

LOS ANGELES FIRE DEPARTMENT



BRIAN L. CUMMINGS
FIRE CHIEF

July 31, 2013

BOARD OF FIRE COMMISSIONERS
FILE NO. 13-102

TO: Board of Fire Commissioners

FROM: Brian L. Cummings, Fire Chief

SUBJECT: PROPOSED AMENDMENTS TO THE LOS ANGELES ADMINISTRATIVE CODE FOR RECEIPT OF GIFTS BY THE FIRE DEPARTMENT

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

Council Motion (C.F. 12-1553) instructed the Los Angeles Fire Department (LAFD) to improve the process for receipt of gifts and donations which, as set forth in Los Angeles Administrative Code (LAAC) Sections 5.111.3 and 5.111.4, requires Fire Commission and City Council approval if the value is over \$5,000.

LAAC Sections 5.467 through 5.469 set forth a similar approval process for the Los Angeles Police Department. However, Police Commission and City Council approval are required if the value of the gift or donation is over \$10,000, subject to annual adjustment each fiscal year based upon the Consumer Price Index (CPI). With annual CPI adjustments since the effective date of these LAAC Sections, the current threshold is over \$15,000 for Police Commission and City Council approval for receipt of gifts and donations.

The Attachment details the proposed amendments to the LAAC, which would increase the threshold for Fire Commission and City Council approval to over \$15,000, subject to annual adjustment each fiscal year based on the CPI. These modifications would significantly expedite the process for receipt of gifts and donations by the LAFD.

RECOMMENDATIONS

That the Board:

1. Approve the proposed amendments to the Los Angeles Administrative Code to increase the threshold of gifts and donations requiring Fire Commission and City

Council approval to over \$15,000, subject to annual adjustment each fiscal year based on the Consumer Price Index.

2. Transmit the report to the Mayor and City Council for consideration and appropriate action, including requesting the City Attorney prepare the amendments to the Los Angeles Administrative Code.

Board report prepared by June Gibson, Fire Administrator, Administrative Services Bureau.

Attachment

ARTICLE 12
RECEIPT OF GIFTS BY THE FIRE DEPARTMENT AND
ESTABLISHMENT OF FIRE DEPARTMENT TRUST FUND

Sec. 5.111.3 Creation and Administration of Fire Department Trust Fund

(a) There is hereby created and established within the Treasury of the City of Los Angeles a special fund to be known as the "**Fire Department Trust Fund**", hereinafter referred to as the "**Fund**".

(b) Said fund shall be used to augment established programs and activities of the Fire Department, and may be used for the purchase of equipment, services or furnishings in support of such programs and activities, subject to any special terms or conditions attached to individual gifts, contributions, or bequests to the City.

(c) All monetary gifts, contributions, or bequests accepted by the City Council or by the Board of Fire Commissioners for Fire Department purposes set forth in this article, shall be placed in the Fund.

The Board of Fire Commissioners shall inform the Controller of any special terms or conditions placed upon the use of money deposited in the Fund, and under which the money was accepted either by the Board of Fire Commissioners or the City Council. The Controller shall establish a special account within the Fund for each accepted monetary gift, contribution or bequest which is so limited. No money shall be expended therefrom except in satisfaction of and in compliance with those special terms or conditions under which that money was accepted. Any request by the Board of Fire Commissioners for an expenditure of money from any such special account shall be accompanied by information to the Controller that the expenditure of said money does not breach or violate the special terms or conditions under which the money was accepted and placed into the special account involved.

All other monetary gifts, contributions, or bequests which were accepted without special terms or conditions upon their use shall be placed in a separate account established in the Fund by the Controller for such purpose.

(d) Monetary gifts, contributions, or bequests to the Fire Department, or to a division or operation thereof, or to the Fire Commission, or for the purchase of equipment, services, or furnishings in support of the programs and activities of the Fire Department, which exceed in value the sum of ~~\$5,000~~\$15,000 shall be submitted to the City Council for acceptance or rejection. Offers which are monetary only, or which are a part of an offer of money and property, the aggregate total value of which offer is ~~\$5,000~~\$15,000 or less, may be accepted or rejected for the City by the Board of Fire Commissioners.

(e) The Fund shall be administered, and expenditures therefrom may be authorized, by the Board of Fire Commissioners, in accordance with established City practice, provided, however, that no expenditures shall be made from such Fund for purposes which are contrary to the budget policy of the Fire Department as established by the Mayor and Council.

(f) The Board of Fire Commissioners shall maintain records regarding and identifying all receipts into, and all expenditures out of, the Fund, as well as the purposes for which expenditures were made. Reports containing such information shall be made available upon request by the Mayor or Council. ~~report to the City Council regarding and identifying all receipts into, and all expenditures out of, the Fund, as well as the purposes for which the expenditures were made. Each report shall cover that most recent six month period of time which commenced on April 1 or October 1 and shall be submitted within fifteen days after the close of said period.~~

(g) All interest and other earnings attributable to monies in the Fund or to any account within the Fund shall be credited to the Fund or to the account to which it is attributable and shall be devoted to the purposes of the Fund.

Sec. 5.111.4 Receipt of Gifts and Bequests of Personal Property by the Fire Department

(a) Each offer of a gift or bequest of personal property to be utilized by the Fire Department, the market value of which exceeds ~~\$5,000~~\$15,000, shall be submitted to the City Council for acceptance or rejection. Each offer of gifts or bequests of personal property not exceeding ~~\$5,000~~\$15,000 in market value shall be submitted to the Board of Fire Commissioners for acceptance or rejection.

(b) Title to any personal property accepted by either the City Council or the Board of Fire Commissioners shall be vested in the City of Los Angeles.

(c) The Board of Fire Commissioners shall cause all gifts and bequests of personal property received in kind, and all items of personal property obtained by purchase through use of money from the Fund, to be properly registered and reported to the Controller as required in the City's Equipment Inventory System.

Sec. 5.111.5 Adjustment of Monetary Limitations

The \$15,000 monetary limitations set forth in Sections 5.111.3 and 5.111.4 shall be in effect upon the effective date of the provisions of this chapter, but shall be subject, in subsequent fiscal years, to an annual adjustment at the beginning of each fiscal year based upon the Consumer Price Index for all urban consumers for the Los Angeles area published by the United States Department of Labor, Bureau of Labor Statistics. The City Administrative Officer shall maintain such information and assist in the calculation of the annual adjustment.