

CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, DECEMBER 7, 2010

DRAFT

The Regular Meeting of the Board of Fire Commissioners convened at 9:20 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 Diana Bontá
Commissioner Jill Furillo
Deputy Chief Donald Frazeur
Assistant City Attorney Debra Gonzales

Absent: Commissioner Andrew Friedman
Deputy City Attorney Janet Jackson

▪ **FLAG SALUTE AND MOMENT OF SILENCE**

The flag salute was followed by a moment of silence in honor of past and present members of the Los Angeles Fire Department who devote their lives to the protection of the community.

1. PUBLIC COMMENT

None.

2. COMMISSION BUSINESS

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

B. [BFC 10-124] - Approval of Meeting Minutes for October 19, 2010
MOTION (Bontá/Tolentino): That the Board approve the minutes as submitted. **ADOPTED:**
AYES – 4 (Absent: Friedman)

C. [BFC 10-142] - Approval of Special Meeting Minutes for November 19, 2010
MOTION (Bontá/Tolentino): That the Board approve the minutes as submitted. **ADOPTED:**
AYES – 4 (Absent: Friedman)

3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events
Items 2.A., 3.A. and 3.B. considered jointly. Deputy Chief Frazeur reported on past and future events: including the Spark of Love Toy Drive & MySafe:LA/LAFD Holiday Safety Story on December 10th, LAFD Headquarters Holiday and Appreciation Luncheon on December 15th, Christmas Tree Safety & Recycling on December 21st, the Supply & Maintenance Division Holiday Party on December 23rd.

Deputy Chief Frazeur reported that since the last Commission meeting Fire Chief Peaks attended the following events: 2010 NFPA Urban Fire Forum (UFF) in Boston, Massachusetts, on November 4th he met with past Homeland Security Secretary Michael Chertoff, attended Memorial Service for Alma Beck, Police Chief Beck's mother, on November 6th attended the L.A. Firemen Relief Association's Open House where Captain Steve Ruda was honored, on November 18th attended the Second Annual Firefighter/Paramedic of the Year Luncheon where

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Firefighter/Paramedic Ruben Terrazas was the honoree, Dedication of Fire Station 80 at LAX & press conference on a river rescue on November 22nd, flying back with FEMA Director, William Craig Fugate, today.

- B. [BFC 10-140] – Calendar of Events
Recommendation: Receive and File
Considered jointly with Item 3.A. The report was received and filed.
- C. Significant Incidents/Activities:
1. [BFC 10-125] – Significant Incident Summary report for the period of October 19 through October 25, 2010.
Recommendation: Receive and file.
The report was received and filed.
 2. [BFC 10-126] – Significant Incident Summary report for the period of October 26 through November 1, 2010.
Recommendation: Receive and file.
The report was received and filed.
 3. [BFC 10-128] – Significant Incident Summary report for the period of November 1 through November 8, 2010.
Recommendation: Receive and file.
The report was received and filed.
 4. [BFC 10-139] – Significant Incident Summary report for the period of November 15 through November 22, 2010.
Recommendation: Receive and file.
The report was received and filed.

Deputy Chief Frazeur reported on several significant incidents: Saturday, members of Emergency Services participated in a conference call with the incident commanders in Israel where they are having a significant brush fire, a spectacular rescue was made at a structure fire in Boyle Heights on December 2nd where a gentleman was pulled from a second floor window, a Firefighter at a single-family dwelling fell off a ladder November 30th and is doing well, the Spark of Love Toy Drive began on November 29th and will last 45 days, the river rescue was a high risk operation, but a member of the Police Department saw the individual go into the river, and notified LAFD, and within 23 minutes the person was rescued and at L.A. County Hospital for treatment.

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]

Chief Cummings reported on Action Items 1 and 2 of the report, headed up by Battalion Chief Dave Spence, regarding the Disciplinary Guidelines and their application, a meeting with Stakeholders was held on October 25th and staff is awaiting Commission direction. Action Item 3, regarding the staffing report for Professional Standards Division (PSD) is with the Office of the City Administrative Officer (CAO), anticipate it returning the first week of January and moving it through Council Committees and full Council for approval. President Hudley-Hayes

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asked if the report included the \$1.3 million that was set-aside for the civilian investigators to come onboard. Chief Cummings stated yes, for eight investigators and one support staff.

