BFC# 11-148
October 18, 2011

CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, OCTOBER 4, 2011

DRAFT

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
Commissioner Diana Bontá
Commissioner Andrew Friedman
Fire Chief Brian L. Cummings
Deputy City Attorney Janet Jackson

Absent: Vice President Casimiro Tolentino
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.

1. PUBLIC COMMENT

Dr. Tom Williams, LA-32 Neighborhood Council, commented that today he submitted a complaint regarding lack of brush clearance on a lot next to the Glendale Fwy., near Riverside Drive, 2400 Allesandro, however that is not the address given in the ZIMAS database. This lot has been there for a long time, vacant at some times, it has been graded illegally, and it has a lot of problems, but has been approved now for a large development and with the removal of a large number of trees. They are going to replant it with about 140 trees to compensate for the ones being removed. However, it is well within 200 ft. of many residences in the area, it has a lot of black walnut that are 'brush' size and a lot of dead trees; including one large eucalyptus in the center that has never been removed. Nobody clears it, they bulldoze the grass and that leads to sheet erosion in the winter, no one is taking care of it, and it is representing a fire hazard to a very fire prone area. [Dr. Williams provided Commissioners and Board Secretary with handout regarding 'Complaint regarding Lack of Continuing Non-Compliance with LAFD-BC Requirements APN: 544 303 1003, 04, 05 (Addresses Only on El Moran).

2. COMMISSION BUSINESS

A. Announcements/Meetings/Events
Considered jointly with Items 3.A. and 3.B.

B. [BFC 11-143] - Approval of Meeting Minutes for September 20, 2011
Commissioner Bontá requested this item be continued to the next Board meeting.

3. GENERAL MANAGER'S REPORT

A. Announcements/Meetings/Events
Items 2.B., 3.A. and 3.B. considered jointly. Fire Chief Cummings referenced the Calendar of Events provided, and highlighted the following events; October is Halloween Safety and Fire Safety Month in the City of Los Angeles; Fire Prevention Month for the Country and Domestic Violence Awareness Month and Breast Cancer Awareness Month; Yom Kippur, Annual Fallen Firefighter Memorial; CicLAvia, National Day for the Republic of China Parade, National Fire Prevention Week, Fire Marshal Recognition of Excellence Ceremony, Taste of Soul, and AIDS Walk Los Angeles.

Fire Chief Cummings reported on the events he attended since the last Board meeting: Sherman Oaks Homeowners Association at Notre Dame High School, September 22 – 2nd Annual Tribute to First Responders in Harbor City and received an award for Fire Station 79 and 85's Paramedics, 38th Annual Korean Festival Reception and Opening Ceremony, September 23 – LAFD's Eighth Leadership Academy Class, Annual Brush Press Conference in Chatsworth, September 24 – Fundraiser/BBQ at Fire Station 29 for the daughter of Firefighter Eric D. Shepherd who passed away earlier this year, 38th Annual Korean Parade, September 27 – Joint Regional Intelligence Center Fire Intelligence Workshop, September 28 – California Chief's Annual Conference and Leadership Seminar, September 30 – 2001 Public Appreciation BBQ by Center City Business Association, October 1 – California Firefighters Memorial Ceremony in Sacramento and five LAFD fallen firefighters were added to the memorial; Glenn L. Allen, Gary Clark, John Callahan, Ralph D. Irquiza and Keith Kroll. October 3 – CERT Meeting in Normandie Park.

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

C. Significant Incidents/Activities:

1. [BFC 11-145] – Significant Incident Summary report for the period of September 5 through September 11, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

Deputy Chief Mario Rueda reported that since the last Board meeting there has not been any incidents that required a significant deployment of resources, however, he wanted to express his appreciation to the Fire Prevention Bureau, EMS Division, and our Fuel Resources for their routine deployment. On any given weekend, there are a number of significant events, i.e. this past weekend the President visited the Los Angeles area. As he is considered a very high risk when traveling in our area; we have a fairly significant deployment that follows him in terms of emergency medical support, hazardous materials support and also our public assemblage inspectors are inspecting all of the venues and participating with the Secret Service. The Triathlon on Sunday was another example; LAFD participated in preparation for the event and deployed resources; the Stair Climb at the World Trade Center, the Eagle Rock Music Festival – public assemblage inspectors, fire prevention, EMS Division and fire resources are pre-deploying, planning and working with the Police Department on ensuring these events are safe.

