

**CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011**

The Regular Meeting of the Board of Fire Commissioners convened at 9:05 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Room 1820, Los Angeles.

▪ **ROLL CALL**

Present: Vice President Casimiro Tolentino
Commissioner Diana Bontá
Commissioner Andrew Friedman
Commissioner Jill Furillo
Fire Chief Millage Peaks
Deputy City Attorney Janet Jackson

Absent: President Genethia Hudley-Hayes

▪ **FLAG SALUTE AND MOMENT OF SILENCE**

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

Dr. Clyde Williams, LA-32 Neighborhood Council, commented due to rain, there is no fire problem, but anticipates a high brush load. Last year brush clearance requirements were not effectively transmitted to public, had a lot of post-notification concerns, what will happen this year, and come April? The public does not know what is going on, and we have the most stringent brush clearance requirements in the United States and still see the County bombing residences with brush at their fence line, we have fire danger, his neighbor is going to be cited by the lot cleaning group and is allowed to defend his position in March. His neighbor is in the fire zone, he has brush, but why is public works doing it rather than the Fire Department. There is a lack of enforcement, lack of public participation and lack of communication with the public.

2. COMMISSION BUSINESS

A. Announcements/Meetings/Events
Considered jointly with Item 3.A.

B. [BFC 10-144] - Approval of Meeting Minutes for December 7, 2010
MOTION (Furillo/Bontá): That the Board approve the minutes as submitted. **ADOPTED:** AYES
– 4 (Absent: Hudley-Hayes)

3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events
Items 2.A., 3.A. and 3.B. considered jointly. Fire Chief Peaks reported personnel changes within Fire Department administration; three members were promoted from Battalion Chief to Assistant Chief and two members from Captain to Battalion Chief. Chief Frazeur was promoted to Deputy Chief of Emergency Operations and Chief Cummings has been promoted from Battalion Chief to Assistant Chief and is the current Chief of Staff. Chief Reynar is now the Measure B, Emergency Medical Services (EMS) Division Commander, working under Chief Frazeur. Chief Vidovich was working at "The Alliance", a grant funded position, as a Battalion Chief has been promoted to Assistant Chief and is assigned to LA-RICS which is also a grant funded position. Battalion Chief Promotions included Captain Ruda and Captain Akahoshi. Captain Jaime Moore replaced Captain Ruda. Chief Richmond replaced Chief Cummings.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

Vice President Casimiro Tolentino congratulated the members promoted on behalf of the board. Fire Chief Peaks commended the Administrative Services Bureau (ASB) staff, Ms. Norma Gutierrez, and Mr. Mark Davis, Office of the City Administrative Officer Analyst, for getting these promotions during these difficult times.

Fire Chief Peaks reported on past and future meetings and events: including Fire Department Command Staff met with L.A. County Fire Department Command Staff on December 8th to present a retirement plaque to L.A. County Fire Chief Mike Freeman, Headquarters Administrative Office Holiday Party on December 10th, Grand Central Market Holiday Party on December 11th, Christmas Tree Safety & Recycling on December 21st, the Supply & Maintenance Division Holiday Party on December 23rd.

Fire Chief Peaks referenced the Calendar of Events provided, and invited the Commissioners to attend the Board of Honorary Award Luncheon on March 3, if possible.

Commissioner Andrew Friedman asked if the Fire Department participated in the Thanksgiving or Christmas Parade in Hollywood. He requested Commissioners be advised of the event as in past practice.

Fire Chief Peaks stated the Fire Department did participate in the parade, but did not receive an invitation so he could not advise Commissioners. He will ensure Commissioners are invited in the future, when possible.

B. [BFC 10-157] – Calendar of Events

Recommendation: Receive and File

Considered jointly with Item 3.A. The report was received and filed.

C. Significant Incidents/Activities:

1. [BFC 10-145] – Significant Incident Summary report for the period of November 22 through November 29, 2010.

Recommendation: Receive and file.

The report was received and filed.

2. [BFC 10-146] – Significant Incident Summary report for the period of November 8 through November 15, 2010.

Recommendation: Receive and file.

The report was received and filed.

3. [BFC 10-154] – Significant Incident Summary report for the period of December 6 through December 13, 2010.