Chief Cummings continued, for Action Item 4 and 6, which pertain to the documentation and tracking of agreements between management and labor, Chief Hill is drafting a letter, which will be brought to the Department and Commission for approval with a document tracking process and policy. All those documents will have a naming convention and there will be a standard location for tracking and there will be a process to ensure all agreements are documented thoroughly with the parties involved in the agreement, their authority to enter into the agreement, agreement length and term, and the parties bound by it. President Hudley-Hayes asked if this would apply to agreements with all parties, i.e. outside and other City Departments. Chief Cummings clarified that Chief Hill is currently looking at labor and management as called for in the Independent Assessor's report, but Chief Hill is hoping to have a framework if they choose to expand it to the naming convention to all documents tracking.

President Hudley-Hayes requested what the expansion would look like for a future agenda item. She recalled at one time there was some concern and the Fire Department was unfairly criticized for work that was done in order to get venues open and whether all the correct steps had been done. It would be great if they could understand, if there was a way to track, who was responsible, what happened, what the parties were, etc. She added the occurrence was approximately two years ago and possibly involved the Staples Center or the Nokia. Chief Cummings clarified President Hudley-Hayes would like to discuss a database for tracking all communication/documents into and out of the Department. President Hudley Hayes confirmed she wanted to discuss with staff if it is something that is not necessary, that is necessary, whether it should be expanded a bit, or not at all.

Chief Cummings reported Action Item 5, bringing the Skelly process into full compliance with due process requirements, headed by Planning Section, have moved forward with training for Skelly Officers within the Department, and five official Skelly Officers have completed the training and are conducting all Skelly hearings. Next step will be to include a Chapter in the Skelly Manual to have the process fully documented.

Chief Cummings reported Action Item 7, creating the manual for Professional Standards Division (PSD), is being handled by Chief Biggs and Chief Potter, and they are working with Chief Special Investigator Paul Hayashida. Existing manuals, i.e. Board of Rights, Discipline Manual, Skelly Manual and are reviewing the information and coming up with a process for putting it in orderly manner in the manual to capture everything requested within the Independent Assessor's report. President Hudley-Hayes asked if that work also included looking at inconsistencies. Chief Cummings stated yes. Vice President Tolentino suggested, if not already being done, also reviewing the Personnel Department's, other Department's, or the Police Department's Skelly Manuals for across-the-board consistency. Chief Cummings commented that Chief Special Investigator Paul Hayashida has good knowledge of the Personnel and Police manuals, and he is the resource being used in moving forward.

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)

Chief Cummings stated instead of updating Commissioners on all 362 recommendations, and staff has been able to include those in the seven Action Items, they would like to report back on only the seven Action Items. Based on the premise that as they complete each of those action items it will take care of those recommendations, and when they complete an action item they will go back and give a

full accounting of all the recommendations within it. President Hudley-Hayes concurred, and commended Chief Cummings and the team on the work being done. Vice President Tolentino agreed. Chief Cummings stated it is due to the Fire Chief's commitment and because of the hard work of the Planning Section, specifically Captain Ruiz, and each Battalion Chief involved.

B. [BFC 10-046] – Fire Department response on Disciplinary Guideline Comparison

1. Verbal Report on Stakeholders' Meeting of October 25, 2010

Recommendation: That the Board provide instruction to staff to begin the meet and confer process with the appropriate unions and report back to the Commission regarding one set of Disciplinary Guidelines for Sworn members.

President Hudley-Hayes stated the Commission directed her and Vice President Tolentino to re-up the stakeholders' process to review the various disciplinary guidelines and the disciplinary guidelines approved by the Commission. The action item, which came out of the Stakeholders' meeting, is that the Commission direct the Fire Chief to take the disciplinary guidelines approved in 2006 through the meet and confer process. Thereafter, the disciplinary guidelines would come back to the Commission. President Hudley-Hayes added that United Firefighters of Los Angeles City (UFLAC) and the Chief Officers Association (COA) are the bargaining units for firefighters and Chief Officers respectively.

Chief Cummings confirmed the Fire Chief is to take the approved 2006 guidelines through the meet and confer process with UFLAC and COA, and report back to the Commission.

Chief Cummings added that regarding the update [BFC 10-091]; the quality of that report is due to the collaborative effort with PSD staff, Chief Bercik, Special Investigator Paul Hayashida, and Independent Assessor, Stephen Miller.

