

CITY OF SANTA BARBARA
FIRE & POLICE COMMISSION MINUTES

Thursday, **June 26, 2014** @ 4:00
David Gebhard Public Meeting Room
630 Garden St.

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Christensen, Melekian, Torell, and Torres - Santos

Staff Present: Deputy Police Chief Frank Mannix, Fire Division Chief Jim Bryden, Councilmember Gregg Hart, City Attorney Ariel Calonne, Deputy City Attorney John Doimas, City Administrator Jim Armstrong, and Acting Secretary Carol Lupo

2. APPROVAL OF MINUTES:

MOTION: Melekian to approve minutes of **April 24, 2014**. Torres-Santos seconded.

VOTE: Unanimous voice vote.

3. PUBLIC COMMENT:

Any member of the public may address the Fire & Police Commission for up to one minute on any subject within the jurisdiction of the Commission that is not scheduled for a public hearing before the Commission. The total time for this item is 10 minutes. If you wish to address the Commission under this item, please complete and deliver to the Commission Secretary before the meeting is convened, a "Request to Speak" form, including a description of the subject you wish to address.

None.

4. SUBCOMMITTEE REPORTS

None

5. Discussion of the May 28, 2014 Training provided by the City Attorney regarding the Brown Act, Open Meeting Law and the Political Reform Act of 1974

City Attorney Calonne provided the following overview to the commission.

Brown Act:

The purpose is to let the public have a view of what occurs in government.

A written agenda is to be posted 72 hours before the meeting. Discussions during the meeting are limited to those items on the agenda. A new matter has to be placed on the next meeting's Agenda.

Commission members can make brief responses to members of the public.

The definition of a meeting is when a majority of the commission meets at the same time or same place. If the meeting is posted in advance, it is a legal meeting, if the commission members meet outside of a posted meeting and discuss City business, it is illegal. A Meeting is

a set of communications or discussions between a majority of members, so emails and phone calls are included. The board represents the public. An illegal meeting can be a misdemeanor offense. There are exceptions to the members meeting at the same time or place such as to attend a social event, as long as City business is not discussed.

If a Commission member is in contact with the public on a matter, Calonne advised it is best not to share your position on an issue with the public in advance.

The Brown Act does allow for secret meetings known as closed sessions, in which a board can discuss deliberations or real estate negotiations, litigations, or personnel matters without the public being present. None of these scenarios should apply to the Fire and Police Commission, but sometimes to the City Council.

A confidential communication or written advice with the City Attorney is allowed. Email and Texting "Replying to All" can create a violation. Calonne advised staff in communication with Commission to use the Blind Copy addressing feature to prevent any 'Reply All' possibilities.

Political Reform Act – Regulates conflicts of interest and campaign finance. No public official can make a decision in which they knowingly have a financial interest in, and that would be affected by the decision. Commission members can contact the Fair Political Practices Commission (FPPC) or the City Attorney for advice.

Through the Statement of Economic Interest Form 700, Commission members must disclose financial interests every year in April, and disqualify yourself in any decisions affecting your financial interests, including investments, real estate, sources of income, gifts, or that would result in a personal financial impact of more than \$250.

If you know you have a conflict, you disqualify yourself from participation, and disclose the nature of the financial interest in the minutes and leave the room during the decision making.

Christensen asked if it was required that the person disqualifies themselves leave the room. Calonne stated yes, unless it is a Consent Calendar item, they do not have to remove themselves.

Melekian asked regarding the Brown Act if it is permissible to discuss a matter that had already taken place in the past. Calonne answered that the Brown Act would apply to past, present and futures items before the Commission.

6. OLD BUSINESS

Christensen asked Attorney Doimas to clarify the Commissioners voting on an item even though they were not involved in the rule making process. Doimas stated even though Commissioners were not involved in the drafting of the tow rules and regulations, they can still vote on the adoption.

Torell commented and clarified that he personally felt that if he was a new Commissioner that he would not have voted, and didn't mean to offend anyone.

7. NEW BUSINESS

Christensen stated that budget and performance measures and response times training for the Fire Department will occur in August to provide an overview of operations. A similar review of the Police Department will occur in September.

Melekian suggested re-energizing the subcommittee process, and asked if there was an expectation that the Police subcommittee should contact the Police Dept. before that meeting. Christensen answered that it would be appropriate, and whatever works for the Commissioners and the department.

Christensen also reminded that the continuation of the tow rate discussion will be on the agenda for the next meeting.

8. A Discussion of the Powers and Duties of the Commission allowed under the City Charter

Public Comment from Tom Parker:

Introduced himself as a former Fire and Police Commissioner about 4 years ago; also a former FBI special agent and Police Officer. Currently Chair of Santa Barbara County Superior Courts Juvenile Justice Commission.

He stated that he had researched the history of the Commission and believes the Commission has extensive authority. However the Commission's role has developed over the years to more specific actions and appears the power and authority has diminished over the years. The City Charter describes the powers and authority, and it originally included subpoena power. He was pleased to see in the last minutes the request of Commissioners Melekian and Laponis requesting that issues like the gang injunction be brought before the commission. He urged the Commission to take back some of that authority.

Torell appreciated Mr. Parker's comments.

Christensen commented that the Charter lists a broad list of responsibilities to act as an advisory group to the City Council. The Commission's authority seems to fall under any matter involving Fire and Police protection, excluding personnel matters.