Recommendation: Receive and file.

The report was received and filed.

4. [BFC 10-155] – Significant Incident Summary report for the period of December 13 through December 20, 2010.

Recommendation: Receive and file.

The report was received and filed.

Deputy Chief Rueda highlighted the fire at 2170 S. Century Park East - [BFC 10-154]. It was a 21-story high rise building; good work by Firefighters resulted in a successful outcome. Fire was knocked down in 23 minutes, and there were only two minor injuries.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

Training, experience and pre-fire planning paid off, weather conditions were also favorable.

Deputy Chief Rueda stated the Fire Department also prepared for predicted rainstorms. The City experienced significant rainstorms from December 12th through December 22nd. The basin received approximately 9 inches of rain, and at some periods experienced approximately 1.25 of rain per hour which triggered a number of flash flood warnings in the area. It prompted the Department to cancel the Modified Coverage Plan on two days, and there was approximately a 20% increase in call load, number of traffic accidents, other weather related injuries, but no significant incidents. A number of assets were pre-deployed to the San Fernando Valley and set up a Command Post with the Los Angeles Police Department for potential events in the Sunland/Tujunga area as a result of the Station Fire burn. The debris basins above the City of Los Angeles performed well, no debris flows and no significant events in that area. Also set up the City's Emergency Operations Center (EOC) with a team and the City family did pre-deploy assets to the Command Post at Fire Station 81 and were prepared on 21st and 22nd with the opening of the EOC in the event of any significant events occurring. Lastly, the Fire Prevention Bureau and Emergency Services Bureau pre-deployed and planned for the *Together as One*, electronic music festival, on New Year's Eve at Sports Arena. He commended Chief Bowman and Captain Ayala for the planning, coordination, and preparation in regard to medical emergencies and public safety issues encountered. Approximately 45,000 attendees participated, 17 were transported, and the Department did receive cost-recovery for resources deployed. Also assisted the City of Pasadena with the Rose Parade, and Rose Bowl events with three ambulances and do receive cost-recovery.

Fire Chief Peaks announced that today he and Deputy Chief Frazeur, who were drill tower class mates, are celebrating their 35th year of service to the City of Los Angeles.

6. NEW BUSINESS – CONSENT ITEMS – Taken out of order.

- C. [BFC 10-156] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – November 25 through December 21, 2010
Recommendation: Receive and file.
The Report was received and filed.

Vice President Tolentino stated the report changed dramatically from the last report of December 7th which he asked Mr. Stephen Miller to pull out. He expressed concern regarding the Offense section and the Prior Discipline History had also been pulled out. When the Personnel Committee still constituted, they pulled the form together for transparency and also to show the Department the kinds of actions occurring, to educate them as to the disciplinary guidelines, and disciplinary process. Discussion was held regarding various concerns about the report format. Chief Bercik commented it would be reviewed accordingly. Vice President Tolentino suggested working with Mr. Miller, Independent Assessor. Discussion was held regarding the appropriate process. Fire Chief Peaks directed Professional Standards Division (PSD) to work with Mr. Miller, Independent Assessor, to develop a form, or return to the prior form, which would then be sent to the Commission for approval.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

4. OLD BUSINESS

- A. [BFC 10-045] – Fire Department response to the Assessment of the Department Disciplinary Process and Professional Standards Division conducted by the Office of the Independent Assessor [BFC 10-027]

Chief Richmond reported on Action Items 1 and 2 of the report, assigned to Battalion Chief Dave Spence, regarding the Disciplinary Guidelines and their application, a report was received, and will be reviewed thoroughly. The meet and confer process has occurred and will be discussed by Chief Palacios. Action Item 3, assigned to Battalion Chief Pearson, moving forward to staff the eight Investigator position and one civilian position. The Office of the City Administrative Officer (CAO), is reviewing the draft document to make those appointments. Anticipate it going through various Council Committees prior to finalization, and vacancies could be possibly filled in April.

Chief Richmond continued, for Action Item 4, assigned to Battalion Chief Rudolph Hill, discussing labor management agreements. Battalion Chief Hill is working on an indexing system to capture the agreements between management and labor and stakeholder groups. Also, working with the Planning Section to develop that system.

