

CITY OF LOS ANGELES
BOARD OF FIRE COMMISSIONERS
MINUTES
TUESDAY, AUGUST 21, 2012

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The Regular Meeting of the Board of Fire Commissioners convened at 9:34 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 Alan Skobin
Fire Chief Brian Cummings
Assistant City Attorney Carlos De La Guerra

Absent: Commissioner Steven Fazio

• **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, the military and especially Captain Matt Manoukian, former Fire Chief Bamattre's nephew, who devote their lives to the protection of the community and of our country.

1. **PUBLIC COMMENT**

None.

2. **COMMISSION BUSINESS**

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

3. **GENERAL MANAGER'S REPORT**

A. Announcements/Meetings/Events

Items 2.A., 3.A. and 3.B. taken together. Fire Chief Cummings referenced the Calendar of Events provided, and some events highlighted included: September is Disaster Preparedness Month, September 2 – LAFD Battalion 18 & CERT Neighborhood Team Program Family Emergency Planning, Baptist Ministers Conference for Los Angeles and Southern California, Leadership Academy Class Graduation, L.A. County Emergency Medical Service Commission Governance Committee – Fire Chief Cummings is the representative from the L.A. Area Fire Chief's Association, August 30 – Pro Patria Awards, August is Anti-Scalding Campaign and Driver Safety Awareness Month.

Chief Cummings stated a proposal will be submitted to the Board's Technology Committee to form a LAFD Technology Governance Board to review all the technology used within the Department, City and the region to be sure to establish standards as we build things out. Additionally, we had a demonstration of a situational awareness tool from a GIS provider and it currently gives instantaneous situational awareness of incidents.

Chief Cummings stated that in regard to risk management, we are developing, for that Fire Accreditation through CFAI, a timeline and a cost and staffing plan, which will be submitted to the Commission, and thereafter to City Council.

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Chief Cummings stated in regard to partnerships, members are attending the Deccan International Users Conference. He will attend the Fire Chief's Leadership Conference at the League of California Cities. A Nevada Strike Team broke down on a local freeway and LAFD assisted them. President Hudley-Hayes commended Deputy Chief Yamahata on the extensive email Commissioners received regarding this item and Assistant Chief Cooper for his assistance.

Chief Cummings reported that the Fire Prevention Bureau met with State Fire Marshal Tonya Hoover to discuss Film Inspectors and review the State Fire Training Curriculum. On professional development, he addressed the interview board for the Assistant Chief oral interviews. For the Inspector I examination process, the written portion is complete and interviews are pending. For the Captain I examination, we will have open filing in September.

President Hudley-Hayes acknowledged Commissioner Skobin regarding an email received from the United Homeowners Association of Hollywood. Commissioner Skobin stated he was in the process of obtaining the background. There was an LAFD representative at the meeting last night, and the item can be scheduled for a future agenda and involves response times.

- B. Calendar of Events
Considered jointly with Items 3.A. and 2.A.
- C. Significant Incidents/Activities:
 - 1. [BFC 12-130] – Significant Incident Summary report for the period of July 23 through July 29, 2012.
ACTION: RECEIVED AND FILED.

Deputy Chief Mario Rueda reported that as a result of the dramatic heat wave in the Southern California area there are approximately 35 fires in the State of California and about 16 members have been deployed to various fires. He also reported regarding a suicide on August 19.
- D. Verbal report on the disposition of LAFD matters considered by or referred to City Council/Committees during the period of August 8 through August 21, 2012.

Chief of Staff John Vidovich reported on the following matters:

On August 14th, Councilmember Rosendahl introduced a motion in support of a letter his office received requesting a donation of one surplus 2003 Ford Rescue Ambulance to the Oxnard College Regional Fire Academy. The ambulance will be used to train prospective firefighter candidates. The City has recently declared one ambulance surplus that can fulfill this request. The motion was referred to the Budget & Finance Committee for approval.

On August 14th, Councilmember Reyes introduced a motion to authorize the Department of General Services and the LAFD to negotiate and execute a license agreement, or other document as appropriate, with the U.S. Navy to continue the LAFD's use, on a pro-bono basis, of the Naval and Marine Reserve Facility at the Frank Hotchkins Training Center. The agreement is from August 1, 2012 through July 31, 2017, and the motion was referred to the Information Technology & General Services Committee.