Melekian also thanked Mr. Parker for his comments. He stated the ability of the public to raise issues is important. He stated he doesn't want to micro-manage the departments, but broad public policy decisions, like the gang injunction, seem to be appropriate areas to discuss with the public. He stated the Commission would need a mechanism to determine what matters would be discussed.

Christensen also mentioned that budget presentations are also stated to be brought before the Commission in a prospective rather than a retrospective manner. Melekian agreed and commented hopefully we could discuss these matters before they are a headline. Christensen mentioned the upcoming ARFF study report that could be discussed in the near future.

Councilmember Hart asked if the budget did not get presented to the Commission. Christensen answered no; the budget was not presented in advance of the presentation to Council, and she would like to establish a process to prepare for the next budget cycle. Hart commented that

Council authorized a move forward with a new strategy to improve security on State St., including the possibility of hiring security guards, and to also review existing policies. This may be another item the Commission could advise on. This seems to be the biggest public safety item currently.

City Administrator Jim Armstrong commented that he would encourage the Commission to come up with a policy calendar for the year and plan out the year to include a budget presentation from the departments prior to the April Council presentation. There may be other times of the year it is appropriate to consider other policies, like receive an update on the coming fire season.

Torell stated the challenge is to prove to decision makers the value of the Commission's recommendation, which may vary over the years depending on the qualifications of the Commissioners. He stated Council should be careful about who they appoint based on expertise and dedication.

Christensen commented she believes the current board is strong, and likes the idea of a policy calendar, and will start to plan one out to bring back to next meeting.

Hart also suggested the Commission request a report on the new Police office located on the east side.

9. FIRE CHIEF'S REPORT

From Fire Division Chief Jim Bryden:

Provided 3 sets of handouts:

Fire analytics - Statistical reports provided for the month of May. Average response time remains under 4 minutes.

Predictive services report - Provides an outlook on the upcoming fire weather and drought forecast. Santa Barbara is in the worst rated area in California. Fuel moistures this winter did not recover from last summer as normal.

P3 Performance Measures - The department's key operational objectives were provided (other objectives such as public education were not provided).

- Respond to medical emergencies in less than 4 minutes, 80% of the time - Response time goal is actual our goal for all incident calls, not just medical.
- Contain 90% of all fires to room of origin – This goal also relates to the first goal. The sooner we can attack a fire, the greater the likelihood that the damage can be limited.
- Conduct Engine company inspections on 95% of businesses and residential occupancies - Every business and multiple residential building receives a safety inspection every 2 year cycle.
- 90% of engine company re-inspections are conducted within 3 weeks of initial inspection - If a violation is found, the business is revisited within 10 days.

Torell asked what decisions are being made based on this data preparation. Bryden answered that we need to devote time and can improve the analytic reports to gain data that will be helpful in some areas.

Melekian asked how often the business inspections occur. Bryden answered that they are scheduled every 2 years. There is another type of inspection for defensible space for the Benefit Assessment District, which occurs upon the request of the property owner or from a concerned neighbor.

Christensen commented that Chief McElroy had explained that the average response time relates back to medical care benchmarks. Bryden responded that the department reports to the County Emergency Medical Services Agency (EMSA), who analyzes patient care, and yes response time directly relates to patient outcome, but also impacts the severity and spread of fires.

Fire Season – Preparation this year is the same. Our annual RT130 wildland training courses had been completed. This will be the first fire season that we have two Type 3 wildland engines available for local and mutual aid response, following the acquisition of the second engine. The department is also analyzing its apparatus fleet and looking at other apparatus that could improve access to properties.

Hart inquired about responding to wildland fires statewide. Bryden explained that on the Federal level, resources are moved state to state, and the statewide resources are mobile also, and more proactive than you may realize, recently staffing in southern California during recent predicted high temperatures to be in the area should a fire begin. There is also a firefighting aircraft stationed in Santa Maria.

10. POLICE CHIEF'S REPORT

From Deputy Police Chief Frank Mannix:

He provided a newly created document that condenses the CompStat report into a one page fact sheet:

- Priority 1, 2, 3 response times remain good. Any increasing numbers would indicate that there is a lack of officers in the field.
- Part 1 crimes, which are reported to the FBI: Robbery is down 39% from last year. Residential burglary is down 48% from last year, due to proactive work of the Criminal Impact Team (CIT).
- Study flags are items that are checked on the General Offense Report to loosely track groups of similar nature, i.e. alcohol related, homeless involvement. There has been a significant reduction in gang related crimes.
- There has been an increase in transient related crime. One additional officer has been assigned to State St. patrol, which now provides coverage 7 days per week.
- Traffic accidents – Have seen an increase in injury accidents and the department has formed a sub-committee to analyze. Motor officers are at half staff due to injuries currently.

- Drug related – There is an increase in use and sale of methamphetamine, which can be attributed to an increase in demand.

Melekian asked when State St. is patrolled. Mannix answered that the patrol is generally in the daylight and early evening hours.

Hiring – The department is currently at 100% staffing. The department is seeking to over hire 6-8 officers for an Oct. 27th academy. 2 officers are currently in the academy. The Dispatch Center is currently 6 positions down, with 42 new candidates being reviewed.

Patrol team strength is currently 49 officers. Anything below 45 officers and positions have to be filled by borrowing from other specialty assignments.

Injuries – Currently have 13 injured officers.

Christensen suggested adding a year to year comparison to the new CompStat fact sheet to help highlight seasonality.

11. ADJORN: 5:50 PM