Chief Richmond reported for Action Item 5, PSD has trained five Skelly Officers with the objective to obtain a total of seven Skelly Officers. The Planning Section is working with PSD to insert language into the Skelly manual outlining the procedures to train Skelly Officers.

Action Item 6, Fire Commission Oversight, assigned to Battalion Chief John Biggs and Battalion Chief John Potter, they are working with PSD Chief Special Investigator Paul Hayashida to define the disciplinary manuals and develop the language to make the manual come about.

Commissioner Diana Bontá inquired regarding the hiring of the two additional Skelly Officer positions. Fire Chief Peaks clarified those are existing positions.

1. [BFC 10-091] – LAFD Implementation Action Plan (IAP) – Department's response to the 2010 Independent Assessor Audit (Revised 08/31/2010; Supersedes BFC 10-085)
Considered jointly with Item 4.A.

- B. [BFC 10-046] – Fire Department response on Disciplinary Guideline Comparison

Fire Chief Peaks commented as this item is subject to meet and confer it should be under Closed Session in future meetings. Chief Palacios will provide a generic overview, but they would like to have a more comprehensive discussion, in closed session, in future meetings.

Commissioner Jill Furillo commented as President Hudley-Hayes is very involved and concerned about in this issue, should they wait for the next meeting that she could be here to hear the report.

Fire Chief Peaks confirmed today it would be a very nondescript report and he would like to give the Commission a comprehensive report in closed session with the discussion to also include the Independent Assessor.

Deputy City Attorney Janet Jackson stated that she would work with the Commission Secretary to ensure that this is a matter that can be handled, and it will be properly agendized for closed session if it is a closed session item.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

Chief Palacios reported as the Commission had directed Fire Chief Peaks to move forward on negotiating the disciplinary guidelines, Fire Chief Peaks, he and Mr. Miller discussed how to begin the negotiations with the two labor organizations. On November 17th, Chief Palacios met with the Chief Officers Association and provided them the comparison guideline document presented to the Commission which showed the initial stakeholders and the other two versions approved by the different various groups. Thereafter, he requested a response back from the Chief Officers Association; nothing has been received in regard to a counter proposal. On December 16th, he met and conferred with United Firefighters of Los Angeles City (UFLAC) on the disciplinary guidelines and presented the same document, the stakeholders' original documents along with the other two versions. On December 22nd UFLAC provided a response. He hopes to have a response from the Chief Officers Association shortly. Chief Palacios stated he is meeting with UFLAC again on Friday and hopes to provide them with a counter proposal.

- C. Verbal report on impact of ending the Modified Coverage Plan (MCP) and the elimination of 51 Staff Assistant Positions from the Department and possible Board action including discussion of seasonal variances and temporary suspensions based on departmental needs.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council, commented regarding redeployment, taking engines from areas of lower risk, but this year everybody will be at risk. Taking them from structure areas to brush areas, why do we have to do it, i.e. because of Griffith Park, County's areas, etc.? We have the most stringent brush requirements in the United States, prevention is better than suppression. Recommends on the season variation, that there be a better system involved and that the brush clearance people, 14 people to do over 100,000 lots, lot next to him has not been cleared in 20 years.

Chief Richmond reported the MCP resumed on November 21st after the Mayor's executive order. MCP was suspended on December 21st and 22nd because of weather-related concerns. In 187th day of the fiscal year, and on January 2, 2011 we began the expanded MCP, and currently in that model. The additional company total closures with the expanded MCP are 14 engines and 8 light forces, the rescues remain unchanged. The EMS Captains have been redeployed; currently staff 6 EMS district offices and the remaining EMS Captains have been redeployed to various positions in the field and in special duty. The result of the two suspended MCP days, each day unrealized a savings of approximately \$106,000. That added to the accumulative, unrealized savings of approximately \$4,938,927. With the expanded MCP, we are on target to meet our projected deficit. With the older MCP version, it was about 87 personnel per shift that were placed into the staffing pools, with the new/expanded MCP it is about 122 personnel per shift; with the 14 engines and 8 light forces.

