

CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

The Regular Meeting of the Board of Fire Commissioners convened at 9:26 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Room 1820, Los Angeles. Deputy City Attorney Janet Jackson stated the meeting could proceed without a quorum, but no votes could be taken.

▪ **ROLL CALL**

Present: President Genethia Hudley-Hayes
Vice President Casimiro Tolentino
Commissioner Andrew Friedman
Fire Chief Millage Peaks
Deputy City Attorney Janet Jackson

Absent: Commissioner Diana Bontá
Commissioner Jill Furillo

▪ **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. Fire Chief Peaks also honored Commissioner Jill Furillo's mother as she passed away this morning.

1. **PUBLIC COMMENT**

Dr. Clyde Williams, LA-32 Neighborhood Council and L.A. Audubon Conservation Committee, commented he had two fire traps – locations that have been not cleared for a long time, for the last 20 years. One is CD 5 and one from CD 11; it shows the Board of Public Works which considered tree removal from these two plots does not look at the fire issue, the vacant lot clearing. You have brush clearance; these two areas are clear violation of the brush clearance. Most of the valley's canyons, on the Westside, do not get cleared 200 feet. He stated he put a scale line on the two items. We will have to redeploy the few engines we will have in the summer, and this year there will be a heavy fuel load because the early rains, good growing weather. In one of the Fire brochures it says, 'it's a year around job'. Could brush clearance be done in regard to all of these houses so they comply? There are not enough profit/non-profit organizations to clear it all. He submitted the two pictures to the Commission Executive Assistant for the record.

2. **COMMISSION BUSINESS**

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

B. [BFC 10-161] - Approval of Meeting Minutes for January 4, 2011
MOTION (Friedman/Tolentino): That the Board approve the minutes as submitted. **ADOPTED:**
AYES – 3 (Absent: Bontá, Furillo)

Commissioner Andrew Friedman arrived at 9:34 a.m. constituting a quorum. President Hudley-Hayes commended Commissioner Friedman on being able to attend the meeting, as he arrived directly from the airport.

3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events

Items 2.A., 3.A. and 3.B. considered jointly. Fire Chief Peaks referenced the Calendar of Events provided, and highlighted the following events; SAG Awards, Grammy Awards, NAACP Image Awards, Academy Awards "Oscars", NBA All Star Game, and PGA Northern Trust Open.

President Hudley-Hayes inquired regarding LAFD's participation in the Martin Luther King Parade. Fire Chief Peaks stated LAFD participated on an emergency stand point and due to some conflicts with the promoter LAFD was not in the parade.

Fire Chief Peaks stated upon becoming Fire Chief it was evident to him that our community relations efforts needed management and coordination. He wanted to figure out the programs, what the message should be, and how it should be administered. He introduced Battalion Chief Kwame Cooper who is internationally recognized as a community relations expert.

Battalion Chief Cooper stated members of LAFD have consistently provided quality community programs and service, and it is Fire Chief Peaks vision to up that to another level. Chief Cooper introduced two other team members: John Mutz, Aquil Basheer, and not present was team member Pat Mieszala. Project objectives have been noted as well as the definition of community relations for LAFD. Phase I includes a community relations assessment of the entire Fire Department. Objectives include program assessment, creating a culture of inclusion, as well as being able to evaluate effectiveness. Preliminary work included meeting with the United States Fire Administration, reviewing Mayor Villaraigosa's Public Safety Plan, and reviewing the National Fire Protection Association's Urban Fire Safety Task Force. The initiative is to look at ways to enhance LAFD's level of public safety and service to all neighborhoods.

Battalion Chief Cooper described the preliminary work done in Phase I, i.e. focus group meeting results, survey results. The team is off to a good start, Phase II includes the goal to connect all programs to one definition, one vision, a set of objectives, to be able to measure effectiveness, to enhance community partnerships by new partnership with Los Angeles Urban League, and research alternative funding sources.

Commissioner Friedman asked if public relations, via the media, were included in the scope of the project. Chief Cooper stated yes, and commented on the sections which would require redesign, i.e. media relations, program development, technology, marketing.

