

**CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, AUGUST 16, 2011**

The Regular Meeting of the Board of Fire Commissioners convened at 9:02 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

Absent: President Genethia Hudley-Hayes
Commissioner Jill Furillo
Interim Fire Chief Brian L. Cummings
Deputy City Attorney Janet Jackson

▪ **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.

I. ITEMS NOTICED FOR PUBLIC HEARING

1. PUBLIC COMMENT

None.

2. [BFC 11-105] – Proposal to Charge Fees for the Plan Review, Inspection and Testing of Fire Hydrants, Fire Access, and Fire-Flow Requirements report – proposed fees*:

1. Fire environmental impact report research and review fee \$156/1 hour.
2. Fire hydrant plan review fee \$156/1 hour.
3. Fire hydrant field inspection and/or test fee \$312/2 hours.
4. Fire Department access plan review fee \$156/1 hour.
5. Fire Department access field inspection fee \$312/2hours.
6. Additional plan review, inspection or re-inspection fee \$156/hour.

*Note: Please refer to report for complete details.

Recommendation: That the Board approve the report and recommendations.

Battalion Chief Timothy Kerbrat, Section Commander, Technical Section, Fire Prevention Bureau, stated the report is requesting the Board's approval of the proposed fees to offset the cost for special services that is provided by the Department's Hydrant and Access Unit. These services include the environmental impact report research and review as it relates to fire protection for new developments, fire hydrant plan review and field inspections for newly required installed fire hydrants including their fire-flow testing and Fire Department access plan reviews and field inspections which determines adequate road widths, fire lanes and fire roads. The Board's approval would allow staff to move forward toward amending the Fire Code, with the City Attorney's assistance, to recover the costs associated with these special services and it is consistent with the City's current financial policy for full cost recovery.

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

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

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II. REGULAR AGENDA ITEMS

1. PUBLIC COMMENT

None.

2. COMMISSION BUSINESS

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

B. [BFC 11-114] - Approval of Meeting Minutes for August 2, 2011

MOTION (Friedman/Bontá): 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. Interim Fire Chief Cummings reported on the events he attended since the last Board meeting: August 10 - Wilshire/Korea Town Neighborhood Council Meeting, August 13 – Memorial Ceremony for Glenn Allen at Fire Station 97 (Councilmembers LaBonge & Krekorian in attendance), August 13 – Fire Station 19 hosted a thank you brunch for Mr. Mark Jacoby, and August 15 – Empowerment Congress of Southwest Los Angeles Neighborhood Council Meeting.

Interim Fire Chief Cummings referenced the Calendar of Events provided, and highlighted the following events; Summer Explosion 2011, Sunset Street Junction, 2011 MTV Video Music Awards, Month of August is Scalding Prevention Month, and Month of September is Disaster Preparedness Month.

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

C. Significant Incidents/Activities:

1. [BFC 11-108] – Significant Incident Summary report for the period of July 4 through July 10, 2011.

Recommendation: Receive and file.

ACTION: RECEIVED AND FILED.

2. [BFC 11-109] – Significant Incident Summary report for the period of July 11 through July 17, 2011

Recommendation: Receive and file.

ACTION: RECEIVED AND FILED.

3. [BFC 11-111] – Significant Incident Summary report for the period of July 18 through July 24, 2011

Recommendation: Receive and file.

ACTION: RECEIVED AND FILED.

Deputy Chief Mario Rueda reported on various other significant incidents and occurrences in the Department. On August 9th, there was a significant explosion in the Sylmar area and it resulted in two serious injuries; one to a current firefighter who

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is off long-term and an additional two people. The two were transported to local area hospitals with serious injuries, and the third was transported for observation. The explosion was the result of an alternative fuels process that was occurring in the business. CALOSHA is the lead investigation team. As a result of the explosion the Fire Prevention Bureau, Research Unit, is canvassing the Los Angeles area for any similar business and are also preparing materials to alert our firefighters to this new industry that is occurring in our area. This same type of explosion occurred in the Simi Valley area and Ventura County assisted LAFD in looking at this business and determining the cause, it is still under investigation.