5. NEW BUSINESS – Taken out of turn.

- D. [BFC 10-153] – Operational Plan of the Los Angeles Fire Department Regarding Projected Deficit in 2010/2011 Budget
Recommendation: Receive and file.
The report was received and filed.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council, commented there will not be much money left after this year, next year will be worse. Suggested staff look at operations for next couple of years, how will it be affected. Tomorrow the Public Works Department is going to have more than 1,000 listed plots put up for assessment hearings in March because they are clearing those areas that they have under their jurisdiction in the fire zone, the brush clearance. Give all brush clearance over to the Department of Public Works because they have a process, the City Attorney on their side, it is well organized and already

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

doing lots in the fire/brush zone. Waste of effort for Fire Department to be doing the same work the Public Works Department is doing.

Assistant Chief Cummings provided an overview of Board Report BFC 10-153. The December 16, 2010 letter to the Mayor was brought about by the second financial status report which projected the Fire Department to have a deficit of an additional \$20.8 million by end of the fiscal year. The additional deficit was projected due to the suspension of the MCP for 49 days as well as the EMS Captains were not redeployed and the personnel on Squad 48 were also retained. Those items plus some various sundry shortages and overages in some expense accounts brought us to the \$20.8 million. In order to address the additional deficit, on January 2, 2011 the Department redeployed the EMS Captains, six are deployed daily in the field, and an additional 3 are on a special duty assignment assigned to the EMS Division. Have reassigned the staffing on Squad 48 which is now flex-staffed as two of the other squads in the City, and have added 7 additional fire resources to the Modified Coverage Plan. The total savings from those three items will bring an additional \$10 million in savings for the balance of the fiscal year. The operational plan letter outlines this information; the MCP is part of a continuation plan as the Department works towards a deployment model for the Department. They are utilizing the ADAM Software and looking at different deployments of resources in the field that will allow the Department to operate within the budget provided by the City of Los Angeles.

Commissioner Friedman asked why the Commission would have to read about this in the L.A. Times, he asked if procedurally the Commission could find out about the Extended Modified Plan before the L.A. Times does. If there is a possibility in the future to advise the Commission of a new plan, it should be done. Assistant Chief Cummings agreed.

Commissioner Furillo commented that the second paragraph of the letter to the Mayor stated the Continuation Plan is designed to generate budget savings until FIRE's new, comprehensive deployment model, can be analyzed, vetted and implemented. When will this happen?

Assistant Chief Cummings stated the Department took delivery of the ADAM Software on November 30th and has started using it to test various deployment models. It is a slow process because of the 106 fire stations, and the different resources; it takes up to six hours to run one scenario. It is also labor intensive because the Planning Section Captains are manually checking the computer results to confirm the software is correct. Some software mistakes have been discovered and staff is working with the engineers to correct and move forward. They hope to work through all of the data within 60-90 days and find the optimal deployment model, and run it through a vetting process.

Commissioner Furillo confirmed that the Commission, within 60-90 days, would know the conclusions. Assistant Chief Cummings agreed. Vice President Tolentino requested the report be noted as a future agenda item.

Commissioner Furillo commented there were issues in the L.A. Times article that were raised by UFLAC concerning the Continuation Plan, and requested a report from the Department as to where talks stand with UFLAC on the issues raised. Assistant Chief Cummings commented one of the issues raised was that we would have closed fire stations, and we do not. The modified coverage plan is designed to make sure we staff every fire station with a fire resource and a paramedic resource. We have 47 stations around the City that have multiple fire resources and only in those stations do they remove a fire resource as part of these rotating closures. Additionally, since we do maintain those resources in every District in the City there has been very little impact on our response time; to our first unit on scene time. However,

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

having 22 less fire resources every day will obviously have an impact. Vice President Tolentino requested that UFLAC's concerns be included in the update to be provided in 60-90 days.

Commissioner Bontá stated the plan is a short-term solution for the deficit for 2010-2011, for the next six months, in planning for 2011-2012 is the assumption to add on to the modified coverage plan in existence. Assistant Chief Cummings responded the hope is that the deployment model will solve both problems. It will allow the Department to realize the budgetary savings and operate the Department within the budget for this year, the next fiscal year and into the future. They are looking for a long-term solution. Because of the compressed time period, having to make up the deficit within six months, they have had to add additional resources than they would if they had a whole year to make up the savings. The deployment model they come up with; they are looking toward the next fiscal year and sustainment of the department in moving forward.

