

**CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, MAY 17, 2011**

The Regular Meeting of the Board of Fire Commissioners convened at 9:12 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
Fire Chief Millage Peaks
Deputy City Attorney Janet Jackson

Absent: President Genethia Hudley-Hayes
Commissioner Jill Furillo

▪ **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

None.

2. COMMISSION BUSINESS

- A. Announcements/Meetings/Events
Considered jointly with Items 3.A. and 3.B.
- B. [BFC 11-070] - Approval of Meeting Minutes for May 3, 2011
MOTION (Bontá/Friedman): That the Board approve the minutes as submitted.
ADOPTED: AYES – 3 (Absent: Furillo, 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 that Coca Cola Bottling Company is celebrating their 125th Anniversary, as is LAFD. He met with Mr. Robert Macias, Community Relations, Coca Cola Company, and they are interested in supporting some of LAFD's community outreach efforts. One of the first things they plan on doing is providing refreshments for the Safe Summer Tip-Off Event (LAPD & LAFD Basketball Tournament) at USC Galen Center on June 25. LAFD is planning on partnering with them on a number of community related activities. Fire Chief Peaks stated he visited Fire Station 37 and updated them on Department activities and LAFD budget. On May 6 he participated in the Mayor's Gun Buyback press conference at Frank Hotchkin Memorial Center. This past Saturday was Fire Service Day which consisted of special demonstrations at a number of fire stations (88, 86, 27, 69, 112, 56, 34 and 65) all fire stations were open to the public. Fire Chief Peaks attended 56's a very impressive event at 65; including a dance contest, car show and food. Fire Stations 88 and 86 were well attended. On Sunday, Fire Service Day was celebrated at Fire Stations 61, 58. Commissioner Friedman stated he attended Fire Stations 61 and 29. He suggested making the Fire Service Day event citywide on Saturday and Sunday in the future.

Fire Chief Peaks reported that because a lot of the discussion revolved around the budget over the past few weeks, he and Assistant Chief Brian Cummings went to the Los Angeles Times

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and spent an hour with the Editorial Board yesterday. Later that morning, Councilman Tony Cardenas hosted a Round Table with several news agencies and they responded and answered questions regarding the Fire Department budget as we move forward into the budget approval process in City Council tomorrow.

Fire Chief Peaks referenced the Calendar of Events provided, and highlighted the following events; Red Bull Soapbox Race 2011, Silver Lake Jubilee, World fest, Valley Greek Festival, Memorial Day Holiday, Anti-Fireworks Campaign, LAFD Merit Scholarship Awards (All Commissioners are invited.), Hope for Firefighters, and Salute to Future Soldiers Event.

Vice President Tolentino stated he visited Fire Station 56 for Fire Service Day which was well attended. He spoke to a couple of community residents; they were supportive and had questions regarding the Deployment Plan. Part of the consensus was that our public safety is not being jeopardized at this point.

B. Calendar of Events
Considered jointly with Item 3.A.

C. Significant Incidents/Activities:

1. [BFC 11-068] – Significant Incident Summary report for the period of April 18 through April 24, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
2. [BFC 11-069] – Significant Incident Summary report for the period of April 25 through May 1, 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Assistant Chief Timothy Manning reported regarding the major training exercise on May 5-6, California Task Force 1 (CATF1-MOBEX). It is a FEMA LAFD Taskforce, one of 28 FEMA Urban Search and Rescue Taskforces throughout the Nation, eight of which are in California. LAFD's Taskforce has deployed to such major events as 9-11, Salt Lake City Olympics in a Pre-Deployment capacity and Hurricanes Katrina, Rita, Gustav and Ike. It is a very active taskforce and deploys anywhere in the Nation for major events. Assistant Chief Manning stated that for the two-day exercise, labeled MOBEX 2011, the scenario was a 7.2 earthquake in the Sherman Oaks area, and consisted of individuals trapped in a medical supply warehouse which housed radiological medicine. As a result, the trapped individuals would also likely be in a radiological environment and a contaminated environment. The significant test was in identifying, locating, removing, etc. the individuals from the contaminated area using heavy lifting-type capabilities. Over 130 members participated in the two-day event and this was the first time, anywhere in the Nation, and any of the 28 taskforces, where they exercised the removal of victims from an urban search and rescue environment. A great deal was learned.