At the August 15th City Council meeting, the Council approved a monetary settlement with Brenda Lee, a firefighter who claimed various violations of the Fair Employment Housing Act.

Today, the LAFD will be present at City Council as the CAO, CLA and Office of Finance present an update on the status of revenue items, including revenue collection efforts, as well as other possible revenue proposals for generating, enhancing or improving collection of City revenues, including a possible ballot measure that would require voter approval on the related matters.

President Hudley-Hayes inquired what the revenue matters are. Mr. Sal Martinez, Acting Fire Administrator, stated LAFD's intent at today's meeting is to review what has been achieved to date and also identify some additional concepts and ideas which they think they can implement, i.e., Commercial Industrial Fee, an accident recovery fee. Mr. Martinez stated LAFD is currently collecting \$142 million, slated to go up to \$169 million if all anticipated revenue is received from AB 678. That is the largest amount of revenue collected by any City department outside of the proprietary departments, i.e., LAWA, DWP and Harbor Departments. We hope some of these ideas will be seen in the coming months and be vetted through the Commission for approval.

Commissioner Skobin asked if the revenue areas are new fees, higher fees, or better ways of capturing what is there now, i.e., electronic pads used at scenes. Mr. Martinez stated it is a combination of both and explained the annual process of reviewing fees. Commissioner Skobin commented the LAPD has a false alarm billing system which may be of interest to LAFD; Mr. Martinez confirmed LAFD is looking at the "CryWolf" System and the Fire Prevention Bureau is moving forth with an upcoming board report.

Commissioner Friedman requested a supplemental report on the non-transportation fee; Beverly Hills and the County are charging for non-transportation fees and many insurance companies pay for non-transportation fees.

E. Verbal report on LAFD volunteer activities/programs.

Ms. Norma Gutierrez, Personnel Services Section (PSS), Administrative Services Bureau, reported that a few months ago PSS took over the coordination of volunteers and responsibility for reporting to the Mayor's Office. She provided information regarding LAFD's Volunteer Programs: 1) each has a unique website, 2) each is run by a Department member, 3) PSS oversees the total number of volunteer hours and the volunteers, 4) LAFD Cadets, 5) Crew 3, 6) Community Emergency Response Callout Team (CERT), 7) Auxiliary Communications Service (ACS) Program, 8) Support Services Volunteer (SSV) Program, and 9) General Volunteer. The LAFD Volunteer Coordinator is Ms. Cynthia Fletes.

Commissioner Skobin stated the reasons why he would like to focus on the Cadets, and staff confirmed they are organized by fire station. Commissioner Skobin commented on the benefits of the program and emphasized the importance of funding so that no person who wants to participate in the program is not able to due to a lack of funding. Chief Rueda stated no one has been turned away for this reason. President Hudley-Hayes shared her positive experience regarding the Cadet Program and the Tutoring Program at Fire Station 94. Chief Rueda commented on the challenges in regard to the hours budgeted for Post Advisors; discussion was held regarding grants for the Cadet Program. Vice President Tolentino shared his experience with the Pacific Fire Academy which was supported by Honda; Chief Rueda stated in those programs, LAFD splits the cost of the instructors with the colleges.

4. OLD BUSINESS

A. Verbal update by Department and Commission Liaison relative to the Information and Data Analysis (IDA) Task Force.

Assistant Chief Pat Butler, Special Operations Division, updated the Board since the July 17th meeting and highlights included:

- Task Force has been engaged in several strategic meetings and workgroups involving data accuracy and research and measurement components of a Three Track System.
- Public Safety Committee was updated on the Task Force; Councilman Englander and the Committee are supportive of the Department implementing technology and the increased use of data for policy decisions.
- The goal is to continue to provide the Committee and the Commission updates.
- Additional expertise has been added to the Task Force in terms of ITA staff.
- Met with LAPD staff to discuss the possibility of aggregating and integrating of data.
- Have an upcoming meeting with the City Risk Manager.
- Track 1 update: Beta testing will occur next month.
- Chief Butler thanked members of the Task Force, Fire Chief Cummings and Commissioner Skobin for their support.

