



**INFORMATIONAL MEMORANDUM**

**TO: Finance Council Committee**

**FROM: Vicky Carlsen, Finance Director  
Jay Wittwer, Fire Chief  
Ben Hayman, Fire Marshal**

**CC: Mayor Ekberg**

**DATE: July 17, 2019  
Updated after July 22, 2019 Finance Committee meeting**

**SUBJECT: Fire Marshal Office Discussion**

**ISSUE**

Review responsibilities of the Fire Marshal Office (FMO) including current services provided, options for providing services, required minimum levels of service, and liability associated with providing and/or not providing services.

**BACKGROUND**

The Fire Marshal Office currently provides several public safety services including:

- a. Plan review and associated inspections (inspections for new and existing businesses are not currently being done)
- b. Limited code enforcement
- c. Fire investigation

The office is staffed as follows:

<b>Position</b>	<b>FTEs</b>	<b>Notes</b>
Captain	2	Inspectors
Battalion Chief	1	Fire Marshal
Senior Fire Project Coordinator	1	Plan Reviewer
Admin Support Technician	1	

Staffing levels for this office have remained at five since 2011. Prior to 2011, the staffing level was six FTEs.

**Budget**

The Fire Marshal's Office is a division within the fire department and the process to develop the budget is the same as for the fire department. Finance staff drafts the budget for personnel costs and fire staff provide budget requests for supplies and services.

In addition to the expenditure budget, revenues generated by departments are also budgeted and revenue backed expenditures are trued up at a department level. For example, if a department expects to receive a grant for \$10 thousand, the revenue is budgeted and expenditures of \$10 thousand are also budgeted so that the net effect on the total general fund budget is zero.

The chart below shows revenue received specific to the Fire Marshal's Office. The chart also gives the total overtime budget and demonstrates that total revenue generated by this division exceeds the total overtime budget. It should be noted that not all overtime is considered to be reimbursable and not all revenue generated is a result of overtime costs.

Revenue Generated by Fire Marshal's Office						
	Actuals					Budget
	2014	2015	2016	2017	2018	2019
Operational Permit Fees	\$ 76,836	\$ 44,175	\$ 24,825	\$ 12,400	\$ 10,507	\$ 21,400
Plan Review Fees	52,363	45,973	66,895	74,103	76,628	75,000
Reinspection Fees	1,000	300	300	-	100	2,000
	<u>\$ 130,199</u>	<u>\$ 90,448</u>	<u>\$ 92,020</u>	<u>\$ 86,503</u>	<u>\$ 87,235</u>	<u>\$ 98,400</u>
Overtime Expenditures	\$ 79,661	\$ 61,330	\$ 62,638	\$ 89,875	\$ 88,356	\$ 61,143

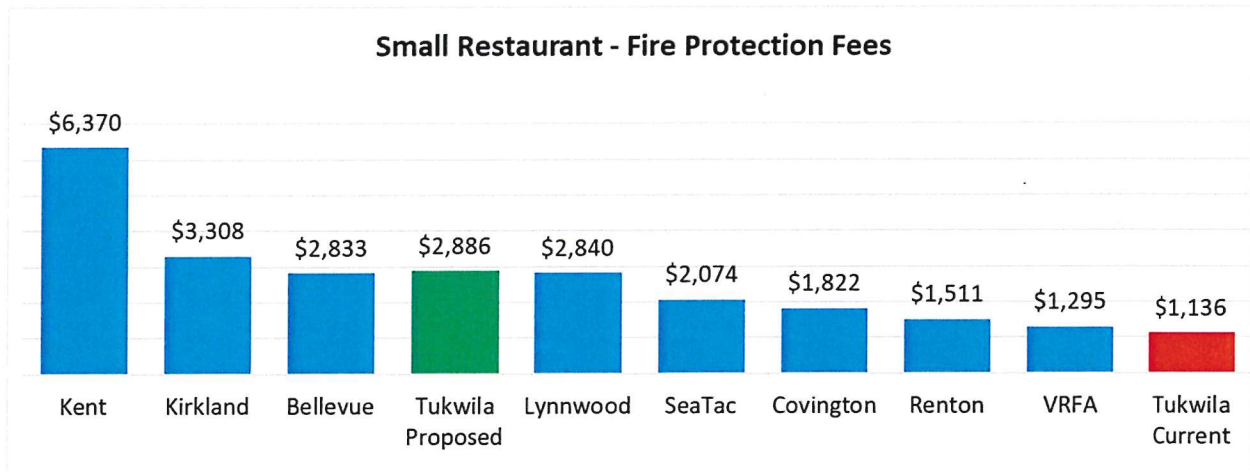
Actual and Projected Budget for Fire Marshal's Office – Prevention and Investigation