Assistant Chief Manning stated the exercise allowed staff to exercise the Callout System, exercise Check-in Process, establish a Base of Operation (BOO), etc. The greatest challenge was for team members; working within this contaminated, radiological environment and doing heavy work. They learned that working within the hazardous materials suits and doing the heavy lifting, members exhausted quickly. Therefore, taskforce capabilities were less than anticipated because of the exhaustion factor. Upon

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removal of the suits, members were medically monitored afterwards to assure they were healthy. Another exercise component was to exercise the Search Dogs; they can cover large areas, but are also subject to contamination as well as their handlers. They went through a separate decontamination for the canines and handlers. The media presence was significant, and interviews were provided for two days. Media watched the decontamination process and rescue process take place. The exercise is evaluated, they have individuals from Cal EMA that came in to evaluate all facets of the exercise. Initial reviews were positive and staff is waiting for the final report. The exercise went extremely well and staff learned a great deal. What was learned within the urban search and rescue community will be passed on nationwide to the other taskforces.

Commissioner Bontá asked if the scenarios involved learning about transportation to hospitals. Assistant Chief Manning stated that would be considered with any multi-casualty exercise, it would be built in. He added that on day-two of the exercise they had an incident take place at Pearce College where there is an accidental release of radiological material in one of their laboratories. It did not include the urban search and rescue component, but did have the hazardous materials component.

Vice President Tolentino commended Assistant Chief Manning on the report and requested that final report results be shared with the Board.

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]
 - 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)

Battalion Chief Trevor Richmond stated that Battalion Chief Rudolph Hill and Battalion Chief John Biggs will be reporting on their particular action items.

Battalion Chief Richmond stated that regarding Action Item #3, PSD Staffing, Battalion Chief Pearson, was agendaed for tomorrow's City Council which will be continued to next week. Regarding Action Item #1, Battalion Chief David Spence, dealing with the Disciplinary Guidelines, the item is still working through the meet-and-confer process.

Action Items 4 and 6 – Relating to the Department establishing and documenting a policy and process for formally capturing all agreements between management, labor and stakeholder's group. The Department will establish and document a policy and process to ensure that the Fire Commission is informed of and formally acknowledges any changes in interpretation, documentation, or application of the Professional Standards Division procedures, policies, or guidelines. Battalion Chief Hill stated that in researching and looking at some of the issues that exist within the Department, he came across some problematic issues as it relates to the retention of documentation with the Department. He has met with the Employee Relations Officer (ERO), UFLAC & COA (Chief Officers Association) representatives, and all have come into agreement that any oral agreements will be memorialized in writing within 24 hours. The process is still currently being researched and they need to meet with the City Attorney's Office to discuss some of the ways they retain documentation with the City. Currently, Battalion Chief Hill has identified that the Planning Section is the section responsible for the retention of all

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communication within the Department. The ERO is responsible for agreements with organized labor and the COA and the stakeholders, and the Arson Investigation Section Chief is the Custodian of Records. This is problematic and staff is currently researching and considering a best practices procedure in order to be able to put in place, in an appropriate oversight, to be able to make notifications to the Commission, ensure the Fire Chief is notified of any and all agreements that currently exist and that they are valid and documented. One of the recommendations he will be moving forward with, in the completion of the report, will be that staff develop a policy and also an archiving system that is going to be monitored by an identified party with the Department and all entities will be responsible for communicating with this party to ensure there is a seamless communication in the transition of information, not only to the Board, but to the Fire Department and all established Department entities.

Vice President Tolentino asked if a specific bureau had been identified. Battalion Chief Hill stated that at this time staff is still in communications with all the Department entities to find the best and most appropriate entity in order to establish this policy and provide for oversight.

PUBLIC COMMENT: Mr. Pat McOsker, UFLAC, commented regarding oral agreements. Anything that is negotiated with UFLAC is either in the contract, with UFLAC President's signature, Fire Chief signature and CAO, or it is in a side letter. A letter of agreement is signed only by the Union President and Fire Chief, or it is something that is a matter of past practice and that is also contractual. To change from a past practice requires you to meet-and-confer and document. As far as he is concerned, they do not have any oral agreements and they should not be written down and called an 'agreement' between labor and management. The only things that are agreements between labor and management have their signatures and the other things are practices that exist and because of that they are contractual. He would caution against any policy that says they are going to claim that they talked about something and are going to write down and have that be the policy now, they would fight against that.

