

**MONTEREY PARK FIRE CITIZEN COMMITTEE
MAY 14, 2012
MINUTES**

The Fire Citizen Committee of the City of Monterey Park held a meeting in the Community Room, 320 West Newmark Avenue; Monterey Park on May 14, 2012 at 6:00 p.m.

1. CALL TO ORDER:

Paul Talbot, City Manager, called the meeting to order at 6:00 p.m.

2. ROLL CALL:

Lillian Bow called the roll:

Committee Members Present: Chan, Chandler, Isozaki, Morin, Rubin

ALSO PRESENT: City Manager Talbot, Deputy City Attorney Berger, Acting Fire Chief Birrell, and Committee Clerk Bow

3. INTRODUCTIONS OF COMMITTEE MEMBERS AND STAFF

City Manager Talbot thanked everyone for volunteering to serve on this Committee. He stated the Ad Hoc Committee role is to take the notebook of information over the next couple of months to understand it, to ask pertinent questions, to understand what the process, what the proposal is, if the City of Monterey Park contracted with LA County Fire Services. The Committee Members have been provided as much information as known at this time. It is also on the website to allow public access, and the ESCI report, which is the independent report, should be coming out in about a month. City Manager Talbot further stated that when the Committee has concluded, a report will be given to the City Council and at that point, the City Council will make a determination as to whether it should proceed to go on an election ballot or not.

City Manager Talbot then introduced the Deputy City Attorney, Karl Berger, and staff, Chief Jim, Birrell, Battalion Chief Mark Khail, and Lillian Bow. City Manager Talbot also introduced Battalion Chief Ken Leasure and Battalion Chief/Fire Marshal Randy Harper.

Each Committee Member provided an introduction of him/herself: Peter Chan, Joe Rubin, Betty Morin, Christine Chandler, and Paul Isozaki.

4. ORAL COMMUNICATIONS

Per Deputy City Attorney Berger, Oral Communications, Agenda Item No. 8, was required to be placed before business.

- David Diaz provided a presentation and pictorial display of Monterey Park's apparatus and the County's apparatus, the differences, and the possible results of transfer.
- Councilmember Betty Tom Chu spoke on the publically stated County response times at the last Council meeting that was not substantiated and the Council's decision to proceed with the County transfer process as indicated in the Feasibility Study and why this occurred, which was a result of negotiations with the Fire Department.
- Yukio Kawaratani spoke about the legality of Council actions regarding the Municipal Code and the City Attorney's legal opinion.
- Lucia Su spoke about the Fire Department service and how the Committee should review response times and budget issues.

- Mr. Delario Robinson spoke about his concerns about the County Fire issue and his desire to make sure the community receives similar if not better service if there was a transfer.
- Mr. Terry De Wolfe spoke on response times and obtaining evidence on the response time issue and transparency of the process.

Mr. Talbot stated that Oral Communication was over and emphasized to the Committee they will hear many comments, claims and accusations from the public. He stated that both sides are very passionate on the issue and the necessity of the Committee Members to be neutral and to look at the facts that are presented. If clarification or information is needed, the Committee Members can ask and he and staff will try to obtain it.

5. MEETING PROCEDURES AND THE BROWN ACT –

Karl Berger, Deputy City Attorney for the City of Monterey Park provided a quick overview of the Ralph M. Brown Act, also called the Transparency Law, and distributed copies of the handbook entitled, "Municipal Law Guidebook for Elected and Appointed City Officials." The following points were emphasized:

- The public has a right to know what it's officials are doing in public;
- The public has a right to address those particular items of business through public communications;
- The intent of the law engenders a feeling of trust between the public and the government;
- Members are to conduct business in open publicized meetings;
- Provides for public inspection of records;
- What constitutes a meeting is a gathering of a majority, three or more of the Committee Members, in one particular area to discuss business. This could mean anywhere, the meeting room, special events, etc.
- Be aware of the use of technology. A meeting can also be a result of emails, texting, telephone calls. For example, a meeting can be created by Committee Member A calling Committee Member B, and Committee Member B calling Committee Member C. All of a sudden you created a meeting to talk about a particular subject. Preserve your discussion of matters here in front of the public and on the record;
- When the City Council adopted the Resolution forming this Committee it was specifically stated that this Committee must comply with the Brown Act. But all commissions, committees, and boards are also subject to the Brown Act.
- Action taken is not just an actual vote taken in front of the public. It may also occur when members are at a social function, discussing a particular item and deciding on a particular course of action without any official vote.
- Committee Members are to discuss what is on the Agenda only. However, members do have the opportunity to briefly address items that arise during public comment even though it's not on the agenda. The key here, it is a brief response.
- Maintain meeting records.

