

**CITY OF LOS ANGELES**  
**BOARD OF FIRE COMMISSIONERS**  
**MINUTES**  
**TUESDAY, JUNE 21, 2011**

**DRAFT**

The Regular Meeting of the Board of Fire Commissioners convened at 9:10 a.m. in the Fire Commission Meeting Room, City Hall East, 200 N. Main Street, Room 1820, Los Angeles.

▪ **ROLL CALL**

Present: Vice President Casimiro Tolentino  
Commissioner Diana Bontá  
Commissioner Andrew Friedman  
Fire Chief Millage Peaks  
Deputy City Attorney Janet Jackson

Absent: Commissioner Jill Furillo  
President Genethia Hudley-Hayes

▪ **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**

Dr. Clyde Williams, LA-32 Neighborhood Council, commented that recently he received a notice that he had passed his inspection for his two lots. However, one of the lots had never received a notice. He will have to pay a penalty, maybe, because he did not submit the \$23.00 – why, because he has one lot that received a notice and another lot that did not receive the notice. He considers that to be arbitrary, both of them passed because they are fully landscaped; he went through the same process with the lot cleaning. He had one vacant lot, which is what the County shows, but it is all driveway, parking area and landscaped. Is there no retention of such information? He has been told by Lot Cleaning that they submit to the Fire Department notices wherever they are cleaning a vacant lot if they notice that the neighboring lots are not cleaned they will notify the LAFD. He does not know; nothing seems to be written down. For one of the agenda items he just received three pages of at least an 18 page report, in hard copy. Transparency, trust, transparency in a digital age is so simple, just put it online; is 285 pages too big to put on line – no, Lot Cleaning gives their full list online.

**2. COMMISSION BUSINESS**

- A. Announcements/Meetings/Events  
Considered jointly with Items 3.A. and 3.B.
- B. [BFC 11-079] - Approval of Meeting Minutes for June 7, 2011  
**MOTION** (Bontá/Friedman): That the Board approve the minutes as submitted.  
**ADOPTED:** AYES – 3 (Absent: Furillo, Hudley-Hayes)

**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; SAFE 2011 Summer LAPD & LAFD Basketball Tournament, 4<sup>th</sup> of July Safety Press Conference, Living the Dream Street Fair, 4<sup>th</sup> of July Spectacular, 4<sup>th</sup> of July Palisades, 4<sup>th</sup> of July Fireworks, Official Trip to the USA Duke and Duchess of Cambridge, and the Lotus Festival.

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

C. Significant Incidents/Activities:

1. [BFC 11-080] – Significant Incident Summary report for the period of May 23 through May 29, 2011.  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.
2. [BFC 11-082] – Significant Incident Summary report for the period of May 30 through June 5, 2011  
Recommendation: Receive and file.  
ACTION: RECEIVED AND FILED.

Deputy Chief Rueda referenced significant incidents in the downtown, Atwater & Chatsworth areas. He reported on the Fuel Spill from a tanker that closed Golden State Freeway. The quick action of firefighters building a dike from available materials, working furiously for about an hour, with shovels, trying to put a dike in place averted an environmental disaster, and potentially a large fire hazard from the fuel/gasoline escaping into the storm drains and the L.A. River.

Deputy Chief Rueda reported LAFD was also involved in a small footprint for the visit of the First Lady and staff will be preparing for future events in July.

#### 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)

Battalion Chief Trevor Richmond stated that regarding Action Item #1 and #2 which deal with the Disciplinary Guidelines and the application of discipline – Battalion Chief David Spence, submitted a final draft document on June 17<sup>th</sup>. Staff is in the process of reviewing it, and will be meeting with Mr. Stephen Miller, Independent Assessor and the Professional Standards Division (PSD).

Battalion Chief Richmond stated regarding Action Item #3, PSD Staffing and training issues, on June 17<sup>th</sup> the Managed Hiring Committee approved the PSD Investigator positions. PSD has met with Fire Chief Peaks and the process is moving forward. On June 22<sup>nd</sup>, Assistant Chief Roxanne Bercik, Ms. Maria Aslan, Sr. Personnel Analyst II, and Chief Special Investigator Paul Hayashida will meet with the Personnel Department to do an initial resume review. Currently there are 54 applications for the position and hope to select candidates for interviews on July 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup>.

Action Item #7 – Development of PSD Manual – Battalion Chief John Potter forwarded all completed documentation to PSD and Assistant Chief Roxanne Bercik is reviewing the completed work.

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Vice President Tolentino stated he appreciated moving forward on the items and hopes new staff will be put in place in PSD.

- B. Verbal report from Department on status of the Modified Coverage Plan (MCP), including discussion of introduction of policy changes regarding hard closures, seasonal variances and temporary suspensions based on departmental needs.

