

CITY OF LOS ANGELES  
BOARD OF FIRE COMMISSIONERS  
MINUTES  
TUESDAY, DECEMBER 4, 2012

**DRAFT**

The Special Meeting of the Board of Fire Commissioners convened at 8:08 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 Steven Fazio  
Commissioner Andrew Friedman  
Commissioner Alan Skobin  
Fire Chief Brian L. Cummings  
Assistant City Attorney Carlos De La Guerra

• **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, the fire service, law enforcement, EMS and the military who devote their lives to the protection of the community and of our country.

1. **COMMISSION COMMENTS**

None.

2. **REPORT OF THE FIRE CHIEF**

- Announcements/Meetings/Events
- Significant Incidents/Activities

Fire Chief Cummings referenced the Calendar of Events provided, and highlighted the following events: December is Holiday Safety Month, Hollywood Christmas Parade, December 9 – Hanukkah, December 13 – ASB Holiday Luncheon, and December 6 - Spark of Love Toy Drive.

1. [BFC 12-197] – Significant Incident Summary report for the period of November 5 through November 11, 2012.

Recommendation: Receive and file.

**ACTION: RECEIVED AND FILED.**

2. [BFC 12-200] – Significant Incident Summary report for the period of November 12 through November 18, 2012.

Recommendation: Receive and file.

**ACTION: RECEIVED AND FILED.**

**MOTION** (Friedman/Fazio): That the Board receive and file 2.1., 2.2.

**ADOPTED:** AYES – 5

3. **PRESENTATIONS**

None.

**4. CONSENT AGENDA ITEMS**

- A. [BFC 12-196] – Managed Hiring Process  
Recommendation: Receive and file.  
**ACTION: RECEIVED AND FILED.**
- B. [BFC 12-199] – Approval of the Draft Second Amendment to the Vocational Education Training Agreement Between the City of Los Angeles through its Fire Department and the Los Angeles Community College District on Behalf of East Los Angeles College  
Recommendation: That the Board approve the report and transmit it to the Mayor and City Council.  
**ACTION: APPROVED.**
- C. [BFC 12-201] – Corrective Action Summary – Notice of Discharge, Suspension, or Probationary Termination reports filed with the Board of Fire Commissioners for the period of November 3 through November 16, 2012.  
Recommendation: Receive and file.  
**ACTION: RECEIVED AND FILED.**

**MOTION** (Tolentino/Fazio): That the Board approve the consent agenda items.  
**ADOPTED**: AYES – 5

**5. REGULAR AGENDA ITEMS**

- A. Verbal report by Department on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of November 21 through December 4, 2012.

Assistant Chief John Vidovich reported on the following matters:

November 23 through November 30 – City Council Recess.

Today, City Council – Department will attend and discuss a plan to improve response times and present its findings and recommendations from the Task Force on Information and Data Analysis.

- B. Verbal update by Department and Commission Liaison relative to Inspector vacancies in the Fire Prevention Bureau.

Fire Marshal, Deputy Chief, Mark Stormes reported that in regard to the Fire Inspectors Certification Process, it was announced on November 29<sup>th</sup> that bands 1-9 are scheduled to begin their three-whole score process. The interview board will consist of Battalion Chiefs Alberto Abarca and Steven Ruda, and their alternate will be Chief Timothy Kerbrat; scheduled to begin December 17<sup>th</sup>. Hope to have Inspector vacancies filled after the first of the year.

President Hudley-Hayes asked about the number of vacancies that would be filled. Deputy Chief Stormes stated 15 Inspector I's and 2 Inspector II's. He added that 5 additional vacancies are anticipated before July 1<sup>st</sup> and the Department will go back to Managed Hiring [Committee] after the first of the year.

Commissioner Fazio commented that as the original assignment has been completed, his work as Commission liaison has been fulfilled regarding the Inspector vacancies in the Fire Prevention Bureau.

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Deputy Chief Stormes commended Personnel Services, the Personnel Department, and Commissioners on all the work done to keep the process moving.