	Actuals					Budget
	2014	2015	2016	2017	2018	2019
Prevention & Investigation	\$824,862	\$815,137	\$826,468	\$864,692	\$907,865	\$834,653

Revenues and Fees for Services

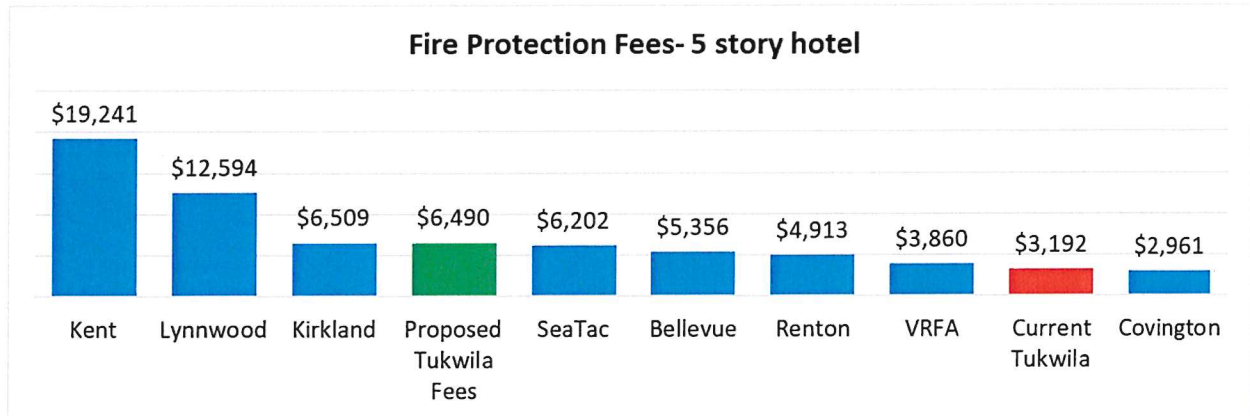
As can be seen above, the actual revenues and fees for services from the Fire Marshal's Office do not balance with the expenses. Recently, the fees associated with the fire department have been reviewed and research shows that Tukwila's fees have not kept pace with the market. The charts below show a few fees and how they compare with our neighboring cities. There is a recommendation to update these fees to be competitive with our neighboring cities. Some of the fees listed below are increases to existing fees and others are new fees that other cities charge that Tukwila currently does not charge. It should be noted that the fees listed below are approximate and would vary depending on size and scope of each project.

**Small Restaurant – Fire Protection Fees**



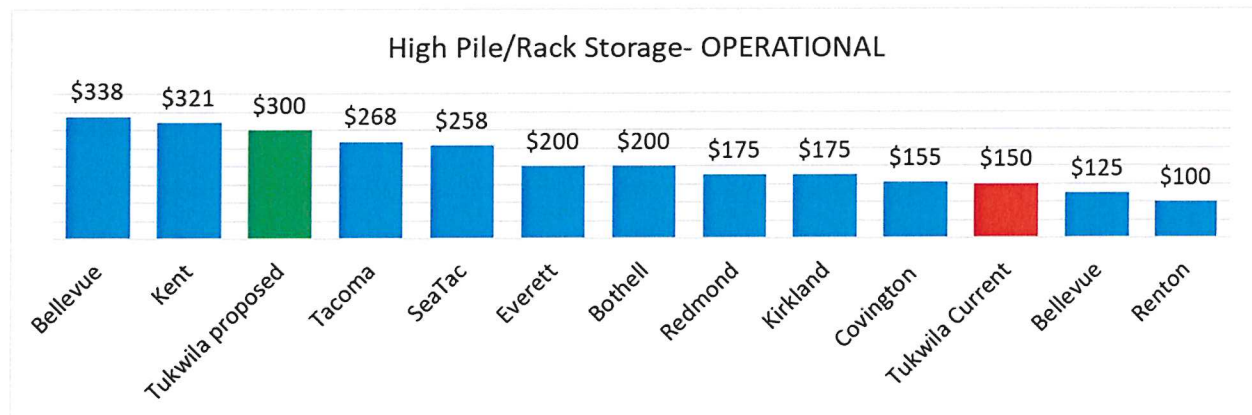
The current Small Restaurant fee for Tukwila \$1,136, whereas the neighboring cities range from \$1,295 up to \$6,370 for this similar service. A proposed increase to \$2,886 would still be within the average range for these fees.