President Hudley-Hayes asked about the Community Liaison's Office involvement/redesign. Fire Chief Peaks stated he would like to fold the Community Liaison's Office into a division that coordinates all of the community relations outreach programs, marketing, public relations, and public education under one umbrella. For a funding source, grants would be needed, the Fire Department Foundation could potentially assist in generating revenue sources, and monies have not been available to fully staff and create the type of system to put this in place. Hopefully, during Phase II a plan will be determined and market it to attempt to obtain funding.

Vice President Casimiro Tolentino inquired regarding the timetable for the whole process. Battalion Chief Cooper stated the goal is to have Phase II finished by July 1st and report to the Fire Chief.

President Hudley-Hayes confirmed Phase II will be based on data collected and analyzed which will be used to create solutions and changes. Funders want to see quantifiable, qualitative results. She commended Fire Chief Peaks for having a team approach on this project.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

President Hudley-Hayes expressed concern that a Commissioner did not attend the initial focus group. She asked the Commission be kept informed and at least one Commissioner be involved in order to better support the project.

Battalion Chief Cooper confirmed initial contact with Bea Lopez, prior Commission staff, who provided some input, but was unable to attend the meeting.

President Hudley-Hayes commended staff on the project.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council and L.A. Audubon Conservation Committee, asked if the prior item was a presentation or an announcement. Had he known this was going to be presented for 10-15 minutes he would have submitted a card before. He asked if staff had not heard of Neighborhood Councils (NC), and this weekend about 80 NC representatives met. NCs should be there to communicate to the other departments and to constituents and stakeholders what is going on. They have a Public Safety Committee meeting tonight and he is in charge of outreach. He commented CERT is also related to the Fire Department and members of the community. Coordination is needed with those major elements within the City for community involvement.

President Hudley-Hayes commented the project is only in Phase I, and all of the groups he mentioned will be included because this is the very initial planning portion of the project. Fire Chief Peaks confirmed today was the announcement of the initiative.

Deputy City Attorney Janet Jackson clarified that this is held under the General Manager's Report, under Announcements/Meetings/Events to give a status update of the meetings and events that are taking place.

Mr. Pat McOske, UFLAC, stated he appreciated the work being done by Battalion Chief Cooper, Inspector Basheer, and their colleagues. However, in order to communicate more effectively with the public, the best method will be rank and file Firefighters interacting with the public, and agreed NC should be involved. He referred to an incident, where the Brownouts were of concern to a particular community, a particular NC in Pacific Palisades and they agendaized it for their meeting and invited their local Firefighters to participate. Firefighters were ordered by Fire Department management not to attend the meeting. Therefore, he attended, answered the community's questions, explained the Brownout Plan, and informed the NC that the Fire Department ordered Firefighters not to attend the meeting. He hopes Firefighters will be part of the communication process and plan, and the message should be agreed upon. The Fire Department has said Brownouts are OK, the Fire Department communications person has said on the news that it is perfectly safe, public will not be endangered, closing a Hazardous Materials Taskforce will have no effect. The only real organized effort seen around staffing losses suffered is a lot of privately donated money spent on an expensive video that justified just one position on the Fire Department, but made no mention of all the other positions that have been lost, threatened and closed on a rotating basis. At this point, rank and file Firefighters and management do not agree on the message.

Commissioner Friedman commented that there are no Brownouts.

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

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

C. Significant Incidents/Activities:

1. [BFC 10-158] – Significant Incident Summary report for the period of December 20 through December 27, 2010.
Recommendation: Receive and file.
The report was received and filed.
2. [BFC 10-165] – Significant Incident Summary report for the period of December 28 through January 3, 2011.
Recommendation: Receive and file.
The report was received and filed.

Deputy Chief Rueda stated LAFC participated in the Martin Luther King Parade, and Fire Prevention had four inspectors ensuring public safety was maintained. Chief Spence and Chief Arbuthnott as Incident Commanders and three engine companies, four ambulances, two bike teams, and a horse team were out there. They responded to 31 calls for service along the parade route which resulted in nine transports.