Deputy Chief Rueda reported that on August 14th, two of three triplets were involved in a near drowning experience. Two teams of paramedics worked on them and the two children are still in serious condition. Last night there was another drowning. In the month of July they had nearly 27 reported drownings. July is Pool Safety Awareness Month.

Deputy Chief Rueda commented that regarding the Hard Summer Music Festival (RAVE) event on August 6th, the Fire Prevention Bureau in cooperation with Emergency Services worked the event at the Cornfield (L.A. State Historic Park). LAFD works collaboratively with them as a significant number of steps go into place to ensure crowd and neighborhood safety. LAFD serviced 31 patients and transported 16. He thanked the Public Assemblage Unit and Battalion 1's Fire Companies for their assistance. No serious injuries occurred as a result of the event, but they would like to see fewer patients. He emphasized the safety of the event now that they have engaged public safety and a lot of the recommendations that came out of the Coliseum Commission.

Commissioner Bontá asked in regard to swimming pools, what is the requirement on fencing. Deputy Chief Rueda stated he was aware of a Building and Safety requirement for fencing, but did not know the actual requirement. He is aware they are required, by Building and Safety, to be locked.

Commissioner Bontá suggested that, for next time, the Board could have a review of that; she believes it is two fences, one for the property and one around the pool. She also asked Deputy Chief Rueda if he was aware of any devices that emit an alarm when the water surface is broken, i.e. if a child would fall into it. Deputy Chief Rueda stated he was aware of several devices like that, but it is not something LAFD regulates and he knows it is not required. In closing, he confirmed last night's tragedy was another three-year-old child. The outcome of last night's event was a rapid rescue and then rapid treatment, that child is responsive/breathing and was transported to Holy Cross.

Vice President Tolentino asked if the 27 drownings which occurred in July is an average number for the month. Deputy Chief Rueda stated 'drowning incident types' – that includes a whole variety of near drowning experiences, somebody that gets too much water and gets pulled out and LAFD responds, to the most significant which is death as a result of a drowning. He would need to double-check previous years, but that number did seem high to him when he did the review on the number of incident types. He would need to check and report back.

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Commissioner Bontá asked if the Prevention Bureau is looking at further, any ideas that they have in terms of further public education. She knows LAFD does a lot of work on this (pool safety), anticipating the summer months.

Deputy Chief Rueda stated this year was a fairly aggressive campaign, i.e. PSA, signs, etc.; unfortunately, it is still something that is occurring. They may have to look at other methods to try to get the word out next year.

- D. Verbal report on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of July 20 through August 16, 2011.

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.

Battalion Chief Trevor Richmond, Acting Chief of Staff, reported on the following matters:

City Council, July 20 – Item 1: Felix v. City of Los Angeles, and Item 2: Donester v. City of Los Angeles; Council action was to authorize the City Attorney to settle, in both cases.

Budget & Finance Committee, July 25 – Heard Aguilar v. City of Los Angeles and Committee action was to establish a motion authorizing the City Attorney to settle.

Public Safety Committee, July 25 – Heard the 2010 Brush Clearance Assessment Hearings Report and Proposed Appeal Decisions and Recommendations. The Committee action was confirmed as recommended by the Board of Fire Commissioners, the assessment amounts will be forwarded to the Los Angeles County Tax Collector. Several property owners spoke and appealed those assessments and all appeals were denied. Council action taken the same item was taken on August 2nd and was confirmed by the Council as recommended by the Board of Fire Commissioners and the Public Safety Committee.

Public Safety Committee, August 1 – Item 1: Board of Fire Commissioners and Office of the City Administrative Officer (CAO) report relative to the Supplemental Grant Award in the amount of \$26,171.00 from the Federal Emergency Management Agency (FEMA) for the Fire Department's Urban Search and Rescue Team through October 31, 2011. Committee action was approved as recommended and the Council action was approved on August 12th forthwith. Item 2: Board of Fire Commissioners report relative to updating the existing Memorandum of Understanding (MOU) Between FEMA and the Los Angeles Fire Department's (LAFD) for the purposes of maintaining the City of Los Angeles as a sponsoring agency for one of the national teams, California Taskforce 1, the Committee action was approved as recommended and the Council action also taken on August 12th was approved forthwith.