Commissioner Bontá asked for confirmation regarding review of the budget in February, and some of the requests made by President Hudley-Hayes in terms of looking at potential scenarios. Fire Chief Peaks stated Mr. Sal Martinez would provide a short briefing on the budget, current year and next year's budget. Fire Chief Peaks stated he had met with the City Administrative Officer Budget Analyst and discussed strategy savings for next year. Fire Chief Peaks stated the discussion included that whatever redeployment model the Department comes to; that is the last, best, final offer. The Department cannot keep the current unstable environment with the modified coverage plan; it is too disruptive to the organization. They are looking for a plan that is going to truly stabilize the organization and realize the savings the City needs.

Commissioner Furillo inquired regarding the model that is being used/tested, is it a model that exists elsewhere, is there any report on how it has worked in other areas, is it tested prior to the Los Angeles Fire Department (LAFD) using this model. Assistant Chief Cummings responded in reviewing the deployment model, they are looking at the discretionary standards, at the NFPA 1710 which talks about response times, resources on scene, a mix of resources, the Fire Code; where it calls for distances from fire stations, looking at ISO ratings, and taking the industry standards as they bring that to the City and look at our deployment, our resources and looking into each District and reviewing the frequency and type of emergencies. The goal is to meet the needs of the City in an efficient and effective manner as possible. As models are developed various mixes of resources, and numbers of resources, are used, and plugged into the computer software and it analyses and provides the impact on response time, coverage and company availability. It provides hard data to support assumptions made based on those standards.

4. OLD BUSINESS – Continued.

- D. [BFC 10-148] – Los Angeles Fire Department and My Safe: LA Memorandum of Understanding and Trademark License Agreement Overview
Recommendation: Receive and file.
The report was received and filed.

Assistant Chief Cummings stated the report is in response to Vice President Tolentino's request to see the signed Trademark Agreement and Memorandum of Understanding between My Safe: LA and the Los Angeles Fire Department. Fire Chief Peaks stated that at the last meeting the draft contract was included in the board report and the presentation by My Safe: LA was only an update. Vice President Tolentino agreed.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

- E. [BFC 10-152] – Proposed Budget for Fiscal Year 2011-12
Recommendation: Receive and file.
The report was received and filed.

Mr. Sal Martinez, Acting Fire Administrator, reported that since the Board's approval was received for the Proposed Budget for Fiscal Year 2011-12; the budget has since been distributed to Mayor, City Council and the CAO. Staff is currently working with the CAO in addressing questions regarding the Department's budget packet; it is early in the process. The Commission will be briefed as it evolves and develops in the next coming months.

5. NEW BUSINESS

- A. [BFC 10-149] – Memorandum of Understanding Between the Los Angeles Fire Department and the Los Angeles Fire Department Foundation, Inc.
Recommendation: That the Board approves the report and recommendations.

ACTION: MOTION (Bontá/Friedman): That the Board approves the report and recommendations.

ADOPTED: AYES – 4 (Absent: Hudley-Hayes)

Assistant Chief Cummings stated that with the budgetary strains put on the City and State, public/private partnerships are extremely important in moving forward and furthering the mission of the Department. This MOU allows the Department to continue its mission and provide those critical items the Department needs as it moves forward when our budget is taxed.

Vice President Tolentino stated in reviewing the report he compared it with My Safe: LA and the contract with My Safe: LA was more comprehensive and consistent. He commented it appears there are conflicting times concerning when and who has exclusive rights to the marks. How is that resolved? Assistant Chief Cummings responded that My Safe: LA has a Trademark Agreement with the Department. Deputy City Attorney Janet Jackson clarified this is an MOU which is the first level of the relationship, before a trademark can be used by an entity other than the City they must enter into a trademark agreement. This function is performed by the City Attorney's Intellectual Property Section. There is not an Intellectual Properties Agreement attached and the Foundation currently does not have authority to use the trademarks of the City.

Vice President Tolentino stated he realized we are indemnified, but the other inconsistency he viewed was that under My Safe: LA there was a Certificate of Insurance. Deputy City Attorney Jackson responded that it had to do with a different nature of relationship between My Safe: LA. Each relationship is different, the Foundation is in a fundraising position for the benefit of the Fire Department as opposed to My Safe: LA that has an educational endeavor and is involved with the Department which involves coming onto Department premises, working with firefighters at particular school for educational purposes; it is a completely different relationship than a non-profit organization that is in a position to raise funds for the City or a Department.

