

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

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The Regular Meeting of the Board of Fire Commissioners convened at 9:14 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 Andrew Friedman
Commissioner Jill Furillo
Fire Chief Millage Peaks
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.

I. **ITEMS NOTICED FOR PUBLIC HEARING**

1. **PUBLIC COMMENT**

None.

2. [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 approve the report and recommendations.

Chief Hill commented this is a change to the requirements for licensing day care facilities. It gives the Fire Department new authority that descends from the State to change from the \$50.00 straight fee to the actual cost of services which is \$160/hour for 25 or less persons, and the other category for more than 25 persons. It will make the requisite changes in the Municipal Code under Section 57.111.13.

President Hudley-Hayes inquired if sufficient notice is provided. Chief Hill stated yes and stated last year they only netted \$6,600, this will bring total revenue stream, in the future, to about \$20,000/yr.

Commissioner Diana Bontá stated it is good to see these community care facilities and day care centers are being inspected by the Fire Department, these are important community resources. She inquired if in the history of inspecting these facilities, by the time the pre-inspection occurs, are the agencies up-to-speed with what they need to do comply?

Chief Hill responded it has gone well, the LAFD has been involved in this for many years, and this is just another iteration of a change in terms of the rate structure. They saw the upswing years ago with some federal mandates, i.e. right to work. It gave community care facilities more services for working moms/families, and the Fire Department being in the forefront of these inspections to make sure they are in the best possible shape to avoid injuries.

Commissioner Bontá commented these are institutions that have a licensed category, but in the case of children, there are many family-centered child care centers – what is done to educate individuals to be in a family run business or smaller at-home day care center in terms of practicing how to evacuate the children under their charge. Is a pamphlet provided?

Chief Hill stated they look whether they have responsible adults on-site to ensure, in case of an emergency, they are properly notified, have a plan, etc.

President Hudley-Hayes added it has to do with the licensing of small, in-home day care providers through Children and Family Services. Her understanding is that the licensing bureau uses the Fire Department's brochures and educational pamphlets during the licensing process and there is a test involved.

Deputy City Attorney Janet Jackson clarified that the agenda item is a proposed change to the Code to allow for the fees. That is the purpose of the public hearing being held.

MOTION (Furillo/Friedman): That the Board approve the report and recommendations.
ADOPTED: AYES – 5

II. REGULAR AGENDA ITEMS

1. PUBLIC COMMENT

None .

2. COMMISSION BUSINESS

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

B. [BFC 11-002] - Approval of Meeting Minutes for January 18, 2011

MOTION (Tolentino/Bontá): That the Board approve the minutes as submitted.
ADOPTED: AYES – 5

3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events
Items 2.A., 3.A. and 3.B. considered jointly. Fire Chief Peaks introduced Mr. Kurt Sato, new Director of Systems, from Public Works/Street Lighting.

Mr. Sato stated he has over 22 years of ITA experience with the City of Los Angeles, worked in the Planning Department, on their GIS System. The remainder of this City experience has been with various Public Works Bureaus. At the Bureau of Street Lighting he managed the Information Technology Division for 12 years; worked on their automated computer aided design; enterprise GIS; and implemented and installed, assisted with their current LED street light program, and had a role in putting together their document management system. It is the first document management system that

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was a city standard for the entire City. President Hudley-Hayes welcomed Mr. Sato to the Department. Fire Chief Peaks stated in the near future the Commission would be updated on how Electronic Patient Care Report (ePCR) is progressing. Fire Chief Peaks acknowledged the four individuals responsible for being able to obtain the position through Managed Hiring Committee: Chief Mack, Sal Martinez, Norma Gutierrez and Mark Davis. President Hudley-Hayes commended the staff members involved. She stated even in these difficult economic times we need to be cognizant of the fact certain positions are needed in order to keep the Fire Department running well. You can only strip so much out of an institution/organization and then expect it to deliver exceptional services to the residents of the City of Los Angeles.

Fire Chief referenced the Calendar of Events provided, and highlighted the following events; Opening Ceremonies for African American Heritage Month, Annual Golden Dragon Chinese New Year Parade, Awards Ceremony Orientation Breakfast, African American Heritage Month Event hosted by Councilmember Herb Wesson, Presentation on ARkStorms by Dr. Lucy Jones.

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 highlighted the following upcoming events: NBA All Star Game, NAACP Image Awards, Academy Awards 'Oscars', Hispanic Heritage Month, Hatzolah 10-year Celebration, Board of Honorary Award Luncheon – hopes all Commissioners are able to attend.

- B. Calendar of Events
Considered jointly with Item 3.A.
- C. Significant Incidents/Activities:
 - 1. [BFC 11-001] – Significant Incident Summary report for the period of January 4 through January 10, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
 - 2. [BFC 11-007] – Significant Incident Summary report for the period of January 10 through January 17, 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
 - 3. [BFC 11-008] – Significant Incident Summary report for the period of January 17 through January 24, 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
 - 4. [BFC 11-023] – Significant Incident Summary report for the period of January 31 through February 6, 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Deputy Chief Rueda stated last week was the fifth Santa Ana wind event, and it has gotten close to where our fuels can support a large fire. It raised concerns and discussions regarding the need to suspend the MCP due to weather concerns, and it also provided an opportunity to deploy CERT teams to relieve fire companies from wires down. Staff will be preparing for rain events for the next two weeks.

