

**CITY OF LOS ANGELES  
BOARD OF FIRE COMMISSIONERS  
MINUTES  
TUESDAY, JANUARY 15, 2013**

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: President Genethia Hudley-Hayes  
Vice President Casimiro Tolentino  
Commissioner Andrew Friedman  
Commissioner Alan Skobin  
Fire Chief Brian Cummings  
Assistant City Attorney Carlos De La Guerra  
Assistant City Attorney Debra Gonzales

Absent: Commissioner Steven Fazio

- **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. **COMMISSION COMMENTS**

President Hudley-Hayes commented that the Commission is looking forward to a productive 2013. She thanked everyone for all of the work done in 2012.

- 2. **REPORT OF THE FIRE CHIEF**

- A. Announcements/Meetings/Events

Fire Chief Cummings referenced the Calendar of Events provided, and highlighted the following events: January is Fire Safety In the Home Month; February is Flood Control/Water Safety Month and National Burn Awareness Month, sand and bags will be available at area fire stations and information will be posted on the LAFD website; January 19 – Martin Luther King Day Parade, Fire Chief Cummings and President Hudley-Hayes will participate, pre-deployed resources will be available; February 10 – Chinese New Year and 55<sup>th</sup> Annual Grammy Awards, pre-deployed resources will be available; January 16 through end of February – LAFD is partnering with the American Red Cross and LAPD for the Battle of the Badges Blood Drive.

- B. Significant Incidents/Activities

- 1. [BFC 12-211] – Significant Incident Summary report for the period of December 3 through December 9, 2012.  
**ACTION: RECEIVED AND FILED.**
    - 2. [BFC 12-214] – Significant Incident Summary report for the period of December 24 through December 30, 2012.  
**ACTION: RECEIVED AND FILED.**

**MOTION** (Friedman/Tolentino): That the Board receive and file 2.B.1. and 2.B.2.  
**ADOPTED:** AYES – 4

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**3. PRESENTATIONS**

None.

**4. CONSENT AGENDA ITEMS**

- A. [BFC 12-212] – Meeting Minutes for December 18, 2012  
**ACTION: APPROVED.**
- B. [BFC 12-213] – Meeting Minutes for April 3, 2012  
**ACTION: APPROVED.**
- C. [BFC 13-003] – In-Kind Donation for Fire Station 61 for a Built in Barbeque, valued at \$2,500.00, from Green Tree Landscaping  
**ACTION: APPROVED.**

**MOTION** (Skobin/Friedman): That the Board approve the consent agenda items.

**ADOPTED:** AYES – 4

**5. REGULAR AGENDA ITEMS**

- A. Verbal report by Department on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of December 19, 2012 through January 15, 2013.

Chief of Staff John Vidovich reported on the following matters:

City Council Recess – December 19 through January 7.

At the January 13 Public Safety Committee meeting, the Department provided an update on the progress of amending the statute of limitations under City Charter Section 1060. The Department reported that they have been meeting and conferring with UFLAC; UFLAC has offered a counterproposal and negotiations continue. The Department needs to begin the meet-and-confer process with the Chief Officers Association on this issue.

At the January 14 Budget & Finance Committee meeting, the Department provided an update on the status of this year's budget.

On January 11, Councilmember Buscaino introduced a motion requesting that the Department report back to the Public Safety Committee regarding the circumstances surrounding an extensive response time in the Harbor area and determine future steps to prevent a similar delay.

- B. [BFC 13-002] – FY 2012-2013 Monthly Financial Status Report: Second Financial Report  
**ACTION: RECEIVED AND FILED.**

Mr. Sal Martinez, Chief Management Analyst, Administrative Services Bureau, stated the status report reflects a \$1.3 million deficit [the \$3 million amount was incorrect] which the department is working to correct. The deficit has been reduced as the First Financial Status Report reflected a \$5.2 million deficit; he referenced the details of Attachment 1 of the report. They are working closely with our CAO Analyst in determining ways to mitigate that deficit.

Commissioner Skobin stated he had input from two Council offices regarding yesterday's Budget & Finance Committee meeting, and asked for clarification regarding the \$3 million

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reimbursement from DWP for downed power lines. How the amount is calculated, and what is the basis and approval process used to obtain it?

[Assistant City Attorney Deborah Gonzales arrived at 9:22 a.m. to replace Assistant City Attorney Carlos De La Guerra for the remainder of the meeting.]