President Hudley-Hayes commented that the public is not always aware of what it means to be a full-service... [She deferred to Fire Chief Cummings]. Fire Chief Cummings stated an all-risk, life-safety, response provider. President Hudley-Hayes commented people do not understand everything that happens in the Fire Prevention Bureau, everything the Bureau handles for the City of Los Angeles and is outside of the realm of fire suppression and emergency services, i.e. permits, inspections. President Hudley-Hayes stated Commissioner Fazio had the expertise to work with staff, but she also believes that working this forward to full Council will help to make people understand what the Fire Prevention Bureau does as an integrated part of an all-risk, life-safety, response provider.

Deputy Chief Stormes commented that all of the members of the Fire Prevention Bureau, over the last couple of years, have been bringing forth the role that they play as being the face of business for the Fire Department, and how each of them is an ambassador for the Fire Department and the services we provide.

President Hudley-Hayes commented that the Department also helps the City with economic development, i.e. permits, ensuring complex projects get done.

Deputy Chief Stormes stated that part of going through the budget process includes looking at ways that we can deliver that service at less cost to the business owners.

Commissioner Fazio commented that he really got a good chance to see the challenges that the Bureau faces and appreciates the professionalism and expertise that Fire Prevention staff brings to their job daily, and the amazing level of commitment to public safety as well as Fire Department safety. Commissioner Fazio thanked Deputy Chief Stormes and Assistant Chief and Fire Marshal Frazier for everything they do daily.

Deputy Chief Stormes stated that the Fire Prevention Bureau staff is extremely dedicated and proud of what they do. Fire Chief Cummings commented that they are in no small part responsible for the fact that we have the fewest fatalities of a major city and the lowest fire loss of a major city in the United States. The Bureau ensures ordinances and codes are up to date, making sure inspections are done, doing more with less, and they are the business face of the Department and will help drive the economy to improve in the City of Los Angeles.

Commissioner Skobin stated two things that are really important when you talk about cost: 1) cost paid for a fee, and 2) time. When previously discussed, we talked about how long it takes to go through the process and a concern was expressed regarding wanting to do it as quickly as possible and that goes to Commissioner Fazio's comments about numbers of hours it takes vs. number of projects vs. number of people and what our staffing level is.

Commissioner Skobin stated he is concerned that the time it takes to get a project through because of the enormity of work and staffing is a huge cost in business, i.e. a 6-8 week delay, which we know happens in many cases. That is a huge delay and incredibly costly if you own a multimillion dollar piece of land that you cannot use. He recognized staff is aware of it and this is a case where it is all about the positions to do the work, but he believes we need to focus on the time it takes to go through the process; that is probably a much greater cost than even the fees.

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Deputy Chief Stormes stated that it is a much more difficult cost to determine, but for the Department to try to be competitive in the business world, and move as fast as business does, we have to approach it from a different perspective than in the past.

Commissioner Skobin commented that staff is doing a good job in so many areas. It comes down to how many people we have looking at those projects because they have to review it responsibly, but still get it through because that is a huge cost. We should look at that in terms of advocating for people and in getting it out in a proper timeframe. Deputy Chief Stormes stated that it is also incumbent on him to include that information in presenting reports.

- C. [BFC 12-186R2] – Proposed Budget for Fiscal Year 2013-14 with Input from the Budget Ad Hoc Committee and Revised Submittal Date of December 7, 2012

Recommendation: That the Board approve the report and recommendations.

**ACTION: APPROVED.**

**MOTION** (Skobin/Tolentino): That the Board approve 5.C.

**ADOPTED: AYES – 5**

Fire Chief Cummings stated that following the last meeting when the Department Budget was brought forward, the Commission decided to meet and discuss with labor what went into the Budget. That meeting was held last week, and the Proposed Budget for Fiscal Year 2013-14 is now being brought back.