Commission Skobin stated the most important item Group 1 is currently focused on is reviewing the CAD data to be sure it is accurate. Reducing response times and worker's compensation information will be tied into the dashboard being created for the LAFD. He is pleased with the progress.

Discussion was held regarding the importance of foundation data being solid. Commissioner Skobin commended Fire Chief Cummings for the manner in which he has handled this item. He also noted that external stakeholders and the public will also have access to data information.

5. NEW BUSINESS

- A. [BFC 12-101] – Unpaid Fire Prevention Services to Other City, County, State and Federal Agencies

ACTION: RECEIVED AND FILED.

Fire Chief Cummings requested that Item 5.D. be taken following Item 5.A. as Assistant Fire Marshal Don Frazier will be speaking to both items.

Chief Frazier stated the two items Commissioners need to take away from the report are: 1) Fire Prevention Bureau (FPB) is moving toward being fully fee supported, but there will always be certain items that we are unable to collect for by law, and 2) there are some areas that we are not precluded by law but by Council action, i.e. film. Additionally, the FPB uses a number of legacy systems that do not communicate and it is difficult to bring this information together. A future goal is to be able to streamline information, and we have been working with the Mayor's Office on Build-LA.

Chief Frazier confirmed \$3,886,002 is the amount that LAFD would charge if they were to bill for the services listed. The \$80,233.48 is one of the billings for the Department of General Services for specific inspections of City buildings, if they were to be billed. Colleges are not billed because they are a State agency and by law we are precluded from billing them. He confirmed the \$3,886,002 amount is a conservative estimate. Two fiscal years ago we were able to recover approximately 55% of our expenses in Fire Prevention Bureau, and we are moving to expand that amount. We anticipate providing the Commission this information on an annual basis. Attachment #8 includes services provided by CUPA as noted. For CUPA we are mandated to regulate, monitor anyone that touches hazardous materials. Two fiscal years ago

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the gap was approximately \$20 million; there has been a steady flow of improvements since, i.e. the Research and Legal Liaison Units will be fee supported going forward, Industrial/Commercial fee is upcoming, monies recovered go to the General Fund. Over the last two years, FPB has lost approximately 17 sworn Inspector positions; there are currently 14 vacant Inspector positions. Without the positions in fee supported authorities, our revenue will fall short next year.

President Hudley-Hayes stated this particular revenue stream should come back to us in order to have a fully functioning and staffed FPB. Chief Cummings stated we need to make sure we are funded for enough Inspector positions to generate the revenue for the Department.

Mr. Mark Davis, CAO Budget Analyst for LAFD, stated the General Fund funds all of the firefighters, inspectors, civilians, but the revenue of \$142 million referenced comes into the funding calculation. President Hudley-Hayes asked if we have positions that we need to fill, does this help us get that done through the General Fund? Mr. Davis responded because they are fee supported, yes they do help; there is not a current list to hire for these spots.

- D. [BFC 12-098 R] – Certified Unified Program - Taken out of order.
ACTION: RECEIVED AND FILED.

Chief Frazeur stated we are audited every three years by the State (CAL EPA) and the updated matrix in the report indicates the disposition of each audit item. Of the 22 initial deficiencies, three are considered complete. For three of the remaining deficiencies, LAFD is awaiting comments back from the State. One of the challenges in CUPA is that our staffing has not been up 100%, yet it is fully fee supported. Last year we were able to complete roughly 65% of the workload; therefore, next year we will not be able to bill as much as in previous years.

Commissioner Skobin expressed concern and asked if it is one area where we are not getting the work done, or all of the elements that we are critical of are things that we are not measuring? Chief Frazeur stated in the enforcement side he is authorized for 12 positions and currently only 6 positions are staffed. We have tried to compensate by the use of overtime, but have not yet been able to fully compensate for the lack of staff using overtime.

Discussion was held regarding CUPA Deficiency 1 of the report, procedural issues which staff is also correcting; new tools that are available to help; and new personnel in the FPB (there was one position that was vacant for three years).

