

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

DRAFT

The Regular Meeting of the Board of Fire Commissioners convened at 9:09 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Room 1820, Los Angeles.

▪ **ROLL CALL**

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

Absent: Commissioner Diana Bontá

▪ **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 acknowledged the people of Japan who are going through a tremendous tragedy at this moment, condolences and prayers are extended to them.

1. PUBLIC COMMENT

Dr. Clyde Williams, LA-32 Neighborhood Council, stated they are trying to make their area better. All of the fire hydrants are being painted by them/volunteers. DWP & LA-32 Neighborhood Council have paid for some paint, need more paint. Have about 1,000 fire hydrants in area & DWP stated they cannot do it in a year. Is there an official Fire Department color for fire hydrants? There are two different color fire hydrants; one for County and one for DWP. Provide the paint and they will do the rest.

2. COMMISSION BUSINESS

- A. Announcements/Meetings/Events
Considered jointly with Item 3.A.
- B. [BFC 11-030] - Approval of Meeting Minutes for February 15, 2011
MOTION (Furillo/Friedman): That the Board approve the minutes as submitted.
ADOPTED: AYES – 4 (Absent: Bontá)

3. GENERAL MANAGER'S REPORT

- A. Announcements/Meetings/Events
Items 2.A., 3.A. and 3.B. considered jointly. Fire Chief Peaks commented on the passing of Firefighter Glenn Allen on February 18th and the press conference at Fire Station 3. On February 24th a candlelight vigil was hosted at Fire Station 78 and the following day was the memorial service at the Cathedral of Our Lady of the Angels. March 1st attended a dinner honoring Commissioner Friedman's Father, hosted by Hatzolah and Fire Chief Peaks also received an award that evening. On March 8th he was interviewed by the Cal State University System honoring their 50th Anniversary of which he was a graduate. On March 10th a meet and greet was hosted for a group of Berlin firefighters and a tour of Fire Department facilities.

Fire Chief referenced the Calendar of Events provided, and highlighted the following events; St. Patrick's Day Parade, Los Angeles Marathon, Cesar Chavez Day, Los Angeles Dodgers Opening Day.

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Commissioner Friedman added that in conjunction with the visit of the Berlin firefighters there was a reception at the home of the Counsel General on the same evening, and representing the Fire Department was Chief Villanueva and he represented the Commission. They presented the firefighters with small badges which they appreciated.

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

C. Significant Incidents/Activities:

1. [BFC 11-031] – Significant Incident Summary report for the period of February 7 through February 13, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
2. [BFC 11-032] – Significant Incident Summary report for the period of February 14 through February 20, 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
3. [BFC 11-033] – Significant Incident Summary report for the period of February 21 through February 27, 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Deputy Chief Rueda reported on the February 16th incident which claimed the life of Firefighter Glenn Allen. An investigation team has been put in place and LAPD is also assisting in the investigation.

Deputy Chief Rueda commented regarding an incident which occurred on the evening of March 10th. LAFD was notified of a large earthquake in Japan and the potential for a tsunami. The tsunami plan was activated in the City and co-located with LAPD in Pacific Palisades, in the Venice/Westchester area, and in San Pedro to gather intelligence and look at potential evacuation actions for the public. Command posts were set up at approximately 4:00 a.m. and deescalated about noon. When the tsunami hit the port of Los Angeles they could see it. As a precaution LAPD, LAFD and Coast Guard were prepared to take protective action if necessary. Fire boats were also moved out into deep water to avoid damage from the current.

President Hudley-Hayes commented someone died. Deputy Chief Rueda confirmed yes, in Northern California.

Fire Chief Peaks commented the Foundation Luncheon, Honorary Awards Ceremony, where medal of valor were presented – it was a well attended event, approximately 700 attendees.

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]

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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)

Assistant Chief Cummings reported on the action items listed below:

Action Items 1 and 2 of the report, assigned to Battalion Chief David Spence, regarding the adopted set of Disciplinary Guidelines. The ERO has met and conferred with labor on the disciplinary guidelines and will bring a report back to the Commission.

Action Item 3, assigned to Battalion Chief Pearson, to staff PSD (eight Investigator positions and one civilian position). The report has come out of the Office of the City Administrative Officer (CAO) and was heard in Public Safety Committee on March 7th, and it will be moving through to the next Personnel Committee meeting on April 6th. The plan includes getting five of the investigators and the management analyst by May 9th, and on May 23rd hiring the additional three investigators.

