



Allan Ekberg, Mayor

# INFORMATIONAL MEMORANDUM

TO: City Council

FROM: Fire Chief Jay Wittwer

BY: Deputy Chief Norm Golden

Fire Marshal Ben Hayman

**Finance Director Vicky Carlsen** 

CC: Mayor Ekberg

DATE: **July 14, 2021** 

SUBJECT: Fire Marshal's Office Service Options

## **ISSUE**

Update the Community Services & Safety Committee on the Fire Marshal's Office (FMO), including current workload and the increasing demands for services, identify current services and additional services the Fire Marshal's Office would like to provide if additional budget and staffing resources were to be approved.

## **BACKGROUND**

The Tukwila FMO is responsible for providing four main areas of service to the Tukwila community:

- Fire Investigations: This is to determine cause and origin of fires.
- Fire Development Review Services: This includes Fire Plan Review and Fire Inspections for Construction and Land Use permits.
- Fire Code Enforcement Services: This includes Business Life Safety Inspections, Operational Fire Permit Inspections, New Business Life Safety Inspections and Fire Code Enforcement.
- Other Administrative FMO Services: 911 addressing, respond to public records requests, records management of all FMO activities, FMO billing.

The Tukwila Fire Marshal's Office is currently staffed with five (5.0) FTEs, which is the same number of FTEs the office has had since the 1990s.

Staff rank /job title and affiliation:

- Fire Marshal Day Shift Battalion Chief No certifications (Uniform IAFF Local 2088)
- Administrative Technician (Civilian Teamsters Local 763)
- Fire Project Coordinator Certified Fire Inspector, Certified Plans Reviewer (Civilian Teamsters Local 763)
- Deputy Fire Marshal Day Shift Captain Certified Fire Inspector, Certified Fire Investigator, (Uniformed IAFF Local 2088)
- Deputy Fire Marshal Day Shift Captain Certified Fire Inspector, Certified Fire Investigator (Uniformed - IAFF Local 2088)

For many years, the Tukwila Fire Department has staffed the positions in the FMO using a rotating staffing model on a three-year cycle. This rotating staffing model for the Fire Marshal is not an

effective way of staffing the office due to the time investment required to obtain certifications and training. There is no requirement to obtain certifications to carry out the work of the FMO, yet the Fire Marshal should be a certified and experienced leader and not a temporary program manager. Likewise, Deputy Fire Marshals should be certified to carry out the expected services in a competent manner.

# **HISTORICAL FMO FINANCIALS**

## FMO Adopted Budget, Actual Expenditures, and Revenues

Year	Adopted Budget	Actual/Estimated	Revenues	Net Cost	Notes
2018	\$854K	\$ 907K	\$ 76K	\$831K	
2019	\$920K	\$1.03M	\$ 95K	\$935K	
2020	\$870K	\$ 911K	\$258K	\$653K	*
2021	\$812K	\$1.04M	\$258K	\$782K	+

Notes: \*The 2020-2021 Adopted budget transferred an Administrative Technician to the unified permit center in the Department of Community Development for all fire permit intake service. The Fire Department transferred another 1.0 FTE Administrative Technician from the Fire Chief's office to maintain staffing of 5.0 FTEs in the FMO.

+There was an increase in revenues from fire development service permits beginning in 2020 when the Council adopted updated fees. The 2021 estimates revenues similar to 2020.

## **REVIEW OF CURRENT FMO SERVICES AND OPTIONS**

The Tukwila FMO has seen a steady volume of development permits even during the pandemic, and most recently, has seen an increase in the need for fire investigations. Due to budget and staffing constraints, the Tukwila FMO has not been able to provide an active and reoccurring fire inspection program for many years.

In response to the CPSM Report provided to the City Council in March 2021, and the Council current review of all Fire Department issues with the Fire Advisory Task Force, it is an appropriate time to review how best to provide a better and more comprehensive level of service in the Tukwila FMO.

In May 2021, Mayor Ekberg directed Fire Marshal Ben Hayman and Finance Director Vicky Carlsen to review all options for FMO services and provide an analysis and recommendation to the City Council for review. The four main options being reviewed include two in-house options and two regional service options. All of these options would increase staffing and service levels, and most would be partially offset by increased revenues. Each of these options will be discussed further herein.

