

**CITY OF LOS ANGELES  
BOARD OF FIRE COMMISSIONERS  
MINUTES  
TUESDAY, SEPTEMBER 20, 2011**

The Regular Meeting of the Board of Fire Commissioners convened at 9:11 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Room 1820, Los Angeles.

President Hudley-Hayes congratulated and welcomed recently confirmed Fire Chief Brian L. Cummings on behalf of the Commission.

▪ **FLAG SALUTE AND MOMENT OF SILENCE – Taken out of turn.**

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.

▪ **ROLL CALL**

Present: President Genethia Hudley-Hayes  
Vice President Casimiro Tolentino  
Commissioner Diana Bontá  
Commissioner Andrew Friedman  
Commissioner Jill Furillo  
Fire Chief Brian L. Cummings  
Deputy City Attorney Janet Jackson

**1. PUBLIC COMMENT**

Dr. Clyde Williams, LA-32 Neighborhood Council, commented he received his brush clearance bill for \$23 and his penalty for \$46. However, the adjacent lot which is a vacant lot, by the County, has received no bill, no penalty, nothing and it is a separate lot. Capricious, arbitrary application of the law is unconstitutional. Its brush clearance – Mandeville Canyon almost went up, there are brush clearance requirements, but in his area they are not enforced; adjacent property owners are not enforced, does not believe they are penalized, but will go through the write-off fees being applied and see if they are being written off because they have not been cleared in over 10 years. Things were changed, but it is still a mess. He will not pay it and wants it to get bigger then he will take it to court because it is arbitrary. Finally, they were both cleared by inspection that there is no brush problem. [Dr. Williams provided Commissioners and Board Secretary with a handout regarding 'Brush Clearance Fees and Penalties – APN 5309005009-010, 4115-23 Barrett Rd.90032].

**2. COMMISSION BUSINESS**

- A. Announcements/Meetings/Events  
Considered jointly with Items 3.A. and 3.B.
- B. [BFC 11-128] - Approval of Meeting Minutes for August 16, 2011  
**MOTION** (Friedman/Bontá): That the Board approve the minutes as submitted.  
**ADOPTED:** AYES – 5

**3. GENERAL MANAGER'S REPORT**

- A. Announcements/Meetings/Events  
Items 2.B., 3.A. and 3.B. considered jointly. Fire Chief Cummings reported on the events he attended since the last Board meeting: August 22 – Arroyo Seco Neighborhood Council Meeting, August 23 – Fire Station 12 and August 24 - Fire Station 69 – both for lunch meetings and to engage the crews. August 24 – presented badges to five newest Battalion Chiefs. August 25 – 9/11 send-off for firefighters returning to New York for 9/11 Ceremony. For the month of September; on 6<sup>th</sup> – Porter Ranch Neighborhood Council Meeting, 8<sup>th</sup> – 30<sup>th</sup> Annual

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VAL\*PAC Dinner, 9<sup>th</sup> – started the September 11<sup>th</sup> celebrations and memorials and attended LAPD Graduation Breakfast with Chief Charlie Beck, 9<sup>th</sup> – both sessions of operations training for Captains, 9<sup>th</sup> – Mayor's 9/11 Commemoration at City Hall and Soccer match between LAFD and L.A. County Fire Department, 10<sup>th</sup> – LAFD Handball Club Tournament, 10<sup>th</sup> Joint Forces Celebration at USC Game, 11<sup>th</sup> – Historical Society Remembrance, Frank Hotchkin's Ceremony and Commemorative Ceremony and procession at The Grove, attended Beverly Hills' dedication to new 9/11 Memorial, Hollywood Beautification that had a memorial in park across from Fire Station 60, Fire Station 88 for 9/11 evening memorial, 13<sup>th</sup> - Hispanic City Attorney's Banquet and Award Ceremony, 14<sup>th</sup> - press conference for 2015 Special Olympics which will be in Los Angeles, 15<sup>th</sup> - LAPD Purple Heart Ceremony, 16<sup>th</sup> – sworn in as Fire Chief in City Council.

Fire Chief Cummings referenced the Calendar of Events provided, and highlighted the following events; Cirque du Soleil, Korean Festival, Cherry Blossom Festival, Annual Watts Tower Jazz and Drum Festival, and Month of October – Halloween Safety and Fire Safety Month.

Commissioner Friedman commented that in all previous years the Calendar of Events, reflected upcoming Jewish holidays, for example September 29<sup>th</sup> and September 30<sup>th</sup> and another ten days later in October. Fire Chief Cummings responded that the Planning Section would contact the Commissioner in regard to this item.

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

C. Significant Incidents/Activities:

1. [BFC 11-125] – Significant Incident Summary report for the period of August 1 through August 7, 2011.  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.
2. [BFC 11-129] – Significant Incident Summary report for the period of August 8 through August 14, 2011  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.
3. [BFC 11-130] – Significant Incident Summary report for the period of August 15 through August 21, 2011.  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.
4. [BFC 11-135] – Significant Incident Summary report for the period of August 22 through August 28, 2011  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.
5. [BFC 11-136] – Significant Incident Summary report for the period of August 29 through September 4, 2011  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.

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Deputy Chief Mario Rueda reported on two brush fires which occurred on September 5<sup>th</sup>. The Sun Valley brush fire involved 28 fire companies and covered approximately 10 acres. The Mandeville Canyon brush fire involved 28 fire companies on the first day and took three days to 'mop up' due to the condition of the brush which amounts to a lot of tonnage per acre. No homes were burned in either of the brush fires. He commended the firefighters involved. Additionally, this was not a high fire danger day, did not meet the thresholds for additional deployment, but the condition of brush on a regular day can lead to a significant outcome.

Deputy Chief Rueda reported on a September 9 fire in the Hollywood Hills involving a 1,500 sq. ft. single family dwelling. It was a difficult access and fire fight and was exhausting. It took nearly 1.5 hour to extinguish. Two firefighters were injured that evening, one was hit by a beam and a second was exhausted and became ill during the fire fight.

- D. Verbal report on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of August 17 through September 20, 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 reported on the following matters:

City Council, August 16 – Continued consideration of the Budget and Finance Committee report relative to the Accounts Receivable Quarterly Report for Third Quarter Fiscal Year 2010-11 and the recommendations for Council action, as related to the Los Angeles Fire Department (LAFD), were to instruct the LAFD to cease adding legally uncollectible debt for emergency ambulance services to the Department's Accounts Receivable. The action was adopted, as noted in the recommendations from the Budget and Finance Committee Report, by the City Council.

City Council, August 17 – Communication from the Mayor relative to the reappointment of Commissioner Friedman to the Board of Fire Commissioners and the action was approved by unanimous vote.

Combined Personnel and Audits & Governmental Efficiency Committees, August 17 – The item was the CAO Reports in response to an adopted 2011-12 budget recommendation relative to instructing the CAO to convene a Taskforce with the City Attorney, the Los Angeles Police Department (LAPD), and the LAFD to improve risk management policy to prevent high risk liability and a request for a Police Administrator II position to address risk management within the LAPD. The Council action was adopted, forthwith and the LAPD has an approved position for the Police Administrator II for six months.