Vice President Tolentino referenced Commissioner Bontá's past concern regarding the MOU not supplanting some basic need the Department has, that this is being used to enhance, not for basic Department functions; that should be done through the budget. Deputy City Attorney Jackson responded that is something that is out of the control of the Department and the Commission as the City is in charge of the budget, and they determine what allotment will be provided to the budget, i.e. the modified coverage. Because of the shortfall within the money in the City they are now asking that Departments cut resources. Therefore, resources that one would expect the City to pay for are now being cut. If Departments are fortunate enough to

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

have donors which want to donate money to buy paper, which should be a resource provided for the City, if the City is unable to provide that resource, etc. The Commission could direct the Department not to accept any donations or gifts.

Commissioner Bontá commented she did not believe the Commission had any problems with this Foundation, and under Ms. Wagener's leadership and with Assistant Chief Cummings and work that has been done on this; hopefully, the Commission will see an enhancement of the donations the public is making. The difficulty has been we are in the circumstance in which resources are so tight, and there had been a previous item before the Commission that was a donation from the Foundation and the wording is what caught their attention at the time; it was for a crucial resource to the Department which one would assume would have been taken care of in the base budget. There may be times where some of the equipment or supplies or resources are not available and that the Foundation is, through the public and corporate largesse, able to have these additional resources. She is satisfied the Foundation is doing good work, working in concert with the Fire Department to make sure the public is aware these are difficult times and as such donations would be put to good use, and assumes that this non-profit has a good process whereby it is reviewing the requests for actual items to the Fire Department, prioritizing that and making the gift back to the City of Los Angeles Fire Department as part of the work it is doing. Assistant Chief Cummings commented there is also an internal process as to what type of items can be accepted by the Department. He thanked Battalion Chief Dean Ulrich and Ms. Karen Wagener for their involvement and efforts to support the LAFD.

Vice President Tolentino reiterated the Commission appreciates the Foundation's work in enhancing our ability to provide safety to the City. Reviewing the contracts is part of the Commission's responsibility, and does not reflect badly on the Foundation.

B. [BFC 10-150] – Report on Matrix Contract

Recommendation: Receive and file.

The report was received and filed.

Mr. Martinez stated the report is in response to Commissioner Friedman's request for an update on efforts to treat non-transport fee. Mr. Martinez summarized the report and provided background information regarding the various aspects of the Matrix Contract. Numerous report concerns and corrections are in progress, and staff will be reporting through channels, through the Fire Chief, to provide him an overview of what is provided by Matrix Consulting prior to submission to City Council. Mr. Martinez emphasized although initial work began in June, problems have been encountered with the vendor, i.e. key staff members assigned to our project were lost. Final reports are anticipated this month and staff will continue to update the Board accordingly.

Commissioner Friedman asked how the costs of non-transport services are recuperated in our current structure. Mr. Martinez responded parts of the treat/non-transport fees incurred are incorporated in our current overhead as part of our total cost. As costs are calculated for including our fees those services that are being provided are incorporated into the fees both for ALS and BLS. We do not get 100% recovery, but they are incorporated. The cost for providing that service, along with the direct services for doing transports is incorporated in our current ALS/BLS fee. To develop a separate treat/non-transport fee they would base it on the cost for providing that particular service. In doing so they would have to revisit current fees, reduce that component already incorporated for the treat/non-transport which would reduce those fees while keeping and developing a separate treat/non-transport fee. The concern would be to properly identify the revenue generated from a treat/non-transport fee and the revised revenue that would be generated from an ALS/BLS fees minus the cost for that current fee.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

Commissioner Friedman asked if the current fees being collected for transport also include partly non-transport. Mr. Martinez agreed. Commissioner Bontá stated it would be useful to know if it is factored in at about 5% more, or 2%, or what it is; Mr. Martinez confirmed that is the question posed to Matrix Consulting. Mr. Martinez added staff has also asked ADPI to give information on rates of collections with other municipalities within the state to see how they are doing when they implement a treat/non-transport.