- Violations of the Brown Act are misdemeanors. The practical implication of violations is what the constituents and the media feel. They would not be happy if the Brown Act is violated.

With regard to public records, Deputy City Attorney Berger mentioned he has been authorized to inform the public that a written legal opinion was provided to the City Council on April 5th.

Committee Member Rubin asked the reason the legal opinion could not be revealed? Deputy City Attorney Berger provided an explanation as to who the client is, the City of Monterey Park with the City Council being the highest government board of the City and not the general public. It was determined the question as to whether this document could be released to the public was up to the City Council.

Committee Member Morin asked if the City Council used the information in the legal opinion to decide what the Committee is doing now? Deputy City Attorney Berger said he could not speculate on that, but the Council did choose to create the Committee and that's why they are all present now.

6. SELECTION OF CHAIR AND VICE CHAIR

Committee Member Rubin nominated Peter Chan as a result of his accounting background. Committee Member Isozaki seconded the nomination. The Committee votes were:

Ayes: Chan, Chandler, Isozaki, Morin, Rubin
Naes: None
Abstain: None

Chair Peter Chan proceed to call for nominations for the position of Vice Chair. Committee Member Chandler nominated Committee Member Morin, which was seconded by Committee Member Isozaki. Any other nominations, hearing none, Chair Chan called for the vote:

Ayes: Chan, Chandler, Isozaki, Morin, Rubin
Naes: None
Abstain: None

7. REVIEW OF THE COMMITTEE GOALS, TIMELINE, AND PAST HISTORY

Chief Birrell read Municipal Code 2.40.065, which outlined the responsibilities of the Committee, and are as follows:

- Existing emergency response times and service levels, including but not limited, on-duty staffing levels, facilities, and equipment shall be maintained or enhanced;
- There shall not be increase in cost to either the police or fire department general fund allocations or if a savings to any fund is projected it shall not be a result of significant service alterations or reductions. Such evidence, including a report by an independent auditor of the financial costs associated with a final proposal, shall be submitted to an ad hoc committee of residents appointed by the City Council. The purpose shall be to develop a report that would analyze any proposal in the form of a complete and final proposal and make a recommendation to the City Council of such action. Prior to any such transfer or consolidation becoming effective, the proposed transfer or consolidation shall have been approved by a majority of the voters of the City voting thereon at any regular or special municipal election. This was ordinance 1950 passed by the voters at the 3/2/99 election.

City Manager Talbot stated that this was the crux of the argument for the discussion of the Committee. It is up to the Committee to determine whether or not the County proposal meets A & B.

Committee Member Isozaki asked if this information will be provided in writing. Mr. Talbot said it's Tab 11, and known as Measure J passed at that time.

Chief Birrell indicated the tentative meeting schedule is May 29, June 11, July 9, and July 30th, to which the Committee needs to approve.

Action:

After some discussion, it was determined the meeting date of June 11th date would be moved to June 12th. With regard to the date of July 30th, Committee Member Morin said she has a conflict with the July 30th date. The Committee selected August 6th instead, but this date is to be confirmed by Committee Member Morin.

Mr. Talbot and Chief Birrell provided a summary of why this issue keeps coming up and the chronological history of actions taken relative to this issue.

Action:

- Letter from Los Angeles County Fire Union 1014 threatening litigation to be provided to the Committee Members;

8. REVIEW OF FEASIBILITY STUDY FOR THE PROVISION OF FIRE PROTECTION, PARAMEDIC, AND INCIDENTAL SERVICES APPROVED BY THE LA COUNTY BOARD OF SUPERVISORS, JULY 19, 2011.

Chief Birrell stated that before the Committee delves into the Feasibility Study, he is going to have Battalion Chief Khail is going to go through and explain the different resources and where the different stations are in the City. Battalion Chief Khail then proceeded to describe each station and the apparatus and staffing housed at those stations. Daily staffing and explanation of shifts were also explained and Battalion Chief Leasure provided a summary of Emergency Medical Services, the difference between Advanced Life Support (ALS) and Basic Life Support (BLS), why an engine and a rescue ambulance go on-scene together, hospital transports, and defined a paramedic assessment engine.

Action Items – Copies of the following information is to be obtained and provided to the Committee Members:

- June 2, 2010 letter from the County declining City's request to conduct a Feasibility Study;
- September letter from the City requesting re-consideration;
- October letter from the County agreeing to conduct the study;
- RFQ proposals to conduct the independent analysis;
- Fire Department FY2011-2012 Budget

After discussion, it was determined meetings would generally be from 6:00 p.m. to 8:00 p.m., document delivery to the Committee Members would be via e-mail and hard copy, and Committee Members need to review and be familiar with the Feasibility Study and the Preliminary Agreement for Services from the County.

9. Meeting adjourned at approximately 8:16 p.m.