President Hudley-Hayes thanked Fire Chief Cummings, Mr. Sal Martinez and senior staff who attended the ad hoc meeting on the budget. She stated that she found the meeting very illuminating and began to understand the budget process itself, she was able to see how the budget priorities related to the core mission of the organization, that the budget reflected the Department's Strategic Plan (Commission should have a copy of it soon to compare it to the budget and priorities). President Hudley-Hayes thanked Commissioner Fazio for all his experience in budget and budget projections, and the only caveat she would make is she wished the Commission had been involved and incorporated earlier. She wants to ensure that we are not right up against a deadline before the Commission has an opportunity to weigh in. The meeting was needed, labor was present and a lot of the tensions over the budget, while they were not resolved, it was possible to discuss them. Ultimately, she believes it is within management's purview to develop a budget and believes it should be done in concert with the Commission and with labor. Although some steps were missed, you can work towards solutions and do it better the next time.

Commissioner Fazio stated that he could see the tension point with a City that is currently struggling with a deficit and a Department that is desperately trying to modernize and utilize its resources as effectively as possible. Money is required to modernize some equipment that is 30 years old, which Commissioner Skobin is working on with Chief Butler and Fire Chief Cummings, we need to modernize software, and the communications system is being reviewed. All of these take staff time (which we are lean on) and they take money to upgrade software systems, and all those needs are going concurrently to our focus on our internal dynamics.

Commissioner Fazio stated that he is hopeful that the City Council and the Mayor will appreciate the fact that in order for us to get to where we want to go, we are going to need their support to continue to provide the service they demand, expect and that we do deliver. He appreciated the specificity and detail to which everyone has focused; there was no question that went unanswered.

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Vice President Tolentino thanked President Hudley-Hayes and Commissioner Fazio as the budget meeting occurred the following day and he appreciates that Commissioners try to be responsive to each other; what is more important is the process.

Fire Chief Cummings thanked Ms. June Gibson, Mr. Martinez and Ms. Sandra Ocon for, again under very tight timelines, putting together a complex budget package, which will be going forward to the Mayor's Office for inclusion in the Blue Book. The suggestion is that perhaps in July 2013 the Ad Hoc Budget Committee can have a series of meetings in order to begin discussing the Department's and the Commission's priorities and how they align with the Strategic Plan moving forward.

President Hudley-Hayes apologized for failing to have a clarifying conversation with Assistant City Attorney Carlos De La Guerra, but as opposed to this being an ad hoc committee, she would like to appoint Commissioner Fazio to head a standing budget committee. She deferred to Assistant City Attorney De La Guerra for guidance as she believed it was not possible to take action on this item today.

Assistant City Attorney De La Guerra clarified that if it is going to be created through an action, it cannot be done today. President Hudley-Hayes asked if she could appoint and Assistant City Attorney De La Guerra stated yes, as it is not an action of the Commission, it is her action so she may appoint him. President Hudley-Hayes appointed Commissioner Fazio to head a Budget and Finance Committee of the Board of Fire Commissioners. President Hudley-Hayes requested that Commissioner Fazio have the opportunity to interact as this [current] budget goes through the intricate process with Council and the Mayor, and Commissioner Fazio can bring that [information] back to the Commission. She emphasized the importance of the situation and stated the Commission is very much aware that there is always a cost, it is always about funding and how we can get that funding for the Fire Department given the constraints in the City, but specifically given the constraints due to the fact that our budget has been slashed over the years.

Commissioner Skobin commented the work done is greatly appreciated, and also about process, and now we can vote on something that we had input on and we have comfort in. He recognized that the City has rules by which we are governed, but he emphasized we should develop a list and advocate for the list of positions that are self-funded. We are not pulling money from people, we have people who want to pay the fees to get through the process and get done. Where we are short people, those areas are self-funded by fees. We need to know where they are, and need to make the case constantly that these are positions that the public wants and are willing fund because they want the service. We want to provide the service and the only way we can is if they are self-funding. We need to have that list to make the case as part of this budget and on a continuous basis. Commissioner Skobin again requested that that be developed by the Department. President Hudley-Hayes stated that is a great suggestion.

President Hudley-Hayes stated she and Commissioner Fazio both believe they have now been in conversation with Mr. Martinez and the staff. She is satisfied with the process, the work that was done, and with the transparency she and Commissioner Fazio had in having every question answered. Commissioner Fazio concurred with President Hudley-Hayes' comments.

