

Memorandum

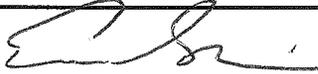
TO: Sharon Erickson
City Auditor

FROM: William L. McDonald

SUBJECT: 2013 Fire Prevention Audit

DATE: April 5, 2013

Approved



Date

4/12/13

The Fire Department appreciates the efforts and comments made by the City Auditor in the completion of the audit. Although the Fire Department agrees with most of the recommendations, some information provided in this report requires further clarification. These items will be discussed in the relevant recommendation section.

An important clarification to the Audit is as follows. The Bureau of Fire Prevention is staffed with 47 full time equivalent positions and with 2012-2013 personnel budget of \$7.0 M or about 5% of the Fire Department Budget.

Recommendations and Response

Recommendation #1: The Fire Department should develop and implement a written plan for ensuring timely follow-up on outstanding safety violations.

Administration Response:

The Administration agrees with this recommendation. Fire Department will develop and implement a detailed plan to follow-up on outstanding safety violations. The table presented on page 13 presents a list of 28 individual locations with the highest number of outstanding fire violations. The department has worked diligently to resolve issues related to outstanding violations.

Recommendation #2: To encourage resolution of outstanding fire code violations, the Fire Department should clearly specify that it is issuing conditional permits in instances in which there are outstanding violations. The materials sent to the property/business owner should clearly state: (a) that the permit is conditional due to the outstanding violations and (b) the actions are necessary to achieve full compliance and a valid permit. The Fire Department should revise Fire Prevention Direction 002-2009 to reflect this practice.

Administration Response:

The Administration agrees with this recommendation. Fire Department will explore the recommendation on issuance of conditional permits. The department will also look into implementing revisions to its print layout of permits and make corresponding updates to Fire Department directives.

Recommendation #3: The Fire Department should: (a) enforce the BFP policy regarding the issuance of administrative citations for recurring violators as a means to encourage compliance and promote safety, (b) ensure that staff applies fines in the Administrative Citation procedure consistently, and (c) ensure that the Department is charging for all re-inspections.

Administration Response:

The Administration agrees with the recommendations on administrative citations. Fire Department will look into (a) evaluating administrative citations as a means of encouraging compliance and promoting safety and (b) staff training for consistent application of administrative citations. The Administration however disagrees with the recommendation regarding re-inspections. The Fire Department currently charges for re-inspections conducted by Fire Inspectors.

Recommendation #4: The Fire Department should implement written policies to ensure that all fire prevention inspections are recorded and that the information in FireHouse is complete and accurate.

Administration Response:

The Administration agrees with this recommendation. Although desktop manuals serve as a ready reference for new employees, the Department will work on documenting current procedures to ensure accuracy and consistency in FireHouse data entry.

Recommendation #5: The Fire Department should activate controls in FireHouse to require users to enter key data and to prevent users from changing past inspection records to mitigate any risk of fraud or error.

Administration Response:

The Administration agrees with this recommendation. The Fire Department anticipates filling critical information technology and analytical positions by July 2013. Additional resources will enable the Department will look into implementing automated controls in FireHouse.

Recommendation #6: Fire Department management should (a) ensure that necessary data (inspections, staff activities, etc.) is entered into FireHouse consistent with the policies in Recommendation #4, (b) confirm that the programming/queries underlying the useful reports in FireHouse are accurate and provide the content that management understands it to include, and (c) use the reporting tools in FireHouse to manage workload and staff more effectively.

Administration Response:

The Administration agrees with this recommendation. The Fire Department will identify elements of this recommendation and develop a plan of implementation given availability of resources.

Recommendation #7: Fire Department management should use the data in the staff activity report to analyze how inspection workload compares to staffing levels.

Administration Response:

The Administration agrees with this recommendation. The Fire Department implements a 15-month work cycle plan for Fire Inspectors. This plan was developed by establishing estimates of hours required for each type of inspection. On a monthly basis, the Bureau of Fire Prevention tracks inspections to evaluate workload and actual time spent performing inspections, comparing workload for inspections with staffing levels.

Recommendation #8: The Fire Department should train staff on the use of FireHouse software to product more reliable data and more effective data analysis.

Administration Response:

The Administration agrees with this recommendation. As described in recommendation numbers 5 and 6, the Fire Department anticipates filling critical information technology and analytical positions by July 2013. Additional resources will enable the Department will look into implementing this recommendation.

Recommendation #9: The Department should reexamine its non-development fire permit fee structure to charge San Jose facilities more appropriately for the permits issued.

Administration Response:

The Administration acknowledges that there are other approaches to developing a fee structure. The Fire Department's fees for facilities to obtain Fire Safety permits are based on the business type of facility, as classified by the California Building Code and as modified by the City of San Jose Fire Department. Facilities are grouped into Occupancy Groups based on average inspection times. Fees are then computed using the same average inspection times and the average number of permits for the group.

Recommendation #10: The Department should work with the Finance Department to ensure timely and sufficient follow-up on overdue accounts. The Finance and Fire Departments should work together to develop written policies and procedures that outline the division of responsibility for accounts between the Fire Department and the Finance Department.

Administration Response:

The Administration agrees with this recommendation. The Fire Department will coordinate implementation of this recommendation with the Finance Department.

Recommendation #11: To encourage the payment of overdue balances, the Fire Department should clearly specify that it is issuing conditional permits in cases in which a balance is overdue. The materials sent to the property/business owner should clearly inform the recipient that the permit is conditional due to the outstanding balance. The Fire Department should revise Fire Prevention Directive 002-2009 to reflect this practice.