Vice President Tolentino commented that Battalion Chief Hill was saying that if there is an agreement, its oral and memorialized 1-2 days later. Mr. McOsker stated in that case it is nothing. Vice President Tolentino added then it would be signed-off by the parties. Mr. McOsker clarified that it is not an agreement until it is signed by the two parties. Vice President Tolentino agreed.

Battalion Chief Kevin Pearson reported on Action Item #3. The majority of the IA recommendations are directly or indirectly related to inadequate staffing. PSD has taken the necessary steps, within the budget process, to secure the required positions. He will be addressing three related items; securing funding through the budget process for the nine resolution authorities; hiring of civilian staff by the Personnel Department, and providing training for currently assigned PSD staff. Item 1 – PSD's request for resolution authorities for 8 Special Investigators and 1 Management Analyst has been approved by two separate City Council Committees; Personnel Committee and Public Safety Committee. There are 6 Councilmembers who have previously approved this recommendation. This recommendation will be on the agenda for an upcoming City Council meeting. Upon approval, the item will go to Managed Hiring Committee who will forward the recommendation to the Personnel Department to begin the hiring process. Item 2 – Regarding the hiring of civilian staff, the Personnel Department has worked closely with PSD to develop a job bulletin that will allow for hiring of the most qualified candidates. After resolution authorities are approved and granted, the Personnel Department will work closely with the Personnel Services Section (LAFD) to begin hiring staff. Item 3 – Training for currently assigned PSD staff. Chief Special Investigator Paul Hayashida has provided training for PSD staff that is consistent with the IA recommendations as outlined by Mr. Stephen Miller. Chief Special Investigator Hayashida has provided training in regularly

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scheduled roundtable sessions. PSD is currently in the process of updating the training through Departmental training system.

Vice President Tolentino asked if a timeline was available as to when the steps would be completed. Battalion Chief Pearson stated within the budget process, whatever timelines are delineated therein.

PUBLIC COMMENT: Mr. McOsker, UFLAC, asked if the 9 civilian investigators being added are an expansion of PSD. Fire Chief Peaks stated that he is hopeful that the detailed Captains will be sent back to the field. There are actually only two authorized sworn positions in the investigator's rank in PSD and those positions would remain. It is not an expansion and it is his hope that the detailed people will be put back on fire apparatus in the field. Mr. McOsker commented there would be savings there, the \$1.4 million for the 9 civilian investigators that is a line item in the budget, there should be \$1.4 million in savings on the other end, and it should not be an increase in the cost to the Fire Department. Fire Chief Peaks stated he believed the \$1.4 million is strictly for salary for the additional investigators in PSD this next fiscal year. Mr. Mark Davis, CAO Fire Department Budget Analyst, stated yes and it will save on the cost of staffing by not having to backfill for those captain's detailed to PSD. Fire Chief Peaks stated not only are the salaries of the detailed members being paid, but the time and a half is being paid for variable staffing being used. It could potentially be more than \$1.4 million. Mr. McOsker stated that is money that could go toward service restoration. Fire Chief Peaks stated potentially.

Action Item #7 - Battalion Chief John Biggs reported the item consists of developing a manual that would be used at PSD, Fire Stations and at all the assignments inside LAFD that would address discipline, training, early organization processes, policies. It will be an all encompassing manual upon completion. He has met with Mr. Stephen Miller, Independent Assessor, multiple times to obtain guidance, direction and insight. Not having foundational knowledge upon receiving this assignment he has spent a lot of time reading and obtaining information to have a base level of knowledge. Battalion Chief John Potter is also working with Battalion Chief Biggs on this action item. At this point they have a conceptual framework for a manual which consists of a table of contents, different chapter breakouts and subchapters. They are looking at best practices, LAPD, other agencies, what type of policies they have instituted, and what type of training might be involved. When looking at something that is going to go from before the complaint is received by the Department through the appeals process after a Board of Rights, you can imagine all the interactions and different documents involved, i.e. City Charter, City Attorney, meet-and-confer. It is a tremendous undertaking. Staff is in the process of gathering information, collecting and organizing it into the chapters, everything with a base level or standard being how it is addressing the 312 recommendations by the auditor as presented to the Board. The recommendations are being broken out, indexing them into chapters and at some point they will be able to breakout each chapter in subsections and put it together into a readable, organized document. The document index referred to by Battalion Chief Hill will go in as an annex at the back of the manual.