Chief Cummings stated that the basis is the fact that the LAFD is the gap coverage for many City departments in providing emergency response. Therefore, DWP does not have to budget for emergency response capability (i.e. downed power lines, sheared fire hydrants, broken water mains); LAFD responds, stabilizes the situation and thereafter "stands by" waiting for DWP crews to arrive and take over.

Commissioner Skobin asked how the \$3 million is calculated.

Ms. June Gibson, Fire Administrator, stated the DWP General Manager agreed to up to \$2 million reimbursement from the power system and \$1 million reimbursement from the water system. That amount was the result of a discussion between the Fire Chief, Mr. Nichols, and the Mayor, and based on historical information of the responses to the emergencies mentioned. She emphasized that the reimbursement is not for the emergency response time, but for the "standby" time.

Commissioner Skobin asked if that is time we can measure via data? Fire Administrator Gibson stated that there was an agreement that we would conduct a study to capture the average amount of wait time. The Department is establishing a protocol, with the dispatchers, to be able to capture the information. Because the current Computer Aided Data (CAD) System does not have this capability, it will be done manually. Coordination will continue with DWP and the City Attorney to ensure the methodology of the study, and the average time based on the data provided, is acceptable. The Commission can also be provided a communication that the Fire Chief sent to the DWP General Manager describing that the study is still pending.

Fire Administrator Gibson stated one of the Public Safety Committee Councilmembers was concerned that the reimbursement is retroactive to July 1<sup>st</sup>. LAFD is not seeking a reimbursement that is not dissimilar to direct services that are provided to DWP by the Office of the City Administrative Officer (CAO), the Treasurer, as well as other Departments. When the DWP Commission considers, on an annual basis, the action for reimbursement to the various City departments that request is also based on estimates which are also retroactive to July 1<sup>st</sup>.

Discussion was held regarding how the rate would be determined: the number of staff on an engine company is part of the formula; what is being approved by the DWP Commissioners is the request for the reimbursement that's submitted by the CAO; the amount of the single action reimbursement for the entire City is about \$20 million; at the end of the fiscal year, LAFD would "true up"; staff will provide a written report back to the Committee which will go through the Fire Commission.

Fire Administrator Gibson stated the CAO attended the Public Safety Committee meeting, and thereafter she contacted the CAO and indicated to him that if this reimbursement is not approved, the Department does not have any flexibility with respect to that shortfall. Therefore, LAFD would have to ask for a transfer from the Reserve Fund.

Commissioner Skobin asked regarding the other item in the Public Safety Committee, the proposed staffing changes at Metropolitan Fire Communications, what can the Department

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provide the Commission to show how they have arrived at the savings on the staffing time, should the changes be made?

Fire Administrator Gibson stated it was our understanding that engaging in impact bargaining for the change was appropriate. Unfortunately, the City Attorney, at that point, had not completed her legal research and did not complete it until recently. Thereafter, the City Attorney indicated to the Executive Employee Relations Committee (EERC) that the change in the work schedule is a meet-and-confer item. Although the Department had been in negotiations with UFLAC for several months, it was not time lost because the areas of negotiation are basically the same, but the completion of the process is certainly lengthier with formal meet-and-confer. The Department has also now engaged the CAO in negotiations and the next meet-and-confer session is February 5<sup>th</sup>. Because of the meet-and-confer obligation, if this issue goes to impasse, the fact finding process will need to be engaged and will take several months. Therefore, the process will not be completed before the end of this fiscal year, and the \$1.3 million in anticipated savings will not come to pass.

Commissioner Skobin asked how the \$1.3 million savings was calculated. Fire Administrator Gibson stated it was presumed that by converting to the 5/40 schedule we would be eliminating the FLSA overtime. Because members are still on platoon duty, and the court indicated this is not a platoon duty assignment, the Department is obligated to pay overtime for the time between the 41 hours and 56 hours. By doing that we expected to save \$3.2 million and that amount was deducted from the overall budget. Not being able to convert to the 5/40 schedule effective July 1<sup>st</sup> meant a loss of approximately \$267,000 per month because of the overtime. They arrived at the \$1.3 million by assuming they could implement February 1<sup>st</sup> and would have five months of savings.

Commissioner Friedman asked if in the last 5-10 years a request for reimbursement has been made. Chief Cummings stated yes, since he has been the Fire Chief and the billing was closer to \$6 million. Commissioner Friedman asked if reimbursement has been received for this [item]; Chief Cummings stated no, but we have received reimbursement for the annual testing of fire hydrants from DWP.