City Council, August 19 – Communication from the City Attorney and the first consideration of an Ordinance relative to amending the Los Angeles Administrative Code (LAAC) to provide for the vesting of retiree health benefit increases to the members of the Fire and Police Pension Plan in exchange for the voluntary payment of additional contributions and to make other related technical changes. The action taken by City Council was a holdover for 30 days until September 27<sup>th</sup> and the City Attorney has submitted a draft ordinance changing and altering the language of the original ordinance.

Council and Committee Recess - August 20<sup>th</sup> through September 5<sup>th</sup>

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Public Safety Committee, September 16 – Fire Department report relative to the voluntary issuance of identification cards after termination and/or retirement in lieu of a process to close out personnel investigations subsequent to retirement and/or separation to the Department, and the use of deposition or court testimony as part of a personnel complaint investigation when the employee fails to cooperate. The action by Committee was noted and filed and the item will be referred to Personnel Committee for further questioning.

Public Safety Committee, September 16 – Communication from the Mayor and the Office of the City Administrative Officer (CAO) relative to a Reappropriation of Fiscal Year 2009 State Homeland Security Program Grant Funds in the amount of \$154,115 to reimburse the Fire Department for costs incurred for overtime and backfill cost for staff to attend training courses. The action was approved. Another item also heard was communication from the Mayor and the CAO Report relative to the Fiscal Year 2010 State Homeland Security Program Grant Award in the amount of \$756,149 from the United States Department of Homeland Security for the period of October 28, 2010 through April 30, 2013 for Fire Department training. The action was approved.

September 16<sup>th</sup> – Communications from the Mayor and the Executive Employee Relations Committee (EERC) relative to the appointment of Assistant Chief Brian L. Cummings to the permanent position of the City of Los Angeles Fire Chief. The action was approved by unanimous vote.

**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 Patrick Hayden reported that regarding the internal audit of the Professional Standards Division (PSD), he has started to formulate a team and has completed all the research on this item, has met with PSD, Chief Bercik and Stephen Miller. At this time he is in the process of meeting with all the Battalion Chiefs which were involved in this process prior to his arrival and collecting all of their information. Upon completion of this research he will provide more substantive information on the status of their progress. Forward motion which has occurred is that PSD has made three offers to potential candidates and candidates are going through the process of medical and background checks. Upon completion of filling the three positions, Chief Special Investigator Paul Hayashida will begin the action item involving the drafting of the manual for their procedures and policies. The goal is to fill the eight positions; three to be hired by mid-October, with three positions and finally two positions to follow.

Battalion Chief Hayden stated he will be meeting with the City Attorney to confirm needs in regard to application of discipline.

President Hudley-Hayes confirmed the eight positions are civilian in order to have a counterpart between the sworn and civilian which is what the Stakeholders were interested in, Battalion Chief Hayden concurred.

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President Hudley-Hayes asked if in regard to the manual which is to be created, he will wait until he gets the civilian portion of the investigators on board, as she is assuming that the civilians being considered have specialized skill. Fire Chief Cummings stated that the additional civilian staffing will free-up Chief Special Investigator Hayashida's time to begin working on putting together the manual which will be with input from everyone in PSD, but he will be the Subject Matter Expert (SME).

President Hudley-Hayes asked where Assistant Chief Roxanne Bercik fit into the process in regard to the sworn perspective. Fire Chief Cummings advised that the entire sworn staff has had the input already in the process and Chief Special Investigator Hayashida is pulling everything together and it will be submitted for approval.

- 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, Planning Section, stated that regarding the status of the Deployment plan, it is day 77 and just under 80,000 incidents have been recorded. As previously reported there were some issues with the connectivity of the analysis component in the software and the City's mainframe and servers. The President of the company that developed the software was on-site to remedy the problem. Incident data has been obtained in the last 12 days, but not sufficient enough to make decisions at this point. Fire Chief has approved light duty personnel to assist Captain Woolf on this portion of the plan and provide more substantive information in the future.

Commissioner Furillo inquired what time period was covered by the 80,000 incidents. Captain Woolf stated from July 5<sup>th</sup> (first day of Deployment plan) through September 18<sup>th</sup>. He now receives information the day after and confirmed it can be compared to the same time period for the previous year.

Vice President Tolentino asked if the 80,000 incidents are a norm for that time period. Captain Woolf stated yes, just over 1,000 incidents per day in the City of Los Angeles are the average. This time of year is a little more than normal due to holidays, but it will balance out over the year, and he can compare it to a lifetime in that same year before.

President Hudley-Hayes asked if Commissioner Furillo was looking for 'trending' to be part of this report. Commissioner Furillo stated yes. Captain Woolf confirmed that would be available once everything is established.

Battalion Chief John Martinez, Operations Control Division (OCD), Platoon Duty Supervisor, reported regarding the impact on OCD involving the brush fires of September 5<sup>th</sup>. For the brush fire in Canyon Country/Agua Dulce area, OCD received a request from the Los Angeles County to provide them with two helicopters and were also advised that Type I Strike Teams, for structure protection, would also be requested. LAFD proceeded to assemble a Strike Team which consists of five engines and a Battalion Chief. Resources were identified and sent to Fire Station 88 in the San Fernando Valley. OCD also contacted the Santa Monica Fire Department and they assembled a Strike Team from the Area A resources consisting of Culver City, Santa Monica and Beverly Hills areas.

Battalion Chief Martinez stated that shortly after the two Strike Teams were identified a fire broke out in Fire Station 77's district – the Valley/Vine fire. That fire escalated to over 20 companies and as it was confirmed the fire would not get any bigger, the L.A. County request was received to dispatch the two Strike Teams which had been identified. Assistant Chief Tony

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Varela, Agency Rep., also responded to the L.A. County fire. At this point, the fire in Mandeville Canyon broke out.

Battalion Chief Martinez reported that as the fire in 77's district, the Valley/Vine fire, started to deescalate, the fire in Mandeville Canyon started to escalate and there was a point where they had a total commitment of 48 companies between the two incidents, plus the five companies committed in the County.

Battalion Chief Martinez listed the actions OCD takes to off set those kinds of use of resources; cancel all training, go into a dispatch condition - Degraded Dispatch Mode and the CAD (computer system at OCD) recognized the incident type and degrades the amount of resources that respond to those incident types, i.e. a Category B Assignment structure fire would get essentially three engine companies and a truck company during normal operation and during Dispatch Condition Two (degraded dispatch) that would be reduced to two engines and one truck company. Therefore, they are preserving the resources for other incidents. Additionally, a large percentage of the emergencies they respond to are false alarms, therefore, once resources are on-scene and confirm the actual emergency, additional resources are provided.

