

CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, OCTOBER 6, 2009

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The Regular Meeting of the Board of Fire Commissioners convened at 9:05 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Los Angeles.

Present: President Genethia Hudley-Hayes, Vice President Casimiro Tolentino, Commissioners Diana Bontá and Andrew Friedman; Fire Chief Millage Peaks and Deputy City Attorney Janet Jackson. Absent: Commissioner Jill Furillo.

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.

Newly appointed Ms. Eileen Decker, Deputy Mayor, Homeland Security and Public Safety was introduced and provided commentary.

1. PUBLIC COMMENT– Non-agenda items within jurisdiction of the Board.

Dr. Clyde Williams, LA-32 Neighborhood Council/LA Audubon Conservation Committee, commented regarding brush clearance and protection of wildlife.

2. COMMISSION BUSINESS

A. Announcements/Meetings/Events

Considered jointly with Item 3.B.

3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events.

Considered jointly with Item 3.B.

B. [BFC 09-115] – Calendar of Events.

Recommendation: Receive and File

Items 2.A., 3.A. and 3.B. considered jointly. Chief Peaks reported on past and upcoming events including a memorial service for Firefighter Ralph Urquiza on September 28th.

C. Significant Incidents/Activities:

1. Verbal report - Significant Incidents/Activities for the period of October 2 through October 6, 2009.

Deputy Chief Rueda provided information on fire season deployment activities.

2. [BFC 09-113] - Significant Incident Summary report for the period of August 24 through September 28, 2009.

Recommendation: Receive and File

The report was received and filed.

D. Verbal report on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of July 22 through September 1, 2009.

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.

No report.

4. OLD BUSINESS

- A. Consideration of City policy compliance relative to the LAFD Explorer Program annual re-charter activities with Learning for Life. Review and consideration of the following documents relative to the LAFD Explorer Program:
1. [BFC 09-116] – Correspondence dated September 29, 2009 from the City Attorney Office regarding Learning for Life and exploring Program for LAFD and LAPD.
 2. [BFC 09-108] – Correspondence dated August 27, 2009 from Learning for Life regarding Learning for Life Exploring Program.
 3. [BFC 08-052] – Correspondence dated February 26, 2008 from Lambda Legal Services to the City Attorney regarding the LAPD and LAFD Explorer Program relationship with Learning for Life and Boy Scouts of America.
- Recommendation: That the Board provides instruction to staff and adopts any necessary action relative to services, programs and association with Learning for Life, other organizations, entities or affiliates to ensure that LAFD programs and services are in compliance with City policy.
- B. [BFC 09-103] – Fire Department Youth Development Program – Learning for Life Service provider transition report.

Recommendation: That the Board approves the report and recommendations.

Taken out of order. Items 4.A. and B. considered jointly.

PUBLIC COMMENT: Robert Scoular, Learning for Life/Sonnenschein Nath & Rosenthal LLP, Brenda Bradford and Greg Salce of Learning for Life commented on their Agency's program policies and desire to continue providing Exploring Program services to the Department.

The Board discussed City's contractual standards and municipal code issues with Chief Assistant City Attorney David Michael and John Reamer, Bureau Director of the Bureau of Contract Administration. Fire Chief Peaks and Battalion Chief Reynar provided a overview of the transition proposal. **MOTION** (Tolentino/Bontá): That the Board directs the Fire Department not to proceed with recharter efforts with Learning for Life and begins the 90-day transition plan as proposed. **ADOPTED:** AYES - 4 (Absent: Furillo)

- C. Verbal update on the implementation of recommendations of the Los Angeles Fire Department Arson Counter Terrorism Section Audit conducted by the Los Angeles Police Department, Audit Division (January 2009 - BFC 09-036).

Recommendation: That the Board provides instruction to staff and adopts necessary action relative to the audit.

Deputy Chief Rueda, Bureau of Emergency Services provided a status report. President Hudley-Hayes indicated that the Board expects a written report at the next meeting.

- D. [BFC 09-055.1] – Consideration of the Memorandum of Agreement between the Los Angeles Fire Department and the LAFD Foundation, including a proposed Trademark License Agreement.

Recommendation: That the Board provides instruction to staff and adopts necessary action relative to the agreements.

PUBLIC COMMENT: Lyn MacEwen Cohen, Miracle Mile Civic Coalition and LAFD Foundation commented on the termination of involvement with the Department.

