

ATTACHMENT 3

October 28, 2004

The Honorable Larry Phillips
Chair, King County Council

The Honorable Larry Gossett
Chair, Budget and Finance Committee
Room 1200
C O U R T H O U S E

Dear Councilmember Gossett:

This letter is to respond to your request that we consider the proposal made by the King County Fire Chief's Association, the King County Fire Commissioner's Association and SEIU Local 519 to move the Fire Marshal's Office from the Department of Development and Environmental Services (DDES) to the Department of Executive Service's (DES) Office of Emergency Management (OEM).

After careful consideration of the proposal during the development of the Executive Proposed Budget, I determined that the Fire Marshal's Office should remain in DDES. The Executive Proposed Budget reflects this recommendation. I have made this decision for the following reasons:

- The current organization has functioned successfully for many years to assure the safety of the citizens of King County. In addition, I believe that reorganization of county government is better considered outside the budget process.
- The proposal required that all 17 employees working on fire suppression services be maintained as a single unit. Ten of these employees are fully integrated into the DDES permit billing system and it would not have been possible to transfer them in 2005. The 7 employees providing the arson investigation services could have been moved. However, such an action would have been contrary to the proposal.
- There are currently six employees that provide Fire Code review and inspection of new construction services. The work these employees perform is fully integrated and coordinated with their building code counterparts. Any change to the organizational structure needs to assure that this coordination and integration continues.

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- The financial implications of the proposal did not appear to achieve the savings that were highlighted as a benefit of the reorganization. For example, the proposal asked the County Council to acknowledge that the Fire Marshal's Office needed to be augmented with general fund revenues. This is just not possible; even under the improving economic conditions facing the county today.

A copy of the report detailing our complete review of the organizational options for the Fire Marshal's Office is attached.

I support the County Council's desire to assure that the county's organizational structure provides our many services in the most effective and efficient manner. We plan to continue the dialogue with the King County Fire Chief's Association, the King County Fire Commissioner's Association, and SEIU Local 519 to assure the continued safety of our citizens.

Thank you for the opportunity to respond to the proposal. I look forward to working with you on this issue in the future. If you have any questions, please contact Steve Call, Director, Office of Management and Budget (OMB), at 206-296-3434, or Stephanie Warden, Director, DDES, at 206-296-6700.

Sincerely,

Ron Sims
King County Executive

Attachment

cc: King County Councilmembers
ATTN: Scott White, Chief of Staff
Shelley Sutton, Policy Staff Director
Rebecha Cusack, Lead Staff, BFM Committee
Lauren Smith, Legislative Analyst
Anne Noris, Clerk of the Council
Commissioner Bob Cook, President, King County Fire Commissioners Association
Deputy Chief Bud Backer, King County Fire Chiefs Association
Stephanie Warden, Director, DDES
Steve Call, Director, OMB
Dustin Frederick, Business Manager, SEIU, Local 519
John Amos, Budget Supervisor, OMB

Attachment: Review of the Organization Options for the Fire Marshal's Office

This document is in response to the June 10, 2004 letter from the King County Fire Chief's Association, the King County Fire Commissioner's Association and SEIU Local 519 regarding a proposed transfer of the King County Fire Marshal's Office (FMO) at Department of Development & Environmental Services (DDES) to the Office of Emergency Management (OEM). We have analyzed several options as part of our preparation for the 2005 budget from both an organizational and financial prospective.

Before responding to the specific points addressed in the letter, the following information summarizes the authority and responsibilities of the FMO under State statutes and county code. There is also a brief description of the various functions and services currently offered by the FMO.

FMO ENFORCEMENT AUTHORITY & RESPONSIBILITIES

In unincorporated areas, the county fire marshal is responsible for the enforcement of the International Fire Code (RCW 19.27.110) and the investigation of fires (RCW 48.48.60). King County Code (KCC 2.16.055) establishes the DDES director as the county fire marshal and allows the director to delegate that authority to a subordinate. Traditionally, the DDES director has delegated the fire marshal duties to the supervisor of the fire marshal's office. The duties of the King County Fire Marshal are described in the International Fire Code (IFC), as revised by KCC, and generally provide for:

- Investigation, administration and inspection functions to promote fire prevention provisions.
- Code enforcement of the storage and handling of hazardous materials, installation and maintenance of fire systems; maintenance of fire protection and elimination of fire hazards on land and in buildings, including those under construction.
- The investigation of cause, origin and circumstance of fires and unauthorized releases of hazardous materials.
- Authorization to render interpretations and approve variances to impose additional conditions pursuant to the enforcement of the IFC.