**Fire Protection Fees – 5-Story Hotel**



The current 5-Story Hotel fee for Tukwila is \$3,192, whereas the neighboring cities range from \$2,961 up to \$19,241 for this similar service. A proposed increase to \$6,490 would still be within the average range for these fees

**High Pile/Rack Storage – Operational**



The current High Pile/Rack Storage fee for Tukwila is \$150, whereas the neighboring cities range from \$100 up to \$338 for this similar service. A proposed increase to \$300 would still be within the average range for these fees.

**Recommendation: Update current fees and permit schedule to current market standards and averages.**

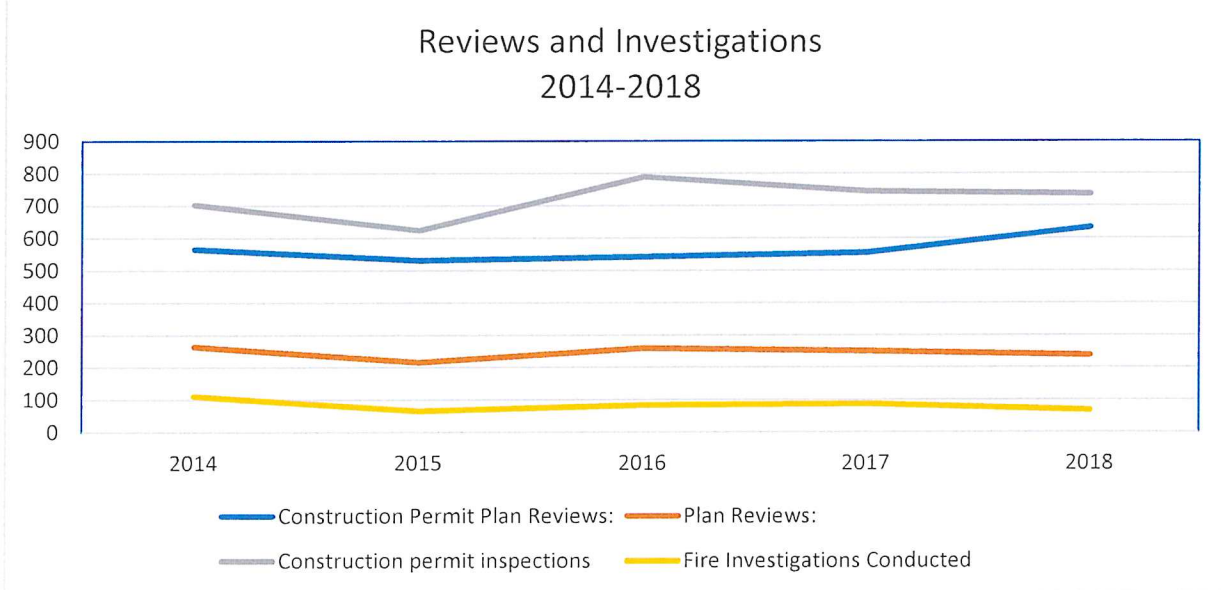
To act on this recommendation, staff will need to produce a list of current and proposed fees and an ordinance to implement the new fee schedule. Staff would continue the review of our fees and comparison with our surrounding neighbors.

**Current Workload**

The following table outlines the main responsibilities of the Fire Marshal’s Office, this includes Construction Permit Review, Plan Reviews and Construction Permit Inspections. The Fire Marshal is required by statute and TMC 2.24.020 to report all fires of criminal, suspected criminal, or undetermined origin to the State Fire Marshal.

**Current Workload**

	2014	2015	2016	2017	2018
Construction Permit Plan Reviews: Land Use, Public Works, and Mechanical Permits	566	531	542	555	633
Plan Reviews: Sprinkler, Fire Alarm, Kitchen Hood, and UL 300 Construction permits	264	216	259	250	238
Construction permit inspections	703	624	789	744	737
Fire Investigations Conducted	111	66	83	87	68



**Current Services Provided**

As mentioned earlier, the Fire Marshal’s office has several duties that need to be reviewed and evaluated as to which services should remain within the Fire Marshal’s office, which services and programs need to be streamlined, which areas can be provided in a different fashion (e.g. contracted or as part of a regional service), and which areas need to be reprioritized. These will be addressed more fully at a later date.