Option A: In-House: Uniform and Civilian Staffing

Option B: In-House: Civilian Staffing

Option C: Contract with Puget Sound Regional Fire Authority - Uniform and Civilian Staffing

Option D: Contract with Renton Regional Fire Authority - Civilian Staffing

# SERVICES PROVIDED AND PROPOSED SERVICE OPTIONS

The following assumptions are based on the current Tukwila Fire Marshal estimates.

#### FIRE INVESTIGATIONS:

Conducted by the Deputy Fire Marshal or King County Sheriff's Office (KCSO) for a fee.

## Estimated number of FTEs for Tukwila Workload by Tukwila Fire Marshal:

- 1.0 to 1.5 FTE to investigate all substantial fires (loss > \$10K, injury/death, series of related fires) and suspicious fires.
- Supplement with Company Officer conducting investigation of minor fires.

#### **Tukwila FMO Workload Currently:**

- There are typically 75 substantial fires annually that require Origin and Cause investigations by a certified fire investigator. There are another 130 minor fires annually that require Origin and Cause investigations. These can be done by the Captain on the engine or a certified fire investigator. Some of these fires are also "suspicious" and should be referred to a certified fire investigator.
- Currently, the Fire Investigation duties fall under the FMO. The Deputy Fire Marshals are
  available during their normal working hours to conduct fire investigations and are sometimes
  available during off-duty hours on standby. Fire investigations are time-sensitive, unplanned
  events that disrupt the normal work schedule. Criminal fires are turned over to Tukwila Police.
  When the FMO is not available to conduct the investigation, the King County Sheriff's Office
  (KCSO) will conduct the investigations for a fee.
- All other fires are considered minor fires and are usually investigated by the engine captain to determine origin and cause.

Fire Investigations are an important function of the FMO. There are four basic classifications of fires (Incendiary, Natural, Accidental, Undetermined), and the fire department is required to classify every fire into one of these four accepted classifications. Also, origin and cause are two elements the fire department is required to determine for every fire with assistance from the police department. RCW 43.44.050(1)(a) & (5). It should be noted that while certifications are not required to determine origin and cause, having investigations conducted by a Certified Fire Investigator is a recommended best practice for significant fires.

Municipal fire departments, like fire protection districts, are required to determine the origin and cause of all fires. Most FMOs will utilize certified fire investigators on all suspicious fires and substantial fires. A substantial fire does not have a hard definition but has general rules such as a loss over \$10,000, any injury/death, and/or a series or pattern of ongoing fires. Suspicious fires are investigated in partnership with Tukwila Police and then sent on to the Prosecuting Attorney for review/action.

#### FIRE DEVELOPMENT REVIEW SERVICES:

#### Recommended number of FTEs for Tukwila Workload by Tukwila Fire Marshal:

 3.0 FTE to do Fire Plan Review and Inspections for Construction Permits and Land Use Projects.

#### **Tukwila Workload:**

#### Fire Construction Permit Plan Review:

• 200 to 300 Annually / 17 to 25 monthly New or upgraded fire protection systems that require permits for installation.

# Non-Fire Construction Permit Plan Review:

 400 to 450 Annually / 33 to 38 monthly Building, Mechanical, Demo, Public Works permits to determine fire requirements (permits)

## **Development Land Use Permit Reviews:**

 60 to 70 Annually / 5 to 6 monthly Design Review, SEPA, Boundary Line, Short Plats reviews for fire requirements.

## **Fire Construction Permit Inspections:**

 350 to 400 Annually / 29 to 33 monthly Inspect work as construction progresses.

Fire Plan Reviews of Construction permits is provided by the Fire Project Coordinator and Construction permit inspections are provided by either of the DFMs, and Land Use Project reviews are provided by the Fire Marshal. Plan review needs to tie-in closely with the Department of Community Development (DCD) and support the one-stop permitting process. The plans will have several different reviews concerning many different code sections (Fire, Building, Mechanical, Electrical, etc.). Fire review is one specialized piece of the process that requires experienced and certified staff to competently perform the work. Construction plan review is interlaced with construction inspections as the project proceeds.

Informational Notes: All Fire Marshal's Offices in Zone 3 typically work closely with their local jurisdiction's building department and focus on a streamlined permitting process for development in their areas. We also strive to meet the "one-stop" permitting process for our community in Tukwila and prioritize rapid review of projects to keep the flow of the plan review process moving through all the different reviewers (fire, building, mechanical, electrical, etc.).