Deputy Chief Rueda stated on Sunday, January 9th, Engine 1 in Lincoln Heights responded to an automobile fire. The Engine Company conducted a fire attack, and as they prepared to use foam equipment, Captain Bob Rosario squirted inside the vehicle and a large explosion occurred. It knocked him off his feet, knocked his helmet off, his head struck the pavement and knocked unconscious. Transported to County USC, he has a skull fracture and was released three days later. Fire Chief Peaks has convened a team to investigate the cause, arson investigators, bomb squad and an internal team trying to determine the cause of the explosion. At this point, they believe the cause of the explosion was magnesium parts that were built into the car which because of the heat become molten and when water was applied on the vehicle it exploded.

Deputy City Attorney Jackson noted Commissioner Andrew Friedman had arrived, completing the quorum.

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 Richmond reported on Action Items 1 and 2 of the report, assigned to Battalion Chief Dave Spence, regarding the Disciplinary Guidelines and their application, will be discussed in Closed Session.

Action Item 3, assigned to Battalion Chief Pearson, to staff PSD (eight Investigator positions and one civilian position). The Office of the City Administrative Officer (CAO), is reviewing the report, communicating with Fire Personnel, and attempting to expedite the process. Target date to have vacancies filled is still April 2011.

Action Item 4, assigned to Battalion Chief Rudolph Hill, discussing labor management agreements. Battalion Chief Hill is working on an indexing system to capture the agreements between management and labor and stakeholder groups. Staff is also reaching out to private vendors to look for policy management type software.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

Action Item 5, related to Action Items 6 and 7, Battalion Chief John Biggs has been provided some timelines. February 13 he will be providing an outline to the Planning Section which will include the Skelly Hearing Procedure into that format.

President Hudley-Hayes inquired regarding the necessary \$1.4 million for the PSD staffing. Mr. Sal Martinez, Acting Fire Administrator, stated staff is actively trying to get that \$1.4 million allocated for our needs. Working with their CAO analyst, this would meet the needs of moving forward to hire personnel that can be hired this fiscal year. President Hudley-Hayes asked if there is danger it would be lost? Fire Chief Peaks stated no, but the salary savings that is not used this year, or what is left over after filling the positions this year, may be swept to offset civilian and sworn furloughs.

President Hudley-Hayes expressed frustration and asked what the Commission could do because her recollection is that the City Council has stated they support that and at the ninth hour, they have other priorities. Mr. Martinez commented the process is lengthy.

MOTION (Tolentino/Friedman): That staff include in their negotiations a statement that the Fire Commission, as an oversight body, is strongly in favor of shortening the process and having the positions filled by the end of the fiscal year. **ADOPTED:** AYES – 3 (Absent: Bontá, Furillo)

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) Considered jointly with Item 4.A.

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

Fire Chief Peaks commented as the disciplinary guideline issue appears in three places on the agenda; he suggested Items 4.B. and 5.A. be taken into Closed Session, under Item 10.A.

Deputy City Attorney Jackson clarified that Item 5.A. – Appointment of the Board's Meet and Confer Negotiators Regarding Disciplinary Guidelines – is an open session item, but can be done just prior to Closed Session, Item 10.A. She added that Item 5.A. is 'Identification' of the Meet and Confer Negotiators, not an 'Appointment'.

C. Verbal report from Department of status of the Modified Coverage Plan (MCP), including discussion of seasonal variances and temporary suspensions based on departmental needs.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council and L.A. Audubon Conservation Committee, commented our basic element is the seasonal variances and the temporary suspension due to the brush fire season. LAFD has the most rigorous, stringent brush clearance requirements in the United States, but it is still necessary to redeploy. Seasonal variations and temporary suspension cost money, but it also puts at risk those places from which the engines are drawn to put into the brush areas, i.e. Boyle Heights, South Central. Last year, people did not know what was going on, which engines were going to be gone, what to do, and did not know the plan. He is concerned about money, engines, risks, and fire life safety.

Chief Richmond reported the Expanded MCP began January 1, 2011, today is 201 day of this fiscal year and have unrealized savings of approximately \$5 million, have cumulative projected savings of \$21 million, therefore \$16 million for the year.

