

**CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, NOVEMBER 15, 2011**

[Due to a recording error, the meeting was not recorded. Therefore, only minimal notes and actions are included.]

The Regular Meeting of the Board of Fire Commissioners convened at 9:10 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 Jill Furillo
Fire Chief Brian L. Cummings
Deputy City Attorney Janet Jackson

Absent: President Genethia Hudley-Hayes
Commissioner Andrew Friedman

▪ **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, the Fire Service, Law Enforcement, EMS and the Military who devote their lives to the protection of the community and of our Country.

1. **PUBLIC COMMENT**

Mr. Joel Grover, KNBC 4 Reporter, stated he was coming to the Commission as a last resort as he had for weeks been attempting to confirm where Fire Chief Cummings is serving his community service and no one would provide him this information. If the Fire Chief is doing community service to restore public trust – who is monitoring him, if the Chief is being monitored - the public has a right to know. He wanted to know what community service the Chief was providing and where the community service was taking place.

Dr. Tom Williams, LA-32 Neighborhood Council, commented about accessibility of Commission files in the HTML format cannot be printed, but he can print .pdf files. Verbal reports do not provide transparency and you cannot make comments until the verbal report is done. The Fire Department should give written reports. The LA-32 Neighborhood Council CERT is very active.

Mr. Pat McOsker, United Firefighters, congratulated the Chief on his appointment. He commented that the Department is not following the law in regard to meet and confer and is unilaterally going forward with action without negotiating. The latest example was at OCD where they implemented a new work schedule without meeting and conferring. The Department is not implementing arbitration decisions, the Department does not like; two examples involve an arbitration decision regarding drivers' licenses where people are being placed off-duty which violates the disciplinary matrix. In a second arbitration decision the arbitrator found the discipline was excessive and the employee was suppose to be put back to work and the Department is trying to vacate the decision.

2. **COMMISSION BUSINESS**

A. Announcements/Meetings/Events
Considered jointly with Items 3.A. and 3.B.

B. [BFC 11-153] - Approval of Meeting Minutes for October 18, 2011
Vice President Tolentino requested this item be continued.

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3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events

Items 2.B., 3.A. and 3.B. considered jointly. Fire Chief Cummings commended Commissioner Bontá on her recent appointment as President and CEO of The California Wellness Foundation, and asked Assistant Chief Bercik to introduce the six new Special Investigators for the Professional Standards Division (PSD). Six new staff was introduced and biographical information concerning their background was provided by Assistant Chief Bercik. Vice President Tolentino welcomed the new investigators to the Department.

Fire Chief Cummings noted some of the events he attended since the last Commission meeting: Urban Area Fire Chief Conference, Arson Arrest Press Conference, PAD Awards Presentation, etc.

Fire Chief Cummings referenced the Calendar of Events provided, and highlighted the following events: Month of November – Winter Safety Tips; November 19 – Spark of Life Kick-Off, November 24-January 31 – Fire and Police Recognition Days; November 24 & 25 – Holidays; November 25 – Spark of Love Begins; December 4 – Granada Hills Holiday Parade, and December 8 – Public Safety Spark of Love Toy Drive and Dance.

B. Calendar of Events

Considered jointly with Item 3.A.

C. Significant Incidents/Activities

1. [BFC 11-152] – Significant Incident Summary report for the period of October 3 through October 9, 2011.
Recommendation: Receive and file.
2. [BFC 11-158] – Significant Incident Summary report for the period of October 10 through October 16, 2011.
Recommendation: Receive and file.
3. [BFC 11-159] – Significant Incident Summary report for the period of October 17 through October 23, 2011.
Recommendation: Receive and file.
4. [BFC 11-160] – Significant Incident Summary report for the period of October 24 through October 30, 2011.
Recommendation: Receive and file.

