

SAN FRANCISCO FIRE COMMISSION

**FIRE COMMISSION REGULAR MEETING
MINUTES**

Thursday, June 25, 2015 – 4:00 p.m.

698 Second Street, Room 102

The audio recording has been uploaded to the FC Website at:

http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=133&clip_id=23245

President Evans called the meeting to order at 4:08 PM.

1. ROLL CALL

Commission President	Andrea Evans	Present
Commission Vice President	Francee Covington	Present
Commissioner	Stephen Nakajo	Present
Commissioner	Michael Hardeman	Present
Commissioner	Ken Cleaveland	Present

Chief of Department	Joanne Hayes-White	Present
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Mark Gonzales	Deputy Chief – Operations
Ray Guzman	Deputy Chief – Administration

Jeff Myers	EMS
Dale Carnes	Airport Division
Ken Lombardi	Support Services
Shane Francisco	Homeland Security
Dan De Cossio	Bureau of Fire Prevention
Raemona Williams	Division of Training

Assistant Chiefs	
Kevin Burke	Division 2
Kevin Taylor	Division 3

Staff	
Mark Corso	CFO

Also Present:	
Zachary Porianda	Deputy City Attorney

2. PUBLIC COMMENT

Ross Asselstine introduced himself as having worked in the developing construction industry for 15 year in San Francisco. He added that he has lead very large teams in the development aspect of putting a building together between design, hiring contractors, demolition, permits, and inspections. He became interested in the last many years in seismic resiliency, and issues of water in San Francisco. He went on to describe his knowledge of the AWSS and the problems inherent with the system and his concept to reduce fresh water consumption in San Francisco. His article is attached: <http://sf-fire.org/modules/showdocument.aspx?documentid=4029>

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

Discussion and possible action to approve meeting minutes.

- a. Minutes from the Regular Meeting on May 14, 2015
- b. Minutes from the Regular Meeting on May 28, 2015
- c. Minutes from the Special Meeting on June 11, 2015

Commissioner Cleaveland Moved to approve the Minutes. Commissioner Nakajo Seconded. Motion to approve above Minutes was unanimous.

There was no public comment.

3. CERTIFICATE PRESENTATION [Discussion]

Chief Hayes-White will present a Certificate of Appreciation of Dave Del Grande, current Operations Director of Central Shops (and former Fire Shop Supervisor) will be retiring at the end of the month

Chief Hayes-White introduced Dave Del Grande and went on to describe his work history within the City of San Francisco. She presented him with a certificate to honor his dedication of his 30 years' service to the San Francisco Fire Department and the City and County of San Francisco. Mr. Del Grande thanked everyone and stated working for the City and the Department's Central Shops has been a pleasure and an honor, and he is going to miss the Fire Department. He introduced his family that was there to witness the presentation of the certificate.

5. DISCUSSION OF AMENDING FIRE COMMISSION DISCIPLINE PROCEDURES TO PROMOTE MORE TIMELY AND EFFICIENT RESOLUTION OF CASES (Discussion)

President Evans introduced City Attorney for the Commission, Zachary Porianda. She asked him to be at the meeting to go over suggestions that may improve the resolution of discipline cases. She added that the cases are taking longer to get heard at the Commission and because of that, we are running into some challenges in terms of making sure members get the justice they deserve in a timely manner.