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

- D. Verbal report by Professional Standards Division (PSD) identifying trends in regard to the Complaint Tracking System

Assistant Chief Roxanne Bercik stated as previously noted, staffing is an issue in PSD. Therefore, there is not staff available to do a true trend analysis currently. However, on the initial intake of the complaints; they are reviewed by the moderator, Chief Investigator and herself and they do flag something that may pose a trend. The Fire Chief and Chief Deputies have been notified of those items that may pose a trend, i.e. house dues, EMS policies and procedures. When new staff is obtained, these are one of the items they would review.

- E. Verbal report by Professional Standards Division (PSD) regarding investigator caseload versus Best Practice Standards

Chief Special Investigator Paul Hayashida reported that unfortunately the fire departments in California are not near as structured or sophisticated as the L.A. City Fire Department is; and so contacted the Los Angeles Police Department, the Los Angeles County Sheriff's Department and the California Department of Corrections to best gauge what the best practices are in the industry. These three agencies are large and with fairly structured internal affairs processes. The three agencies have caseloads that are below what PSD has. PSD investigators typically carry 10 cases as a primary with 10 cases as a secondary. PSD investigators also act as advocates for the Department in prosecuting cases at a Board of Rights. LAPD attempts to keep their caseloads per investigator at 6, they assign one investigator to a case unless it is time critical or a major case. LAPD has a separation of the Board of Rights hearing advocacy, the prosecution of their disciplinary hearings, outside of the internal affairs section. The L.A. County Sheriff's Department, their caseloads are 8-10, they have a single investigator assigned to the case unless case circumstances warrant an additional investigator. Their civil service hearings, disciplinary hearings, are done by a separate entity. The California Department of Corrections, similarly have 6-10 cases per investigator and do not pair up investigators unless it is a critical case, and have a staff of attorneys headquartered in the regional offices to prosecute their disciplinary hearings.

Chief Investigator Hayashida stated the main difference between PSD and law enforcement is the critical type of incidents. They have the routine rules, violations, off-duty misconduct, discourtesy items. They differ in that their critical incidents are use of force and officer involved shootings, PSD's are medical malpractice cases and EEO hazing, horseplay cases. Another difference with law enforcement is the training, from starting at the academy until assigned to internal affairs, law enforcement are trained as investigators. PSD pulls Fire Captains without the same level of training to do investigations. The responsibility for Board of Rights Hearings in PSD is handled by internal affairs staff, they are performing both functions.

Chief Investigator Hayashida stated they have had the team concept on investigations, combining a sworn and civilian, to get all parties with their expertise to maximize resources.

President Hudley-Hayes reconfirmed the number of cases per investigator for each of the agencies discussed and PSD. Chief Investigator Hayashida stated the distinction between the primary and secondary is that the primary person is ultimately responsible for the investigation and will do a majority of the strategizing and case formulation. However, the secondary is expected to be as familiar with the case and may share some of the responsibility in terms of writing up the case.

Fire Chief Peaks confirmed all investigators have 10 primary and 10 secondary cases. Assistant Chief Bercik confirmed the same investigators are used as advocates on Board of

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

Rights where as LAPD and the California Department of Corrections have completely separate units to prosecute cases.

Commissioner Friedman commented that as LAPD's cases are different from LAFD's, perhaps a use-of-force case may take a lot longer to investigate than some of our cases. The same types of cases are not being compared.

President Hudley-Hayes commented her concern is that some cases do involve EEO complaints; some involve medical malpractice complaints, but still thinks this makes the case for needing additional fiscal resources. Fire Chief Peaks confirmed the workload needs to be reduced in PSD by adding additional investigators. President Hudley-Hayes stated the workload needs to be reduced significantly because investigators are also used as advocates, and that lengthens the time for the investigations.

President Hudley-Hayes asked if these issues are continuing to keep the Department at risk for the possibility of lawsuits in regard to timeliness and lack of training. Chief Investigator Hayashida responded that they have been attempting to do all they can with what they have and in time they are slowly reaching the point of critical mass. They are not timely in their investigations, etc. In terms of cases that could end in litigation or have significant ramifications for the Department, that is not a best case scenario. They are approaching that, if not there already.