Commissioner Skobin asked if there is an opinion from the Rate Payer Advocate on this item. Fire Administrator Gibson stated no because the reimbursement is not connected to a rate increase and would be provided by their Capital Expenditures for the first two years.

Discussion was held regarding the possibility of the reimbursement eventually becoming a rate increase issue.

Commissioner Friedman suggested the Commission weigh in on this item and have the Fire Chief draft a tentative letter for the Board's review explaining our position and why we should receive the money. Fire Chief Cummings stated a draft letter would be prepared and sent to Ms. Leticia Gómez, Commission Executive Assistant, for the Commission President.

President Hudley-Hayes asked about the Council's role on this item. Fire Administrator Gibson responded that this was raised in the context of the overall budget and the Department's anticipated deficit at year-end is higher than any other Department. Therefore, the Council had requested that the Department report weekly on the status of that deficit and also to provide a roadmap as to how we were planning on balancing the budget. That was when one of the Committee members raised concerns about placing the burden on the rate payers for that increase. Staff conveyed that currently the wait time is provided by the General Fund; in effect it is being paid by the tax payers. For services that are being provided directly by DWP, the other

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Departments are able to get reimbursed which means the General Fund is reimbursed for the services provided directly to DWP. If the City Attorney is indicating that it is legally defensible for us to receive that reimbursement, there is not anything improper. The wait time means that our personnel and apparatus are taken out of service because we are waiting for DWP crews to arrive.

Commissioner Skobin stated the item that is his greatest concern is the draining of [LAFD] resources that are already short. He asked what dialogue we have had with DWP about what they can do to reduce the standby time. Fire Chief Cummings stated he had ongoing dialogue with Mr. Ron Nichols regarding cutting down on their response time and it is a matter of staffing. They do not keep 24-hour response capability and are not willing to pay for 24-hour response time capability; it is more cost effective for them to reimburse us to provide that service for them.

Commissioner Skobin stated there is unfairness if they [DWP] are forcing us to take units out of commission because it is more cost effective for them, yet we do not have those units to spare in all cases. President Hudley-Hayes stated if we get the reimbursement and begin to close our budget gap, and then begin to ask for what we need in terms of the restoration of services, it makes sense because DWP also has a staffing issue. Therefore, we need DWP to reimburse us.

Commissioner Skobin stated he would like to see the CAD data as to when and where this is happening. Fire Chief Cummings stated a lot of it is weather driven, i.e. wind events, extreme heat events, a cold snap. We will be able to identify with some certainty when weather events will occur and attempt to activate CERT teams to relieve some members for standby time. We are currently doing this, but the Fire Department is that 24-hour emergency response capability for the City because every department cannot maintain a 24-hour response capability. Commissioner Skobin asked that the Commission be privy to the data in terms of how much standby time we think we are using and when it is occurring. Fire Chief Cummings stated that report has been brought to the Board in the past and we have the retrospective spreadsheet that will show you the time and frequency and calls and the units that have responded. We have not completed the methodology for capturing the new average, but can show you retrospectively what we did.

**MOTION** (Tolentino/Friedman): That the Board receive and file 5.B.

**ADOPTED:** AYES – 4

C. [BFC 12-202] – Implementation of PulsePoint Application in Los Angeles

**ACTION: APPROVED.**

Captain Tom Gikas, Planning Section, briefed the Commission on the PulsePoint Application being implemented within the Department. He stated that PulsePoint is a mobile application for smart devices that citizens who are trained in CPR can use. It reduces intervention times to sudden cardiac arrest, supports bystander CPR and compliments and leverages the Department's public access defibrillator program. It is used on smart devices with location device tracking capability (location aware), and works in conjunction with the Department's dispatch system. The PulsePoint Foundation was established as a result of the success of the application. The PulsePoint Foundation is a non-profit organization that supports the interaction between LAFD's CAD and the technology that this application uses.

Captain Gikas stated we would become a sponsoring agency of the application: we provide our dispatch data to the Foundation and in turn they use that to notify the citizen trained in CPR. The Department averages approximately nine cardiac arrest calls a day, 6,000 over the last two

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years. There is significant capability in reducing the response within that call type with this application.

Captain Gikas provided several key points about the application and stated LAFD would be the first department to adopt it in this region. Up North it is successful. The cost of the program will be up to \$30,000, and the target date is 90 days to unveil it to the public.