ACTION: MOTION (Tolentino/Furillo): That the Board approve the recommendation to review the Board and Stakeholders Disciplinary Guidelines of 2006 back to Fire Chief Peaks to review and to meet and confer with the respective bargaining units, Chief Officers Association, UFLAC, and the civilian unit, and for a report back.

ADOPTED: AYES – 4 (Absent: Friedman)

Further Discussion

President Hudley-Hayes asked Stephen Miller, Independent Assessor, what disciplinary guidelines covered civilians. Mr. Miller stated the Personnel Department for the City has a set of guidelines for civilian employees, which would apply to civilian employees of the Fire Department.

Vice President Tolentino added the reason the civilian guidelines came up was in comparison the civilian guidelines sometimes were a lot harsher than the ones for the Department, and they did not want to see that inconsistency within the Department.

C. Verbal report on impact of ending the Modified Coverage Plan (MCP) and the elimination of 51 Staff Assistant Positions from the Department and possible Board action including discussion of seasonal variances and temporary suspensions based on departmental needs.

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Regarding agenda Item 4.B.1., Chief Cummings clarified the disciplinary guidelines taken forward did not deal with civilians, therefore, no meet and confer would occur with civilian labor organizations.

Assistant City Attorney Debra Gonzales confirmed the Commission could go back to Item 4.B.1. for further discussion.

Chief Cummings continued regarding agenda Item 4.C., the MCP restarted on November 21st and the Staff Assistants have been transferred back into their position as Staff Assistants effective December 12th. For the MCP, to date just under \$11 million has been saved; it was suspended for 67 days, from October 1st through November 21st, at the direction of the Mayor's Office. President Hudley-Hayes asked if we lost savings for those 67 days. Chief Cummings stated approximately \$6.2 million, the \$11 million is how much has been realized, it would have been closer to \$17 million.

Commissioner Jill Furillo clarified; we are now back into the MCP, it was suspended during what was considered to be the high fire season. Chief Cummings confirmed. Commissioner Furillo asked if the Mayor determined the effective date of suspension at that time. Chief Cummings believed it was a mutual agreement between the Fire Chief and the Mayor. Commissioner Furillo expressed concern; suspension of the MCP should have been extended out beyond the holiday season. Chief Cummings commented as earlier in the year, the Department has suspended the MCP on certain dates because of the extreme fire hazard or because of a rain event. They have suspended it when they needed the additional staffing to handle anticipated call load.

5. NEW BUSINESS

A. [BFC 10-141] – Proposed Budget for Fiscal Year 2011-12

Recommendation: That the Board approve the report and recommendations.

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

ADOPTED: AYES – 4 (Absent: Friedman)

Deputy Chief Frazeur commented that Ms. Georgia Mattera, Fire Administrator, has moved to the Mayor's Office, and Mr. Salvador Martinez is the acting Chief of the Administrative Services Bureau.

Mr. Martinez stated the current year budget is \$495 million and the budget they are going forth with is \$506 million. It includes \$8.5 million in obligatory changes, as well as \$3 million in new budget requests, which are primarily for the Fire Prevention Bureau, to address some of their inspection needs with regard to a unified inspection program that is being requested. To improve inspection activities, support is needed to automate those systems and provide the necessary databases for inspectors to do a better job in revenue collection.

Mr. Martinez stated in terms of the obligatory changes, they are capturing within those changes the need to incorporate to cover operating costs, i.e. PSD Staff, Inspectors, additional costs for expense items for basic needs for rescue supplies and field equipment for the fleet, only asking for the bare minimum needs to continue the operation, staffing for sub-positions, and resolution positions. It also includes a request to move forward to increase our MICLA request for equipment this year. Last year, they had zero in MICLA dollars, normally it is about \$25 million they receive for ambulance and fleet purchases. This year was just \$6 million, and was geared toward ambulances, and next year they are requesting their base of about \$25-\$26 million that

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would cover a variety of needed equipment replacement. These are the needs for the Department to maintain its fleet and ensure sworn officers have the right equipment and vehicles to do their job.

Mr. Martinez stated in terms of revenue, this year's projection was \$141 million and we are on target to meet the budget of this year's revenue. This includes approximately \$67 million in ambulance billing efforts and it also includes all the other revenue activities, i.e. vegetation management, inspection activities, reimbursements from the Airports and Harbor Departments.

