

# SAN FRANCISCO FIRE COMMISSION

## MINUTES OF FIRE COMMISSION SPECIAL MEETING

December 3, 2015 – 3:00 PM

698 Second Street, Room 221, San Francisco, CA 94107

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*President Evans called the meeting to order at 3:07 PM.*

Item No.

### **1. ROLL CALL**

Commission Vice President Francee Covington, Hearing Officer  
President Andrea Evans  
Commissioner Stephen Nakajo  
Commissioner Michael Hardeman  
Commissioner Ken Cleaveland

Also Present:

Brad Russi, Deputy City Attorney, Government Team – Counsel to the Commission  
Maureen Conefrey, Commission Secretary

### **2. CASE NO. 2015-02: COMMISSION DELIBERATIONS ON PROPOSED FINDINGS OF FACT, AND POSSIBLE APPROVAL OF FINDINGS OF FACT REGARDING COMMISSION'S DECISION ON EMPLOYEE SUSPENSION APPEAL [*Action item*]**

In accordance with Article 40, Section 4005 of the Rules and Regulations the employee has appealed a ten-day suspension for violation of the Rules and Regulations as follows:

- Section 3905 – Familiarity with the Rules
- Section 3907 – Safety Rules
- Section 3919 – Proper Behavior
- Section 3923 – Acts Detrimental to the Welfare of the Department
- Section 3940 – Unauthorized Use or Disposition of Property
- Section 3941 – Use of Department Vehicles
- Section 4002 – Off Duty Conduct

At a Special Meeting of the Fire Commission on November 5, 2015, regarding the above-noted matter, following the evidentiary hearing, the Commission deliberated and decided the member's appeal of a ten-day suspension previously imposed by the Chief of Department.

Member pled guilty to the charges of violating San Francisco Fire Department Rules and Regulations Section 3905 – Familiarity with the Rules; Section 3907 – Safety Rules; Section 3919 – Proper Behavior; Section 3923 – Acts Detrimental to the Welfare of the Department; Section 3940 – Unauthorized Use or Disposition of Property; Section 3941 – Use of Department Vehicles; and Section 4002 – Off Duty Conduct.

By unanimous vote of members present, the Commission voted to impose discipline on the violations of Sections 3923, 3940, 3941, and 4002 only. (Ayes: Evans, Covington, Nakajo, Hardeman). Accordingly, the Commission voted to reduce the Chief's recommended penalty to

a 2-day suspension, by a unanimous vote of members present. (Ayes: Evans, Covington, Nakajo, Hardeman).

The Commission is now considering proposed Findings of Fact in relation to that decision.

This case may be heard in Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b).

#### **A. Public Comment on Special Meeting Agenda Item; Possible Closed Session**

Members of the public may comment on Agenda items No. 2, including the proposed Findings of Fact and whether to consider the matter in Closed Session. [Government Code §54954.3(a), Administrative Code §67.15(b)]

*President Evans called for public comment. No member of the public came forward and President Evans closed public comment.*

#### **B. Vote on Closed Session:**

1. Vote on whether to conduct deliberations on proposed Findings of Fact in Closed Session. [**Action**]

*Vice President Covington made a motion to hold deliberations in Closed Session. Commissioner Cleveland seconded, and the motion was unanimously approved. (5-0; Evans, Covington, Nakajo, Hardeman, Cleveland)*

*The Commission held deliberations in Closed Session at 3:10 p.m.*

#### **C. Deliberations and Possible Action**

1. Deliberations and possible action on proposed Findings of Fact (in Open or Closed Session, per the Commission's vote). [**Action**]

*The Commission reconvened in Open Session to report action taken at 3:23 p.m.*

*Action Taken:*

*By unanimous vote of 5-0, the Commission adopted the proposed Findings of Fact as presented by Counsel for the Department. The Findings will be finalized by Counsel for the Commission, working with the Commission Secretary, and issued to the parties. There was no public comment.*

#### **D. If Closed Session is held, reconvene in Open Session**

1. Report on any action taken in Closed Session as specified in California Government Code Section 54957.1(a)(5) and San Francisco Administrative Code section 67.12(b)(4).

2. Vote to elect whether to disclose any or all discussions held in Closed Session, as specified in San Francisco Administrative Code Section 67.12(a). [**Action**]

*Commissioner Hardeman made a motion to not disclose discussions held in Closed Session. Commissioner Cleveland seconded, and the motion was unanimously approved. (5-0; Evans, Covington, Nakajo, Hardeman, Cleveland)*

*There was no public comment*

### **3. ADJOURNMENT**

*President Evans adjourned the meeting at 3:24 p.m.*