**Services which could be done outside the Fire Marshal’s Office**

Some of the current services provided by the Fire Marshal’s office could be done by other parts of the organization or are already being done by other departments. Specifically, these include:

- 1) City Addressing – This is currently being coordinated through Technology Services/GIS and could be more streamlined to not have the Fire Marshal’s office as the lead agency.

2) New Business License Reviews – The Finance Director is responsible for reviewing our current review process for new business licenses and with the change to State Licensing it may be an opportunity to reevaluate the need and priority for the Fire Marshal’s Office review.

3) Special Event Permit Coordination – Historically, the Fire Marshal’s Office has been the project manager for all special event permits, e.g. Boeing Celebration and major events. This involves working across several City departments. The City will be reviewing where best to have this function reside with the Fire Marshal’s office providing input, but not being the lead agency.

The result of these three changes would be to provide more capacity to our Fire Marshal’s Office to meet other higher priority services.

Other Services-High Priority/Critical Services

Inspections of New and Existing Businesses and Plan Review

Inspections for businesses include annual business inspections, inspections for new businesses, and follow-up on confidence test reports. Confidence test reports are reports received by this Office that show deficiencies or malfunctions within a business’s fire sprinkler or fire alarm systems.

Previously, inspections were provided by on-duty suppression crews but this began to change in 2014. The change was mainly due to new training requirements and standards set by the South County Fire Training Consortium and was also a policy change because these inspections may not have been the most efficient use of Suppression personnel. This change has left many inspections not being done at this time. A key policy question is how best to balance the requirements for inspections, the need and then the cost recovery options for these inspections.

According to the Fire Marshal, there are over 1,700 existing businesses in need of inspections and approximately 700 expired operational permits for activities, or the storage of, such as explosives, hazardous materials storage and production, carnivals and expositions, underground tank removal, compressed gases, cryogenic fluids, LP gases, hot work, propane tank installation, and other activities that are deemed hazardous by the ~~Fire Marshal~~International Fire Code that should be inspected for compliance. Enforcing critical life safety fire codes in schools, apartment buildings, shopping malls, hotels, and large industrial or manufacturing businesses are considered by the Fire Marshal to be a high priority, but due to the current staffing model, the office is unable to perform.

The following chart shows historical fire prevention data including inspections performed the last few years and who performed the services. As noted in the chart, suppression crews performed many inspections 2014 through 2016, but have not been involved inspections since 2017.

**Life Safety and Operational Permits**

	2014	2015	2016	2017	2018
Life Safety Inspections – Completed by Fire Suppression Crews	1,388	959	458		
Life Safety inspections – Completed by Fire Marshal's Office				3	2
Operational Permit Inspections – Completed by Fire Suppression Crews	770	461	229		

There are ways in which we can prioritize which buildings are necessary to inspect, and how often the inspections should occur. The majority of the occupancies need to be inspected by certified inspectors, due to the complexity of many business operations and the proper application of the fire code. There are also staffing considerations that can be considered to balance the workload. For instance, suppression crews could be assigned to do certain inspections, which did occur in past years. This would raise situational awareness of the structures when crews respond to emergencies.

Staff will provide an updated list of types of businesses and options on how best to provide this service and recover costs for these services.

#### New Business and Confidence Test Reports

Per this Office, annually there are approximately 150 new businesses that should be inspected to ensure that new operations are operating safely and complying with applicable life safety codes. Per the Fire Marshal, due to the current staffing model, the office is unable to inspect these businesses. Additionally, the Office receives approximately 500 confidence test reports each year that show deficiencies or malfunctions with fire sprinkler or alarm systems. —The Fire Marshal believes it is important to follow up on these reports to ensure that the needed repairs are completed.

#### Code Enforcement

Fire Code enforcement issues are forwarded to the Fire Marshal from suppression crews or other city staff. Per the Fire Marshal, due to the current staffing model, the office is unable to follow up on the majority of fire code issues. Additional data on what types of code enforcement issues and volume of work will be presented at a later date.

#### General Requirements – Fire Code Official

The International Fire Code (IFC) is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The IFC addresses fire prevention, fire protection, life safety and safe storage and use of hazardous materials in new and existing buildings, facilities, and processes.