Vice President Tolentino commented Battalion Chief Biggs was given the hardest job; it will be all encompassing and a template for the future for this Department. He recalled the many documents pulled during the stakeholders meetings and it was not in one place. When accomplished this item will be a tremendous effort.

Battalion Chief Richmond commended all the Chief Officers for all the work done on these items.

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- B. Verbal report from Department on status of the Modified Coverage Plan (MCP), including discussion of introduction of policy changes regarding hard closures, seasonal variances and temporary suspensions based on departmental needs.

PUBLIC COMMENT: Mr. Ari Friedman stated regarding current closures and proposed deployment plan, enough articles and complaints have been received. He commented there are alternatives to such drastic measures. Such as 71% of firefighters across the United States are volunteer firemen. The simple idea is that LAFD could incorporate a reserve corps for the busy times where they would not have to call fire resources from across the City, but would have reserve corps that live or can be on call in stations. This is a crazy idea in such a big City, to have a small City incorporated item, but it is possible. LAPD and Sheriff Department have reserves. The implementation would be huge, but if it starts small with a few trained individuals and start at one fire station, it is not such a huge task to start off. Lives can be saved and the biggest expense to the Fire Department will be saved – salary. Mr. Friedman provided the Commission Executive Assistant, Ms. Leticia Gómez a summary of his statement and introduced his colleague, Mr. Chaim Adelman. Mr. Friedman clarified that there are so many more intricate details with regard to fire; the beginning pilot plan would include EMS which represents 81-83% LAFD calls and would not include the Fire Department. Mr. Friedman concluded that this simple alternative leads to the fact that there are alternatives and he is urging the Board to delay any possible, or permanent, closures.

Captain Mark Woolf stated that regarding the status of the Modified Coverage Plan (MCP), LAFD is in the 319th day in this fiscal year and saving \$34.4 million thus far and it has been not in effect 55 days of the 319 days, and on target to save over \$41 million through the fiscal year. Regarding the inclusion of the discussion of introduction of policy changes regarding the hard closures, the Fire Chief has gathered an implementation group that is looking into every aspect of training, policies and procedures prior to implementation.

PUBLIC COMMENT: Mr. McOske, UFLAC, stated that regarding the idea of having a part-time hobbyist staffing ambulances in the second busiest/biggest City in the Country where there are nearly 1,000 EMS calls a day is as dangerous as the idea of allowing part-time hobbyist to drive emergencies through the streets of Los Angeles without any training or accountability. He is against that and they are also against any closures of fire companies and ambulances. They understand there is a budget crisis in Los Angeles, they have had to endure rotating brownout for almost two years, and they are dangerous and need to stop. We need to not make them permanent and that is what this hard closure plan does right now. Certain communities are going to have a loss of fire resources and ambulances in those targeted communities, it is dangerous and wrong. They object to the way it is being sold to the public, it is being sold through false promises and deception. One of the things being said is if we do not do this, if we do not permanently close 18 fire companies and four ambulances to save \$54 million, in order to save the same amount of money we will have to close 36 fire companies and some number of ambulances – that is 100% false. You save the same amount of money when you close 1 company or 18 companies or 100 companies whether you close them on a rotating basis or permanent basis where you pick the place that won't have that resource anymore. That is true because of overtime, pension costs, authorized positions, etc. and anyone who tells you anything differently is lying. People are being promised that they will have ambulances in these stations where they are losing fire companies. They will not have ambulances that are staffed, they will be parked. It further reduces their protection in those communities where they have lost 4-6 firefighters; they will lose 2 more when those ambulances are rarely activated, because as the Chief has said trigger points are reached. There is a critical shortage of ambulances in the City and ambulances should be staffed up when there is a critical shortage of ambulances, but in those places they will take 2 more a fire company and send them elsewhere, not in that