Mr. Porianda thanked the Commission and stated he was at the meeting at the suggestion of President Evans to review the procedural rules and regulations and that he met with President Evans and Vice President Covington to see how they can improve upon how cases are proceeding through the system. He added that the current procedural rules were adopted by the Commission in 2007 and he thinks it's a good idea now, nearly eight years later, to take a look to see if there's anything that can be done to improve the process. He stated that there is really not much that can be done in the middle portion of disciplinary proceedings. What can be done, is work on the front end and the back end to make sure that cases are getting set more expeditiously. He stated that there are three potential revisions that can be implemented. The first, is when it comes to scheduling the case for hearing, would be to hold an informal initial case management conference within a week or ten days after the case is assigned. It can consist of a conference call where the commissioner who is assigned as the hearing officer will discuss with counsel for the Department, the member and the member's representative, basic timelines for the case, rather than exchanging e-mails and trying to figure out convenient dates where all parties and witnesses are available. It is an opportunity to get everybody on the same page at the same time and it is also an opportunity to get an initial feel for how complex the case will be. This goes to ensuring that the Commission can meet its targeted deadlines of resolving cases within the period stated in the procedural rules. The second proposal would be scheduling a date for an early case resolution conference. It's an opportunity for the hearing officer to sit down with the parties and discuss whether there's any potential resolution short of going forward with an evidentiary hearing. There are cases where the member is not opposing the underlying violations, but would like to discuss the penalty. The third suggestion occurs on the back end, and the idea is to eliminate the gap between the Commission's deliberation process and issuing the Findings of Fact. He suggested having both parties file proposed Findings of Fact after the transcript of the proceeding is completed which would allow the Commission to have both parties' proposed findings to lead the Commission through its review of the evidence. He added that it gives the parties an opportunity to highlight

what they see as the key evidence in the transcript. This allows the Commission to review the findings at the same time it deliberates so there would not be an additional hearing date.

President Evans thanked Mr. Porianda for his suggestions.

Vice President Covington asked that Mr. Porianda explain how cases come to the Commission. Mr. Porianda explained that discipline cases come to the Commission, as either a suspension appeal or the Chief files a formal complaint. He added that it is based on the San Francisco Charter that allows the Chief to impose discipline if it's less than 10 days and if discipline is above 10 days, then it's the Commission's responsibility to impose discipline. He concluded by stating that there's also the discretion for the commission as a whole to hear the case, but typically, to expedite the process one commissioner is designated as hearing officer. The Hearing Officer then presides over the evidentiary phase, which is similar to a trial, and rules on evidence, hears live testimony, and then is responsible in the deliberations process of presenting that case to the full commission.

Commissioner Cleaveland thanked Mr. Porianda and liked the suggestions presented. He added that he would support anything that can be done to speed up the process for adjudicating disciplinary cases.

Commissioner Nakajo stated his support for Commissioner Cleaveland's comments. He asked Mr. Porianda if the goal is to avert going to trial and see if there is a settlement that can occur. Mr. Porianda stated that was the goal.

Vice President Covington thanked Deputy City Attorney Porianda for his presentation and for meeting with her and President Evans. She added that she thinks all of his suggestions would be beneficial to the process. She asked how the Commission would enact the changes to the procedural rules. Mr. Porianda stated the Commission would come up with draft amendments and they would submit those to the Department and Union to meet and confer. Once there was agreement, it would go on an Agenda for the Commission to Adopt.

President Evans thanked Mr. Porianda. She stated that the next step would be to work on some language that can be shared with the Chief, as well as Local 798, on a trial basis, and see how it goes before deciding whether to move forward. She thought if the test run goes well and the parties agree, the Commission could look into formulating new procedures.

Chief Hayes-White stated for the record, that she would have no objection to any of the three ideas that were proposed and she looks forward to working with the Commission on it.

There was no public comment.

6. PRESENTATION FROM PUBLIC UTILITIES COMMITTEE

Overview and update on Earthquake Safety and Emergency Response Bond 2010/2014 Projects, Auxiliary Water Supply System and PUC MOU

Chief Hayes-White introduced Katie Miller and David Briggs from the Public Utilities Commission. She acknowledged their hard work, their partnership with the Department, and the stewardship that they take with regards to the AWSS. (Auxiliary Water Supply System)

Mr. Briggs stated that he and Ms. Miller were happy to be at the meeting to present on the AWSS. He added that they were equally happy and proud to play the supporting role and the support function for keeping the AWSS online so that the Department has the water they need when they need it and where they need it. They take that job seriously. He presented the attached PowerPoint: <http://sf-fire.org/modules/showdocument.aspx?documentid=4031>

President Evans thanked them both for coming. She added that the Commission has been looking forward to hearing from them for a while so she was happy there was a full Commission in attendance.