Battalion Chief Martinez stated that the impact of all this is that they estimate that they had about 14 fire stations that did not have fire suppression resources during that period of time. To lessen the impact of those closed fire stations, OCD Captains have the ability to move resources and will attempt to ensure that fire stations that do not have fire suppression resources are surrounded by fire station districts that do. The goal is to level out the coverage City-wide to reduce the distance's response time as much as possible. Therefore, the Captains moved a lot of resources around to equal out the coverage and in the Valley/Vine fire incident they began getting more resources back from that incident and between the move up companies, the reduction and the commitment of resources and the degraded dispatch mode they were able to maintain an appropriate level.

Commissioner Bontá asked what the tipping point for additional resources becomes. Battalion Chief Martinez stated there is a maximum plan and the number is approximately 54 companies committed, at which point the Deputy Department Commander (DDC) would be contacted and make recommendations. Battalion Chief Martinez provided several examples of a tiered response to provide more help. He also described the manner in which they 'spot check'.

President Hudley-Hayes asked what would be too long. Battalion Chief Martinez stated the goal is to be on scene within five minutes 95% of the time.

President Hudley-Hayes stated she recalled previous discussion regarding keeping apparatus in good working order and there was some conversation regarding whether or not having the Department of General Services perform this function as opposed to our own Shops. Her concern is in regard to the additional wear-and-tear on equipment as it involves more use in the new Deployment Plan. Fire Chief Cummings clarified that there are fewer resources that are responding on the same or a greater number of calls, therefore, there is more wear-and-tear and they were able to hire additional heavy mechanics and are catching up on that backlog, but it has been three years since replacement heavy apparatus has been received. Therefore, they are falling further and further off of their replacement cycle and it is an issue. LAFD still maintaining all of our apparatus and also maintaining 21 fully-equipped engines as 'ready-reserve' engines which provides the ability to surge - when Chief Martinez referenced 'recall'. The problem is with the current deployment, anytime they need to surge it costs in both money and time now because they have to call people in from home to staff those resources, creating a

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time delay, and there is the cost associated with hiring those people overtime. Those are the costs on days like September 5<sup>th</sup> when there are convergent events and as the weather changes and we get deeper into the Santa Ana's it will become more critical.

President Hudley-Hayes asked if we are ensuring people understand these concerns as discussions occur with City Council and the Mayor as that is something that needs to be factored in because we will have another round of budget cuts. This becomes a much more major conversation and consideration. Fire Chief Cummings stated the conversation is still occurring with the Mayor and City Council.

Commissioner Furillo asked for confirmation that the plan in place does provide for the time period to be able to staff up and get additional resources. Fire Chief Cummings confirmed there are trigger points based on the weather, i.e. September 6<sup>th</sup> & 7<sup>th</sup> they hired back staffing for 18 engines. This is done the night before to avoid the time delay element; however, there is the cost as it is not built into the budget.

President Hudley-Hayes contended that there is a difference between the pressures that the Fire Department has as opposed as others in the City family that would be considered to be in the public safety grid and we need to ensure that is always included in our budget, where does that funding come from? Fire Chief Cummings responded that they are currently taking those variable staffing hours from other projects that are moving forward. This is easier to do early in the fiscal year, but later in the fiscal year it will become an issue because of less flexibility, less funding and it will become critical. Therefore, it will be necessary to ask City Council for reimbursement for those deployments.

**PUBLIC COMMENT:** Dr. Clyde Williams, LA-32 Neighborhood Council, asked where is the plan, where is the document, we have this thing [he held up the Deployment Plan Brochure], we have some myths and frequently asked questions on the webpage, but there is no plan, there is no Brush Bulletin which is published annually. But it comes back to one central issue, where is the report, where is the document, where is the webpage, is there a manual for doing all this IT work. He knows the system; they use to do it with satellite images with wild fires. How does the Deployment Plan work with the brush reallocation plan or is there a plan anymore regarding the brush and how resources are going to be repositioned and on what basis? He sees that if you put it in brush areas, you are taking it from structure areas. Additionally, he had mentioned Mandeville Canyon and Benedict Canyon, do we have to wait until people are dead, and buildings are on fire from brush? Mandeville Canyon – was the 200 ft. exclusion and fuel modification zone, was it in effect? It is not, why? You are spending scarce resources where the people that are there are suppose to be maintaining their vegetation per the most stringent requirement in the United States, but we have no plan for the Department, no plan for the Brush Clearance.

C. Report back regarding formal mentoring program – HR Value Contract (C-116124).

President Hudley-Hayes commented the report would be an overview as it is her understanding that there are some labor management issues that still need to be worked out. Today's report would be an overview.

Dr. Pat Lynch clarified that there is no formal mentoring program at this time. She proceeded to distinguish between mentoring and coaching and how it may be used as part of the succession process. Generally, with mentoring the focus is on the individual where as in coaching performance is the focus. Therefore, a mentor generally is someone who is not a boss, it is someone either outside the organization, somewhere else inside the organization; where as

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your coach is generally your boss, and one may make a strong argument for saying that coaching is an integral part of every supervisor's and manager's job.

A mentor is more a facilitator and has no specific agenda where as a coach has a specific agenda. A mentor is more concerned with one's overall wellbeing which may include one's personal life, career development; whereas a coach is concerned with how can we improve your job right now. Interestingly, mentoring is a selection process generally initiated by the person who would like to be mentored. There is a perceived value with a mentor; where as the power from a coach comes from the position. Another difference is the timeframe, mentoring may be open ended, where as coaching should be time specific, relates to performance, and there is a definite end. Generally, the person being mentored takes the initiative; whereas when the person is being coached there is more accountability on the part of the coach. She believes the Department needs both roles; they each have a specific role to play and during her time in working with the Department she has seen many indications of people doing informal mentoring that has been successful; she would like to see more of it.

There are some specific areas within the succession process where mentoring and/or coaching may be appropriate, i.e. in career development, mentoring would be good on an overall basis and in terms of developing the skills coaching might be more appropriate. Mentoring also plays an important role in socialization as they do with setting the culture. In terms of knowledge transfer, with special duty positions sometimes there is an opportunity for the person coming into a new special duty position to have some interaction and some mentoring by the incumbent; she would like to see more of it. There is also an opportunity for coaching there, although generally the transitions do not provide room for overlap. Professional development would be good for mentoring. Improving job performance would be more of a coaching role. Performance in the current job as well, the job shadow program, have had a couple of pilot programs in terms of mentoring, i.e. Planning Section. The Planning Captains mentored the Captains who were detailed for a couple of weeks to learn and also did some coaching in terms of specific projects.

Finally, in the recruitment process; even now she is aware that Captain Kristen Crowley, it seems singlehandedly, is working on recruiting; keeping that up even though there is no Drill Tower Plan for the immediate future. Captain Crowley does a lot of mentoring and particularly to keep the Department's name out there, to maintain and improve its image, for some groups mentoring is essential.