The separation of IFC duties between the county fire marshal and the local fire districts and departments is specified in RCW 48.48 and KCC Title 17. The FMO is charged with the enforcement of the fire prevention provisions of the IFC. Fire Districts are responsible for the fire suppression or extinguishing provisions of the IFC within their jurisdiction.

FMO DIRECT SERVICES - NEW CONSTRUCTION

Fire Code Review and Inspection of Construction

Fire engineers review certain building permit applications of new commercial and multifamily construction, including additions and remodels, to ensure compliance with the fire code. Examples are occupancies that include hazardous materials, assembly uses, high-rises, schools and institutional facilities. Reviews include hazardous materials reports, smoke-control systems, exiting systems and fire loads. Inspection of all new construction (including remodels and

additions) of commercial and multifamily building permits is performed by deputy fire marshals. Final fire inspection approval is required prior to issuance of the certificate of occupancy.

Plan Review and Inspection of New Fire Prevention Systems

Separate permit applications are required for all new and altered fire suppression systems, fire alarm systems, water main extensions and smoke control systems. Separate permits are also required for flammable storage tanks, spray paint booths and high-rise storage racks. Plans for all such systems and uses are submitted for review to determine compliance with the fire code and other national standards. Once the application is approved, the permit is issued and fire inspections verify installation approval with field test of the fire systems.

Fire Flow and Fire Access

Permit applications for new commercial buildings and additions, plats, short plats and lot line adjustments are reviewed to determine the amount of water required for fire fighting (fire flow). Fire hydrant locations are identified along with water mains and fire department connections. Fire department access is established to the site and around the buildings. This review includes the location of fire lanes and turnarounds. After plan approval, inspections are performed including field-testing of water mains and hydrants.

Funding & Staffing

Funding for the FTE who perform the new construction plans review and inspections are through permit review fees paid by the permit applicant. There are currently three fire code engineers (plans examiners) and three fire code inspectors for new construction.

FMO DIRECT SERVICES - ANNUAL INSPECTIONS

Existing Buildings

Certain occupancies and uses require annual inspections and the issuance of annual fire permits, including buildings with hazardous materials, public assembly and licensed care facilities. In addition, annual fire/life safety inspections are performed on all multifamily buildings containing four or more dwelling units. The purpose of these inspections is to verify that fire and life safety construction and systems are maintained and the uses have not changed or expanded. Where discrepancies are noted, corrective actions are taken to resolve the violations. Owners of such facilities are notified in advance of the inspection and provided with a checklist to facilitate compliance. Inspections may also be performed based on complaints by citizens or the local fire district.

PBX Inspections

Annually, fire inspectors visit all locations where PBX telephone systems are used to pass telephone calls to E-911 emergency police, fire or medical aid dispatch centers. As required by RCW, the local fire marshal is required to verify that the actual address of the caller appears in the emergency dispatch center. While on site, the fire inspector verifies system compliance with the local dispatch center.

Funding & Staffing:

Funding for the FTE who perform the annual and PBX inspections is through permit fees except that a .5 FTE working on PBX inspections is funded by E-911. There are three fire inspectors and .5 administrative specialist working on annual inspections and PBX inspections.

FMO DIRECT SERVICES - INVESTIGATION

Fire Investigation

A fire investigator is available on a 24/7 basis to respond to certain fire incidences in unincorporated King County (and contract cities). The fire investigator is called when the fire district and/or city department requests assistance in determining the fire's origin and cause; when the cause is suspected or known to be arson; when a fatality or serious injury has occurred; or when the damage exceeds a predetermined value. The investigator secures the scene, determines the fire's origin and cause, photographs the fire scene, collects evidence and writes a formal report documenting all findings. Witnesses and potential suspects are interviewed and written statements are prepared. The Fire Investigation Unit conducts the criminal investigation and prepares the case for submission to the King County Prosecutor's Office if a suspect has been identified. In coordination with the King County Sheriff's Office, an arrest of the suspect is performed. The Fire Investigation Unit then works with the King County Prosecuting Attorney's Office in preparation for trial, including testifying as an expert witness and providing assistance during the trial period.

Funding and Staffing

These FTE are paid for by general revenue funds (CX), except that one fire investigator is funded through fire investigation contracts with cities. There are seven FTE in the Fire Investigation Unit; five investigators, one supervisor and one administrative specialist.