Captain Alfonso Ruiz, Planning Section, stated that regarding the status of the Modified Coverage Plan (MCP), the LAFD is in the 356<sup>th</sup> day with a savings of approximately \$40.1 million as of July, 2010. There have been no suspensions since the last meeting and the MCP has been suspended for a total of 55 days. Regarding the implementation working group with plans of implementing the new deployment plan; the group has been assembled at the Fire Chief's direction to work through changes in current policy and procedures as they relate to the new deployment plan. The working group is headed by Chief Deputy Donald Frazeur.

Commissioner Friedman clarified if the 355 [356] days included the 55 suspension days. Captain Ruiz confirmed that of the 356 days, 51 days were suspended as a result of Mayor's Executive Order, 3 rain events and one day for the 4<sup>th</sup> of July 2010. Commissioner Friedman confirmed approximately 300 days of actual operation of the MCP.

Vice President Tolentino confirmed a standing verbal report of the deployment plan would be appropriate, Fire Chief Peaks agreed that staff would transition from status updates on MCP to status updates on the redeployment plan. He commented staff was on schedule to implement the redeployment.

Chief Deputy Frazeur commented staff is in line to have the Redeployment Plan take effect July 3<sup>rd</sup>, and that would close a total of 18 fire resources and change a couple of locations of deployments. It is quite a reorganization and requires input from all parts of the Department, i.e. Communications, MIS, electronic communications, but staff is on track to roll-out July 3<sup>rd</sup>.

**PUBLIC COMMENT:** Dr. Clyde Williams, Board Member of the North East L.A. Coalition, which is a coalition of several representatives from the neighborhood councils of the north east, commented regarding seasonal variation (he has 3 pages of a larger report, would like to get the whole report) – the central issue is always brush burns, a lot of brush will burn a lot. Inconsistent application of the rules requires redeployment of at least 50-100 days of the past 350 days from areas of structures to areas of brush, especially with the current conditions we cannot afford it, or we have to increase the cost of you having brush - Mulholland Drive having brush. He knows of at least 100 different locations; Mandeville Canyon, Benedict Canyon, Verdugo Hills, Mount Washington, all without adequate brush clearance in compliance with LAFD rules which requires taking from South Central and putting them in Mount Washington, Mulholland Drive – this does not seem appropriate.

- C. Verbal update on Fire Department Budget Fiscal Year 2011-12

Mr. Sal Martinez, Acting Fire Administrator, stated this last year was one of the most challenging in developing the budget, but it did get adopted by Council and Mayor. It consists of approximately a \$472 million budget which is approximately \$22 million less than last year (about 4.5%) and it consists of about \$6.8 million for MICLA funds which will provide for the replacement of 34 ambulances. It also provides for PSD staff (8 Special Investigators and 1 Management Analyst), and an addition of \$1 million to the Brush Clearance expense accounts which provides additional funds for brush clearance for parcels in Very High Fire Hazard

Severity Zones as well as some additional vegetation abatement on some vacant lots within the City.

Mr. Martinez added that the plan also reduces our current staffing from combined civilian and sworn from 3,891 to 3,537.

Commissioner Friedman confirmed that from 2011-12 there was approximately a 4.5% reduction from the previous year, and from the 2010-11 also approximately a 5% reduction. He added that the Fire Department's costs of operation have also increased. Mr. Martinez stated he concurred, but with the exception of the implementation of the deployment model will help offset that cost.

Commissioner Friedman congratulated Fire Chief Peaks, staff and everyone else because in essence they have reduced expenses with about 10% and yet maintaining an excellent department. Fire Chief Peaks commended staff on the outstanding job being done.

Commissioner Bontá asked if the 4% for the 2011-12 Budget is the percentage in keeping with the average that other departments also had as decreases, or is it higher. Mr. Martinez commented it is higher, the department took a substantial cut, others have received cuts as well, but he did not recall any being quite as high as ours in terms of our personnel.

## 5. NEW BUSINESS

- A. [BFC 11-093] - 2008 Urban Area Security Initiative Grant Program (C.F. 08-0901)  
Recommendation: That the Board approve the report and recommendations.  
**MOTION** (Bontá/Friedman): That the Board approve the report and recommendations.  
**ADOPTED:** AYES – 3 (Absent: Furillo, Hudley-Hayes)

Mr. Bill Jones, Sr. Management Analyst II, Contracts and Grants Management Section, stated the report was to bring forward the Urban Area Security Initiative (UASI) and the need for the Department to 'front costs' for the UASI as we close out this grant period. Some of the equipment items that were identified to be purchased could not be purchased due to fiscal constraints as well as State guidelines that limited staff to borrow monies from the State for a 120-day period. As a result, the Mayor's Office has asked the Fire Department to find in its budget in the 2011-12 year the \$1.5 million necessary to conclude the grant purchase, and LAFD would be borrowing the \$1.25 from the Salaries Account to acquire the equipment necessary under this grant program.