President Hudley-Hayes asked if in regard to mentoring and coaching; is that also part of what will be done when helping to think through succession planning. Dr. Lynch concurred, they are being very specific in how things are to be done; she is helping with the implementation, especially in the areas she named as examples. They would imbed or institutionalize mentoring and/or coaching as appropriate.

- D. [BFC 11-104] – Policy Statement Regarding Access to Records, Files and Information by the Office of the Independent Assessor  
Recommendation: Receive and file the policy statement.
1. [BFC 11-140] – Subcommittee Report on Discussions with the City Attorney's Office Related to the Independent Assessor's Access to Department Information  
Recommendation: That Board approve the report and recommendations.



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2. [BFC 11-141] – Reconsideration of Policy Statement Regarding Access to Records, Files and Information by the Office of the Independent Assessor  
Recommendation: Receive and file.

- E. Verbal report from the City Attorney on the Policy Statement of the Independent Assessor.

President Hudley-Hayes asked the Commission's indulgence in tabling agenda items 4.D.1., 4.D.2. and 4.E. there are on-going conversations, but wanted to state that this has been going on for over a year. She is not inclined to continue to move the items off the agenda, but is doing so today to see if those conversations bear fruit.

**MOTION** (Friedman/Furillo): That the Board table 4.D.1., 4.D.2., and 4.E. to a subsequent meeting.

**ADOPTED**: AYES – 5

Vice President Tolentino asked if Item 5.A. should also be moved. Deputy City Attorney Jackson stated the City Attorney's Office would ask that it also be tabled as they renew their objection to the report. It involves active litigation, the Miller & Rueda Case, and their Office does not feel it is appropriate to discuss and have the level of detail regarding an open case. Commissioner Friedman amended his motion to include 'to a subsequent meeting, or at a meeting at which the President wants to place it on the agenda'. Commissioner Bontá advised leaving it at 'to a subsequent meeting'.

Deputy City Attorney Jackson clarified that the reference made to conversations that were happening does not involve any Brown Act issues with respect to the Commissioners having discussions related to this matter. This is a matter involving the City Attorney's Office. President Hudley-Hayes concurred.

Ms. Leticia Gómez, Commission Executive Assistant, requested that the two members of the public which submitted speaker cards for this item provide their contact information in order to be forwarded the agenda when the item is agendized.

## 5. NEW BUSINESS

- A. [BFC 11-139] – *Review of the Miller & Rueda Lawsuit*  
Recommendation: That the Board receive the report and approve the recommendations.

**MOTION** (Furillo/Bontá): That the Board table the matter until which time it could be brought back for policy discussion.

**ADOPTED**: AYES – 5

President Hudley-Hayes asked for clarification regarding the reason the item was being tabled. City Attorney Jackson responded because it involves the exercise of the authority of the Independent Assessor which is a subject of the previous matter that was tabled, but more importantly the report deals intimately with active litigation and the Board will be receiving an update on that case in Closed Session by the City Attorneys handling the matter, Miller & Rueda case.

President Hudley-Hayes asked if the item should be talked about in Closed Session because part of it would be policies and part of it is litigation. Deputy City Attorney Jackson responded that because this is active litigation, it is the position of the City Attorney's Office that it is not appropriate to discuss this case in detail as it is used to analyze policy changes at this time.

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President Hudley-Hayes clarified that the item should be tabled until litigation is complete. Deputy City Attorney Jackson agreed and clarified the item is to be tabled. Commissioner Friedman amended her motion to table the matter until which time it could be brought back for policy discussion.

Commissioner Bontá asked for clarity, if they were in a situation into which they were still waiting longer for dialogue to occur, would this be delayed further to have some discussion of policy that would not interfere with the case. Deputy City Attorney Jackson emphasized that the City Attorney's concern with this matter is the fact that it does involve an ongoing case. The Board can always look at policy matters; they do not have to do it with an analysis of an ongoing legal matter.

B. Presentation on outreach to educational institutions regarding hazardous materials.

Assistant Chief Mark Stormes, Acting Fire Marshal, stated in response to the Commission's questions relative to the handling of hazardous materials at State facilities. These facilities are inspected at two levels in the Fire Prevention Bureau; Inspector Bullock (Valley), Public Safety Unit, inspects the regular building inspections for all State Colleges and State Buildings. The CUPA, the hazardous materials, are covered by the CUPA System, we are the agency that implements that for the State of California. The CUPA Program has 32 Inspectors, they visit the colleges on an annual basis, meet with the emergency planners and the school engineers; walk through the facility, have a checklist of their emergency planning, the monitoring plan and all of the different aspects of dealing with the waste and hazardous materials stored at those facilities. Any time there is a change of more than 100% in any one category, which will trigger a review by the CUPA Inspectors and through the program. We are responsible to conduct those inspections with the authority of the State Fire Marshal's Office.

Commissioner Bontá thanked Assistant Chief Stormes for coming back on this item as she references that so many of our State resources are thin in terms of budget difficulties they have experienced. She asked that when running a laboratory that has hazardous materials or radiological materials, do the regulations try to push that the university not have students or faculty on weekends working by themselves with hazardous materials should they encounter a personal incidence and no one to assist in terms of life safety.

Assistant Chief Stormes responded that Inspectors assure as part of the business plan that each school must have in place, the plan has a number of components and one is an emergency response, one is for handling the waste materials, and the business processes. The business processes would involve the handling and the storage, the amount of quantities that are allowed by that specific school's business plans. Captain Matthew Gatewood and Captain Gary Carpenter and their staff oversee these building plans on an annual basis to assure they are consistent with the safe handling relative to the agency requirements as it comes from the State Fire Marshal's Office.

Commissioner Furillo asked if the Department has identified any problems with existing regulation with respect to Commissioner Bontá's question and would it be useful for the Department to do an analysis, or an additional assessment of the situation, to see whether or not it warrants additional legislation to cover, if in fact there is a flaw in existing legislation with respect to her question.

Assistant Chief Stormes responded as in any other business, if there was problem in the handling of those materials, they would meet with the facility engineers, their safety personnel

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and probably the managers and would address changes that could be made in their process, emergency planning, storage, or the method in which they are handling those materials.

Commissioner Bontá asked if they would look at scenarios, would there be a dialogue to say to the university, 'If there is a student here on the weekend, in the laboratory, they have safely contained the hazardous materials, the inventories are correct, all of the rules are followed', but she is referring to the human dynamics. Such that the student, the university and our overview of it and the State Fire Marshal's are all looking to life safety, that it would be prudent, even in budget cuts – where somebody may be working in the laboratory by themselves – that is not good practice.

Assistant Chief Stormes stated in his conversations with Tonya Hoover, Acting State Fire Marshal, they have an open dialogue relative to problems they are seeing and are both candid with reduction in staffing both organizations are dealing with along with the interaction with Assistant Fire Chief Roy Dull, L.A. County, he is also facing significant cuts in his staffing. He added that State facilities are responsible to themselves, LAFD has an advisory role, but they are very compliant when following the State guidelines and listening in the liaison relationship between the City and State. They have a significant presence in the safety area of hazardous materials response; Deputy Chief Rueda's staff has drills with UCLA and other locations on the handling of spills, they have Spill Procedures that are approved by our Risk Management staff that are assigned and also working in the CUPA.