City Council, August 2 – Communication from the Chair of the Public Safety Committee relative to the transfer of 2008 UASI Grant Funds for the LAFD to purchase equipment, critical software applications, training supplies, backfill and overtime costs. The Council action was authorized and the transfer of that funding.

City Council, August 3 – Motion relative to instructing the Bureau of Street Services to convene a Task Force, including LAFD, to review immediate public safety measures for the Art Walk on August 11th. The Council action was to instruct the taskforce to forward

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a report within 60 days outlining any long-term measures or recommendations that could be made for future events.

City Council, August 5 – Communication from the Project Oversight Committee relative to the status of Financial Management System (FMS) and the development of the interface between FMS and the Supplied Management System (SMS). The Council action was to authorize the contract and transfer the funds relative to supporting the City Departments involved in that process.

Budget & Finance Committee, August 8 – The City Attorney and the City Administrative Officer reports relative to the request for additional funding for outside counsel contracts in the matters of Brenda Lee v. City of Los Angeles and Shawn Harrigan v. City of Los Angeles. Committee action was to authorize the contract and the additional funding.

City Council, August 10 – Continued consideration of the Budget & Finance Committee's report relative to the potential cost recovery for fire services currently provided to the Los Angeles Department of Water and Power (LADWP). The Council action was to instruct the LADWP and LAFD to report back in 45 days on the status of potential cost recovery for fire services. Part of that action was to require that any revenues identified through payment of fire services by LADWP to be put towards the restoration of fire services.

City Council, August 12 – The Budget & Finance Committee report relative to the Accounts Receivable Quarterly Report, the third quarter of the fiscal year 2010-2011. This Council action was continued to today.

Budget & Finance Committee, August 15 – The City Administrative Officer's report in response to an adopted 2011-2012 budget recommendation relative to instructing the CAO to convene a Task Force with the City Attorney, the Los Angeles Police Department and the Los Angeles Fire Department to improve risk management policy and prevent high risk liability and the LAPD is requesting the authority for a position to maintain that function in the Police Department. The Committee action was to continue this item until August 22nd to modify some of the report language.

Thirteen items were heard through Committee and Council, four items are still awaiting Council action, and nine of those items have received full Council action, subject to Mayoral approval.

Vice President Tolentino inquired regarding the background on the cost recovery item with LADWP. Battalion Chief Richmond stated staff met with LADWP last week. Interim Fire Chief Cummings stated LAFD provides gap coverage for LADWP when they respond to wires down calls, sheared hydrants, and broken water mains. LAFD responds to emergencies within four minutes and standby, abating the hazard until LADWP can get a crew out, sometimes an hour to 1.5 hour later. LAFD has done an analysis for the time while resources are tied-up, waiting for LADWP to show up and LAFD is looking at getting cost recovery from LADWP for that gap coverage that LAFD provides.

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]

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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)

Interim Fire Chief Cummings introduced Captain Patrick Hayden as the Acting Planning Section Commander, and stated that Captain Hayden would be taking over the report back on this issue for the conclusion of LAFD's response back.

Captain Hayden reported that in regard to the LAFD response to the Independent Audit of Professional Standards by Mr. Stephen Miller. To date, the LAFD has implemented a response consisting of seven general action items to address the recommendations from the audit. The Professional Standards Division (PSD) has made significant strides toward many of the items, including increased staffing with PSD completing their interviews for the eight approved civilian special investigator positions and one analyst position. Skelly procedures have also been addressed and are in line with the IA recommendations and staff is working towards improvements with regard to the Skelly procedures. He has been tasked as the central point of contact as they move forward toward a comprehensive report and successful resolution of the seven action items. To date he has met with Assistant Chief Roxanne Bercik, Chief Special Investigator Paul Hayashida and the Independent Assessor, Stephen Miller, as well as the Section Commander of Planning, Battalion Chief Trevor Richmond, to gain an historical perspective and update summary briefing.

- B. Verbal report from Department on status of the new Deployment Model, including discussion of policy changes regarding the hard closures and the temporary resource augmentation based on Department needs.