PUBLIC COMMENT
Dr. Tom Williams, LA-32 Neighborhood Council, asked how much these two brush fires cost, could they have been prevented. However, [Dr. Williams referred to a handout he provided Commissioners and Board Secretary] if you look at the illustrations it will show you that there has been virtually no brush clearing. Who pays for the lack of brush clearing; we do through costs. Having equipment and people there, but also the risk to others – 25 companies, 77 companies! We pay with our risk and our tax dollars. Were these in compliance with the full requirements of the brush clearance ordinance and will they be cleared in the future? You have already had risks demonstrated, in the Verdugo Hills he once submitted 40 parcel numbers; never got a reply back, never got anything resolved; they are still uncleared. He is concerned regarding who pays for this; most of you do not live in hillside area; we have to be cleared every year and have to go through

both Lot Cleaning Department and the Fire Department – when is it going to be enforced?

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)

Assistant Chief Roxanne Bercik reported that Battalion Chief Patrick Hayden is doing the compilation of the actual report on the majority of the items and she would provide an update on the staffing plan. She reported that 7 job offers have been – one candidate declined; 6 candidates have accepted the conditional employment; 4 candidates are completely cleared through the backgrounds and medicals; 1 candidate is still pending a medical and 1 candidate is pending the finalization of their background. The names of the 6 candidates have been sent to the City's Personnel Department and are now going through the nomination for emergency appointment process. Upon completion of this process, job offers and start date can be determined; tentative start date is October 26. Assistant Chief Bercik confirmed a total of 8 positions will be filled and all are civilian positions.

President Hudley-Hayes asked how the candidates would be acclimated to Professional Standards Division (PSD). Assistant Chief Bercik stated PSD has a weeklong orientation and training program that has been devised and briefly described the process.

B. Verbal report from Department on status of the new Deployment Model, including discussion of policy changes regarding the hard closures and the temporary resource augmentation based on Department needs.

Captain Mark Woolf, Planning Section, stated he would be reporting on status, policy changes and temporary resource augmentation. Regarding status, in day 91 of the new Deployment plan and just over 94,000 incidents have been recorded. This is a small sample compared to the million plus incidents that were used to develop the plan. There have been no significant results city-wide in the general compilation so far. They are now drilling down to the smaller units with the help of a light duty person. Hopefully, by next meeting more information will be available. Previously, a question was posed if those results could be divided in communities or areas; the manufacturer confirmed it is possible. Staff will work with the GIS section in obtaining a map overlay and it would take the manufacturer a number of months, after which the information would be available upon request for no additional charge.

Captain Woolf reported that regarding policy changes which have been implemented are in effect and working well, nothing significant to report to cause other policies to be interacted. Unresolved issues between labor and management are ongoing. Additionally, the temporary resource augmentation, surging up, Command staff continually is monitoring for anticipated events or if the weather changes and the Dispatch Center continuously reviews and if needs arise they can surge, move and ensure the resources can cover the City sufficiently from moment to moment.

Commissioner Bontá commented the verbal report highlights where progress is being made and asked if there is a plan to do a six-month report, that would be a written one, or an annual one as this is the first year; what would be the plans.

Captain Woolf responded he is in the learning process with the software and will be visiting the manufacturer on Friday to see if items can be automated and available on an ongoing basis. It will then be up to the staff regarding what level of detail and how much time it will take with the other duties they perform. Commissioner Bontá added that information will help in terms of planning aspects that good data provides.

President Hudley-Hayes asked if as updating and preparation is done for the Commission to see, is it also going to be available in some form for the public and neighborhood councils. She believes everybody keeps getting this misunderstanding that their fire station will be closed as opposed to them understanding that it is resources as opposed to closing.

Fire Chief Cummings interjected that they would like to graphically represent this data on our website so people can see in their communities exactly what the response times are and their coverage.

President Hudley-Hayes asked for clarification regarding if there is anticipation there may be some policy changes as a result of the new deployment plan? Captain Woolf responded they are always a possibility and the Fire Chief has left this open that if they find data/things that they did not anticipate; the door has been left open to make those changes and they are not so rigid that there would not be an avenue for it. President Hudley-Hayes asked how that comes forward to the Commission; in order that they are not caught off guard with policy changes. Fire Chief Cummings stated as they identify possible needs for policy changes they would be brought to the Commission as a written recommendation so the Commission is aware of them and can weigh-in regarding approval or disapproval.

PUBLIC COMMENT: Dr. Tom Williams, NELA Coalition for Infrastructure, stated regarding reports; how can you determine changes of policies if you do not know what the policies are; what are the policies regarding the Deployment Plan/Model? What are the policy implications, we do not know. If you go on the website there are some questions and answers, but so generalized; where is the report? Is there not one report, online or hard copy that summarizes the policies; shows how the model works? How can you change something when you do not know what it is now? They will probably be requesting a PRA for the Deployment Model, where is it; who is going it? They have the same problem with the Department of Water and Power. What is the big secret on this updating of the Deployment Model – it is no longer new and there should be at least a quarterly report.