This is critical to keep project reviews moving forward in a timely manner. A delay in reviews will cause a chain reaction delay that disrupts the permitting schedule. There is a need to respond to changing development demands with the appropriate ability to conduct timely reviews and inspections with properly certified plans reviewers and inspectors. This is where having a "bench" of inspectors can be helpful.

#### FIRE CODE ENFORCEMENT SERVICES:

#### Recommended number of FTEs for Tukwila Workload by Tukwila Fire Marshal:

1.0 FTE to 5.0 FTE to complete Business Life Safety Inspections, Fire Code follow-up inspections, and Operational Fire Permit inspections, and new business Life Safety Inspections.

Average Inspections Completed						
		Monthly	Annually			
1	Certified Fire Inspector (DFM)	45	540			
2	Certified Fire Inspector (DFM)	90	1080			
3	Certified Fire Inspector (DFM)	135	1620			
4	Certified Fire Inspector (DFM)	180	2160			
5	Certified Fire Inspector (DFM)	225	2700			

#### **Tukwila Workload:**

Currently, the Tukwila FMO is not providing the following inspection services listed below, such as regular Life Safety Fire Inspections, due to staffing, budget, and other workload issues. These inspections were phased out in 2014-2015 and have not been restarted.

#### **Business Life-Safety Inspections:**

 Estimated at 2,500 businesses, that may need inspections every one, two or three years based on potential hazards. This could range from 50 to over 200 monthly depending on the review period.

## **Operational Fire Permit Inspections:**

• Estimated at 400-600 commercial occupancies that have higher hazards and may need inspections every year, which is approximately 35-50 every month. This is included in Fire Life-Safety Inspections above.

## **New Business Fire Inspections:**

200 Annually / 17 monthly: This has not been performed for the past few years.

## Follow-Up on Impaired Fire Protection Systems:

 500 Annually / 42 monthly. In 2021 the FMO started using a third party contractor, BRYCER, to help with this workload, but BRYCER also requires FMO staff time to manage this contract.

## Follow-Up on Known Fire Code and Fire Safety Issues:

• This usually requires a site visit by a Deputy Fire Marshal, along with research, and Enforcement actions to resolve the issue. 75 Annually / 6 monthly.

Non-Development Fire Inspections can be placed into two categories. The first category is the Business Life-Safety Inspections that can be performed by fire fighters that do not have any certifications. Typical programs utilize the on-duty fire suppression crews to conduct these rudimentary inspections during their regular shifts. These inspections basically check for the three "E's" (Extinguishers, Exits, and Electrical cords), which are common fire hazards. These are important inspections that often catch dangerous life-safety issues in low hazard buildings.

These inspections involve occupancies with known hazards or operational processes that are regulated by the International Fire Code. The Fire Inspector evaluates the fire protection systems, dangerous operations (welding, high pile storage, hazardous materials, etc.), and other complex operations. These inspections would also include Operational Fire Permit inspections for businesses that have processes or occupancies that are regulated by the International Fire Code and are required to have a valid Operational Fire Permit to conduct the specific operation(s) enumerated in the fire code. In order for a business to be issued an Operational Fire permit, the business needs to be in compliance with the Fire Code and be inspected by a Fire Inspector, to ensure compliance with the code.

Certified Fire Inspectors can also be used as "utility players," so they can be shifted to development inspections, fire investigations, or miscellaneous work as the demand shifts.

Informational Notes: Other Fire Marshal's Offices in King County provide fire inspections of most business (non-residential) occupancies in their jurisdiction. The level of service varies among agencies and is usually adjusted by frequency of inspection. The frequency standard of conducting inspections of each occupancy ranges from annually for high hazard occupancies to every two to three years for lower hazard occupancies. Most jurisdictions have categorized all their businesses into hazard groups from low to high to prioritize their efforts. Then a schedule of frequency is based on the hazard class. An example is conducting inspections on high hazard occupancies every year, medium hazard occupancies every other year, and low hazard occupancies every three years (or not at all). Some jurisdictions have implemented a "Self-Inspection" program for low hazard occupancies (such as offices, small retail stores, etc.).