President Hudley-Hayes asked if this figure would be positively impacted when the public hearing is held and the fee structure is changed. Mr. Martinez stated it is incorporated, any additional changes, plus or minus, and it is somewhat of a moving target.

Mr. Martinez commented some of the things impacting this budget would be labor MOUs, furloughs, possible layoffs, payments for the retirement costs and healthcare costs, and the estimated cost provided for the Fire Department is approximately \$23 million. As more information is made available, a verbal report will be provided to the Board. President Hudley-Hayes stated that as the payments for the retirement costs and healthcare costs is a new issue a written report should be provided.

Mr. Martinez stated that regarding the deferral of sick time pay out and holiday payouts that were delayed, and adopted in previous year budget, would potentially hit this year. Concerned about those payouts, it is an obligation we will need to absorb and will come back to the Board with more information as it develops.

President Hudley-Hayes asked Mr. Martinez to comment on the revenue gaps/budget deficit as she has heard varying numbers, i.e. \$5 million, \$10 million, \$20 million, \$34 million with MCP being suspended. Mr. Martinez stated the Department has been asked to start off with their base of \$495 million for this year. The Department has been asked to absorb cuts, which would be approximately \$30 million, and would include \$23 million in pension and healthcare costs which the Department has been asked to absorb, as well as other costs they want the Department to absorb which is about \$7 million, i.e. liability of any resolution or current substitute authorities, as well as absorbing other costs and not having any additional increases that they would request for fleet maintenance and for rescue supplies. There is approximately a \$30 million gap maximum, but it could always change. Part of the method to address part of the additional increase would be through some modified coverage plan that Chief Cummings is working on with staff and Chief Peaks. At this point, there is no definitive number, but this is the best estimate of what the Department needs to move forward with the budget before the Board and is due December 10th. It will be an on-going process and updates will be reported to the Board as they happen.

President Hudley-Hayes confirmed there is a difference between the \$525 million, which is what may be needed, and the \$495 million, which is what is budgeted. She asked the Commission to consider directing the Fire Chief to provide, in writing, the plan for closing the fiscal deficit; at the \$5 million mark, \$20 million mark, \$30 million mark, and possible contingency plans. President Hudley-Hayes stated to Deputy Chief Frazee the request is for a document, not an update, which can be shared with the Commission, City Council, and the Mayor. In order for the Fire Department to be able to manage their budget and make decisions on how the deficit will be closed. In order for the Board to understand what is occurring with the Department, City Council, and the Mayor as these issues unfold, and it is clear in their oversight role, the Department is brokering for and helping others understand how this budget and these physical resources can be used best for the Department. She stated she is not comfortable with others

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making decisions regarding this, and if a sharply laid out plan is available, the opportunity exists for everybody to understand there is a plan and it is Fire Department driven. Deputy Chief Frazeur asked if the request was in regard to next year's budget. President Hudley-Hayes agreed, and passed the gavel to Vice President Tolentino in order to make a motion.

Vice President Tolentino opened the item for discussion. Commissioner Furillo confirmed the Board wants to be able to understand the various plans because the exact deficit amount is not known, and in order to understand what the impact will be to the people with respect to the services received from the Fire Department; and continue to be able to monitor that as a Commission.

Commissioner Diana Bontá stated regarding Deputy Chief Frazeur's report on the swift water rescue which took only 23 minutes; in many of the actions of the Fire Department, it is drilling and practice and training for many, many years for those minutes that are precious to be able to do that kind of activity, do it well, and be able to execute and be able to save that person's life. Her expectation, as this is developed, to hone in on what are the anticipations of what would have to go, what would not be done, and that it is clear, i.e. with limitation in an area, consequences might be the following. When there are deficits like this, you must look at proposed items which may have to go or be postponed, i.e. the training classes and graduations; and the impacts to the Department as well.

ACTION: MOTION (Hudley-Hayes/Furillo): That the Board direct the Fire Chief to provide the Board, in writing, with a budget projection for next year's budget based upon a \$5 million deficit, \$20 million deficit, and a \$30 million deficit and included in the report would be capturing the impact, both positive and negative, on those routine practices of the Department as they discharge their duties in safety for citizens in Los Angeles. In addition, it should include a menu of those activities, and a draft report be provided by January 18, 2011 with a final report by February 1, 2011.