Administration Response:

Although the Administration agrees in concept with this recommendation, the Fire Department maintains that under current practices, no permits are issued to properties or businesses with outstanding balances.

Recommendation #12: The Fire Department should update the organizational chart of Fire Administration, ensure that the appropriate separation of duties is in place, and develop written policies and procedures regarding billing processes. Such policies and procedures should address functions such as account: (a) invoicing (b) adjustments and credits (c) collections and (d) write-offs.

Administration Response:

The Administration agrees with this recommendation. Fire Department will work on documenting policies and procedures regarding billing processes.

Recommendation #13: The Fire Department should revise Fire Prevention Directive #002-2009 to identify which, if any, types of work in the Non-Development program are "non-billable". The rationale for such a decision should be included in the revision and the revision should be disseminated to all inspectors to ensure consistent application.

Administration Response:

The Administration agrees with this recommendation. Fire Department will prepare updates to department directives.

Recommendation #14: The Fire Department should revise the calculation of state-mandated inspections to include only those that are state mandated, or revise the wording of the performance measure to accurately reflect what it measures. The Department should determine whether to continue annual inspections of assemblies and facilities with hazardous materials in the context of a comprehensive risk assessment.

Administration Response:

The Administration agrees with this recommendation. The Fire Department will however continue to treat assemblies and facilities with hazardous materials as inspections that have to be conducted annually to protect life, property and the environment. The current Department practice is based upon an established occupancy risk assessment.

Recommendation #15: The Fire Department should clarify whether the Fees and Charges Schedule requires an inspection in conjunction with the issuance of an annual renewable permit or whether inspection hours are simply a basis for calculating the fees.

Administration Response:

As discussed in recommendation # 9, Fire fees are calculated using the same average inspection times and the average number of permits for the group.

Recommendation #16: The Fire Department should develop and implement a risk-based plan for prioritizing inspections that includes analysis of factors such as where fires have occurred, outstanding violations, building structure, and type of occupant. The Department should actively manage staff activities to ensure the plan's ongoing use and document progress towards completing inspections of riskiest facilities.

Administration Response:

The Administration partially agrees with this recommendation. Fire Department does not utilize the risk-based inspection prioritization system as defined in this report. The department however believes that the system, as defined in this report, would be challenging to implement. Including a year-to-year fire experience as part of the process is not practical when considering the volume of activities and the current staffing level in the department.

Recommendation #17: To implement a risk-based inspection approach, the Fire Department should develop a workload analysis that assesses: (a) staffing requirements in the Bureau of Fire Prevention, (b) the effective use of light-duty firefighters and line staff in fire prevention activities including public education, and (c) how much additional time could become available if the Department conducted fewer re-inspections.

Administration Response:

The Administration partially agrees with this recommendation. (a) The Fire Department has a 15-month work cycle plan for Fire Inspectors. An evaluation of workload and staffing levels is conducted on a regular basis. This analysis has supported the department's need for additional resources. (b) With service reductions experienced due to budgetary actions, the department believes that, at this time, it is optimizing its use of line staff in fire prevention activities. Full utilization of light duty personnel however presents some challenges due to work limitations, training needed, and availability of computers and vehicles. To the extent possible, the department has been utilizing light duty personnel who have been trained in fire safety code inspections. (c) The department needs to study recommendation on re-inspections.

Recommendation #18: The Fire Department should develop formal coordination between the BFP and fire station staff and a shared sense of accountability with regard to inspections and safety in multi-family residences.

Administration Response:

The Administration partially agrees with this recommendation. Remedial training, enhance quality control and greater accountability will be implemented through established reporting relationships. In this way, the appropriate supervisory and management principles will be maintained and confusion reduced.

Recommendation #19: The Fire Department should develop a public education program based on the fact that many fires and most of the fire deaths in recent years occurred in multifamily residences. Public education efforts should include working with the community to provide education to children and other high-risk groups as well as education about and access to smoke detectors.

Administration Response:

The Administration is concerned with the findings leading to this recommendation. The extremely small sample size (seven fires fatalities in three years) makes it impossible to predict a trend. It is important to state that every fire death is a tragedy; the City's low fatality rate (3.0% in 2010-2011) was far below the national rate of 8.1% and below the western U.S. rate of 4.3%. It should be noted that public education program for the Fire Department is incorporated in the

draft San Jose Fire Department Strategic Business Plan. In addition, the Fire Department has established a public relations committee to build and maintain relationships within the City's diverse customer base. This committee will also identify specific public education programs to targeted communities.

Recommendation #20: The Fire Department should continue to develop a Public Relations Committee as a way to connect with the community and provide a targeted public education. The Department should assess the extent to which light or modified-duty firefighters could perform public education activities.

Administration Response:

The Administration agrees with this recommendation. As described in recommendation #19, public education program is incorporated in the department's Strategic Plan and has established a public relations committee.

Conclusion

The Fire Department thanks the Auditor and her staff for their review of the Fire Department Non-Development Fee Program. The Fire Department continues with its efforts to fill vacancies in information technology and analytical staffing positions. As resources become available, the department will review and prioritize recommendations, providing more information at a later date on the feasibility and timing of implementation of these recommendations.

Recommendations on the fee structure would require resources not currently available to the Fire Department. As the City's budget situation improves, the Fire Department could make recommendations for additional resources to assist with the study and implementation of recommendations contained in this report.

/s/
William L. McDonald
Fire Chief