Mr. Jones stated that the purchases would be made by October 31, 2011 and reimbursements are expected to be received by January 2012. Basically, within the fiscal year and our accounts would be made whole in the coming fiscal year.

## 6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 11-083] – Approval of Weed and Refuse Abatement Contractors from the Request for Qualifications No. LAFD 2011-038-001. Request for approval of seventeen Weed and Refuse Abatement Agreements with the following contractors:
- Avalon Landscape, Inc.
  - Brian Walsh Brush Clearance
  - C3
  - Equery, Inc. DBA Econo Tree Care
  - Green Leaf Tree, Inc.

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International Environmental Corporation  
Mariposa Landscapes Inc.  
Oakridge Landscape, Inc.  
Pan American Brush Clearance, Inc.  
Pepo Weed Abatement, Inc.  
Ray Byers & Company  
Silent Fire, Inc.  
SR Landscape  
Thrifty Tree Service, Inc.  
Underwood Landscape  
Van Gogh Landscaping LLC.  
Waste Unlimited, Inc.

Recommendation: That the Board approve the report and recommendations.

ACTION: CONTINUED to next meeting for clarification and corrections to report, per Deputy City Attorney Jackson.

- B. [BFC 11-084] – Proposed Decisions and Recommendations for the 2010 Brush Clearance Assessment Appeals  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- C. [BFC 11-086] – In-Kind Donation for Circular Saw and Various Tools  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- D. [BFC 11-087] – In-Kind Donation for a Variety of Tools  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- E. [BFC 11-088] – In-Kind Donation for Ice-Maker Machine  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- F. [BFC 11-089] – In-Kind Donation for Dewalt Battery Packs and Tool Kit  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- G. [BFC 11-090] – In-Kind Donation for (4) Brush Bags  
Recommendation: That the Board approves the report and recommendations.  
ACTION: APPROVED.
- H. [BFC 11-091] – In-Kind Donation for Washing Machine Extractor  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.
- I. [BFC 11-092] – In-Kind Donation for Outdoor Weather Proofing Materials  
Recommendation: That the Board approve the report and recommendations.  
ACTION: APPROVED.

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- J. [BFC 11-094] - Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – May 19 through June 2, 2011.

Recommendation: Receive and file.

**ACTION: RECEIVED AND FILED.**

**PUBLIC COMMENT:** Dr. Clyde Williams, L.A. 32 Neighborhood Council, commented that the 2010 brush clearance bordered on being a fiasco. He does not know how the 134 people that paid roughly \$1,000, or will pay \$1,000 or more tolerate it. First off, arbitrariness - he can take them to a bunch of sites, favorite is Mandeville Canyon, where it is clear; there is no clearance within 200 feet of structures. Mandeville Canyon – single point of access, if it ever goes up, it will go up big time and there are a lot of expensive houses and property there; inconsistent and arbitrary application of the laws and regulations. On Valley Blvd. and Alhambra Avenue in Los Angeles, you look up on the slope and there are all the houses and all the brush. Some areas have been cleaned, but the enforcement is not there. Not for one year, for many years, same thing in Mount Washington, the Verdugo Hills golf course same thing, can see it. How can you apply roughly \$150,000 against property owners where you have so many property owners that the law has not been applied to?

Vice President Tolentino asked that the record reflect he was provided several pages of comments from Dr. Williams for agenda Item 6.B.

**MOTION** (Friedman/Bontá): That the Board approve 6.B. through 6.I. and recommendations and receive and file 6.J.

**ADOPTED:** AYES – 3 (Absent: Furillo, Hudley-Hayes)

**7. ITEMS CALLED SPECIAL**

None.

**8. REQUEST FOR FUTURE AGENDA ITEMS**

- [BFC 11-083] – Approval of Weed and Refuse Abatement Contractors from the Request for Qualifications No. LAFD 2011-038-001, continued to next meeting. – See Item 6.A. (Jackson)

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

Deputy City Attorney Jackson confirmed negotiator Assistant Chief Daren Palacios would be present during the Closed Session.

**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:

Achan/Haro v. City of Los Angeles - Case No. CV 04-433

Deputy City Attorney Jackson stated the Board would move into Closed Session on Items 10.A. and 10.B.

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The regular meeting recessed at 9:37 a.m., the Board went into closed session.

Deputy City Attorney Jackson called the regular meeting to order at 9:48 a.m. and indicated the Board met in closed session on 10.A. with its Chief Negotiator, and direction was given to the negotiator and he will report back at the next meeting. The Board also met on 10.B. with legal counsel and received an update on the Achon Case and no action was taken on this matter. Additionally, the three Commissioners remained present during closed session.

**11. ADJOURNMENT**

The meeting was adjourned at 9:49 a.m. (Bontá/Friedman).

ATTEST BY:

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GENETHIA HUDLEY-HAYES  
President

\_\_\_\_\_  
LETICIA GOMEZ  
Commission Executive Assistant

Date: June 21, 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.