Commissioner Bontá inferred that if there were problems that LAFD, as a unified group of professionals, would look to problem solve as Commissioner Furillo has stated. Assistant Chief Stormes agreed and stated it would be quickly.

C. Report back on World Summit on Counter-Terrorism - 11<sup>th</sup> International Conference

Commissioner Friedman stated between September 11 and 14 he attended the World Summit on Counter-Terrorism – titled Terrorism's Global Impact – and was there in dual capacity; representing LAFD and also as a Special Advisor to Sheriff Lee Baca. There were approximately 700 delegates to the conference which was held in Herzliya, Israel, and there was no cost to either the Sheriff's Department or the LAFD for his trip to the conference. Delegates were from throughout the World (Europe, South America, Africa), and delegates from Nigeria and Uganda requested a copy of his presentation which he has sent.

Commissioner Friedman stated the conference included several parts and the theme was Global Terrorism After 9/11 and how to counter it. Before the main session he met with Shazar Ayalon, Commander of Fire and Rescue Services in Israel. We have a Fire Chief for the City of Los Angeles, also the County of Los Angeles – in Israel there is a Fire Chief for the entire Country. In discussing LAFD's general response time of approximately 5-6 minutes, he was surprised that in such a large City we are able to attempt to meet those goals. Mr. Ayalon asked Commissioner Friedman to convey to Fire Chief Cummings that he is always welcome in Israel to see him. Additionally the keynote speaker for that evening was Tzipi Livni, the Leader of the Opposition and Head of the Kadima Party, and Sheriff Baca and Commissioner Friedman had a lengthy meeting with her. The most interesting part of the conference was a memorial ceremony in remembrance of the atrocities of September 11, 2001 and the victims of terrorism Worldwide. The keynote speakers were Congressman Trent Franks (Arizona), and Ambassador Daniel Shapiro, United States Ambassador to Israel and Sheriff Lee Baca.

On September 13<sup>th</sup> there was a session dedicated to Terrorism and Local Preparedness, the Importance of Crisis Management, Rescue and Recovery, and he was one of the speakers;

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others were the Deputy of Homeland Security of the Prime Minister's Office, a Professor of Political Science from Rutgers University, Chair of Canada's Mackenzie Institute, and Assistant Commissioner of Police from Nassau.

Commissioner Friedman's PowerPoint presentation for the conference covered approximately 15-20 minutes and he cooperated with Battalion Chief Jack Wise, LAFD, and asked if a copy of the PowerPoint presentation could be provided to Commissioners via the Commission Office.

In addition to the PowerPoint Presentation, he also discussed the *Eight Signs of Terrorism* as well as what an individual should do, *The Five 'W's*, what to remember when reporting a suspicious activity.

President Hudley-Hayes thanked Commissioner Friedman for representing the Board at the conference. Deputy City Attorney Jackson confirmed the PowerPoint presentation could be provided via the Commission Secretary.

D. Update on Community Relations Initiative/Needs Assessment Study

Battalion Chief Kwame Cooper stated he would be providing an update as a result of the January 18, 2011 Board Meeting with regard to the objectives of the Community Relations Initiative. At that meeting the Fire Commission made several requests and he wanted to provide that information in the context of the request; 1) the Commission asked that programs that come out of this initiative be data driven – the team, with Fire Chief's approval, is able to work and meet closely with members of Planning to be able to assess the risks that are associated throughout all the neighborhoods in Los Angeles. Planning now has the capacity to do that and it will be done in the form of a full risk analysis. They will be able to use that information as the guide for what types of programs they actually target and initiate and different programs throughout the City of Los Angeles. 2) The other Commission request was that they use an integrated team approach as they begin to implement and develop these programs. With the approval of Fire Chief Cummings, they will implement several targeted risk reduction programs based on what the data tells them throughout different neighborhoods in the City. Fire Chief Cummings' vision is to ensure the team not only addresses those risks through several pilot programs, but they also look at demographically hitting different parts of the City. He will be working with Planning to identify those Council Districts and those Fire Stations who will be involved in this particular initiative and through an integrated approach it will also involve community based organizations in that particular community, neighborhood councils, the Council Districts, and neighborhood leaders will all be involved in this particular initiative. Of course, at the direction of the Fire Commission, they will also ask to include and inform the Commission of when these things are being developed; that will be forthcoming as they move forward. 3) Using the National Fire Academy's Community Risk Reduction Model, this is a national model and has been fully vetted and is taught at the National Fire Academy on an ongoing basis. As they develop the programs, that request will go to the Fire Chief to convey team recommendations with regard to the programs, recommended steps to be used to implement and evaluate the results, and out of that the final and completed Community Needs Assessment Report will go forward to the Fire Chief. He will receive it by December while simultaneously rolling out the pilot programs with a target date of January 2012.

Commissioner Tolentino asked to be reminded of the team members. Battalion Chief Cooper responded currently members of the Planning Section, Aquil Basheer, John Mutz and Pat Mieszala. Given the direction of the Fire Chief and future meetings with Planning, they will look at including more people on that particular team when it comes to implementation.

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Commissioner Tolentino asked if there is someone from recruiting involved. Battalion Chief Cooper responded not at this point, but they can be included. Commissioner Tolentino commented they are part of the same goal and he asked what the National Fire Academy Model is. Battalion Chief Cooper stated the Community Risk Reduction Model is basically a five step model (and will forward it to him); 1) getting ready, 2) assessing what the community risks are, 3) developing an intervention strategy, 4) put it into action, and 5) evaluate it. What occurs with evaluation is at the point now that the Fire Chief has said let's do pilot programs, in the same breath, they are thinking about evaluation at the same time. That becomes the critical element to begin to minimize the risks that are occurring in our neighborhoods.

Commissioner Furillo asked in reference to the needs assessment study for community relations, is it just with respect to fire protection or is it also with respect to EMS specifically to the medical needs of the community. Battalion Chief Cooper clarified it has to do with community relations although there are some programs in there that are attempting to address some of the EMS issues, but the objective of the analysis is to look at, of all the programs they are doing (about 36) and as they exist in three different Bureaus, how does the Fire Chief connect all of these programs under one vision, the same objectives, and begin to maximize our efforts and our resources up to and including the ability to measure those resources. Certainly, there is room to ensure that our EMS opportunities get addressed as this piece is moving forward. Fire Chief Cummings added as they look at those hazards, as doing the risk analysis, they will see fire and drowning type incidents, but they will also see areas where they have a predominance of hard-type calls or other types of public health issues and there may be opportunities for us to affect the public health within districts by reaching out to the communities and providing community education, by connecting with some of the other large associations, i.e. Heart Association, to provide that community education to be able to affect public health within our districts.