President Hudley-Hayes commented that for the record, because she did not want the record to reflect that the Department or the Chief does not keep the Commission informed; it is not true that they do not know what the policies are; that is not a fair representation. Fire Chief Cummings agreed and commented that in regard to the Deployment Plan staff presented it at Fire Commission, took it to Public Safety Committee, presented at Budget and Finance Committee and presented it fairly extensively at full Council. The Plan was posted as a public document as a Council file; all details were not only discussed in public, but have been posted in public; our policies and procedures are transparent.

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C. Verbal report from the Department on the status of Treat Non-Transport Fees Study

Mr. Sal Martinez, Administrative Services Bureau, reported that he would be presenting an outline of what they have been doing with regard to an analysis of the treat non-transport. Our ambulance billing fees are the largest we collect. Therefore, they are very careful when doing analysis to what benefits the City and the Fire Department most in generating revenue. In that regard, staff looked at what they are doing now in terms of collecting for treat non-transport and when they do their analysis of our ALS/BLS fees incorporated in that cost is providing services both for those transported and those not transported. Incorporated in our fees for ALS and BLS transports are the costs that we have to absorb for providing the non-transport fee, it is in our base. If they removed that from our base and created another fee specifically for treat non-transport, segregating that for the current fees charged for ALS/BLS, the impact would be two-fold; first we would have to lower our ALS/BLS fees to reflect the reduction of that cost for the treat non-transport and second we would have to establish a new fee for the treat non-transport that we would be providing.

Mr. Martinez added that the impact would be that, unfortunately, lowering our revenue and that is based on the fact that most of our private insurance companies do not pay for a treat non-transport fee; they do not recognize it, they do not reimburse for that. The second part is in regard to the public Medi-Cal/Medicare; Medi- Cal will reimburse us for a treat non-transport, but Medicare would not and Medicare is by far the larger reimbursement of the two. What would happen by implementing it, we would receive some revenue from that treat non-transport fee, but we would be receiving less on our ALS/BLS fees which have a higher rates of reimbursements from the insurance companies, from Medi-Cal and Medicare. The end result is we would lose money by implementing a treat non-transport fee. Therefore, they do not recommend moving forward. Additionally, as they transferred from our old billing system to the new one with Intermedix/ADPI and Sansio; they are getting a higher rate of collections from those sources. In the past, they have gone up from $58 million revenue from EMS billings two years ago to this year they are projecting $67 million. That is through the concerted effort of our staff as well as the two contractors. The benefit by modernizing and going through these vendors is that they are getting more revenue based on our current fees; that also adds to the incentive to keep the current treat non-transport fees within our base of ALS/BLS fees because we are seeing a higher portion of returns, getting more revenue on the current methodology they are using by charging them an ALS/BLS fee that is incorporating the non-transport fee.

Commissioner Friedman asked why they would automatically have to reduce the fee if your total cost would be less. Mr. Martinez stated because they would have to go back and reflect the true cost for providing an ALS/BLS service which would be removing that cost for the treat non-transfer into a separate category. They do not expect their return on that treat non-transfer rate to be very high because the limitations from insurance companies and Medicare in paying that bill. Conversely, on the opposite side; if they keep it within the current methodology of ALS/BLS there is a higher rate of payments from the insurance companies and for Medi-Cal and Medicare; we stand to receive more revenue for the current method.

Fire Chief Cummings added that they would have to reduce it in order to not double-charge. They cannot have it built into the cap rate for the transports and charge for it separately as the treat non-transport. Mr. Martinez clarified it would be a double-billing if it was kept both ways.

Commissioner Bontá asked how it is not a problem because, in a sense the cost is passed on to the insurance companies for the services that could be billed to Medi-Cal. Mr. Martinez responded that the only problem there; they could develop that, but our return rates on revenue would be reduced and it would impact our revenue to support our operations. There is a point

of looking at that in terms of a fairness issue, but again, it is part of our general operations and the cost for providing those services.

Commissioner Bontá asked how this blended rate compares to what the County of Los Angeles would do for their Fire Department, or other Fire Departments. Mr. Martinez responded that throughout the State there are some that do charge some, but it is very minimal rate. To his recollection, the County does not charge a treat non-transport rate; they use private providers, different than how we handle it. Commissioner Bontá asked if they bill Medi-Cal. Mr. Martinez responded that if they do charge it they are entitled to bill Medi-Cal, but he is not certain and would need to get back to her on that item. Commissioner Bontá stated it would be good to look at a comparison in terms of Los Angeles County and how they handle it. Mr. Martinez added that when this question came up they did reach out to our partners, Intermedix, regarding a best practices approach. Although some municipalities do charge, the rate of return is not significant and their initial recommendations were not to go to that extent; the goal is to work on current contracts, get them operating at the highest efficiency to maximize the revenue coming in based on the current methodology used.