Captain Mark Woolf reported that the new deployment model completed the sixth week which includes two weeks of data. There is an Information Technology Agency (ITA) issue, technical and legal difficulties, that are making the availability of the data delayed. Staff was notified yesterday that the issue should be taken care of this week and receive a full flush of data. The two weeks of data that has been received do not show any significant changes. There are not enough data elements to compare or make changes since the original plan was developed using over one million incidents. Therefore, 15,000 incidents are not significant enough to make any recommendations or changes at this time.

Captain Woolf reported that regarding policy changes, staff continues on-going conversations with the Chief Officers Association (COA) and the United Firefighters of Los Angeles (UFLAC) to have any of those issues not resolved prior to the implementation to be done as quickly as possible.

Captain Woolf reported that regarding resource augmentation, in the past on days where additional resources were necessary the MCP would be suspended and staff would flex up. Now, they have day-to-day availability, through the administration, and the dispatch center (Operations Control Division) to be able to flex up at any moment, and this is still in effect. This has not been necessary since the last Fire Commission meeting, but a moment-to-moment, day-to-day availability is possible at OCD if necessary.

Vice President Tolentino asked for clarification regarding the flex up process. Captain Woolf stated there are reserve apparatus ready-to-go, both fire and EMS related, if there is a significant increase in either the OCD and administration has the

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availability to switch/flex resources from one apparatus to the necessary resource for short or long period of time.

Commissioner Friedman clarified that although the term 'hard closures' is used, if the emergency occurs it is possible to receive equipment from the 'hard closed' equipment and use them. Captain Woolf stated yes, with the Chief's plan those apparatus which were considered 'hard closed' are available at any moment to be staffed and used for their purpose.

Commissioner Bontá asked where they are housed. Captain Woolfe responded they are spread out throughout the City, throughout each Battalion and Division and usually in areas that are available to be staffed immediately, i.e. fire stations that have more than one resource in order to be moved around and shifted at a moment's notice.

Commissioner Bontá commented that fire season, or the more intense Santa Ana's start coming up in the months of September through November. Is it foreseen that any particular planning will be more intense having to do with the changes which have been made this year? Interim Fire Chief Cummings responded that as part of the Brush Bulletin which is published annually, a threat matrix is included which takes into account weather conditions and wind, and for each of the different levels they pre-deploy additional staffing on up to 21 different engines, up to 8 different BLS ambulances and on brush patrols based on those weather conditions and anticipation on what the threat will be.

- C. Correction of clerical error relative to [BFC 11-101] Approval of Weed and Refuse Abatement Contractors from the Request for Qualifications No. LAFD 2011-038-001.
Recommendation: Request to Receive and File the correct contract.

Deputy City Attorney Jackson stated that the Board previously approved this report along with the attached contract, and the contract that was attached was not the most current version. Therefore, before the Board today is the same report with a corrected copy of the most current agreement that has been reviewed by the City Attorney's Office and approved.

MOTION (Friedman/Bontá): That the matter be received and filed.

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

5. NEW BUSINESS

- A. Update on all recruitment efforts, with a focus on under-represented classes.

Captain Kristen Crowley, Recruitment Unit, stated she would provide a broad perspective and information on current recruitment efforts. She provided the breakdown for the Department membership: 48% Caucasian, 30% Hispanic, 10% African American, 5% Asian, 2.9% women, 1.5% Filipino, and .40 Native American.

The current recruitment plan in effect is a 5 point recruitment plan which has been set up through City Personnel Department's recruitment as well as LAFD. The breakdown of the recruitment plan is: development of recruitment staff, targeting college and military, community recruitment as well as media, and outreach and candidate outreach. The two manners in which candidates are tracked are through the Recruit Tracking System which is an electronic system which consists of 3,800 candidates. The only manner to

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breakdown gender and ethnicity is to break down each and every event which they attend, but the City's Personnel Department is working on a better system via their ITA staff. The second manner in which candidates are tracked is via electronic interest card which consists of 13,000 candidates and by the website joinlafd.org. Again, there is no manner in which to breakdown ethnicity and gender.