OTHER FMO SERVICES

The King County FMO also provides the following services:

- Special Permits and Approvals for fireworks sales and displays, tent and temporary use permits; review of house moves, business licenses and state-licensed care facilities.
- Public Education: Under the current financial limitations, fire and life safety education services are a challenge for both the FMO and department. However, the FMO does maintain a webpage on the King County/DDES Web site. The FMO regularly provides articles for the DDES quarterly newsletter. In addition, the FMO has several informational bulletins, prepares news releases for special notices and occasionally provides classes on code issues.
- The fire marshal administers the Fire Code Advisory Board activities. This board is composed of county residents, experienced in fire prevention requirements and can hear appeals to the fire marshal's decisions or advise on regulatory fire code changes. The designated fire marshal serves as an ex-officio member of the board.
- Working with a variety of stakeholders, the FMO maintains the county's fire code regulations. FMO staff participates in the fire code development process at both the state and national levels. The FMO assists in the development of other county regulations that

may affect fire prevention services. In 2004, Washington State and King County switched from the Uniform Fire Code to the International Fire Code.

- The department currently has contracts with 15 cities that contract with King County for fire investigation services, 10 of which are administered through the King County Sheriff, and five of which are stand alone contracts with the FMO. There may be additional contract cities in 2005.

Funding & Staffing

- The designated fire marshal position (1 FTE) is partially funded through permit fees and partially by CX funds. This position generally performs these other services (except for the contract services and special permit reviews), as well as supervisory functions for the FMO, interpretation functions under the IFC, and on-going coordination with Fire Districts.

As indicated above, the range of activities performed by the FMO is diverse. The following addresses and analyzes the specific points raised in the letter.

The goals cited in the letter of June 10, 2004, for proposing the transfer are as follows:

- Elevate the fire marshal's authority to a level that better serves the citizens of King County
- Enhance regional services by linking prevention and preparedness activities within the Office of Emergency Management (OEM)
- Integrate hazard mitigation activities of the OEM with code compliance and prevention activities of the FMO
- Provide financial savings to the FMO as a regional service provider.

Keeping the above goals in mind, the following is an analysis of the various options, including the proposal presented in the letter of June 10, 2004.

Option One: Status Quo- Entire Fire Marshal Office remains at DDES w/ current funding sources (this option is reflected in the 2005 budget proposal)

Budget Implications: The Budget Office has recalculated the overhead cost allocations for the CX- support Fire Investigation Unit, resulting in a CX savings of \$311,000. The other FMO positions are fee supported and the staffing models for 2005 show a slight increase in revenues and no change in FTE count.

Operational Issues: The Fire Investigation Unit is supervised by an assistant fire marshal who reports to Fire Marshal Jim Rankin. The Annual Fire Inspection Unit reports directly to the fire marshal. The New Construction Fire Inspection Unit is directly supervised by an assistant fire marshal and the unit as a whole reports to the building inspection supervisor. The New Construction Fire Plan Review Unit reports to the building plans examination supervisor. The New Construction Fire Inspection and New Construction Fire Plan Review Units are fully integrated and coordinated with their building code counterparts. These supervisory arrangements have been fine-tuned over a several year period and work well from an operational standpoint.

All Fire Marshal's Office staff meets every other week as a unit to discuss issues of common interest and concern and to receive training on relevant fire codes.

Logistical Issues

All fire marshal personnel are physically located at DDES in Renton. The Fire Investigation Unit has a separate entrance for witness interviews, a specially equipped interview room, and there is a separate locked storage room for evidentiary files. The Annual Fire Inspection Unit is located proximate to their immediate supervisor Fire Marshal Jim Rankin. The New Construction Fire Inspection and New Construction Fire Plan Review Units are physically located adjacent to their building code counterparts for ease of work assignments and inspection requests, coordination between review stations, and routing of permits.

Option Two: Move entire Fire Marshal Office to Office of Emergency Management (OEM) and convert some fee supported functions to CX (this option was proposed in the June 10 letter)

Budget Implications

There is a savings for the Fire Investigation Unit only since Emergency Management is a CX agency and does not pay into the CX overhead. The savings would be approximately \$59,000 more than the \$311,000 savings found through the proposed 2005 cost reallocation. The June 10th letter also advocates that the Annual Fire Inspection Unit be funded through CX funds. These three positions are currently 100% fee supported. This added cost to CX of \$322,067 would far exceed the savings of moving the CX positions to a CX agency, especially in light of the proposal to reallocate the costs for the CX funded positions if they remain at DDES. It is unclear how the New Construction Fire Inspection Units and New Construction Fire Plan Review Units would be funded under the June 10 letter proposal. These positions are currently 100% fee supported.