President Hudley-Hayes clarified that the MOA had not been approved by the Board prior to its execution and that negotiations on the Trademark Agreement were at an impasse. City Attorney Jackson provided an overview on the Administrative Code legal compliance requirements and advised the Board that they could vote to accept termination of the MOA as requested by LAFD Foundation in their correspondence dated October 2, 2009. Discussion ensued regarding unresolved concerns with the draft trademark agreement which the Board previously directed be addressed with the assistance of the City Attorney. Fire Chief Peak indicated that the Department could seek other

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alternatives if necessary and would proceed based on the Board's decision. Commissioner Bontá noted that the Department would still welcome individual and corporate donations. **MOTION** (Friedman/Bontá): That the Board accepts the LAFD Foundation MOA termination letter. **ADOPTED: AYES - 4 (Absent: Furillo)** Vice President Tolentino indicated that Board accepted the termination letter but would clarify for the record, that the Commission acted promptly and that the letter contained inconsistencies.

E. Verbal update on Fire Department Budget Fiscal Year 2009-10. Georgia Mattera, Fire Administrator, provided a status of the budget's shortfall including ERP and civilian furlough impacts. Fire Chief Peaks reported on the work being done to realize savings including meetings with labor organizations. The Board requested budget update be a standing item on their agenda.

F. Verbal update on the Fire Department Modified Coverage Plan. Battalion Chief Butler provided an overview of the impacts including response time and staffing issues; a Chief's Standing Committee was formed to review cost and impact of the plan.

5. NEW BUSINESS

- A. Verbal update on the DWP Emergency Water Conservation Policy and brush clearance in the High Fire Severity Risk Zones.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council/LA Audubon Conservation Committee, commented regarding unnecessary irrigation of brush clearance.

Deputy Chief Hill provided a status report noting that the Department would continue to monitor the matter.

B. Verbal update on the Fire Department's H1N1 influenza preparation plan. Battalion Chief Castro provided information on the Department's prevention plan; the mission is to maintain service delivery levels. Commissioner Bontá indicated that she would like periodic reports.

C. Closure of three Emergency Medical Services (EMS) Offices. Battalion Chief Ernst provided a status report on the EMS office closures and captain positions eliminated as a result of the budget deficit. The matter was discussed with the Board. President Hudley-Hayes recommended that the Department forward a status report to Council and Mayor.

6. NEW BUSINESS – CONSENT ITEMS

MOTION (Bontá/Friedman): That the Board approves Consent Items as corrected. **ADOPTED: AYES - 4 (Absent: Furillo)**

- A. [BFC 09-109] – Department of Homeland Security Fellowship Program – 2009 Homeland Security Center for Homeland Defense and Security fellowship for Captain Alicia Welch and acceptance of cost reimbursement in the amount of \$181,404.04.

Recommendation: That the Board approves the report and recommendations.

ACTION: Approve as corrected.

- B. [CF08-2490 / BFC 09-110] – 2008 FEMA Urban Search and Rescue Task Force Readiness Cooperative Agreement Grant extension.

Recommendation: That the Board approves the report and recommendations.

ACTION: Approve as corrected.

- C. [BFC 09-111] – Acceptance of equipment donation from Vulcan Materials Co., Ventura County Fire, Pet Co. and Home Depot. Donation consists of material to build a dog

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kennel for the FEMA CA-TFQ Search and Rescue (SAR) canines. The donation is valued at a total of \$1,300.00. Equipment will be assigned to Fire Station 88.

Recommendation: That the Board approves the report and recommendations.

ACTION: Approved.

- D. [BFC 09-112] – Acceptance of a \$5,000.00 grant donation from Firemen's Fund Insurance Company through their Firemen's Fund Heritage Program. The funds will be used to purchase two computers and software for the Community Liaison Office.

Recommendation: That the Board approves the report and recommendations.

ACTION: Approved.

- E. [BFC 09-114] - Corrective Action Summary - Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners during the period of August 22 through September 28, 2009.

Recommendation: Receive and File.

ACTION: Received and Filed

7. ITEMS CALLED SPECIAL

Items A and B considered for clarification and approved with corrections.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Periodic update on the Fire Department's H1N1 influenza preparation plan (Bontá)
- Independent Assessor update (Friedman)
- Written update on the LAFD Arson Counter Terrorism Section Audit (Hudley-Hayes)

9. CLOSED SESSION

The Board convened in closed session at 11:10 a.m., pursuant to Government Code Section 54957 to discuss Public Employee Appointment/Performance Evaluation - Independent Assessor, Fire Commissioner. The Board reconvened in open session at 11:25 a.m. and reported that no action was taken in closed session.

President Hudley-Hayes indicated that determination of the supervision authority for the Independent Assessor needed to be made. Discussion concluded with a **MOTION** (Tolentino/Friedman): That the Board designates the ministerial duties associated with the Independent Assessor position to the Board President. **ADOPTED:** AYES - 4 (Absent: Furillo)

10. ADJOURNMENT

The meeting was adjourned at 11:27 a.m. (Tolentino/Bontá)

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

BLANCA GOMEZ-REVELLES
Commission Executive Assistant II
Date: January 19, 2010

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.