GPS Navigation Devices valued at approximately ~~\$3,8000~~ \$3,800.00 for distribution to Battalion 14. The equipment was purchased by the Brentwood 90049 Adopt-a-Fire Station Homeowner's Group with funds from an anonymous donor.

Recommendation: Approve the report and recommendations.

The matter was opened for discussion and questions from the Board. Commissioner Bontá requested confirmation that no funding or sponsorship from Kaiser Hospital was obtained as noted in the report. City Attorney Jackson clarified that no conflict existed as Kaiser Hospital was not a benefactor. **MOTION** (Furillo/Friedman): That the Board approves the Department's report and recommendations. **ADOPTED:** AYES - 5 NAYS - 0.

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**7. CONSENT ITEMS**

The consent items were received and filed without discussion.

- A. [BFC 08-067] - Fire Chief's transmittal dated April 28, 2008 submitting the EMS Deployment Plan Update – April 2008.

Recommendation: Receive and File

The report was received and filed.

- B. [BFC 08-068] - Fire Chief's transmittal dated April 14, 2008 submitting the Fire Department Statistics for Fourth Quarter 2007.

Recommendation: Receive and File

The report was received and filed.

**8. REQUEST FOR FUTURE AGENDA ITEMS**

Follow up reports on:

Budget status

Professional Standards Division status

City Attorney opinion on Learning for Life

**9. ADJOURNMENT**

The meeting was adjourned at 11:30 a.m. (Tolentino/Bontá)

ATTEST BY:

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GENETHIA HUDLEY-HAYES  
President

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BLANCA GOMEZ-REVELLES  
Commission Executive Assistant II

Date: July 15, 2008

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.