

**FIRE COMMISSION REGULAR MEETING
MINUTES**

**Wednesday, September 22, 2021 – 5:00 p.m.
This meeting was held remotely on WebEx**

The Video can be viewed by clicking this link:

https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=39428

President Feinstein called the meeting to order at 5:01 p.m.

Commission President	Katherine Feinstein	Present
Vice President	Stephen Nakajo	Present
Commissioner	Francee Covington	Present
Commissioner	Ken Cleaveland	Excused

Chief of Department	Jeanine Nicholson	Present.
---------------------	-------------------	----------

Bryan Rubenstein	Deputy Chief -- Operations
Jose Velo	Deputy Chief --Administration

Sandy Tong	EMS
David Brown	Airport Division
Ken Cofflin	Bureau of Fire Prevention
Dawn DeWitt	Support Services
Erica Arteseros	Homeland Security
Natasha Parks	Health and Wellness
Tom O'Connor	AWSS
Brice Peoples	Diversity, Equity & Inclusion
Simon Pang	Community Paramedicine

Staff	
Mark Corso	Deputy Director of Finance
Dr. Jennifer Brokaw	Department Physician
Stephanie Phelps	NP Ph.D. (Occupational Health)

2. PUBLIC COMMENT

There was no public comment.

3. APPROVAL OF THE MINUTES [Discussion and possible action]

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on August 11, 2021.

Commissioner Covington Moved to approve the minutes and President Feinstein Seconded.
The motion was unanimous.

There was no public comment.

4. CHIEF OF DEPARTMENT'S REPORT [Discussion]

REPORT FROM CHIEF OF DEPARTMENT, JEANINE NICHOLSON

Report on current issues, activities, and events within the Department since the Fire Commission meeting on September 8, 2021, including budget, academies, special events, communications, and outreach to other government agencies and the public.

Chief Nicholson reported on activities since the last meeting on September 8, 2021. She thanked President Feinstein for her words at the 9/11 ceremony and the attendance of the other commissioners. She also gave a shout-out to Olivia Scanlon, the BOE folks, and members of Station 4 for helping put the ceremony together. She provided an update on the members who are non-compliant with their vaccination status. She welcomed Dr. Brokaw and Nurse Practitioner Stephanie Phelps to the meeting and mentioned that she is grateful for their leadership. She announced that she and Katherine Alba went to San Diego to choose a therapy dog from a non-profit and they ended up picking two dogs, Katherine Alba and Christina Gibbs will be the dog handlers.

Commissioner Covington confirmed that these two dogs are the only therapy dogs and that the Department has two search and rescues dogs and waiting on a third. She also confirmed that the name of the non-profit where they got the therapy dogs is Thor's Hope Foundation. Commissioner Covington thought the 9/11 commemoration was wonderfully planned and executed and that the speech from Betty Ong's brother was inspiring and she thanked Mr. Ong and his wife for attending.

Commissioner Nakajo asked for some clarity as to what the next steps are for those members that are not vaccinated by the deadline of October 13, 2021. Chief Nicholson stated that those members can still get the J & J vaccine by September 30, 2021, and still be in compliance and if they are not fully vaccinated by October 13th, the Department can move to separate them. She added that they do have an agreement with the Union and DHR for the City that there is a two-week grace period, where if they get their last vaccine by October 13th, they can then return to work on November 1st, but they cannot work between October 13th and November 1st. If those members do not get vaccinated, the separation process will begin with an administrative meeting with her before she sends it to the Fire Commission.

There was no public comment.

REPORT FROM ADMINISTRATION, DEPUTY CHIEF JOSE VELO

Report on the Administrative Divisions, Fleet and Facility status and updates, Finance, Support Services, and Training within the Department.

Chief Velo presented his August 2021 report. Chief Velo gave a mutual aid update reporting that all the strike teams that were deployed to the Dixie fire and other fires have returned home safe. He explained how some members are assisting with the incident management teams where they bring that training and experience back to develop our own Incident Management Team. He added that the fires are not over yet, as they still have 11 active large fires. He touched on the Training Division and stated the 128th academy is in their seventh week of twenty with 40 recruits remaining. He touched on the Diversity, Equity, and Inclusion Office, NERT, Health, Safety, and Wellness Office, and the Investigative Service Bureau. He mentioned that Support Services has been busy and provided an update on the replacing of

generators at Stations; the delay in the artwork for the fence at Station 49, and the delays at Station 35. Regarding the fleet, he announced they have 11 engines coming and issued two purchase orders for two new mini pumpers. He also provided an update from PUC liaison Chief O'Connor who is working on mapping out the extended AWSS, the manifolds, and the EFWS.