Commissioner Furillo expressed concern because of the length of time the process was taking as the need was identified in March 2010. Mr. Martinez reiterated the problems encountered were internal to Matrix Consulting, and final products should be received by the end of this month. Commissioner Friedman requested this item be brought back in February or March, after Fire Chief Peaks has reviewed it.

C. [BFC 10-151] – Cost Recovery – Special Events

Recommendation: Receive and file.

The report was received and filed.

Chief Richmond stated that at the Fire Chief's direction an ad hoc work group was formed to look at the possibility of developing an ordinance, originated from the Fire Department, to recover costs associated with special events. The work group meets every two weeks and consists of members from each Bureau. The work group determined there is an existing Bureau of Street Services Ordinance (BOSS) which they are attempting to modify. The objective is to have a "one-stop shop" ordinance. In the past the BOSS ordinance was triggered by street closures, however, there are some events in the City which have no street closures, but still require Fire Department presence. Staff is working with Public Works to attempt to insert the Fire Department needs in regard to amending this ordinance. LAFD is also working with LAPD because of similar needs, and working with Emergency Services Bureau (ESB) to define deployment models based on historical results from previous types of events in order to more clearly define our commitment and resources to more accurately recover costs associated with deploying those resources. Staff is working with Ms. Mariana Rivera, Sr. Management Analyst II, Administrative Services Bureau (ASB), on this item.

Commissioner Bontá commented this item was requested in terms of looking at special events that have occurred throughout last year, 2010, that had significant financial impact. She appreciated Chief Rueda's earlier comments regarding the raves and other opportunities where there has actually been cost recovery, and all the work done in terms of the planning process to ensure a safe event occurs are also being considered as part of the cost which needs to be recovered. The budget is in difficult shape, and we need to ensure we are not expending for private entities when they put forth an event, an outlaying of resources that are not recovered. She commended staff on this item, and a lot of attention paid by the Department to cost recovery from private enterprises when doing special events and occurrences.

Commissioner Furillo inquired regarding the success of the pilot program for the BOSS ordinance referenced on page 8 of the report, under Letters of Agreement – Pilot Program. Chief Richmond responded that at this time the recommendations are only recommendations, he is not aware of a pilot program currently in place, but would look into it and report back. In closing, Chief Richmond stated the Department has been focusing on Types of Events, page 6 of the report, as current definitions do not adequately represent Fire Department needs. Vice President Tolentino requested the Commission be kept updated on this item.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

- D. [BFC 10-153] – Operational Plan of the Los Angeles Fire Department Regarding Projected Deficit in 2010/2011 Budget
Recommendation: Receive and file.
The report was received and filed.

Item considered after Item 4.C.

6. NEW BUSINESS – CONSENT ITEMS

MOTION (Furillo/Bontá): That the Board approves Items 6.A. and 6.B.

ADOPTED: AYES – 4 (Absent: Hudley-Hayes)

- A. [BFC 10-143] – In-Kind Donation for Office Furniture
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- B. [BFC 10-147] – 2010-2011 Annual Organization Chart
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- C. [BFC 10-156] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – November 25 through December 21, 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Item considered after Item 3.C.4.

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Fire Dept. response on Disciplinary Guideline Comparison, Closed Session – See Item 4.B. (Fire Chief Peaks)
- Operational Plan Update, to include UFLAC concerns, in 60-90 days – See Item 5.D. (Furillo)
- Matrix Consulting Update, in February or March – See Item 5B. (Friedman)

9. CLOSED SESSION – Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) – Pending Litigation:

Miller & Rueda v. City of Los Angeles - Case No. BC 416479

The regular meeting recessed at 10:22 a.m. and Vice President Tolentino announced the Commission would go into closed session with legal counsel pursuant to Government Code Section 54956.9(a) to discuss pending litigation of the matter listed above.

Ms. Jackson called the regular meeting to order at 10:24 a.m. and indicated the four members present met in closed session; received an update on the Miller & Rueda v. City of Los Angeles case, and that no action was taken in closed session on this item.

10. ADJOURNMENT

The meeting was adjourned at 10:25 a.m. (Bontá/Furillo)

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 4, 2011

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant

Date: January 18, 2011

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.