Deputy Chief Mario Rueda provided information concerning the fire at the UCLA laboratory; Red Flag pre-deployment had gone into effect on November 2. There were no significant fires during that time. Chief Rueda provided a report on a fire at the Magic Castle and provided a report on a major emergency on November 9 involving an arson fire in Brentwood. A reward has been offered in connection with that arson.

Commissioner Bontá commented Furillo commented regarding BFC 11-160 (Fire in UCLA Science Lab) and expressed safety concerns regarding when a person works alone in these facilities although they are aware the State Marshal has jurisdiction.

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Vice President Tolentino requested that a Hazmat Program presentation be done the first half of next year.

PUBLIC COMMENT: Dr. Tom Williams, LA-32 Neighborhood Council, commented regarding BFC 11-158 – page 1 and BFC 11-159 – page 3. His concerns included the use of Engine #16 for the fire at 1357 North Elysian Park Drive and he asked how long the community was without its fire resource. He also mentioned the brush fire which occurred at 11880 Terra Vista Way and he wanted to know whether it had ever been cleared of brush? Who was going to pay for the fire? And this was another example where they need full-cost recovery.

- D. Verbal report on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of October 19 through November 15, 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, October 25 – Communication from the Chair of Public Safety Committee relative to budget modifications of the FY 2010 Urban Areas Security Initiative grant award. Council adopted the action(s) under Council File 10-1166.

Communication from the Chair of Public Safety Committee relative to the donation of two Controlled Impact Rescue Tools for use by LAFD Urban Search and Rescue (USAR) Unit. Council adopted the action(s) under Council File 11-1649.

Public Safety, October 28 – Board of Fire Commissioners and CAO reports relative to a transfer of funds in the amount of \$57,000 in support of the Fire Department's Urban Search and Rescue Federal Emergency Management Agency grant program; approved by Public Safety and to be scheduled for Council on November 15.

Board of Fire Commissioners report relative to a 2009 Port Security Program grant award in the amount of \$1,006,665 from the Department of Homeland Security for the period of September 30, 2009 through December 31, 2012; approved by Public Safety and to be scheduled for Council on November 15.

Motion (LaBonge – Englander) instructing the Fire Department to report relative to the status of implementing the new deployment plan that was adopted in the 2011-12 Budget, including any operational impacts or necessary modifications. Also referred to Budget and Finance Committee; Public Safety continued this item to be heard at a future date in Public Safety Committee.

Budget Motion instructing the Fire Department to report on a quarterly basis relative to the status of redeployment and any potential changes that may be necessary, including an updated analysis of response times and call histories under the new Deployment Plan, and to consult with Union leadership before making final changes to the Deployment Plan; Public Safety continued this item to be heard at a future date in Public Safety Committee.

November 4 – Board of Fire Commissioners report relative to a donation of tools, ice machine, washer, dryer, and rescue equipment valued at \$5,237.68 from Fireman's Fund Insurance

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Company for the use by the Fire Department's Fire Station No. 7; Public Safety approved the item.

Communication from the Mayor relative to proposed budget modifications and financial transactions needed to close out the Fiscal Year 2007 Urban Areas Security Initiative grant award from the United States Department of Homeland Security; Public Safety approved, scheduled for Council November 16.

City Council, November 4 – Communication from the City Administrative Officer relative to the approval of the 2011-14 Memorandum of Understanding (MOU) for the Firefighters and Fire Captains Bargaining Unit (MOU 23); Council approved and adopted the action.

Communication from the City Administrative Officer relative to the approval of the 2011-14 Memorandum of Understanding (MOU) for the Fire Chief Officers Bargaining Unit (MOU 22); Council approved and adopted the action.

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)

Assistant Chief Bercik reported that in addition to the six new special investigators which were introduced, another two offers were being made today, and following would be the process of filling the Management Analyst position which had also been allocated to PSD. Additionally, she reported that Battalion Chief Pat Hayden was in the process of developing a written report to address this agenda item in the future.

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 he would be reporting on status, policy changes and temporary resource augmentation. In regard to status, in day 133 of the new Deployment model which includes over 300,000 responses and now has sufficient data to generate reports.