President Hudley-Hayes asked if Commissioner Bontá wanted Mr. Martinez to come back after he had done the comparison with the County. Commissioner Bontá agreed and stated it may be timely; looking at the revenue that they have increased from $50 to $67 million is a step in the right direction. It may be timely to continue to look at this issue and do an analysis as to the past policies; should they be revised as they have better collection capability. Mr. Martinez concurred and added that they just started their new system last year and are still doing analysis; fine tuning it; always looking at how to maximize revenue to support operations and will continue to look at treat non-transport and how other municipalities do it, but other areas they may not be doing and seeing how best practices apply in other cities.

Fire Chief Cummings added as part of that last year when they came forward with the rate increases, to our current rate structure, they brought forward a comparison of all Southern California, the rates that different fire service and ambulance services were charging throughout Los Angeles County and all of Southern California; they have that data for Commissioner Bontá. He added that Mr. Martinez's staff does constantly look at everything being done and trying to look at best practices and find ways where they can find more efficiencies.

5. NEW BUSINESS

A. Update on Assembly Bill A.B. No. 678 - Medi-Cal: supplemental provider reimbursement.

Mr. Martinez reported that this item has been ongoing and commended Assistant Chief Greg Reynar for his work. This is an area where the Governor signed a bill that provided for Medi-Cal ground transport fees; to provide supplemental fees to what we are providing now. Current reimbursement rate for Medi-Cal is about $118; they are still working out the methodology and how to reimburse cities, but it is to supplement public agencies that are providing medical transports and we are the largest in the State, to supplement them for the efforts and costs absorbed for providing those transports. At $118 it is a minimal basis, does not cover all our operations; currently, medical transport costs are $974 for BLS and $1,373 for ALS. Staff does not know all the facts, but is working closely with the State and the Mayor's Office and their legislative outreach with the Governor's Office in determining what the methodology would be; when available, staff will report to the Commission.

President Hudley-Hayes thanked the staff, Fire Chief Cummings and Ms. Georgia Mattera for all the work done on this item. Fire Chief Cummings thanked Mr. Martinez's staff, Assistant Chief Reynar and Chief of Staff John Vidovich.

6. NEW BUSINESS – CONSENT ITEMS

A. [BFC 11-142] – 2009 Cooperative Agreement Extension Request – FEMA Urban Search and Rescue Task Force, Council File 09-2732
Recommendation: That the Board approve the report and recommendations.
ACTION: APPROVED.

B. [BFC 11-144] – Acceptance of Grant Funds for the 2009 Port Security Grant Program
Recommendation: That the Board approves the report and recommendations.
ACTION: APPROVED.

C. [BFC 11-146] - Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners – September 10 through September 19, 2011.
Recommendation: Receive and file.
ACTION: RECEIVED AND FILED.

MOTION (Bontá/Friedman): That the Board approve 6.A. and 6.B. recommendations, and receive and file 6.C.
ADOPTED: AYES – 3 (Absent: Furillo, Tolentino)

7. ITEMS CALLED SPECIAL
None.

8. REQUEST FOR FUTURE AGENDA ITEMS

- Continue September 20 Minutes to next Board meeting. – See Item 2.B. (Bontá)
- Written report at 6 month or 1 year mark of the new Deployment Plan; Policy changes to be provided to Commission in written form for approval/disapproval – Fire Chief Cummings. – See Item 4.B. (Bontá/Hudley-Hayes)
- Comparison to Los Angeles County; do they bill Medi-Cal for treat non-transport; analysis as to past policies, should they be revised as they have better collection capability. - See Item 4.C. (Bontá)
- Staff is working closely with the State, the Mayor's Office and their legislative outreach with the Governor's Office in determining what the methodology would be concerning A.B. No. 678; when available, staff will report to the Commission – Sal Martinez. – See Item 5.A.

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

No update.

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.

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

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

No update.

11. ADJOURNMENT

Commissioner Friedman commented that last night the Mayor had a meeting with Commissioners and briefly reported that the Mayor's Office gave a survey which indicated what Commissioners suggest should be the priorities for the next 21 months that the Mayor will be in office. Commissioner Friedman added that the Mayor stated he would stay the 21 months and one of the items listed was public safety; he believes public safety came in number one as far as the priorities of the Mayor; based on that, when staff goes to City Council and request additional funds it should be mentioned that if the Mayor's priority is public safety, which it is, they should think about granting what we are requesting.

The meeting was adjourned at 9:50 a.m. (Bontá/Friedman).

ATTEST BY:

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GENETHIA HUDLEY-HAYES
President

_____
LETICIA GOMEZ
Commission Executive Assistant

Date: October 6, 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.