Action Item 4 and 6, assigned to Battalion Chief Rudolph Hill, the process and policy for capturing the labor agreements between management and labor, Battalion Chief Hill is still reviewing different document tracking systems. When the report is finished, it will be brought forward for departmental review and selection of a process.

Action Item 5, related to Action Items 6 and 7, assigned to Battalion Chief John Biggs, the Skelly training has been completed. The process and training has been captured and will be included in the manual being created by Chief Special Investigator Paul Hayashida and Battalion Chief Biggs as part of Action Item 7.

Action Item 7, assigned to Battalion Chiefs John Biggs and John Potter, Battalion Chief Biggs forward an outline of the entire manual. All chapters have been outlined and the 112 action items have been collated within each chapter and are now working with Chief Special Investigator Hayashida and PSD in order to populate each chapter.

President Hudley-Hayes commented this is the first time the Commission has had this kind of constant updating and the work has been so consistent and specific to the questions asked and tasks put forward. She congratulated Fire Chief Peaks and Assistant Chief Cummings as she realized we are working with fewer resources. She thanked the team.

Assistant Chief Cummings stated a big burden falls on Battalion Chief Trevor Richmond and the Planning Section Captains working with PSD, Stephen Miller, and ERO, it is a team effort. President Hudley-Hayes asked Assistant Chief Cummings to convey the Commission is grateful for the work they are doing.

- 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.

Captain Alfonso Ruiz, Acting Planning Commander, reported on Battalion Chief Trevor Richmond's behalf, we are on day 243 of the Modified Coverage Plan; savings to date is approximately \$23 million, and the modified coverage plan has been suspended for 54 days; 51 days at the direction of the Mayor by executive order, and the three remaining days were due to rain events and July 4th.

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Commissioner Friedman asked if staff had any statistics regarding how the Modified Coverage Plan has affected response time. Captain Ruiz stated staff does have statistics, Captain Mark Wolfe, Planning Section, monitors this on a daily basis and asked what specific information the Commissioner would like.

Commissioner Friedman requested that for a future meeting he would like to know how much of the savings of \$23 million is crucial, required, and needed, and he would like to know how the MCP has affected response time.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council, commented he was most concerned about the seasonal variations given the MCP. Dr. Williams stated we have the most strict brush clearance requirements in the United States, a \$13 fee for inspection vs. \$160 an hour; someone spends five minutes reviewing a \$13 charge, which is full cost recovery. Are the brush clearance requirements being enforced – no. The lot cleaning group cannot deal with an occupied lot that has a structure on it. They refer some lots to the Fire Department and do not keep track of it. Areas in Mt. Washington, Verdugo Hills, Mulholland Hills, and valley – these areas have not been cleared in 5-10 years and come within 5 feet of existing buildings. If there is a modified plan that is going to have seasonal variations, first full-cost recovery for real inspections of every lot, i.e. 100,000, that will give people an incentive to do it. No enforcement, so no compliance.

Commissioner Furillo commented there seems to be an increase in the number and severity of earthquakes and tsunamis, etc. Therefore, she requested a report concerning how our Fire Department would respond in the event of a similar disaster given the MCP.

Fire Chief Peaks confirmed Commissioner Furillo requested a verbal report on what our response would be in the event of a large scale disaster, i.e. the Japan incident.

President Hudley-Hayes confirmed Commissioner Furillo's request is juxtaposition against the Modified Coverage Plan.

5. NEW BUSINESS

- A. [BFC 11-035] – Urban Search and Rescue Task Force Fiscal Year 2010-11 Mobilization Exercise

Recommendation: That the Board approve the report and recommendations.

Battalion Chief Jack Weiss commented this is an agreement through the California Fire and Rescue Authority (JPA) that would provide \$100,000 to assist with mobilization exercise. He stated the dates are no longer April 6-7, it will be May 5-6, and it needed to be pushed back because of the approval process. This pays basically for salary and overtime, it is a no-match grant.

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

ADOPTED: AYES – 4 (Absent: Bontá)

- B. [BFC 11-037] – Initiation of an Audit and Assessment of Fire Department Litigation and Risk Management Section

Recommendation: Receive and file.

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Mr. Stephen Miller, Independent Assessor, stated he was announcing he is initiating an audit of Fire Department litigation and the Risk Management Section. He added that Deputy City Attorney Janet Jackson has indicated the Commission would need to accept the report.

Deputy City Attorney Jackson clarified that the Board needed to accept the report, as opposed to receive and file it as indicated.

President Hudley-Hayes commented the audit is being initiated because of concerns.