Commissioner Cleaveland thanked Mr. Briggs and Mr. Miller for making the presentation. He asked when the maps will be online. Ms. Miller answered in the next week or two. Commissioner Cleaveland also asked if they have looked into using recycled water. Ms. Miller stated that they have looked into that as part of the planning study. She added that they met with the recycled water team and tried to look for a good alignment with that, but the hard part is that all that would really supplement is the leakage, which they are hoping to address. She added that they are open to taking another look at it.

Commissioner Cleaveland asked how many cisterns have been built to date. Ms. Miller answered they are funded for 30 and 15 have been constructed so far.

Commissioner Hardeman thanked Mr. Briggs and Ms. Miller for their presentation. He stated that one is being installed in his neighborhood and the most interesting part is it creates all this discussion amongst the neighbors in seeing how much money, time and effort it takes to build a cistern. He concluded by congratulating them on the great program.

Commissioner Nakajo thanked them for their comprehensive report and said that he is very appreciative of the relationship between the Fire Department and the Water Department within the PUC. Commissioner Nakajo asked how its determined where the cisterns are located. Ms. Miller answered that the Fire Department makes those decisions, in cooperation with consultant Dr. Charles Scawthorn who performed a fire model. The primary philosophy is to create firebreaks so the cisterns are all in a line going down the same street and it creates a firebreak where the trucks can set up and stop the fire. Chief Hayes-White added that the cisterns are for emergency water supply, and would not be used as the first line of defense.

Commissioner Nakajo also asked Mr. Briggs when he thought the next bond for capital improvements for the Fire Department might occur. Mr. Briggs stated that all Departments that are under the general obligation funded plan participate in the City's general capital planning. He added that the Fire Department might benefit by other bond issuances for facilities improvements or other types of activities. As far as AWSS is concerned, because the city has limited bonding capacity and everybody is trying to get in line, he thinks 2021 is the next time they could get more money for the AWSS.

Vice President Covington thanked Ms. Miller and Mr. Briggs for their presentation. She asked if there was a reason that in 2010 the Auxiliary Water Supply System assets were transferred from SFFD to PUC, why it took five years to ratify the MOU. Mr. Briggs stated that he did not think there was a dispute or any sort of controversy. His understanding is it was workload. They had a good working relationship and couldn't find time to come to the table and work on an MOU. In his mind, the MOU records the ongoing relationship they have with the Fire Department and how they operate on a daily basis or posterity. Chief Hayes-White agreed that the MOU memorializes the relationship that has been in existence, and thinks it actually improved over the last couple of years.

President Evans asked what the timeline of completion is for getting to the 50 to 90 percent goal that has been outlined. Mr. Briggs answered that they never adopted a timeline because it's that uncertainty with the final funding piece and some of the schedules for the southeast and southwestern parts of the city that are tied to development, so there is no schedule to the goal. President Evans said it was her understanding from a previous meeting that there were better ways of thinking about how to get water to all parts of the city, and while AWSS is great and was very forward thinking at the time, there are new technologies. She added that she thought they were going to be relying less on AWSS in some of those areas and more reliant on other things like the cisterns. Mr. Briggs explained that every neighborhood performs differently and what they are finding is that there's a solution that is probably going to be neighborhood Specific. There may be PWSS types of solutions in one area, hard pipe dedicated, and AWSS pipe in another area. He added that in some areas where they just don't have those options for various reasons, you may have multipurpose pipeline serving day-to-day domestic service.

There was no public comment.

5. CHIEF OF DEPARTMENT'S REPORT *[Discussion]*

REPORT FROM CHIEF OF DEPARTMENT

Report on current issues, activities and events within the Department, including Fiscal Year 2014-2015 budget.

Chief Hayes-White's report covered from June 12, 2015 through June 25, 2015. She acknowledged Mark Corso for the excellent job he continues to do, advocating, and preparing the Department's budget. She added that we had more success this year and thinks it is directly linked to the success and economic return for the City. She also acknowledged the good work of the Commission for always advocating for the Department's needs, as well as the Budget Committee that was formed, for being persistent. She went on to describe the most recent budget meetings. They went in wanting to make the Department's points specifically related to some of the reductions that the budget and legislative analyst was proposing and she announced that they were happy to prevail unanimously with the Budget and Finance Committee with a 5-0 vote.