Commissioner Furillo added that she is familiar with a couple of studies that have been done recently with respect to the economic crisis and what the studies are tracking are the actual health risks associated with the economic crisis, i.e. increase in stress related diseases, associated with maybe foreclosures of homes, or mental health issues. She was not aware if this takes into account some of those factors. Battalion Chief Cooper stated absolutely and he is interested in speaking with Commissioner Furillo further regarding that point because the socioeconomic impact in communities definitely affects our ability to deploy resources given our situation with regard to the budget.

Commissioner Bontá added she and Commissioner Furillo, as registered nurses, have long had a desire to see the nexus between some of these social determinants of health and the deployment of staff resources of the Fire Department. ~~They have noted over the years that the majority of the calls are for EMS services. as opposed to a fire incidents, and it has changed over the years because of the good fire protection activities they do. It would be good to, over a course of time, develop the kinds of relationships with the County Health Department, with agencies that serve the underserved, i.e. the Association of Community Clinics and other entities, and look at forums where there can be those kinds of discussions because chronic diseases and diseases such as asthma, that affects the number of runs they make in low income neighborhoods and the outcomes for principally children, and the affects of when that intervention takes place; did it occur because the parents could not afford the medication to be able to ensure the child's asthma was safety maintained and so they resort to emergency medical services resources and to the emergency department for the services. She believes this is very timely, we have changed/evolved, a sense of community has to be and she is glad to hear they are looking at beyond the fire bureau, the protection, and looking into that broader swath of issues that will impact the kinds of personnel they need and how they must be~~

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~~trained and a future for the Fire Department and being able to have that ongoing planning with the health-related; not with the hospitals as much, but more with the public health people who could really look at the ground level and do assessments. They have GIS information that they can share with you in terms of pockets of concern in communities in relationship to what they predict for EMS runs as well in regard to heart attack, stroke, asthma, and other kinds of respiratory diseases that have people calling for EMS services.~~ **She recommended that the Department work with the County Department of Health Services and other community organizations to discuss chronic disease prevention programs. The public health agencies utilize GIS mapping to identify geographic areas of high incidence of chronic conditions such as asthma. Coordinating with the health agencies may lead to shared prevention activities.**

Battalion Chief Cooper stated in that regard part of what they would be looking at is not only sending additional resources, but actually educating the people in those communities with regard to what they can do to help prevent some of the things that are preventable. ~~Commissioner Bontá suggested that might be too much for the Fire Department, the main thing would be to partner and sometimes this is something foundations are interested in too, as an extra mural grant, that would bring a Fire Department, a Public Health Agency and maybe community agencies to look and pick, based on the team's assessment, what is the one area, part of the City that could have a pilot that could look at are there other levels of education and what would be the appropriate vehicle for that education. It is a very exciting opportunity.~~

President Hudley-Hayes asked if Battalion Chief Cooper had accessed the Advancement Project Maps, a great deal of their funding to do the mapping for the City of Los Angeles came from the City and they now have the most sophisticated maps in the State of California and are now working with the Governor's Office to map the rest of the State of California. They drill down to where clinics are kinds of non-profits in a neighborhood – this would be a great cost savings as well as manpower savings for the team; the contact person is Charles Kim. They have maps that can tell you where the gang territories are, where all of the resources are, they even can tell you the health conditions of the populations being served, the number of children, the number of children who have chronic diseases, they can give air quality, and since it is City money we should access them and put that together for the team. Battalion Chief Cooper agreed. President Hudley-Hayes commented it might also help with the Deployment plan.

Commissioner Bontá added they also have the needs assessment which is excellent too because they already have determined what are the five more pressing health-related issues, and are also able to pinpoint the social determinants as commented by Commissioner Furillo.

President Hudley-Hayes added that they have done most of the research work that would be used as a foundation, it is there and already done. She commended Battalion Chief Cooper for the work being done along with Commissioners Bontá and Furillo. As an aside, President Hudley-Hayes stated that the California Endowment, run by Bob Ross, their whole focus now is on health and issues of health. In looking for grants, that may be a place to start to fund this type of project and she can assist him if he would like.

**PUBLIC COMMENT:** Dr. Clyde Williams, LA-32 Neighborhood Council, commented they would offer El Sereno for a case study; they have two stations and there is a considerable concern about it, they have an active neighborhood council. There are 90 neighborhood councils which represent the City; they can help as each usually has a public safety committee; they also have a lot of CERT trained people. To not include the neighborhood

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councils, as a department within the City of Los Angeles, is strange. Community relations, they would like to know what the LAFD has for an approach for the communities through the neighborhood councils; they have their own homeowners associations, neighborhood watch is there, there is a vast array of elements that are there, the risks – they know where the risks are; they know that this guy is doing illegal recycling and burning tires in order to get the steel out of them, they know a lot of things. They have 20 people that spend three hours a month only in the Board meeting, trying to figure out what is best for their community. He recommends the Fire Department integrate the Department of Neighborhood Empowerment into their approach.

E. Update on Assembly Bill 210

President Hudley-Hayes commented that there is another bill that is going through, AB 678. Fire Chief Cummings stated he could provide the update. President Hudley-Hayes commented it is something wonderful that LAFD has been working on.

Deputy City Attorney Jackson advised it is not on the agenda, and Ms. Gómez noted she would note it for the next Commission meeting.

Deputy Chief Rueda stated that Assembly Bill 210 has been tabled for this legislative season; it was introduced by Assemblyman Solorio from Santa Ana and was on a one-year legislative track except it ran into some issues with gathering consensus among the stakeholders. It essentially sought to clarify issues surrounding EMS delivery, exclusive operating areas, anti-trust issues, immunity, control agreement, annexation issues and it is on a two-year legislative track, the bill number has been changed to 1387, and Assistant Chief Greg Reynar is participating in a stakeholder's group to work on that effort of ensuring this bill does get through.

Commissioner Furillo asked who the sponsor of the bill is; Deputy Chief Rueda responded the California Professional Firefighters (CPF) is the organization, and there are a number of stakeholders.

**PUBLIC COMMENT:** Frank Lima, UFLAC, commented this was a CPF sponsored Assembly bill and they were in Sacramento as of March walking through the Assembly and the Senate on it. One thing that did not get mentioned and needs to be brought up is that it has to do with the 201 rights in transportation of medical services. This Commission and this Fire Department, as they move forward, need to be adamantly opposed to the CAO's idea of having AMR and private ambulances coming in to take their jobs. We need to protect our 201 rights because if they start bringing in AMR, they will say the cost is going to be cheaper, but they will be going directly against our Mission Statement of promoting public safety and fostering economic growth. Professionalism will be thrown out the door and this is our revenue generator for the Fire Department in our budget. He wanted to bring clarity to the Commission for when this gets brought up again.

6. **NEW BUSINESS – CONSENT ITEMS**

A. [BFC 11-116] – In-Kind Donation for Kitchenware

Recommendation: That the Board approve the report and recommendations.

ACTION: APPROVED.