Mr. Miller stated questions have been raised about litigation in the past, litigation continues, and Risk Management Section does handle litigation. He will also be looking at safety and worker's compensation, to some extent. He has been meeting with the Department and the Risk Management Section and will continue to do so to scope out the parameters of the audit and assessment in the near future. It has been pointed out to him that the Department has also been named as the defendant in litigation where the Department has also prevailed, i.e. not every case filed against the Department has been lost. There have been cases where the Department and the City have been successful.

PUBLIC COMMENT: Dr. Clyde Williams, LA-32 Neighborhood Council, commented litigation commonly comes by inequitable application of the laws. One of the issues will eventually be, like last year, brush clearance fees and penalties. Once you start clearing a location and three lots over another person has not complied with the law this is an inequity. Be prepared if you raise the price of brush clearance to a real full cost recovery, especially regarding the seasonal variations of the modified plan; are not those included in the cost? Dr. Williams stated he does not know much about the plan; it is a list and a map. He is concerned and trying to find somebody who knows that they are being penalized for not clearing their brush, whereas their next door neighbor is not.

MOTION (Furillo/Tolentino): That the Board accept the report and recommendations.

ADOPTED: AYES – 4 (Absent: Bontá)

Commission Executive Assistant, Leticia Gómez, requested clarification regarding BFC 11-035, and asked if the report and contract should reflect the new dates as indicated by Battalion Chief Weiss before forwarding to the Mayor and Council? Deputy City Attorney Jackson confirmed the report could be forwarded as it exists as the agreement has not been executed and has not been reviewed by the grants legal attorney. It is a draft that can be moved forward.

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 11-024] – In-Kind Donation for Chain Saw
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- B. [BFC 11-025] – In-Kind Donation for Visa Gift Card from Film Company
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- C. [BFC 11-026] – In-Kind Donation for Costco Gift Cards from “Grateful Hearts” Fund Raiser
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.

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- D. [BFC 11-027] – Resolution Authority to Sign for Fire Chief
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- E. [BFC 11-028] – In-Kind Donation for Ice Machine
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- F. [BFC 11-029] – In-Kind Donation for Computer Equipment, Tools and Portable Basketball System
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.
- G. [BFC 11-034] – Monthly Disciplinary Action Summary – January 2011
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.
- H. [BFC 11-036] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – February 4 through February 28, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

MOTION (Friedman/Tolentino): That the Board approve the reports and recommendations.
ADOPTED: AYES – 4 (Absent: Bontá)

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- MCP - How has response time been affected? – See Item 4.B. (Friedman)
- Verbal Report, MCP – What our response would be in a major disaster. – See Item 4.B. (Furillo)

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

Deputy City Attorney Jackson commented that before every meeting negotiators are to be identified, which would be Assistant Chief Daren Palacios. Fire Chief Peaks confirmed the other negotiator is Battalion Chief Chuck Butler.

Deputy City Attorney Jackson clarified that any a closed session is agendized to meet with their negotiators, they are to be identified.

10. CLOSED SESSION

- A. Conference with negotiators 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:

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

Deputy City Attorney Jackson stated that regarding Item 10.A. is the request of the City Attorney that the Board continue the item until the next Commission meeting as they have expressed the desire for some legal advice on that issue and a labor attorney is scheduled to come before the Board at their April meeting on this item. Vice President Tolentino commented it was not legal advice, just a briefing on the procedure. Deputy City Attorney Jackson stated she would deem it legal advice and confirmed the item would be moved to the first meeting in April.

Deputy City Attorney Jackson stated she was prepared to confer with the Board in closed session pursuant to Government Code Section 54956.9(a) to discuss the Miller & Rueda case.

President Hudley-Hayes asked for clarification regarding the in-kind donations, does this have to do with what the Foundation does for us, or these are separate things? Fire Chief Peaks commented they are separate donations that were made, went to the fire station through the California Community Foundation, and staff is transitioning away from the California Community Foundation to the Fire Department Foundation.

Deputy City Attorney Jackson clarified that as a procedural matter, any gift given to the Fire Department must be accepted by the Fire Commission. Whether it is a gift directly from the Fire Foundation or someone else, it will be seen on the agenda because it is the role of the Commission to accept that gift.

The regular meeting recessed at 9:44 a.m., the Board went into closed session.

Deputy City Attorney Jackson called the regular meeting to order at 10:09 a.m. and indicated the Board met in closed session on Item 10.B., Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) to discuss the Miller & Rueda case, Case No. BC 416479.

In open session remaining are Commissioners Hudley-Hayes, Friedman and Tolentino. Commissioner Jill Furillo left during closed session. No action was taken in closed session.

11. ADJOURNMENT

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

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant

Date: March 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.