Discussion was held regarding: how the Department would respond to one of these call types; what the criteria for training is and how it is verified; how the Department distinguishes between Hatzolah (group that does not charge) vs. PulsePoint participants; the exclusion for residential addresses and HIPAA liability; the feature of voluntarily opting into the program; FEDEX database used to determine residential and business addresses; requests to be made to PulsePoint; and CPR certification information.

President Hudley-Hayes suggested implementing the PulsePoint Application, and then tracking and gathering the data in order to determine if changes are needed to make it uniquely applicable to Los Angeles or address other concerns the Commission is raising.

**MOTION** (Friedman/Tolentino): That the Board approve the report and recommendations, and that after the program is in operation for six months the Department will report back to the Commission to inform them of any problems encountered.

**ADOPTED:** AYES – 4

- D. Discussion and possible action relative to the formulation of Commission/Department priorities for the next year and creation of calendar of Commission reports.

President Hudley-Hayes stated the intent of this item is for the Commission and the Department to draft the agenda and the thinking of priorities; to cut down on the number of reports that come to the Commission that are not connected to any particular action that allows the Commission to understand what is occurring in the Department. The current process does not consider priorities, goals or challenges, what workgroups have been created for comprehensive reports; understanding actions taken every quarter, biannually and annually. We should be moving the Commission towards having a record of a complete process.

President Hudley-Hayes stated each Commissioner has different interests. At times she also requests reports due to her particular interest. Fire Administrator Gibson has tons of experience and when she goes to talk about our budget, we send her unprepared. President Hudley-Hayes provided numerous examples of items which would assist in the formulation of Commission/Department priorities for the next year.

President Hudley-Hayes stated she would like to meet with Fire Chief Cummings to develop a blue print for the Commission. She suggested having two Commissioners meet with Chief Cummings as groups are formed; the issue of serial meetings and the Brown Act will need to be addressed as well as the impact on staff in report preparation.

Vice President Tolentino agreed with the direction and stated we are seemingly reactive and there is not a sense of urgency in approaching a problem or concern. He provided several examples to assist in the process; stated that written reports could be provided every 2-3 months where there is a focus on a problem, priority or concern, which was set forth in the beginning of the year, and Fire Chief's input would also be included as he runs the Department operationally.

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Commissioner Skobin suggested the Commission look at the Department functionally; divide it into areas and Commissioners having interest in that area could be the liaison to the Department. President Hudley-Hayes stated the point person in the Department also needs to be known; she also raised concerns regarding accountability.

Commissioner Friedman stated in regard to the response time issue, we were not reactive and we responded when we were asked. He suggested that the Commissioners who meet with the Chief come up with concrete ways by which changes are proposed. Discussion was held regarding bringing back a specific blue print and how the Commission needs to know the priorities of the Department. Chief Cummings commented he agreed with the Commission President and the top three priorities are community, technology and leadership; additionally, professional development, risk management and partnerships. President Hudley-Hayes and Commissioner Skobin stated that the Department is fortunate to have Fire Administrator Gibson and she should be included in the process. Commissioner Skobin proceeded to summarize the proposed process. Commissioner Friedman suggested the Department report back in one month. President Hudley-Hayes clarified the progress should be reported back on February 5. The Fire Chief stated that the priorities of the Department are being developed in the Five Year Strategic Plan; the Strategic Plan will be available in the first quarter of this year; the Strategic Plan has not been submitted to the Fire Commission for review and the Department is moving forward with quite a bit of what is in the Plan, i.e. PulsePoint. President Hudley-Hayes confirmed they would move forward and provide an update on February 5.

**6. PUBLIC COMMENT PERIOD**

None.

Commissioner Skobin commented that in regard to the PulsePoint item, their website states that people need to indicate they have been trained in CPR. Chief Cummings stated anyone can indicate that they have been trained in CPR.

**7. CLOSED SESSION**

A. Public Employee Performance Evaluation. Discussion and possible Board action on annual evaluation. Government Code Section 54957.

1. Fire Chief

B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) – To discuss pending litigation of the following cases:

Ramsey v. City of Los Angeles – Case No. 10-05592  
Achan/Haro v. City of Los Angeles – Case No. 12-55303/12-55310  
Jumaane v. City of Los Angeles – Case No. BC294248

All closed session items were continued to the next meeting.

**8. ADJOURNMENT**

The meeting adjourned at 11:03 a.m.

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ATTEST BY:

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GENETHIA HUDLEY-HAYES  
President

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LETICIA GOMEZ  
Commission Executive Assistant II

Date: February 5, 2013

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.