**6. PUBLIC COMMENT PERIOD**

President Hudley-Hayes commented she is enthusiastic about this Commission and the work it does, just as she is enthusiastic about the work done by the staff. She is always overwhelmed by the work done by the staff, as short-handed as staff is on the civilian side. Every one of the Commissioners

has another job they have been assigned to do, i.e. an ad hoc job or to take on a committee. Every one of the Commissioners also has a real job and not once has a Commissioner declined to serve. It is important to understand that Commissioner Friedman has his own law offices and is the principal in that law firm, frequently has to change court dates, frequently has to make sure that he is here. Last Commission meeting we forced him into service with a brand new set of jobs that he has to do. Commissioner Skobin is the Vice President and General Counsel for Galpin, the largest Ford Dealership in the world. Commissioner Fazio, who is also Dr. Fazio, has the unique distinction of not only being the CEO of his company but also the sole proprietor of his own company. Vice President Tolentino who is an Administrative Law Judge, and is also one of the Supervising Judges, has taken on HRDC/Personnel Committee. She conveyed her thankfulness and gratitude to the Commission for taking the work seriously.

Commissioner Friedman commented that the Commission always follows the leadership of our President and for what we do for this Commission, President Hudley-Hayes does ten times as much work and we definitely thank her for her leadership and what she does.

Commissioner Friedman commented that he would not be at City Council today, but wanted to publicly state his thoughts. He was with Fire Chief Peaks, the previous Fire Chief, when the issues of cutting the budget and response times were discussed. He would like someone to respond to Councilmembers in this manner:

- Hypothetically, if a Councilmember has \$1 million per year to spend as his budget for his staff, when the new year comes and he has only \$800,000 that staff will somehow be cut.
- If that staff is cut and constituents call in regularly, there is no question that the response to constituents' calls will be delayed.
- Basically, the public will understand that if a budget is cut, somehow response will be affected.
- Both Fire Chief Peaks and Fire Chief Cummings have done whatever possible, under the circumstances. Mistakes have been made, human beings do make mistakes.
- The public should understand that when there is a budget cut there has to be some type of effect on response time.

President Hudley-Hayes commented that four Commissioners would go with the Department to the City Council meeting to show of the Commission's support for the presentation. Commissioner Skobin will be a part of the presentation, the rest of the Commissioners will not be speaking but will be coming with Fire Chief Cummings in support of listening to the presentation. We are supportive of the efforts you [Fire Chief Cummings] are making. She thanked all of the senior staff and all of those that are one step down. She thanked Fire Chief Cummings for his contributions. The Commission believes it is important they come with Fire Chief Cummings. She believes that is the way that a Commission works with the Department that they head, that they have oversight for, showing that we have a working relationship no matter how tumultuous that relationship might be at times. We do have a relationship and I believe that our relationship works.

## **7. CLOSED SESSION**

- A. 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  
EEOC Claim – Charge Nos. 340-2006-01090 and 340-2006-00470



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Caceres v. City of Los Angeles – Case No. BS133960  
Wilkerson v. City of Los Angeles – Case No. BC449758  
Ramsey v. City of Los Angeles – Case No. 10-05592  
Achan/Haro v. City of Los Angeles – Case No. 12-55303/12-55310  
Jumaane v. City of Los Angeles – Case No. BC294248

At 8:51 a.m., Vice President Hudley-Hayes stated the meeting was recessing into closed session.

President Hudley-Hayes called the regular meeting to order at 10:05 a.m.

Assistant City Attorney De La Guerra stated that in the closed session Item BC 416479 – Miller Rueda was discussed with counsel, EEOC Claim was discussed with counsel, Caceres and Wilkerson were not discussed with counsel, Ramsey was discussed with counsel, Achan/Haro was not discussed and Jumaane was discussed with counsel. There was no action to report out.

President Hudley-Hayes asked if there were any items that Commissioners would like to see on future agenda items.

**8. ADJOURNMENT**

The meeting adjourned at 10:07 a.m.

ATTEST BY:

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GENETHIA HUDLEY-HAYES  
President

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

Date: December 7, 2012

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.