Captain Crowley reported that the last graduating class was in June 2009 and staff has been actively recruiting since that time. When hiring is occurring they provide prep programs, math preparation, and candidate preparation for the written exam. There is also a physical component in which they assist candidates to prepare for the physical agility test (CPAT) and offer practice equipment, on a small basis, as currently hiring is not occurring. The purpose is to provide candidates a realistic view of the physicality involved for the position. Informational seminars are done every other Saturday, and currently in a smaller component as currently they are in recruitment mode. More community outreach is being done.

Long term recruitment goals include youth programs, the Cadet Program through LAFD, High School Fire Academies, High School Programs and some involvement with Middle Schools. Adult recruitment has been concentrated outside and inside the City and staff has traveled to military events, but as the possibility exists to be able to hire in one to 1.5 years the focus will now be within the City. Realistically, it will take the same amount of time to prep new candidates.

LAFD works with employment agencies, urban league career centers, the Employee Development Department Centers (EDDs), Career Office of Education - Greater Awareness and Independence (GAIN), community colleges and focused on the fire technology programs in East L.A. College, Harbor College and California State L.A.

For career individuals, they recruit lawyers, PAs, teachers, counselors, athletes; they focus on a wide array to have a variety of skill sets when hiring begins again. Additionally, they attend job fairs and concentrating on veteran career sources and offering their sources within the recruitment unit for the Marines, Air Force Army and Navy, and have also visited the City Council field offices to distribute literature.

Captain Crowley reported that regarding under-represented groups, there are a number of events which are attended and now have support for weekend events. Funds are now available for participation in more community events for weekends and non-business hours.

Commissioner Bontá asked in regard to adult recruitment, what would be the typical path for somebody? As there is not a date for a new class, what would candidates be told, how would they come in to the database and what type of work would be done with somebody?

Captain Crowley stated the message for the past year and a half has been a message of preparation. A number of things have to be done prior to being hired by LAFD, i.e. Emergency Medical Technician (EMT). Specifically with the military the advantage is, especially if in active military, LAFD can be offered as a future option. The military sponsors members leaving their service for an EMT course. Contact information is captured in either of the two electronic systems.

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Brief discussion was held regarding Saturday classes which are currently suspended, but are now offered during the week and on business hours on a smaller scale. Additional V-funding will be coming in and make more weekend availability and also to hire a cadre of people to assist with the mentoring. E-blasts can be used to provide updated information. Captain Crowley confirmed the Sirens, Los Bomberos and Stentorians are all worked with in regard to assistance with recruitment. Captain Crowley reiterated the initial breakdown provided at the beginning of the presentation.

Vice President Tolentino mentioned in the past a better breakdown included the categories of firefighter, captain, etc. He requested that the progress of the recruitment efforts be agendized in a couple of months.

Commissioner Bontá inquired regarding the process for transfers in, i.e. someone from another City's Fire Department. Captain Crowley stated lateral transfers have not been offered in the past; therefore, that person would start through the hiring process as a brand new firefighter.

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 11-112] – Quarterly Report – Forecast Exits of DROP Enrollees
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

- B. [BFC 11-113] – Approval of the Agreement Between the City of Los Angeles and MYCA Multimedia and Training Solutions, LLC
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.

- C. [BFC 11-115] – Monthly Disciplinary Action Summary – June 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

- D. [BFC 11-123] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – July 8 through August 1, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

MOTION (Bontá/Friedman): That the Board approve the reports and recommendations.
ADOPTED: AYES – 3 (Absent: Furillo, Hudley-Hayes)

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Pool fencing information, what is the requirement on fencing? – See Item 3.C. (Bontá)
- Update on recruitment efforts for October 18th Board meeting. – See Item 5.A. (Tolentino)
- Requested a quarterly report for fees for responses without transportation. Currently there is only a charge when there is transportation. He recalls there is a study and it should be completed by now. Requested the status of the study and when will the Board have a

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concrete proposal. Requested the item be agendized, upon Fire Chief's approval.
(Friedman)

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

Interim Fire Chief Cummings identified Battalion Chief Chuck Butler was present and there was no update.

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.

11. ADJOURNMENT

The meeting was adjourned at 9:49 a.m. (Bontá/Friedman).

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant

Date: September 20, 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.