Mark Corso gave a brief update on the budget and talked about the summary he provided to the Commissioners. He gave credit to Supervisor Farrell, who was the Chair of the Budget and Finance Committee and who finalized the Department's add backs in a very short turnaround and approved the budget, as it went forward to the final board for approval. He stated that after the last meeting, it was recommended that the Department take a 1.57 million dollar reduction. It was mainly salaries and additional equipment reductions as well as a severe decrease to the planning initiatives that were proposed by the mayor's office, both from a deletion of funding of support positions, to a change in a limited 10-year temporary position for the planner the Department was allocated. Mr. Corso added that obviously they did not agree to that. We presented a high-level overview, an update from when we presented back in April, highlighting the enhancements that were incorporated into the budget. The overall recommendation was reduced to 1.37 million dollars, which he still felt was high. They removed some reductions but also added some other reductions such as cuts to the Superbowl funding and the recruitment piece, which he felt very strongly against. We had the support of the committee based on our previous conversations with them. Those are two things that we feel are lacking and have been highlighted in previous budget analyst recommendations as something the Department needs to enhance and the Mayor's office had agreed because they incorporated that into our budget. At the meeting, we argued, and as the Chief mentioned, the committee agreed with us. They reduced the recommendations to what the Department had proposed which is a little under \$800,000 in the first year, which is still significant. We will continue to monitor that over the course of the fiscal year, but it does not result in the deletion or change of any position. He stated that he feels very strongly, that it is not going to affect any of the initiatives that were granted funding. He added that it was a positive outcome. As a result of the overall pot of money that the board was able to put together as a result of the budget analyst's reductions, the Department was also allocated an additional \$150,000 yesterday to fund the supervisor lieutenant position at the Arson Unit, which was something that was requested. With that, he thanked the Commission for their support throughout the whole process. He added that the budget process for the Department is complete for the next two fiscal years.

President Evans thanked Mr. Corso and stated that he does the work of three people.

Commissioner Cleaveland congratulated Mr. Corso on a job well done and thanked him for his expertise. He added that Mr. Corso and the Chief really pulled through the budget process this time with flying colors. He acknowledged the collaborative and important process and that everybody feels like they had a little buy in in the budget.

Commissioner Nakajo thanked Mr. Corso and concurred with his fellow colleagues, in terms of their appreciation for his hard work, advocacy and expertise. He added that he was proud of being associated with him and the Chief and he particularly enjoyed and appreciated the detailed e-mails. He felt the Commission was briefed and notified after every level of the budget meetings and he acknowledged all the commissioners in terms of their advocacy.

Vice President Covington thanked Mr. Corso and the Chief and thought it very beneficial to have a Chief who has a degree in accounting from Santa Clara University. She also stated that the Budget Committee did a great job and that the commissioners' involvement in lobbying the Supervisors so that we could get the necessary funds was essential. She added that she feels a great weight has been lifted, and that we can actually hold our heads up and breathe a little easier now, which is so important.

President Evans asked since funding for moving the Commission meetings to City Hall was not allocated, can she conclude that the meetings will remain at Headquarters. The Chief stated that she will commit Mr. Corso to find a way to fund televising the Commission meetings. Chief Hayes-White also acknowledged that there were other issues involved such as timeframe and availability at City Hall but she's confident they will figure it out because it is the right thing to do. Mr. Corso concurred with the Chief. He added that he knows it is a priority for the Commission and working with the Chief he is sure they will be able to fund it, he doesn't have a time line at the moment, but he will continue to work on it. President Evans stated she appreciated that. She added that it is important the meetings be televised and the more that people hear about the needs of the Department the better.

Commissioner Hardeman gave kudos to the Mayor and his staff for their involvement the last six months with the budget. He added that he was amazed that the H-24 lieutenant and fire investigator positions were funded. He added that Supervisor Mark Farrell seems to be a good friend of the Fire Department and everyone deserves a pat on the back.