President Hudley-Hayes stated is it important for these issues to go on record, and they have been discussing PSD for three years. We need to push harder to get the needed resources because we would be saving the City money and protecting the Department. It also affects the Independent Assessor as he does not get the additional necessary staff.

E. [BFC 10-162] – Report back on HR Value Contract

Dr. Pat Lynch summarized the report provided. Highlights included the attachment titled *Process for Prioritizing Services Provided by the LAFD* which outlines the process developed last year to help determine the priorities in the Department for civilian staff. Basically, in terms of redeploying resources when civilian staff has been decreased by 20-40%. Over the next five years, sworn staff will also be drawn down 20-50% by retirements.

Dr. Lynch explained Sections 3.A., B., C., 5.A. through 5.E., and 6.A., B., of the attachment.

President Hudley-Hayes thanked Dr. Lynch for informing the Commission on the status, and commended her on Section 7 of the handout. The probability is that our services are going to be needed, will grow, the population is getting older, certain sections of the City consists of high population density, older buildings, etc.

Dr. Lynch explained Attachment #1, *Blueprint for Succession Planning Process*. This was the second project last year and focused on sworn staff. In summary, succession planning is a systematic plan to ensure that the people who are placed in critical jobs, throughout the organization, are qualified and can perform. Dr. Lynch emphasized the numerous benefits of a succession plan. Additionally, she encouraged that the strategy and analyses done needs to include all of the staff, sworn and civilian. Critical pieces involve some of the infrastructure, training, and resources.

President Hudley-Hayes commented regarding Attachment #1, there are some pieces that come first in order to sustain, or create the foundation for some of the later pieces. Dr. Lynch

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

confirmed she had 'next steps', for the immediate, intermediate and long-term. She broke them out in terms of what needs to happen, what things may occur concurrently, and what things are required for the foundation. President Hudley-Hayes asked if that information could be seen for the next Commission meeting.

Fire Chief Peaks stated it is necessary to move forward with the contract if Dr. Lynch is being asked to continue working as she is currently not being paid for any of the work she is doing. The contract ran out June 30, 2010, it was a one-year contract with a one-year renewal.

President Hudley-Hayes stated she thought a two-year contract was approved in the amount of \$198,000.00. Mr. Bill Jones, Sr. Management Analyst II, clarified the Commissioner is correct, the contract did not expire. When the Commission adopted the initial contract, it gave a scope of work and that if that scope of work were to go beyond that, it was requested that the Department come back and ask that a new task base objective be adopted by the Commission. The contract calls for task based objectives, this report [BFC 10-162] is asking to continue and expand those task based objectives.

Deputy City Attorney Jackson stated that as the item was not properly agendized in order to take action on the contract it will need to be brought back.

Vice President Tolentino inquired regarding the 'next steps', and brief discussion was held regarding

5. NEW BUSINESS

- A. Appointment of Board's Meet and Confer Negotiators Regarding Disciplinary Guidelines. Item to be taken prior to Item 10.A.

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 10-159] – Release of the Request for Qualifications to Hire Weed and Refuse Abatement Services
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- B. [BFC 10-164] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – December 22, 2010 through January 4, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- C. [BFC 10-156] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – November 25 through December 21, 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

MOTION (Tolentino/Friedman): That the Board approve the reports and recommendations.
ADOPTED: AYES – 3 (Absent: Bontá, Furillo)

7. ITEMS CALLED SPECIAL

None.

8. ITEMS REQUIRING PUBLIC HEARING

- A. [BFC 10-160] – Fee Adjustment for Pre-Inspection Services in Institutional and Day Care Occupancies report – proposed modification of fees*:
1. Pre-Inspection fee to be two hours of the current Inspector Hourly Rate (currently \$160/hour) for a facility serving 25 or fewer persons.
 2. Pre-Inspection fee to be a minimum of four hours of the current Inspector Hourly Rate (currently \$160/hour) for facilities serving more than 25 persons, and hourly thereafter.
 3. Amendment to the Los Angeles Municipal Code (L.A.M.C.), Section 57.113.16, to remove the existing fees for pre-inspections of institutional occupancies and to update the fees on a regular basis based on the actual cost of pre-inspection services.
 4. Create Los Angeles Municipal Code (L.A.M.C.), Section 57.111.13, to establish fees as provided under the State Health and Safety Code for State mandated pre-inspections of day care facilities serving both adults and children.