Captain Woolf reported that regarding policy changes, two meetings occurred with labor. Additionally, the temporary resource augmentation, assisted in deploying the reserve engines used for the significant incident requiring the 400 series engines mentioned by Deputy Chief Rueda.

Captain Woolf stated that beginning the next Commission meeting the Board will begin receiving written reports.

PUBLIC COMMENT: Dr. Tom Williams, LA-32 Neighborhood Council, stated that concerning the Deployment Plan it needed to be in one document with an appendix, online and printable. He asked what does pre-deployment mean and if Engine 16 was going to be sent to Elysian Park it needs to be in the plan.

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5. NEW BUSINESS

- A. [BFC 11-161] – Mandeville Canyon Fire
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Assistant Chief Mark Stormes summarized the Board report submitted.

Commissioner Bontá asked if the Department was aware of the new State Laws (tax monies) which was passed last week in regard to assessment and brush clearance. Vice President Tolentino requested an update at a future Board meeting.

- B. [BFC 11-162] - Dr. Clyde Williams Complaints
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Assistant Chief Stormes summarized the Board report submitted and added that page 530 and page 546 were missing from the Brush Inspector's Book which included 21 parcels that were not inspected initially and have been issued a Notice to Comply.

- C. [BFC 11-163] – Initiation of an Audit of Fire Department Bonuses and Educational Achievements Listed on Promotional Applications for Sworn Personnel
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Mr. Stephen Miller, Independent Assessor, stated that this report was simply to announce that an audit of Fire Department bonuses and educational achievements listed on promotional applications for sworn personnel was being initiated.

- D. [BFC 11-165] – Proposed Budget for Fiscal Year 2012-13
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.

Mr. Sal Martinez reported that within the last 5 years the Department's budget had been cut \$89 million. The current budget is \$472 million and the Department is proposing a budget for the new fiscal year of \$520 million. They are also seeking a significant increase in MICLA funds for the purchase of vehicles.

PUBLIC COMMENT: Dr. Tom Williams, LA-32 Neighborhood Council, commented regarding BFC 11-161, BFC 11-162 and BFC 11-165.

MOTION (Bontá/Tolentino): That the Board approve 6.D and receive and file 6.A., 6.B. and 6.C.
ADOPTED: AYES – 3 (Absent: Hudley-Hayes, Friedman)

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 11-151] – Quarterly Report – Forecast Exits of DROP Enrollees
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

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- B. [BFC 11-154] – Acceptance of Grant Funds to Continue the Development and Maintenance of National Urban Search and Rescue Response System Resources – Urban Search and Rescue Task Force FY 2011 Readiness Cooperative Agreement
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- C. [BFC 11-155] – 2010 Cooperative Agreement Extension Request – FEMA Urban Search and Rescue Task Force, Council File 10-2283
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- D. [BFC 11-156] – Professional Services Contract – Rosie Marcelo
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.
- E. [BFC 11-157] – In-Kind Donation for Tools, Ice Machine, and Exercise Equipment
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- F. [BFC 11-164] - Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – October 6 through November 1, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

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

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- HazMat Program Presentation – See Item 3.C. (Tolentino)
- Update on State Laws (tax monies) in regard to assessment, brush clearance and cost recovery – See Item 5.A. (Tolentino)

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

Fire Chief Cummings identified Assistant Chief Daren Palacios as the Board's meet and confer negotiator and stated 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.

None.

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11. ADJOURNMENT

Deputy City Attorney Janet Jackson stated that regarding public comment the limit per individual is two (2) minutes and suggested to the Board Secretary that members of the public indicate on one Speaker Card all the agenda items they would like to comment on.

The meeting adjourned at 10:15 a.m.

ATTEST BY:

CASIMIRO U. TOLENTINO
Vice President

LETICIA GOMEZ
Commission Executive Assistant I

Date: December 6, 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.