

# SAN FRANCISCO FIRE COMMISSION

## FIRE COMMISSION SPECIAL MEETING

July 9, 2015 – 3:00 PM

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

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### AGENDA

Item No.

#### 1. ROLL CALL

Commissioner Michael Hardeman, Hearing Officer

President Andrea Evans

Vice President Francee Covington

Commissioner Stephen Nakajo

Commissioner Ken Cleaveland

#### 2. CASE NO. 2014-05: 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, employee has appealed a 4-day suspension for violation of the Rules and Regulations as follows:

- Section 3919 – Proper Behavior
- Section 3924 – Disobedience
- Section 3925 – Insubordination

At a Special Meeting of the Fire Commission on June 11, 2015, 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 3919 – Proper Behavior; Section 3924 – Disobedience; and Section 3925 - Insubordination, by a unanimous vote.

Accordingly, the Commission voted to uphold the Chief's penalty of a four day suspension.

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)]

#### B. Vote on Closed Session:

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

### **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]*

### **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]*

### **3. CASE NO. 2014-09: COMMISSION DELIBERATIONS ON PROPOSED FINDINGS OF FACT, AND POSSIBLE APPROVAL OF FINDINGS OF FACT REGARDING CHARGES FILED BY CHIEF OF DEPARTMENT AGAINST MEMBER, DATED NOVEMBER 10, 2014, FOR VIOLATIONS AS FOLLOWS: *[Action item]***

- Section 3919 – Proper Behavior
- Section 3921 – Inattention to Duty
- Section 3923 – Acts Detrimental to the Welfare of the Department

At a Special Meeting of the Fire Commission on June 25, 2015, regarding the above-noted matter, following the hearing, the Commission upheld the charges of violating Section 3919 – Proper Behavior; Section 3921 – Inattention to Duty; and Section 3923 – Acts Detrimental to the Welfare of the Department in a unanimous vote.

The Commission voted to uphold the Chief's recommendation of a 25-day suspension by a vote of 4 – 1.

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)]

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

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

### **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]*

### **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]*

**4. ADJOURNMENT**

**SAN FRANCISCO FIRE COMMISSION**  
**NOTICE OF COMMISSION PROCEDURES**

**Commission Meeting Schedule and Location**

The Fire Commission meets regularly on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at Fire Department Headquarters, Room 102, 698 Second Street, San Francisco. The Commission is scheduled to meet the first and third Thursday's in November and December, 2015.

**Commission Office**

The Fire Commission Office is located at 698 Second Street, Room 220, San Francisco, CA 94107. The Fire Commission telephone number is (415) 558-3451; the fax number is (415) 558-3413. The web address is [www.sfgov.org/fire\\_comm/](http://www.sfgov.org/fire_comm/). Office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday.

**Language Access**

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Meeting Minutes may be translated, if requested, after they have been adopted by the Commission. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact the Commission Secretary at (415) 558-3451, or [fire.commission@sfgov.org](mailto:fire.commission@sfgov.org) at least 48 hours in advance of the hearing. Late requests will be honored if possible.

**Information on Disability Access**

The Fire Commission meeting room is wheelchair accessible. The closest accessible MUNI lines serving the Commission's meeting location and Office are the 15 Third, 42 Downtown Loop, and N Judah (Second and King Streets stop). Additional lines serving this location are the 30 Stockton and 45 Union. For more information about MUNI accessible services, call (415) 923-6142.

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact the Commission Secretary at least two business days before the meeting at (415) 558-3451 to make arrangements. Late requests will be honored, if possible.

To assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

## **Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings**

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at Fire Commission meetings. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

## **Documents for Public Inspection**

Documents referred to in this agenda, if not otherwise exempt from disclosure, are available for public inspection and copying at the Fire Commission Office. If any materials related to an item on this agenda are distributed to the Fire Commission after distribution of the agenda packet, those materials, if not otherwise exempt from disclosure, are also available for public inspection at the Fire Commission Office, 698 Second Street, room 220, San Francisco, during normal office hours.

## **Know Your Rights Under The Sunshine Ordinance** (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the sunshine ordinance or to report a violation of the ordinance, contact the sunshine ordinance task force. You may contact the current Sunshine Ordinance Task Force Administrator, Frank Darby, Jr., as follows: Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, Phone: (415) 554-7724, Fax: (415) 554-5784, E-mail: [sotf@sfgov.org](mailto:sotf@sfgov.org). Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's Web site at <http://www.sfgov.org>.

## **San Francisco Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local policy or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and Web site: <http://www.sfgov.org/ethics/>.