Vice President Tolentino commented he did not recall a 2009 CUPA Evaluation which is noted in the current report. Chief Cummings confirmed the staffing issue is critical because as the country and the City slid into recession in 2008-09 and we started cutting our budget. One of the first places impacted was the FPB. Since then there is a new Fire Marshal and a new Assistant Fire Marshal, we have promoted Inspector II's, oral interviews are occurring for Inspector I's and we hope to get those positions through the Managed Hiring Committee. We will continue to report regularly to the Commission.

President Hudley-Hayes asked for a timeline on the Inspector I vacancies; Fire Chief Cummings stated we are expediting the process.

- B. [BFC 12-108] – Cost of Risk Report Fiscal Year 2010-2011
ACTION: RECEIVED AND FILED.

Battalion Chief Tom Ottman, Risk Management Section, summarized the report provided and stated the report has shown a change in the culture within the Fire Department. There is not one area in the report that the LAFD has not shown progress in. He said it also measures the effectiveness of PSD as well as risk management, and general liability is down 36%.

Discussion was held regarding pages 6, 24 and 7 of the report; a 14% reduction in claims; LAFD has no affect upon the cost of the claims; LAFD has taken proactive measures in identifying areas for the Utilization Review Board; every day a member is off duty it costs the LAFD \$1,000 for overtime costs; IOD hours are higher because members are off duty longer, the average member is off for 30 days for an injury; adjusters are now able to automatically approve about 10 items which they could not approve previously; General Liability has dropped \$10.5 million; there is supervisory accountability based upon their members' injuries annually.

- C. [BFC 12-110] – Emergency Medical Service Revenue Collection for Fiscal Year 2011-12
ACTION: RECEIVED AND FILED.

Mr. Martinez referenced the Fiscal Impact on page 12 of the report, which provided and summarized the report. Commissioner Friedman again suggested a supplemental report on the non-transportation cost; when there is a recovery on a third party case, the general rule is that the Department will not accept less than 50%. If the Department does not accept less than 50%, attorneys do not even bother attempting to pay any of it. He asked that Mr. Martinez look into this item. Mr. Martinez stated Deputy City Attorney Janet Jackson provides direction on a case-by-case point in those settlement cases.

[Item 5.D. taken after item 5.A.]

- E. [BFC 12-112] – Current Los Angeles Fire Department Contracts and Agreements
ACTION: RECEIVED AND FILED.

Mr. Martinez stated the report was prepared in order to keep the Commission informed of all activities within the Department and it will be updated on a quarterly basis. Vice President Tolentino stated regarding the Red Flag/Call Back System, Cassidian, Inc., he previously noted the amount was \$25,000; this report states \$72,000. Mr. Bill Jones, Contracts and Grants Management Section, Administrative Services Bureau, stated that line item needs to be updated to reflect the current amount of \$25,000.

Discussion was held regarding the Technical Consultant for Fire Alerting System, Michael Baker, which will be approximately \$200,000 for the current fiscal year, and FY 2008-09 Management Consulting Services, HR Value.

MOTION (Tolentino/Friedman): That the Board receive and file 5.A. through 5.E.
ADOPTED: AYES – 4 (Absent: Fazio)

6. NEW BUSINESS – CONSENT ITEMS

- A. [BFC 12-131] – Acceptance of Grant Funds for the 2010 Port Security Grant Program
ACTION: APPROVED.

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

7. ITEMS CALLED SPECIAL

None.

8. REQUEST FOR FUTURE AGENDA ITEMS

Items were noted throughout the meeting.

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

Chief Cummings identified Battalion Chief Richard Rideout.

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. Public Employee Performance Evaluation. Discuss and possible Board action on annual evaluation. Government Code Section 54957.

1. Fire Chief

C. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) – To discuss pending litigation of the following case:

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

President Hudley-Hayes recessed the regular meeting at 11:23 a.m. and stated the Board would only confer on Items 10.A. and 10.B., Item 10.C. will be continued. The Board went into closed session.

Vice President Tolentino called the regular meeting to order at 11:45 a.m. and stated Item 10.A. was discussed but no action was taken; there was no discussion or action on Item 10.B.

11. ADJOURNMENT

The meeting adjourned at 11:45 a.m.

ATTEST BY:

GENETHIA HUDLEY-HAYES
President

LETICIA GOMEZ
Commission Executive Assistant II

Date: January 25, 2013

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.