President Feinstein announced that she had extended an invitation to the Department of Public Works to come before this commission today to talk about Station 35 as she was incredibly disappointed to see that the new projected date for the station to become operational is fall of 2021 from the newsletters they have received. She added that when they do present at the next meeting, what needs to be discussed is how this project went awry and she hopes they are prepared to answer some difficult questions and knock off the finger-pointing. She added that she thinks it is a misuse of public dollars and they are using up bond money that is very much needed for other construction projects for the Department.

Vice President Nakajo thanked Chief Velo for his comprehensive report and asked Chief Peoples if he could share information on the OEWD relationship with the Department. Chief Peoples responded that some of the requirements of his division are to look after the current and future workforce development of the Department and that is within the OEWD's wheelhouse, they are the ones who administer and manage these programs and many of the resources for solutions to be developed. He added that it supports the planning that will help future recruits and candidates succeed. Vice President Nakajo asked Chief DeWitt to explain the entry on her report regarding seismic talks about Fire Station 16 and the liquidated damage from July 17, 2018, to June 5, 2019, in the amount of \$489,500. Chief DeWitt responded that she was not the assistant deputy chief during that build, but with liquidated damages, they are put into play when the contractor does not conform to the schedule that was agreed to in the contract and they had an initial substantial and final completion date that was not met by the contractor and those liquidated damages are set out in the contract, how much will be charged per day for every day of delay, and those liquidated damages are used to pay for all DPW's extended project management time, any architects that are on site to continue work along the way and it all goes back mostly to Public Works, they receive the entire amount. Vice President Nakajo stated he didn't want to paraphrase but asked if it's our funds that we're paying this out and confirmed that the Department is not at fault in terms of paying these liquidated damages. Chief DeWitt responded in this case it was the contractor who caused the delay and they were fined the liquidated damages of \$489,500.00 and that money does not come back to the bond Vice President Nakajo expressed his concerns when they talked about projects and stations, and for him it goes all the way from the old days that they used to talk about Station 1, Station 5, Station 16, Station 49 and now Station 35, with the amount of bond money being spent, noting that bond money isn't our money, but it is the members who are the ones that stood on the corners to get the public to vote for those bonds. Vice President Nakajo confirmed liquidated damages are paid by whoever causes the delay, and in this case, the Department does not pay the liquidated damages, the contractor does. He also confirmed that for all the Department's builds, Public Works assigns a project management team to oversee the build so the Department can work in concert with them throughout the project.

Chief Nicholson added that she thinks they can get into this more when Public Works is here and perhaps, they'll be able to answer, but in her experience, it has been there's a lot of finger

pointing and nobody is taking responsibility and the money comes out of the bond. She added that it is the frustrating part for her, wanting to be financially responsible with the bond, because they have so many needs and a limited amount of funding.

Commissioner Covington stated she is looking forward to the meeting with DPW as she has a number of pointed questions for them. She announced that she did visit Station 35 on Monday and thinks it's a gorgeous facility that is just sitting there while our firefighters are in this very cramped, old, dilapidated building. She corrected Vice President Nakajo by stating that she considers bond money Department money because the Commissioners are citizens of the city and county of San Francisco, they are commissioners of the Fire Department, and they are taxpayers and boosters for the city. She added to have hundreds of thousands of dollars go to no benefit to the citizens or the department is reprehensible. She stated that this is not the way a huge project should be handled, and it has gone on far too long and they need some accountability from somebody because someone's responsible. She added that if you are a project manager, you are supposed to manage the project, not wait for inspiration from the gods of war.

President Feinstein added that she did extend an invitation to DPW to appear at this meeting and they indicated that they could not be prepared in sufficient time and therefore are appearing at the next meeting. She stated that she also visited Station 35 twice and members are not being able to use it through no error of theirs and that is what is particularly distressing to her, along with the fact that liquidated damages don't go back to the bond.

There was no public comment.