Most jurisdictions require Operational Permits for enumerated activities in the adopted Fire Code. Any occupancy that is required to have an Operational Permit is then in the category of occupancies requiring a certified fire inspector to conduct their inspection (high or medium hazard). Most jurisdictions require operational permits and conduct annual inspections of these

occupancies. There is a fee for the operational permit that is intended to cover the cost of the inspections.

Company inspections are conducted by the on-duty fire suppression crews (no certifications). These inspections are done on low hazard occupancies and serve to also provide business familiarity for the crews that may have to respond to an emergency at that location. These inspections usually catch minor fire code violations such as improper use of extension cords, lack of fire extinguishers, or a blocked exit. These minor violations are easily remedied but sometimes require a follow-up inspection. Occasionally, a crew will notice a more serious fire code issue and then refer the issue to the FMO for follow-up with a certified fire inspector.

#### OTHER ADMINISTRATIVE FMO SERVICES:

## Recommended number of FTEs for Tukwila Workload by the Tukwila Fire Marshal:

 2.0 FTE to manage the records management system and billing for the Life Safety Inspections and Operational Fire Permits, scheduling of inspections, public records requests (PRRs), manage BRYCER, manage Fire Investigation records, and respond to FMO related correspondence.

#### **Tukwila Workload:**

Some services listed below are provided by the civilian Admin Tech and some by uniform staff.

- The Tukwila FMO currently provides Records Management services.
- Fire-related Public Records Requests: 150 to 200 Annually / 13 to 17 monthly
- Address Management: 75 Annually / 6 monthly
- Lock Box Program Management: 1,100 boxes in the city (\*1,000 need to be replaced)
- Records Retention: (EMS records, Fire Investigations, Training, etc.)

Informational Notes: The FMO is the central contact point for public record requests concerning medical calls, fire, etc. Attorneys and insurance companies are the main requestors of information. The Admin Tech responds to the requests and produces the information requested. The FMO also deals with new development requiring address assignment consistent with surrounding properties. Records retention and destruction are also duties of the Admin Tech.

#### **DISCUSSION OF OPTIONS FOR FMO SERVICE**

City Staff have identified four potential options that could provide better and more comprehensive FMO services going forward. These options will need further evaluation including service levels, which will determine costs and associated revenues, as well as pros and cons for each. This is an opportunity to provide the City Council with a summary of these options, receive feedback from Council, and an opportunity for staff to provide recommendations.

Option A: In-House: Uniform and Civilian Staffing

Option B: In-House: Civilian Staffing

Option C: Contract with Puget Sound Regional Fire Authority - Uniform and Civilian Staffing

Option D: Contract with Renton Regional Fire Authority – Civilian Staffing

The need to determine the service level desired by the council is a foundational step.

#### **SCALABILITY OF OPTIONS**

Certain service levels outlined below could be scalable or phased in based on the Council direction. For example, the full-service in-house model assumes increasing staffing from the

current 5.0 FTE to as much as 10 FTE. This increase in staffing and service could be done incrementally over time as budget and revenues are available.

## FINANCIAL ASSUMPTIONS FOR INCREASING FMO SERVICES:

#### **COST RECOVERY ASSUMPTIONS**

City Council adopted a new fee schedule in 2020 which updated our Fire Development and fees and also updated our Business Life Safety Inspection and Operational Fire Permit fees, the following is a basic breakdown of Fire Code Enforcement Fees:

- For each business that receives Life-Safety Fire Inspection, a base \$50 fee will be charge for that service.
- For each business that receives Life-Safety Fire Inspection and is required to have a valid Operational Fire Permit fee, that business will be charged the base \$50 Inspection fee plus \$175 to \$300 for <u>each</u> Operational Fire Permit that business is required to have.
- Estimated number of Operational Fire Permits and the projected cost recovery estimates
  that will help offset the FTE cost for providing that service. These estimates won't be realized
  the 1<sup>st</sup> year, but when the inspection program is established and the FMO is staffed
  effectively.
  - There are an estimated 600 Operational Fire Permits at businesses operating in Tukwila and of those permits there are an estimated 400 permits at \$175 per permit and 200 at \$300 per permit. If all permitted occupancies were inspected and in compliance with the Fire Code requirements for those processes that require permits, the projected recovery fees would be \$130K for just the Operational Fire Permits.