Deputy Chief Rueda commented regarding the confined space rescue at Baxter Healthcare Corporation – [BFC 11-008], page 3.

President Hudley-Hayes commented it seems ‘incidents’ are up. Deputy Chief Rueda confirmed that with the winds there have been a lot of structure fires. President Hudley-Hayes stated it should be noted that with the uptake in incidents superior service is still being delivered. If budget cuts continue, this will not be possible.

4. OLD BUSINESS

- A. [BFC 10-045] – Fire Department response to the Assessment of the Department Disciplinary Process and Professional Standards Division conducted by the Office of the Independent Assessor [BFC 10-027]
 - 1. [BFC 10-091] – LAFD Implementation Action Plan (IAP) – Department’s response to the 2010 Independent Assessor Audit (Revised 08/31/2010; Supersedes BFC 10-085)

Chief Richmond reported on January 27th Fire Chief Peaks met with all Chief Officers assigned action items to discuss ways to facilitate forward movement.

Action Items 1 and 2 of the report, assigned to Battalion Chief David Spence, regarding the Disciplinary Guidelines and their application, is about 90% complete.

Action Item 3, assigned to Battalion Chief Pearson, to staff PSD (eight Investigator positions and one civilian position). In communications from Mr. Mark Davis, Office of the City Administrative Officer (CAO), the report is moving through his office, awaiting signatures and has been tentatively scheduled for Public Safety Committee on February 28th.

President Hudley-Hayes asked Mr. Davis to provide additional information. Mr. Davis stated with the funding left: five Special Investigators would be hired for four pay periods at the end of the fiscal year, and the remaining three Special Investigators for three pay periods, and the Management Assistant for four pay periods. This will be able to use all of the funding left that was offset from the money used for the offset for the furloughs.

Action Item 4 and 6, assigned to Battalion Chief Rudolph Hill, discussing labor management agreements and Fire Commission oversight. Battalion Chief Hill is approximately 80% complete and is identifying an indexing system that will be used to categorize the different paperwork and policy/procedure manuals that go through the PSD pipeline. He is looking at a city-wide indexing system in order to assimilate the Fire Department into it.

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Action Item 5, related to Action Items 6 and 7, assigned to Battalion Chief John Biggs, three Chief Officers and two civilian employees have been trained in the Skelly Hearing Procedures. This action item is contingent on Action Item 7.

Action Item 7, the development of the PSD Manual, assigned to Battalion Chiefs John Biggs and John Potter, a rough framework has been prepared for the manual. As action items are developed, it will become a more sustainable document.

Chief Richmond stated that all the Chiefs assigned to action items have been working with Mr. Stephen Miller, Independent Assessor, to move forward at a faster pace on all items.

Regarding MCP, Chief Richmond reported it is the 215th day of current fiscal year, 54 days remaining. The accumulated savings are \$18.9 million as a result of the enhanced MCP. Unrealized savings due to suspension of MCP are \$5.1 million.

Commissioner Bontá commended the Department on their training and re-training of staff and asked if officers are part of a pool for placement due to the MCP. How are they oriented to working in an area they may have not been working on for a while, and switching into a different role?

Chief Richmond stated his personal opinion, as an officer that had been detailed to an assignment not familiar to him; each officer shows initiative if not familiar with an area. Initially, he would take the crew out and drive the area, and talk to the crew at the station. As far as a formal process, it is left up to the officer. A majority of our officers will take the initiative to learn as much as they can about an area they are working in and are not familiar with.

Commissioner Bontá asked if the pool assignment could be for one day or usually for a longer period of time to acclimate to the new assignment. Chief Richmond responded it could be for both, it depends what the vacancy is, they may end up at that station for their pool segment, may be split up in the day, it depends on where the vacancies are.

Commissioner Bontá asked if they would be working in similar jobs to what they would have been doing so that the orientation would be less.

President Hudley-Hayes commented the cost savings is what we thought it would be and will increase, but thus far there have not been any negative impacts of MCP. Fire Chief Peaks commented that lack of continuity of command because you are displacing people, training opportunities, etc. Exposure is always increased when you do not have full deployment, but fortunately we have not had any drastic outcomes. We have been very lucky over the 17-18 months we have been in the modified coverage plan. As we move closer to the fire season, into the late summer months, that we will not be able to have as many resources closed as today. It will not be possible.

Commissioner Furillo commented she is looking at the number of people who are licensed/certified to be paramedics and in the past there has always been the issue of a number of people that had not taken advantage of the opportunity to take the classes/courses to become paramedics. Has there been a change in those numbers? This follows along with Commissioner Bontá's comments having to do with the resources available to be able to do the work in a pool, replacing people who are not working on that day. Obviously, to do paramedic work, you need to be a paramedic.

Has there been an increase in the number of people who are opting to become paramedics within the department?

