

# SAN FRANCISCO FIRE COMMISSION

## MINUTES OF FIRE COMMISSION SPECIAL MEETING

Thursday, March 26, 2015 - 2:30 p.m.

698 Second Street, Room 221 ■ San Francisco ■ California ■ 94107

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President Evans called the meeting to order at 2:36 p.m.

Item No.

### 1. ROLL CALL

President	Andrea Evans
Vice President	Francee Covington
Commissioner	Stephen A. Nakajo
Commissioner	Michael Hardeman
Commissioner	Ken Cleaveland (arrived at 2:30 and was not part of item 2)

Also Present:

Zachary Porianda, Deputy City Attorney, Government Team – Counsel to the Commission (for Item 2, only)

Cecelia Mangoba, Deputy City Attorney, Labor Team – Counsel to the Commission (for Item 3, only arrived at 2:51 p.m.)

Chief of Department, Joanne Hayes-White (for Item 3, only arrived at approximately 3:20 p.m.)

Maureen Conefrey, Commission Secretary

### 2. CASE NO. 2013-07: COMMISSION DELIBERATIONS ON PROPOSED FINDINGS OF FACT, AND POSSIBLE APPROVAL OF FINDINGS OF FACT REGARDING COMMISSION'S DECISION ON CHARGES FILED BY CHIEF OF DEPARTMENT AGAINST MEMBER DATED OCTOBER 31, 2013, FOR VIOLATIONS AS FOLLOWS *[Action item]*

In accordance with Article 40, Section 4005 of the Rules and Regulations, employee has appealed the two-day suspension for December 10, 2013. Employee is charged with violation of the Rules and Regulations as follows:

Section 3909 -- False Reports

Section 3924 -- Disobedience

At the Special Meeting of the Fire Commission on February 26, 2014 regarding the above-noted matter, following the hearing, the Commission found member guilty as charged, of violating San Francisco Fire Department Rules and Regulations Section 3909 and Section 3924, by a vote 3-1, the Commission reduced the penalty from a two-day suspension to a letter of reprimand (Ayes: Nakajo, Evans, Covington, Nays: 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 Nakajo closed public comment.*

**B. Vote on Closed Session:**

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

*President Evans called for a motion to hold deliberations in Closed Session. Vice President Covington so Moved, Commissioner Hardeman Seconded and the motion was unanimously approved. (4-0; Evans, Covington, Nakajo, Hardeman)*

*The Commission held deliberations in Closed Session at 2:38 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 2:46 p.m.*

**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]**

*Action Taken:*

*By unanimous vote of members present (4-0: Evans, Covington, Nakajo, Hardeman), the Commission adopted the proposed Findings of Fact presented by Counsel for the Commission, as edited during closed session. 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*

*This portion concluded at 2:46 p.m.*

**3. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION OF CHIEF JOANNE HAYES-WHITE**

**A. Public comment on all matters pertaining to the potential closed session.**

**B. Vote on decision whether to go into closed session.**

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

*President Evans called for a motion to hold Item 2 in Closed Session. Commissioner Michael Hardeman so Moved. Commission Ken Cleaveland Seconded and the motion was unanimously approved.*

*Closed session commenced at 2:48 p.m.*

**C. Joanne Hayes-White, Chief of the Fire Department**

Pursuant to Admin. Code section 67.10(b); Govt. Code section 54957(b), Govt. Code section 54957.1(a)(5), the Commission may hold a closed session to discuss the evaluation of the Chief.

**D Vote on whether to disclose discussions if held in Closed Session per Administrative Code §67.12(a).**

*The Commission reconvened in Open Session at 3:43 p.m.*

*Commissioner Hardeman moved to not disclose discussions held in Closed Session. Commissioner Ken Cleveland seconded. The motion was unanimously approved.*

**4. ADJOURNMENT**

*The meeting was adjourned at 3:43 p.m.*