Chief Hayes-White continued with her report. She provided the latest data on ambulance response times and stated there has been marked improvement in the overall response times. She indicated that there were various improvements including increased staffing levels that attributed to the overall response times. She touched on the progress of the H-8 negotiations, the challenges with getting familiar with the Continuous Testing process and picking qualified candidates for the upcoming H-2 academy class and working with the Mayor on the selection of a new Fire Marshal. Chief Hayes-White also mentioned that she met with Janice Petty of the Civil Grand Jury in preparation of the release of their report on the Fire Department. Chief Hayes-White described the events of the Annual Conference of Mayor's that was hosted by the City and County of San Francisco. She acknowledged her appearance before the Alice B. Toklas Democratic Club and stated she received great direction and had a good exchange of information and she got a lot of support from Commissioner Cleaveland in terms of making sure we have appropriate proper outreach to all communities including the LGBT Community. She announced that the kick off 150 Anniversary planning committee will meet on June 29th 2015, and that they are also planning for the July 4th celebration. She acknowledged that on July 21, 2015, President Evans is getting us on track for having a kick off strategic planning meeting. The committee will consist of about 12 members who will sit down and sort of layout goals and objectives for the Department's future. She added that Vice President Covington has gotten involved in the street engineering and design issues and that we definitely want to be part of the solution but we need to hold our line on making sure that the members of the Department can get to where they need to get to safely and not making it even more burdensome. She concluded her report by asking that the meeting be adjourned in the memory of the families that suffered losses and grave injures in the Berkeley deck collapse as well as three retired members, Terry White, Roger Elbeck and Captain Frank O'Rourke.

Commissioner Cleaveland thanked the Chief for her report and for meeting with the Human Rights Commission's executive director Sparks. He thinks working with the HRC, the Department can come up with some protocols that could be incorporated into the training on a regular basis so that it's all about cultural awareness and sensitivities.

President Evans thanked the Chief for her report and asked if the Department is making any progress towards the EOA goal of 80 percent. Chief Gonzalez stated that they are currently at 73 percent and it's creeping up and he's hoping that with the influx of new employees, they will get there.

REPORT FROM ADMINISTRATION

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

Chief Guzman reported for the month of June 2015 as follows: He stated, Support Services Division continues to manage the many ESER projects. Station 16 has currently gone back to the drawing board to redesign the dorm. Phase two of civic design review has been approved for Station 5. Station 35, fireboat house project, continues to move forward. Station 49 and the reconfiguration project is about two weeks away from completion. He added the Division of Training, Chief Williams and her staff are busy preparing for the 118th academy class, which will start on August 24, 2015. Members of Station 49 have completed all of their Ebola and SCBA training. The Division of Homeland Security, under the command of Chief Shane Francisco continues to meet with the Superbowl 50 planning committee. He consulted with Oakland Fire on last Friday's Warriors victory parade. Chief Francisco coordinated dignitary support for the POTUS visit, the US Conference of Mayors, and the 100th City Hall celebration. He has been working with Chief Myers and planning for the upcoming Pride events and July 4th events. With regards to the Investigative Services Bureau, Acting Captain Sheila Hunter conducted 35 random alcohol and drug tests for this reporting period, 4 of which were conducted on nights or weekends and all of those results were negative. Chief Guzman touched on his trip to Texas, as a member of the Bare UASI Approval Authority. He also mentioned that the Fireboat is still on schedule for a February 25, 2016 delivery date.

Commissioner Cleaveland thanked Chief Guzman for his report and asked for clarification on the Station 16 redraw. Chief Guzman explained that they received some preliminary stuff but it should be ready for public view in the next week or two.

There was no public comment.

8. COMMUNICATIONS

Communications to Commission received between 6/11/15 and 6/18/15

- Letter from Jared F. Cooper, EMT

There was no public comment.

6. AGENDA FOR NEXT FIRE COMMISSION MEETING [Discussion]

Discussion regarding agenda for the June 11, 2015 regular meeting.

- Presentation from SF FISE (San Francisco Firefighters in Safety Education)
- Moving the 10/22/15 commission meeting up a day

There was no public comment.

7. ADJOURNMENT

President Evans adjourned the meeting at 6:29 PM in the memory of Lt. Terry White, Bureau of Fire Prevention member Roger Elbeck, Captain Frank O'Rourke, and the families of the students who perished in the Berkeley deck collapse.