Chief Richmond commented he could not confirm that, but in the past there has been a difficulty recruiting people to become paramedics. However, in the past few years it has been the opposite; currently there is an overage of paramedics for the available resources.

Commissioner Furillo wondered if the increase is related to the MCP. Fire Chief Peaks stated through the use of the ePCR they are finding that for the first time they are discovering that 80% of the EMS workload is actually BLS work. Potentially, they may have more paramedic resources than needed; more EMT/BLS resources may be needed. He added they are adding a lot more about the deployment model, and will be coming back to the Commission with information.

Commissioner Furillo stated she would be interested in seeing the change, trend information, and if it at all is related to the MCP in any way, etc. Chief Richmond confirmed that currently there is a waiting list for paramedic training.

President Hudley-Hayes suggested that when enough data is captured to make some assumptions staff could provide a presentation. Fire Chief Peaks confirmed.

- B. Verbal report from Department of status of the Modified Coverage Plan (MCP), including discussion of seasonal variances and temporary suspensions based on departmental needs.
Considered jointly with Item 4.A.
- C. [BFC 11-006] – Report Back on HR Value Contract
Recommendation: That the Board approve the report and recommendations.

Fire Chief Peaks commented this item was previously discussed and staff needed to change the report to allow action taken by the Board. President Hudley-Hayes asked Deputy City Attorney Jackson for confirmation regarding the correct language needing to be in the report to allow Board action on the contract. Deputy City Attorney Jackson confirmed, as the term is being extended, and allow for payment.

MOTION (Furillo/Tolentino): That the Board approve the report and recommendations.
ADOPTED: AYES – 5

5. NEW BUSINESS
None.

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 11-003] – Monthly Disciplinary Action Summary – December 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- B. [BFC 11-004] – Monthly Disciplinary Action Summary – November 2010
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

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- C. [BFC 11-009] – In-Kind Donation for Training Room Recliner Chairs
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- D. [BFC 11-010] – In-Kind Donation for Tools
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- E. [BFC 11-011] – In-Kind Donation for Dry erase Board
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- F. [BFC 11-012] – In-Kind Donation for Kitchen Cooking Items
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- G. [BFC 11-013] – In-Kind Donation for Training Room Recliner Chairs
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- H. [BFC 11-014] – In-Kind Donation for BBQ Cart
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- I. [BFC 11-015] – In-Kind Donation for Exercise Equipment
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- J. [BFC 11-016] – In-Kind Donation for Tools
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- K. [BFC 11-017] – In-Kind Donation for a Refrigerator
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- L. [BFC 11-018] – In-Kind Donation for Canopy Cover for Outside Parking Area for Apparatus
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- M. [BFC 11-019] – In-Kind Donation for Fire Station Tools
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- N. [BFC 11-020] – In-Kind Donation for Apple iPads and Exercise Equipment
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- O. [BFC 11-021] – In-Kind Donation for Tool Chest and Tool Chest Drawer Liners
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.

- P. [BFC 11-022] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – January 5 through February 3, 2011.

Recommendation: Receive and file.

ACTION: RECEIVED AND FILED.

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

ADOPTED: AYES – 5

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Could the increase in the number of paramedics be related to the MCP, etc. – See Item 4.A. (Furillo)

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

Deputy City Attorney Jackson confirmed that Chief Daren Palacios is the negotiator on behalf of the Fire Department. Fire Chief Peaks stated Chief Chuck Butler is assisting Chief Palacios in the meet and confer process.

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.

- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) to discuss Pending Litigation of the following cases:

Mapstead v. City of Los Angeles - Case No. VNO 0394939

Devin Gales v. City of Los Angeles - Case No. BC 417070

Mattson v. City of Los Angeles - Case No. BC 341677

Miller & Rueda v. City of Los Angeles - Case No. BC 416479

The regular meeting recessed at 9:52 a.m., and Deputy City Attorney Jackson announced the Board would meet in closed session on two matters:

- A. Conference with their negotiator pursuant to Government Code Section 54957.6(a) to permit the Board to review the negotiating position and instruction the negotiators regarding the conduct of negotiation and disciplinary proceedings.

- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) to discuss Pending Litigation of the following cases:

Mapstead v. City of Los Angeles - Case No. VNO 0394939

Devin Gales v. City of Los Angeles - Case No. BC 417070

Mattson v. City of Los Angeles - Case No. BC 341677

Miller & Rueda v. City of Los Angeles - Case No. BC 416479

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Deputy City Attorney Jackson called the regular meeting to order at 10:40 a.m. and indicated the Board met in closed session on Item 10.A. with their Chief Negotiator, no formal action was taken, and they also met with Legal Counsel and received an update on four pending cases. No formal action was taken.

Deputy City Attorney Jackson noted for the record that the Board did have some concerns, they received a more global discussion of all of the cases that the Fire Department is currently involved in and the list that the City Attorney is currently using is not complete. They would like more exhaustive list, but no action was taken. President Hudley-Hayes concurred.

11. ADJOURNMENT

The meeting was adjourned at 10:42 a.m. (Friedman/Bontá).

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant

Date: February 17, 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.