In addition to the IFC, Revised Code of Washington (RCW), the Tukwila Municipal Code, 16.16 adopted and amended the 2015 IFC.

#### Public Duty Doctrine

As stated above, some services currently provided by the Fire Marshal's Office are authorized while other services are required to be provided. In discussing services provided by this office, it is important to keep in mind what potential liability the City could face in changing service levels or processes.

Under the public duty doctrine, when a city's duty is owed to the public at large (such as general fire suppression and inspection duties), an individual who is injured by an alleged breach of that duty has no valid claim against the City or its officer or employees. There are certain exceptions to the public duty doctrine, such as in cases where a special relationship is created (such as when an officer or employee makes direct assurances to a member of the public under circumstances where the person justifiably relies on those assurances); or when an officer or employee, such as a building official, knows about an inherently dangerous condition, has a duty to correct it (i.e. law says that the City "shall" correct the condition), and fails to perform that duty. Taylor v. Stevens

County, 111 Wn.2d 159, 171-72,759 P.2d 447 (1988). In general, however, governmental entity will not be liable to a private party for failure to perform duties that that are owed solely to the general public (a duty to all is a duty to no one).

New information for August 12, 2019

Revised Fee Schedule

At the July 22, 2019 Finance Committee meeting, a discussion was held on the current fee schedule for the fire department. It was noted that there is an imbalance between actual revenues and fees for services for the fire marshal's office, and that a review of the fees shows that the current fees have not kept pace with the market and neighboring cities. Staff indicated that they would return to Committee with an updated fee schedule. An updated fee schedule has been prepared and included on the agenda for August 12, 2019.

Policy Decision to Remove Life Safety Inspections from Suppression Crews

At the July 22<sup>nd</sup> Committee meeting, it was stated that suppression crews previously provided life-safety inspections. Staff was requested to provide additional information as to why suppression crews stopped performing these inspections.

Per fire department staff, suppression crews were doing inspections during the day but were suspended due to the increased amount of time needed to meet the Firefighter training requirements of the Washington Administrative Code (WAC), and the National Fire Protection Association (NFPA). Additional training by the Training Consortium is required, some of the classes are considered best practices, while other training is recommended to keep firefighters safe while performing the duties of their job. Prior to joining the Training Consortium, suppression crews were not meeting the training requirements, but were doing conducting life safety inspections.

Call volume also increased significantly between 2014 and 2017 with most of the increase in call volume attributed to EMS calls. Total number of calls in 2013 was 4,799 but by 2017, total call volume was 5,851, a growth of 22% in three years.

With the increase in training requirements coupled with the increase in call volume, the workload presented by the inspections was not sustainable.

Options to Address Current Workload

A phased approach to addressing the current workload situation in the Fire Marshal's Office is proposed.

Near-Term

1. Addressing: To effectively streamline and automate the addressing process, TIS and DCD will be working jointly with the FMO to transition this work from FMO to TIS. Key elements of the transition include the following:
  - a. DCD will be responsible for initiating additions and changes to all addresses.
  - b. TIS will, based on the type of addressing request, make the changes to the single source addressing layer, and will work with an external supplier to verify emergency access points. TIS will also send out automated communications to King County, E911, Valley Communications, applicable utility services and US Postal Service.
  - c. Fire Marshal's Office will approve emergency access points and confirm that the new address makes sense for emergency responders.
2. New Business License Application Reviews: The current process for reviewing business license applications includes Fire, Police, and DCD reviewing all applications prior to approval.



With streamlining the addressing process, the business license application process can also be streamlined. The Fire Marshal's Office will classify the business occupancy type..

3. Special Event Permits: Staff is committed to reviewing this process and developing a process that meets the needs of all departments involved with this process. Staff will be convening a meeting to improve this process.

Mid-Term

In early 2019, the Fire Marshals from both the City of Tukwila and Puget Sound Regional Fire Authority (PSRFA) started discussion on the possibility of a shared services model. Discussions on a shared service model occurred in the past, as early as 2016, but did not gain traction until early this year. Both the City and PSRFA perform similar services to communities in this region and both agencies deal with similar issues. Both the City's fire department and PSRFA believe that combining efforts could meet the needs in both communities. The Fire Chiefs from Tukwila and PSRFA are discussing details regarding a shared services model and both are in full support of this concept.

Staff recommends this approach and will be returning with an interlocal agreement outlining the details of service levels to be provided, total costs, and benefits of a shared services model.

**RECOMMENDATION**

For information only