5. UPDATE FROM DEPARTMENT PHYSICIAN [Discussion]

Dr. Jennifer Brokaw to provide an update and overview of the duties and responsibilities in the Physician's Office, and accomplishments over the last year.

President Feinstein welcomed Dr. Brokaw. Dr. Brokaw gave an overview of the Physician's Office in the Department and explained that the Physician's Office is a part of the hub of the wheel of the workforce machine and the hub of the wheel includes her office, the assignment office and the Human Resources and payroll and they work together to keep the firefighters and paramedics healthy at work, paid when they need to be paid, legally compliant. She added that the four big things they do are: 1) new hire medical screens; 2) medical screening for members who are undertaking Civil Service promotions; 3) Injury/illness liaison and claims management, and 4) Wellness and compliance with OSHA. She acknowledged the great work of Nurse Practitioner Stephanie who also has her Ph.D. in occupational health and Tony Boone who is an industrial hygienist. She did a recap of COVID cases in the Department. Her presentation is attached: <https://sf-fire.org/files/2021-09/The%20Physicians%20Office%20at%20SFFD%20Commission%20Presentation.pdf>

Commissioner Covington asked how Dr. Brokaw was invited to interview for this position. Dr. Brokaw responded that her background is in emergency medicine and in 2010 she decided that patients were getting lost in the system and that health advocacy and navigation was a much-needed service, so she peeled out of the emergency room and created a company called Good

Medicine. Through a friend of hers who directed the film *Toxic Hot Seat*, about firefighters and cancer, she was introduced to Tony Stefani at the Cancer Prevention Foundation where she was invited to present to the board about her company and the services they offered. She added that shortly after that, she became a contracted patient advocate with the Cancer Prevention Foundation and her work was primarily with firefighters or when at the end of life after battling cancer. The foundation commended her by giving her the White Helmet award and at that gala, she was approached by Chief Nicholson who informed her they might have a physician's spot available and that she would like me to interview for it and so she did. Commissioner Covington confirmed that Dr. Brokaw reports to Chief Velo and that the Commission hired her, and that Dr. Brokaw and her staff are fully vaccinated. She commended the Physician's office on the newsletter. She also confirmed that many of the members who are choosing not to get vaccinated are due to misinformation they are receiving and paranoia about the ingredients in the vaccine. Commissioner Covington also confirmed that there are 229 cases of COVID within the Department and transmission with the Delta variant has changed since winter and a lot of members have become infected from other members at the fire stations and a few ambulance partners have also infected each other. Commissioner Covington asked Dr. Brokaw if she feels she has been able to be a staunch advocate while her tenure has been short in the Department. Dr. Brokaw responded yes and added that it's a funny position to be the Department doctor because she is the employer, she represents the Department and she's not the member's physician and when they are injured, she does not see a lot of their medical records unless they choose to share them with her, and she has spent the last year and a half trying to regain trust with the members. Commissioner Covington confirmed that the Physician's office would like to continue undertaking a health screening and analyzing the results and figure out what needs to be done policy-wise or outreach wise to get people to their own physicians or to talk about cardiovascular risks for example as well as a mobile TB and hearing screening.

Vice President Nakajo thanked Dr. Brokaw for her presentation and acknowledged her as the Department Physician and acknowledged Stephanie Phelps as the person with open arms during the interim before Dr. Brokaw started. He also acknowledged the work of Tony Boone and Barbara Morena. He added that he appreciates the newsletters and sees them as a good form of communication.

President Feinstein also likes the newsletters, and she has learned a tremendous amount from them, and she hopes all the members are reading them. She also appreciates the idea of health screenings and the preventative measures in education.

6. COMMISSION REPORT [Discussion]

Report on Commission activities since last meeting of September 8, 2021.

Vice President Nakajo announced that he attended the Fire/Police/Sheriff mass on September 19, 2021.

President Feinstein mentioned that they all attended the 9/11 event, which was put together in a moving way and she commended everybody in the Department who worked on it including Olivia Scanlon. She also thought the comments from Mr. Ong about his sister were tremendous and appreciated his historical context.

7. AGENDA FOR NEXT AND FUTURE FIRE COMMISSION MEETINGS [Discussion]

Discussion regarding agenda for next and future Fire Commission meetings.

There was no public comment.

- Presentation from DPW on Status of Station 35

There was no public comment.

8. ADJOURNMENT

President Feinstein adjourned the meeting at 6:51 p.m.