Organizational Issues

The Fire Investigation Unit is an independent criminal justice function and could function in a number of King County agencies. The Annual Inspection, New Construction Fire Inspection and New Construction Fire Plan Review Units are currently 100% fee supported and require considerable staff support resources to intake permits, set-up inspection appointments, route permits, and maintain the time reporting and financial billing systems. These support staff along with the technological support are funded through permit fee overhead charges. The physical proximity of the New Construction Fire Inspection and New Construction Fire Plan Review units to their building code counterparts are important for distribution of work assignments, routing of permits, and coordination of inspections and plans examination. The day-to-day supervision of these staff by the building inspection and building plan examination supervisors has also proved to be very effective and efficient.

The primary arguments advanced in the June 10 letter for moving the FMO out of DDES are to:

- elevate the FMO's authority to a level that better serves the citizens of King County.
- enhance regional services by linking prevention and preparedness activities within the OEM.

- integrate hazard mitigation activities of the OEM with code compliance and prevention activities of the FMO.
- provide financial savings to the FMO as a regional service provider.
- preserve the decision-making authority of the FMO on fire and life safety issues which are currently overshadowed in favor of decisions on land-use issues.

Regarding the first point, it is unclear how the citizens are better served if portions of the permitting function are moved to another department. The New Construction Fire Inspection and the New Construction Fire Plan Review Units are fully integrated within the DDES one-stop permitting concept. The Annual Fire Inspection Unit is tied to DDES functions only in regard to the staffing and technology support. The Fire Investigation Unit functions vary independently and could fit organizationally in a number of King County agencies. There may be some benefits achieved under the second point, since there are limited opportunities and limited revenues at DDES to provide public education and prevention services. However, given the status of the general fund, it is unlikely that these activities would gain additional CX funding.

In regard to the third point, OEM maintains a regional database and currently coordinates with fire districts and fire marshal's throughout King County for emergency response. It is unclear what the added benefits would be to the organizational link between the two functions. In regard to the fourth point, there is no cost savings but substantial new general fund costs to moving fee supported positions to the CX fund. Finally, in regard to the fifth point, the fire communities have been long-time advocates that any coordination of building or fire code provisions with housing affordability and feasibility issues compromises public safety. These concerns may make compelling emotional arguments but are statistically unfounded. The fire code provisions are stringently applied in King County and fire and life safety issues have never been overshadowed in favor of land use decisions. Furthermore, permit applicants would be concerned with permit delays resulting from an organizational structure that decouples building and land use permitting decisions from fire code decisions.

Logistical Issues

The June 10 letter provides several options for where the FMO would physically be located. As noted above, the Fire Investigation Unit has some unique space needs that would need to be accommodated if that unit moved to another location. The Annual Inspection Unit does not have unique space needs and could locate anywhere that could support service delivery to the unincorporated areas. As noted above, the New Construction Fire Inspection and New Construction Fire Plan Review Units benefit from their physical proximity to their building code counterparts. King County has spent many years refining the concept of one-stop shopping for permit review. Physically removing these units from DDES would reverse that trend and could slow down the permit review and inspection process.

The FMO could remain physically at DDES and pay rent. However, this is the least desirable alternative pursuant to the June 10 proposal and also does not meet the goal of having the FMO all located in one portion of the building. Currently, the Fire Investigation Unit is located in one

wing on the first floor, the Annual Inspection and New Construction Plans Examination Units are located in another wing on the first floor adjacent to the Building Plans Examination Section, and the New Construction Fire Inspection Unit is located adjacent to the Building Inspection Section on the 3rd floor.

Option 3: Move Fire Investigation Unit to Office of Emergency Management or to the King County Sheriff's Office

Budget Implications

There is a savings for the Fire Investigation Unit since both the OEM and the King County Sheriff's Office are CX agencies and do not pay into the CX overhead. The savings would be approximately \$59,000 more than the \$311,000 savings found through the cost reallocation presented in the 2005 budget. There would be no budget implications for the remainder of the FMO which would remain fee supported in DDES.

Organizational Issues

The Fire Investigation Unit is an independent criminal justice function and could function in a number of King County agencies.

Logistical Issues

The Office of Emergency Management has indicated they do not have space to accommodate the Fire Investigation Unit. However, it may be possible for OEM to pay rent for the unit to remain at DDES. Both OEM and DDES offices are located within the City of Renton; approximately five miles apart. As indicated above, the Fire Investigation Unit has some unique space needs which need to be accommodated wherever the unit is located, including a separate entrance for witness interviews, an interview room with a one-way mirror, and a separately locked storage room for evidentiary files.