ADOPTED: AYES – 4 (Absent: Friedman)

Brief discussion was held regarding a due date for the budget projection report. Deputy Chief Frazeur confirmed work could begin on a draft plan, but would take longer as staff is looking at the Advanced Deployment Apparatus Module (ADAM) program. The ADAM program has just gone on line and will take another 30-60 days to be able to review the data and quantify the deployment plans. Vice President Tolentino passed the gavel back to President Hudley-Hayes.

Commissioner Furillo asked if there had been a study done with respect to the incorporation of furlough days, and the reduced revenue coming into the City when people have additional furlough days, basically a pay cut, that affects their ability to be able to spend their money in the City of Los Angeles. Mr. Martinez stated there have been studies done on the impact of furloughs on a revenue collection, from the Fire Department, this has been maintained with the ambulance billing contract when it was impacted. They had projections of the impact of the furloughs on the reduction of sending out billings, and were able to quantify it for the Office of the City Administrative Officer (CAO), as well as for other revenue collection parts of the operation. As a whole, the CAO had been looking at a wider range on the revenue impact of the furloughs. He is not aware if anything was released concerning the City as a whole, but it was done on a departmental basis. Commissioner Furillo commented she was aware of studies done nationally, but not in the State or City of Los Angeles. Some credible studies have been done on the impact of furlough days, cuts in pension, to employees and the negative impact on the economy. She feels this information should be incorporated.

Discussion was held regarding how this information could be obtained. Commissioner Furillo stated that studies have been done and when you look at the reduction of employees, reduction

in furlough days, reduction in pensions, etc. in many communities the pensions are what stimulate the economy, therefore increases the revenues into cities.

Mr. Martinez stated that the CAO has an office that coordinates all revenue collection for the City and reviews the revenue. President Hudley-Hayes agreed the CAO is where such a request would go to answer Commissioner Furillo's question. Commissioner Furillo confirmed she wants to know if it is part of what is being considered when putting together the budget.

Mr. Mark Davis, Fire Department Liaison, Office of the City Administrative Officer, stated the flipside is if furloughs were not done, it would be necessary to layoff more people. He confirmed he would check to see if a study has been completed and report back to the Board.

6. NEW BUSINESS – CONSENT ITEMS

MOTION (Furillo/Bontá): That the Board approve Items 6.A. thru 6.M.

ADOPTED: AYES – 4 (Absent: Friedman)

- A. [BFC 10-121] – Approval of the New Vocational Education Training Agreement Between the City of Los Angeles through It's Fire Department and the Los Angeles Community College District on Behalf of East Los Angeles College
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- B. [BFC 10-122] – Quarterly Report – Forecast Exits of DROP Enrollees
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- C. [BFC 10-127] – Annual Report – LAFD Special Training Fund – Account 002R Fiscal Year 2008-2009
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- D. [BFC 10-129] – In-Kind Donation for Appliances and Tools
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- E. [BFC 10-134] – In-Kind Donation for Chairs for Training Room
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- F. [BFC 10-135] – In-Kind Donation for Appliances and Tools
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- G. [BFC 10-136] – In-Kind Donation for Exercise Equipment
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- H. [BFC 10-137] – In-Kind Donation for Coffee Appliances
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.

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- I. [BFC 10-133] – FY 2010-11 Monthly Financial Summary Reports – First and Second Report for FY 2010-11
Recommendation: Receive and File.
ACTION: RECEIVED AND FILED.
- J. [BFC 10-130] – Monthly Disciplinary Action Summary – August 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- K. [BFC 10-131] – Monthly Disciplinary Action Summary – September 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- L. [BFC 10-132] – Monthly Disciplinary Action Summary – October 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- M. [BFC 10-138] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – October 1 through November 24, 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Database for tracking documents in and out of the Department – See Item 4.A.1. (Hudley-Hayes)
- Budget Deficit Report – See Item 5.A. (Hudley-Hayes)

9. ADJOURNMENT

President Hudley-Hayes confirmed no meeting would be held on December 21, 2010, and on the Board's behalf thanked the staff for the work done this year in these difficult times. She congratulated the staff for making this City safe.

The meeting was adjourned at 10:19 a.m. (Bontá/Tolentino)

ATTEST BY:

CASIMIRO TOLENTINO
Vice President

LETICIA GOMEZ
Commission Executive Assistant

Date: December 21, 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.