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community. The other thing being told to the public is we are going to enhance your protection here because we are going to make an assessment company, put a paramedic on your fire company. Many of them understand that to mean an additional firefighter who is a paramedic will be added to the company rather than the reality which is it is an enhancement in that one paramedic – we will have a trained paramedic on that company, but no more firefighters. That is an enhancement and something that can and should be done without closing any companies. It is not like we are closing companies that have paramedics on them and taking those paramedics and reassigning them – that is a falsehood. We did not have an overstaffed, oversized fire department to begin with two years ago before the budget crisis hit, we had an undersized fire department. When compared to New York, Chicago we have about half the size department that they have, per capita we have about half the size. Now we have a temporary budget crisis that will not last forever, it has lasted a long time, but we should not be making this size fire department smaller, we should be working as hard as possible to restore what has been lost already. They are pointing to money that is in the budget, would like the politicians to make them a higher priority. They have money in this budget for more street paving, more pot hole filling, continued police hiring, and tree trimming. While keeping fire companies open and ambulances open and working to restore them until the day they have them all back is a good thing too. They are against the hard closure plan, against brownouts, and against making brownouts permanent.

5. NEW BUSINESS

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 11-061] – In-Kind Donation for Washer Dryer
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- B. [BFC 11-062] – In-Kind Donation for GPS Equipment and Hand Held Weather Station
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- C. [BFC 11-065] – In-Kind Donation for Lifecycle Exercise Bike
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- D. [BFC 11-066] – Third Amendment to Contract with Erickson Air-Crane Inc.
[No. C-113693]
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- E. [BFC 11-067] – 2010 Brush Clearance Appeals Process and Appointment of the Hearing Officers. Approval to hire the following hearing officers to conduct appeals on behalf of the Board of Fire Commissioners: 1) Kelly O'Brien, 2) Adam Kretzmar and 3) Janice Irving.
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- F. [BFC 11-071] – Annual Report – LAFD CAL JAC – Account 40K Fiscal Year 2007-2008
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.

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- G. [BFC 11-072] – Annual Report – LAFD CAL JAC – Account 40K Fiscal Year 2008-2009
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.

- H. [BFC 11-073] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – April 22 through May 4, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

MOTION (Friedman/Bontá): That the Board approve 6.A. through 6.G. and recommendations and receive and file 6.H.

ADOPTED: AYES – 3 (Absent: Furillo, Hudley-Hayes)

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Assistant Chief Manning, final report results of T1 Exercise on May 5-6. – See Item 3.C. (Tolentino)
- Discussion of the process of implementation of decisions that the City Council will be making, and deal with issues such as ambulance deployment and other portions of what is being discussed in Council through the Commission process as well. In order for the Board to have ample opportunity in terms of the implementation post decisions. - (Bontá)

9. IDENTIFICATION OF THE BOARD'S MEET AND CONFER NEGOTIATORS REGARDING DISCIPLINARY GUIDELINES

Fire Chief Peaks confirmed negotiator Assistant Chief Daren Palacios would be present during the Closed Session.

10. CLOSED SESSION

- A. Conference with negotiators pursuant to Government Code Section 54957.6(a) – To permit the Board to review its negotiating position and instruct its negotiators concerning the conduct of negotiations regarding disciplinary guidelines.
- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) to discuss Pending Litigation of the following cases:

Mapstead v. City of Los Angeles - Case No. VNO 0394939

Achan/Haro v. City of Los Angeles - Case No. CV 04-433

Deputy City Attorney Jackson stated the Board would move into Closed Session on Item 11.A. and 11.B.

The regular meeting recessed at 10:01 a.m., the Board went into closed session.

Deputy City Attorney Jackson called the regular meeting to order at 10:19 a.m. and indicated the Board met in closed session on 11.A. with its Chief Negotiator and no specific instructions were given regarding negotiations other than a report back in two weeks. The Board also met on 11.B. updates were provided and no formal action was taken on this matter.

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11. ADJOURNMENT

The meeting was adjourned at 10:20 a.m. (Friedman/Bontá).

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant

Date: June 7, 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.