## **FOUR OPTIONS FOR INCREASING SERVICES IN THE FMO**

As mentioned previously, city staff have outlined four main options to increase the level of service above the current status quo.

Option A: In-House: Uniform and Civilian Staffing

Option B: In-House: Civilian Staffing

Option C: Contract with Puget Sound Regional Fire Authority - Uniform and Civilian Staffing

Option D: Contract with Renton Regional Fire Authority - Civilian Staffing

All four service options (A, B, C & D) will increase the level of services provided by the FMO, with a continued emphasis on Fire Development Services and Fire Investigations and a renewed focus and attention on Fire Code Enforcement Services.

OPTION A & B (keep the FMO as a division within the Tukwila Fire, but the main difference between OPTION A & B, is that OPTION A would have the Fire Marshal's Office staffed with a combination of Uniform and Civilian Employees (HYBRID), versus OPTION B would be an all-Civilian staffing model. Both OPTION A & B would have all staff have the appropriate certifications, such as fire inspector, fire plans reviewer and/or fire investigator. OPTION B is a lower cost in comparison to OPTION A, but there are positive and negative connotations with both options. Any changes to the current staffing model would need to be bargained with IAFF Local 2088 and/or Teamsters Local 763.

# **OPTION A:** In-House: (Uniform and Civilian Staffing)

Estimated Cost: \$1.7M total cost for FMO services that includes an additional four (4) FTEs.
 Approximately \$130K in new revenue could be generated from reinstated inspection program

but total revenue would be determined by the desired service level. Net increase in expenditure budget to fund this option would be \$530K.

- FMO work site would remain at the 6300 building.
- Total FTEs: Nine (9) six (6) uniform and three (3) civilians:
  - o FIRE MARSHAL Uniform
  - DEPUTY FIRE MARSHAL Uniform
  - DEPUTY FIRE MARSHAL Uniform
  - o FIRE PROJECT COORDINATOR Civilian
  - o FIRE MARSHAL ANALYST Civilian
  - o ADMIN SUPPORT TECH Civilian

Increase staffing by four (4) FTEs. These proposed, new positions would be technical positions requiring training and certifications. Most of the responsibilities would be performing inspections and development plan reviews. The four positions could be staffed with fire fighters and/or civilians. The use of firefighters would require time for the training and certification process. Civilian inspectors/plan reviewers can be hired with existing training and certifications. Plan reviews and inspections are on the City's fee schedule and create their own revenue streams to offset expenses.

## **OPTION B:** In-House: (All Civilian Staffing)

- Estimated Annual Cost: \$1.2M for nine (9) civilian positions less approximately \$130k in new revenue generated. Two civilian positions already exist in the FMO so it would be an additional seven (7) positions. This model assumes a transfer of existing uniformed personnel currently assigned to the FMO to another division within the Fire Department. Net increase in expenditure budget to fund this option would be \$30K.
- FMO work site would remain at the 6300 building.
- Total FTEs: Nine (9) Civilians:
  - FIRE MARSHAL Civilian
    - DEPUTY FIRE MARSHAL Civilian
    - o DEPUTY FIRE MARSHAL Civilian
    - DEPUTY FIRE MARSHAL Civilian
    - o DEPUTY FIRE MARSHAL Civilian
    - o DEPUTY FIRE MARSHAL Civilian
    - o FIRE PROJECT COORDINATOR Civilian
    - o FIRE MARSHAL ANALYST Civilian
    - o ADMIN SUPPORT TECH Civilian

With OPTION B, there would be a change for the current FMO staff who are Uniformed members of Local 2088, (three positions 1 BC and 2 CAPT), and this change would need to be bargained with IAFF Local 2088.

#### **OPTION C & D: (Contract for FMO Services)**

Tukwila is fortunate to have two adjacent fire authorities who both have a robust Fire Marshal's Office that can provide high-quality services to our community. The main difference between OPTION C & D, is that OPTION C - Puget Sound Regional Fire Authority (PSRFA) uses uniform staff (fire fighters and captains) to provide inspections and investigations while OPTION D - Renton Regional Fire Authority (RRFA) is an all-civilian model.

Contracting with either Puget Sound RFA or Renton RFA for all FMO services could be accomplished on a shorter timeframe (one to three months). These options could be more sustainable based on efforts already underway in Zone 3 to regionalize these services, similar to the Training Consortium.