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- B. [BFC 11-117] – In-Kind Donation for Honor Guard Uniforms  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- C. [BFC 11-118] – In-Kind Donation for Washing Machine and Dryer  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- D. [BFC 11-119] – In-Kind Donation for Tools and Kitchen Appliances  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- E. [BFC 11-120] – In-Kind Donation for Chairs for Training Room  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- F. [BFC 11-121] – In-Kind Donation for Dishwashing Faucet  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- G. [BFC 11-122] – In-Kind Donation for Two Dell Computer Monitors  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- H. [BFC 11-124] – Monthly Disciplinary Action Summary – July 2011  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.
- I. [BFC 11-126] – In-Kind Donation for Exercise Equipment - Treadmills  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- J. [BFC 11-127] – In-Kind Donation for Variety of Household Appliances  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- K. [BFC 11-131] – In-Kind Donation for Two Controlled Impact Rescue Tools (CIRT)  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- L. [BFC 11-132] – Write-Off of Uncollectible LAFD Charges for Services of Fire Safety Officers, Inspection Restitution, Non-Compliance Inspection Fee, High Rise Inspection Fee Each Valued More Than \$5,000 for Fiscal Years 1995-1996 to 2006-2007  
Recommendation: That the Board approve the report and recommendations.  
ACTION: SPECIAL.
- M. [BFC 11-133] – Write-Off of Uncollectible LAFD Emergency Ambulance Services Charges Each Valued Less Than \$5,000 for Fiscal Years 2004-05 to 2010-11  
Recommendation: That the Board approve the report and recommendations.  
ACTION: SPECIAL.



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- N. [BFC 11-134] – Write-Off of Uncollectible LAFD Charges for Services of Fire Safety Officers, Inspection Restitution, Non-Compliance Inspection Fee, High Rise Inspection Fee, Risk Management and Prevention Program Fee and Other Fees and Permits Each Valued Less than \$5,000 for Fiscal Years 1995-96 (June 1996) to 2007-08 (August 2007)  
Recommendation: That the Board approve the report and recommendations.  
ACTION: SPECIAL.
- O. [BFC 11-137] - Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – August 2 through September 9, 2011.  
Recommendation: Receive and file.  
ACTION: SPECIAL.
- P. [BFC 11-138] – Professional Services Contract – HR Value  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.

**MOTION** (Bontá/Furillo): That the Board approve the remaining balance of the reports that were not called special [6.A. through G., I., J., K., and P. recommendations, and receive and file 6.H].

**ADOPTED**: AYES – 5

**7. ITEMS CALLED SPECIAL**

Agenda items 6.L., M., and N. were called special by President Hudley-Hayes, and 6.O. was called special by Vice President Tolentino.

President Hudley-Hayes stated in regard to the three reports she called special, she recalled at some point in the past they talked about the notion of these uncollectible accounts, and a portion of it had to do with us not violating HIPPA in terms of people's personal information; they were going to send it to a collection agency, they were concerned about that. Her concern is that she is looking at \$2 million worth of uncollectible funds, are we taking care of that especially in this time when we need every penny. She asked Mr. Sal Martinez, Chief Management Analyst, for clarification. She understands that due to time limits, it may not be possible to do anything, but it is over \$2 million.

Vice President Tolentino added that these are not small businesses, these are enormous businesses, entertainment companies, and he realizes the Statue of Limitations has run, but it is odd. Mr. Martinez stated the Commissioner raised a good point and the collection efforts of the City do not end with our process. What has happened, in terms of our communications with the Office of Finance; for all these accounts they have tried for several times to collect, they have made efforts by our staff; after we have exhausted our efforts they send it out to our external collection agency, they usually keep it for a year, and they do all their efforts to attempt to collect that debt. At this point they determined that their efforts and through the City's collection agency have resulted only in certain amounts of collections, the rest they are looking at writing off. With that, they take these uncollectibles and send them to the Office of Finance; they will package them with others and send them to another agency to make a final effort to do final collections; they are selling off these uncollectibles through a competitive bid process. The uncollectibles go off the LAFD books, but do not go off the City books; they go into a Board of Review who instructs the Office of Finance to take these accounts; they go off our debt and continue the process.

President Hudley-Hayes asked what percent of the debt are they able to collect. Mr. Martinez advised it is less than 10%. President Hudley-Hayes asked Mr. Martinez to convey [to the Office of Finance] if

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their methods are not working, they need to change them. Mr. Martinez stated yes. Commissioner Bontá echoed President Hudley-Hayes' concerns.

Discussion resumed regarding some of the companies listed in the reports, i.e. Wiltern Renaissance Group, numerous listings of one company, Legacy Movie, Inc., USC (page 24), UCLA, and Filipino Village.

Commissioner Bontá asked for confirmation if for example the corporation received a bill from us that went to the proper address, to the proper individuals, so they could handle it. Sometimes in corporations, if you are handing a bill four years later they do not have a way in which they can pay it. The timeliness of bills going out has to be a factor. Her hope is that issues of late billing, late notification, perhaps wrong addresses are not, from this day forward, how we operate – if there was any of that in the past. She is assuming that some of that may have lent it to getting so in arrears with so many different types of, particularly very large corporations – is she correct?

Fire Chief Cummings added that we are faced with critical staffing shortages, ASB staff is working extremely diligently, especially in regard to revenue items, but we have from over 400 civilian employees to about 300 in the course of less than two years. We are having staffing shortages, a critical issue with that, they are working very hard; with Ambulance Billing they are doing a much better job with our new EPCRs and gone from a 45 day billing cycle to a 5 day billing cycle. Without additional staffing we will continue to be challenged in that arena.

Commissioner Bontá asked if there are any resources that could look for additional efficiencies? It does not make sense to hire a lot of people to chase down 80 cents – which some are, but over time and years it adds up to \$2 million.

Mr. Martinez added that the Ambulance Billing Contract was a first step in modernizing and making our operations more effective in going after this revenue, i.e. the turnaround time, and the factor that our partner, ADPI/Intermedix, has more resources to focus on the collection effort was another plus. They have seen it in the collection efforts, going from \$58 million to \$67 million. They also have the tools to do more thorough research than we had on the EMS side. On the non-EMS side, they are working with the Fire Prevention Bureau and ITA to modernize a lot of their collection efforts and have implemented the Vegetation Management System II that for the first time called for electronic payment online which also helped. They are moving in the right direction and will see an increase in revenue and an overall improvement in efficiencies in those areas.