*Note: Please refer to report for complete details.

Recommendation: That the Board directs the Commission Executive Assistant to schedule a Board of Fire Commissioners public hearing and publish the required notices relative to the proposed fee enactment.

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

ADOPTED: AYES – 3 (Absent: Bontá, Furillo)

9. REQUEST FOR FUTURE AGENDA ITEMS

- HR Value Contract Approval and presentation on next steps. – See Item 4.F. (Hudley-Hayes)
- Reminder from 1/4/2011 Board Meeting, fees from Non-transportation: Matrix Consulting Update, in February or March – (Friedman)

5. NEW BUSINESS – Taken out of turn

- A. Appointment of Board's Meet and Confer Negotiators Regarding Disciplinary Guidelines.
Item to be taken prior to Item 10.A.

Deputy City Attorney Jackson confirmed the correct title should be the Identification of the negotiator for the designated representative for the Department, and the designated representatives are Chief Palacios as Chief Negotiator, Chief Reynar as the Assistant, as well as Chief Chuck Butler from the Employee Relations Office.

6. NEW BUSINESS – CONSENT ITEMS – Taken out of turn

- A. [BFC 10-159] – Release of the Request for Qualifications to Hire Weed and Refuse Abatement Services

Recommendation: That the Board approve the report and recommendations.

ACTION: APPROVED.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council and L.A. Audubon Conservation Committee, commented the brush clearance, or weed and refuse clearance, which is also done by the Public Works Department. Brush clearance, which this includes, does not protect bird nests. There are State and Federal requirements, regulations that say you first must inspect the canopies and assure there are no nesting birds. Else wise you are in violation if you cut down the bush. Those are available on the L.A. Audubon website, trimming and cleaning. Additionally, he referred to LAFD's annual brush clearance brochure and stated the image on the front page does not give a good demonstration as to what brush clearance does; it

BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, JANUARY 18, 2011

DRAFT

shows that there is no fuel modification within the 200 feet of structures. The brochures should not be given to potential contractors. They will provide approximately 1,000 addresses during the next three months.

Deputy City Attorney Jackson stated as a point of clarification, since the Board voted on Item 6.A. prior to hearing the public comment, it would be appropriate for the Board to reconsider that matter with a re-vote on Item 6.A.

MOTION (Tolentino/Friedman): That the Board adopt Item 6.A.

ADOPTED: AYES – 3 (Absent: Bontá, Furillo)

10. CLOSED SESSION

- A. Conference with Legal Counsel 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.

The regular meeting recessed at 10:54 a.m. and Deputy City Attorney Jackson announced the Commission would go into closed session to meet with the labor negotiators pursuant to Government Code Section 54957.6(a) to permit the Board to review the negotiating position and instruction for negotiators concerning negotiations regarding the disciplinary guidelines.

Deputy City Attorney Jackson called the regular meeting to order at 11:16 a.m. and indicated the Board met in closed session pursuant to Government Code Section 54957.6(a) with its negotiators; members of the Board remained in tact as did the Deputy City Attorney and the Fire Chief. No formal action was taken, however, as a result of the closed session item the Board would like to put a request to the Fire Chief.

President Hudley-Hayes requested that Fire Chief Peaks contact Chief Assistant City Attorney Echeverria to allow City Attorney Echeverria to schedule a sub-committee meeting with Commissioners Tolentino, Hudley-Hayes, himself, other designees from the City Attorney's Office and the Independent Assessor in order to resolve educational gaps concerning the meet and confer process.

Deputy City Attorney Jackson stated as a result of the closed session the Board deemed they needed further legal advice that Pete Echeverria and the Office of the City Attorney should provide. Commissioner Friedman added in order for the Board to properly advise their negotiator.

11. ADJOURNMENT

The meeting was adjourned at 11:20 a.m. (Tolentino/Friedman)

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant

Date: January 20, 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.