We would still need to establish an expected level of service to be defined in the contract, which would then determine the cost of the contract. Both RFAs have indicated interest in offering Tukwila a contract for a sustained level of FMO services to the Tukwila Community.

# <u>OPTION C:</u> Contract with Puget Sound Regional Fire Authority (PSRFA) - Uniform and Civilian Staffing

- Estimated Annual Contract Cost: \$1.62M. Estimated new revenue of approximately \$130K for a net increase in expenditure budget of \$430K would be required to fund this option.
- Primary worksite for FMO staff will be at PSRFA, but current FMO offices at 6300 will remain for FMO staff as needed.
- Total FTEs to provide service to Tukwila: Nine (9) FTEs.
  - o Three (3) Civilian
  - o Six (6) Uniform

PSRFA has 14.5 FTEs and currently has contracts for Fire Marshal services with other cities, such as Kent, SeaTac, Covington, and Maple Valley. One option for current Tukwila FMO staff is to send one Battalion Chief (FM), two Captains (DFMs), one Fire Project Coordinator, and one Admin Support Tech to the PSRFA, to integrate into their existing FMO. Depending on the desired level of service, additional staffing may be necessary. Because most services performed by the FMO generate revenue, the City would only need to absorb the net increase in the cost of the contract. This change could need to be bargained with IAFF Local 2088 and the Teamsters.

# OPTION D: Contract with Renton Regional Fire Authority (RRFA) - All Civilian Staffing

- Estimated Annual Contract Cost: \$700K. Estimated new revenue of approximately \$130K for a net decrease in expenditure budget of \$470K would be required to fund this option.
- All FMO staff to work out of Renton Fire Station 14.
- Total FTEs to provide service to Tukwila: Five (5) FTEs.
  - o All Five Civilian

One (1) current Tukwila FMO FTE (Fire Project Coordinator – Civilian) would move to Renton RFA. The four (4) remaining FMO FTEs would stay with the City of Tukwila. Renton has indicated that our Fire Project Coordinator (Teamster position) could transfer into the Renton RFA. This would need to be bargained with the Teamsters. The uniformed staff currently assigned to the FMO could then be reassigned within the fire department. This would need to be bargained with IAFF Local 2088. The Admin Tech could be reassigned within the within the city.

The Renton RFA currently has 10 FTEs and one vacant position. Positions include a Fire Marshal, Assistant Fire Marshal (new for 2021), Permit Technician, Lead Fire Plans Reviewer, and five Deputy Fire Marshals. The vacant position is also a Deputy Fire Marshal. With the exception of the Permit Tech, all staff have multiple certifications and longevity ranges from two years to 30 years in the Renton FMO. The average longevity is 10 years.

As with the PSRFA option, the desired level of service would determine the net cost of a contract (total cost less revenue generated from FMO work).

## **LABOR CONSIDERATIONS**

There will be a need to meet and bargain with IAFF Local 2088 and/or Teamsters Local 763 over any labor issues created with the preferred option. The move to incorporate civilian positions, contract with one of the RFAs, and/or eliminate any uniformed positions will need to be bargained with the unions.

# PRELIMINARY COST COMPARISONS

Options	Staff	Cost	Current	Est. New	Net	Change from
			Revenue	Revenue*	Cost	Status Quo
Status Quo	5.0	\$1.04 M	\$258K	\$0	\$782K	\$0
	FTE					
Option A-In House	9.0	\$1.7M	\$258K	\$130K	\$1.3M	+ \$530K
(Uniform)	FTE					
Option B – In	9.0	\$1.2 M	\$258K	\$130K	\$812K	+ \$30K
House (Civilian)	FTE					
Option C - PSRFA	9.0	\$1.6 M	\$258K	\$130K	\$1.2M	+ \$430K
(Uniform)	FTE					
Option D - Renton	5.0	\$700K	\$258K	\$130K	\$312K	- \$470K
RFA (Civilian)	FTE					

<sup>\*</sup> Estimated New Revenue assumes \$130K from operational permits.

As these are preliminary estimates, full costs and revenues assumptions will need to be clarified as well as the possible staffing changes and overall impacts to the City of Tukwila.

# **RECOMMENDATION**

Discussion Only