Commissioner Bontá clarified that she was referring more to the item being discussed, Item L., which had to do with the inspection, are those same principles being applied? Mr. Martinez stated yes, he is working with Fire Prevention as they are the unit responsible for doing those inspections. Commissioner Bontá asked if they had authority in the City that if there is a bill that has not been paid by a corporation and now they have a new inspection coming up; they are paying for that inspection; do they have the ability to withhold the actual granting of that permit until everything is up to date? That is what usually happens in a business world, you do not send out a product being purchased until the bills are settled. President Hudley-Hayes stated that as an example, we should look into that, because on this list for the Los Angeles Convention Center there are 102 issues of where they have not paid us and now they will be working with AEG, put a stadium up, discussing/involving bonds for the City – there should be some way that what Commissioner Bontá is commenting on should happen. Why would we let them get away with all of this? They just went up to the legislature, got all of the impediments out of the way, this project is moving forward and if their amount was totaled they probably are one of the biggest offenders. We should be saying to them no, we are not doing anything until you pay up.

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Assistant Chief Stormes stated one of the areas in the CUPA; the Office of Finance has the policy of applying the payment. If two years in arrears in permits, you get together the money for your permits for this current year – it is applied to the oldest debt; therefore you are still operating without a valid/current permit. He added that they are also having trouble with the Office of Finance which is shorthanded and the link between ASB and Office and Finance is where they go for assistance in collections as well as getting their tax certificate which drives their fire permit and that link is very outdated. They are working with ITA and ASB to modernize the pieces to get our process in line, but they still feed their information for bill collection and going to collections in general to other City Departments where we have to depend on them to do our work.

President Hudley-Hayes commented she did not know if there is a solution and does not know how the Commission weighs in on this, but they need to try to figure out if there is some way as staff is working with that entity in the City to help them understand that the Commission is looking for them to either come back to staff with some kind of a solution or some way that we can all make sure that this does not keep happening. Assistant Chief Stormes stated that all staff is working on becoming fee supported and all are aware that they need to depend on the revenue they generate to support their operations and we are at a point now where supervisors are all seeing this money slipping away; it should be used to help offset our budget issues, and it is frustrating for staff doing the work.

Commissioner Friedman asked if the 'next step' does collect (Office of Finance) does that money stay in the General budget or come back to the Fire Department. Mr. Martinez stated it goes to the General budget.

President Hudley-Hayes requested the Commission be kept updated on what is occurring; Mr. Martinez stated yes.

Commissioner Bontá suggesting having a report within calendar year 2012 to look, maybe six months from now. We are dealing with all debt of past years and there are many years here, but maybe they could have a report back to the Commission that would look at how in your assessment, what kind of things you are doing now, proactively for 2011-2012 and ongoing to reduce the amount of uncollected debt in a more timely fashion. It would be good to hear, for a future agenda item, where we are and any ideas staff may have about what might be needed as pieces to convey that within the system to accelerate the collection. Mr. Martinez agreed.

Commissioner Tolentino stated in regard to the report he called special, 6.O., he needed clarification as they rarely see Battalion Chiefs having corrective action, but he did not know what the offenses are because section numbers are used. He asked if anyone knew what they are.

Ms. Gómez clarified that when this issue previously arose before the Commission, this report is prepared by the Board Secretary and lists anything filed with the Board Secretary during that period. The report he may be thinking of for specifics is BFC 11-124 which staff can address. Ms. Gómez deferred to Fire Chief Cummings who proceeded to address Commissioner Tolentino's question.

Commissioner Tolentino asked if he had access to those report. Ms. Gómez deferred to Deputy City Attorney Jackson. Fire Chief Cummings commented 11-124 is in their packet and explains everything; the other is an internal report.

Assistant Chief Roxanne Bercik added that [information] will be in the next August report from PSD, on the Monthly Corrective Action Summary; he will have the specifics he is looking for. Commissioner Tolentino stated he will defer to that point and asked regarding where the Offense is 'Suspension of Firefighter III', he realizes Ms. Gómez probably drafted this language, but what does it mean. Assistance Chief Bercik stated that is language that is drafted by Ms. Gómez; they actually refer to the

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offense from the guidelines in their report and will capture all of hers in their report in August which they will cover at that time.

Ms. Gómez clarified that that information comes straight from the documentation that is provided to her from PSD; it is simply logged in the same standard format that has been logged for years prior. Commissioner Tolentino commented this is the report normally the Personnel Committee would be reviewing. Deputy City Attorney Jackson stated no, it is a created document to log in the information she receives, it is not the report prepared by PSD. President Hudley-Hayes confirmed it is just a log. Assistant Chief Roxanne Bercik stated this is the logging so they meet the statute date on their cases. Commissioner Tolentino stated it was fine with him.

Commissioner Bontá noted for the record that she conferred with Deputy City Attorney Jackson concerning item M. as it is for uncollectible of emergency ambulance services and because of her employment at Kaiser and she indicated there is no conflict and she could vote on this item.

**MOTION** (Friedman/Tolentino): That the Board approve 6.L., M., and N. recommendations, and receive and file 6.O.

**ADOPTED:** AYES – 5

**8. REQUEST FOR FUTURE AGENDA ITEMS**

Commissioner Friedman commented that each meeting he brings up the same issue and he would like perhaps for the next meeting, what is the status of fees for non-transportation. It is time to have some response. President Hudley-Hayes asked Fire Chief Cummings if the item could be agendized for the next meeting. Fire Chief Cummings confirmed they are ready to report.

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

Fire Chief Cummings identified negotiator Assistant Chief Daren Palacios.

**PUBLIC COMMENT:** Mr. Lima commented that in regard to the Board's meet and confer negotiator regarding disciplinary guidelines, hopefully the Union and COA are part of those negotiations and it was not addressed.

Fire Chief Cummings clarified that the Department designates our negotiator which is Assistant Chief Daren Palacios. Deputy City Attorney Jackson clarified that item 10. is a Closed Session where the Board meets with the representative from the Department, this is the portion where the Board can direct the Department as the head of the Department and it does not involve a negotiation per say so the Union would not be privy to closed session.

Mr. Lima stated he understands and in the future when they open up these items, UFLAC wants to be at the table on the disciplinary issues.

**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:

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

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Prior to beginning Closed Session, President Hudley-Hayes asked to recognize Ms. Georgia Mattera, Fire Administrator, has returned to LAFD.

The regular meeting recessed at 11:15 a.m., the Board went into closed session.

Deputy City Attorney Jackson called the regular meeting to order at 11:55 a.m. and indicated the Board met with its Chief Negotiator, and no action or direction was given. The matter will be continued to the next meeting. The Board also met with the City Attorneys that represented the City in the Miller & Rueda case and they provided an overview of the case to the Board, no action was taken in closed session on this matter.

Deputy City Attorney Jackson stated in Closed Session the action that was taken was the request to have the Miller & Rueda report taken off the Fire Commission website. Ms. Gómez confirmed that BFC 11-139 was to be removed from the website and when the item is heard again, after litigation is complete, it will be reposted in reference to the same number unless there is an amended or a subsequent report.

**11. ADJOURNMENT**

The meeting was adjourned at 11:57 a.m. (Friedman/Hudley-Hayes).

ATTEST BY:

\_\_\_\_\_  
GENETHIA HUDLEY-HAYES  
President

\_\_\_\_\_  
LETICIA GOMEZ  
Commission Executive Assistant

Date: October 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.