



# King County Fire Chiefs Association

ATTACHMENT 2

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RECEIVED

June 10<sup>th</sup>, 2004

JUN 14 2004

DISTRICT FOUR  
KING COUNTY COUNCIL

To: The Honorable Metro King County/Metro Council Members  
King County Executive Ron Sims  
O.E.M. Director Eric Holdeman

From: The King County Fire Commissioners Association  
The King County Fire Chiefs Association

Re: The King County Fire Marshal's Office

The King County Fire Chiefs and the King County Fire Commissioners are pleased to be able to address you in a united fashion with regards to an extremely important issue. As you are all well aware, we addressed you in 2002 with our concerns about the vacancy that existed in the position of the King County Fire Marshal. Through your joint leadership, the Fire Marshal position was eventually funded and filled by a very qualified individual. At that time we committed to you that we would continue to work with the King County Fire Marshal's Office to find additional efficiencies, and to improve the overall delivery of service. Towards that end, we are now coming to you with our proposed next steps to strengthen the Fire Marshal's Office.

The attached documents reflect a collaborative effort of the King County Fire Chiefs Association, the King County Fire Commissioners Association and Local #519. This outlines a direction that we believe, when implemented, will not only be more efficient, but also will better serve and protect the citizens of our region. A great deal of time and effort has been put into this document, with strong consideration given to the needs of the citizens that we all serve. We considered many options before coming to a final determination that we feel will enhance regional services, while at the same time improve efficiencies and the effectiveness of the entire Fire marshal's Office. In the final analysis, we are recommending that the King County Fire Marshal's Office become a division within the Office of Emergency Management (OEM). We are also recommending a change to restore the authority of the Fire Marshal to the King County Fire Marshal position itself.

Some of the highlights of the benefits that this change will provide are as follows:

- Elevates the King County Fire Marshal's authority to a level that better serves the citizens of King County.
- Enhances regional services by linking prevention and preparedness activities within the Office of Emergency Management.

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# King County Fire Chiefs Association

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- Integrates hazard mitigation activities of the OEM with code compliance and prevention activities of the FMO, a natural fit.
- Provides financial savings to the Fire Marshal's Office as a Regional Service Provider.

Action on the recommended changes can and should be acted upon as soon as is possible. We make ourselves available to you to answer any questions you may have. We are also willing to have a joint committee of King County Fire Commissioners and King County Fire Chiefs continue to assist in the transition process, with ongoing communication and joint efforts afterwards as well.

As King County governance, function and service delivery evolve to meet a changing and demanding community, we encourage your thoughtful and deliberate support related to our suggested improvements to advance the King County Fire Marshal's Office as a division within the Office of Emergency Management. Please review the attached documentation and feel free to contact us should you have any questions.

We will be contacting you soon to arrange times to meet with you and staff.

Sincerely,

Handwritten signature of Bob Cook in black ink.

Commissioner Bob Cook, President  
King County Fire Commissioners Association

Handwritten signature of Bud Backer in black ink.

Deputy Chief Bud Backer, President  
King County Fire Chiefs Association

Handwritten signature of Dustin Frederick in black ink.  
Dustin Frederick, Business Manager  
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*"Commitment to Excellence"*

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**SEIU LOCAL 519  
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## INTRODUCTION

Over the past several decades, the Fire Service Community (Fire Commissioners and Fire Chiefs) as a whole has questioned and challenged the advisability of the organizational placement of the Fire Marshal's Office (FMO) within the structure of the Department of Development and Environmental Services (DDES) and, previously, within Building and Land Development (BALD). The primary concern expressed by the Fire Service Community is that the effectiveness as well as the decision-making authority of the FMO on fire- and life-safety issues are often overshadowed in favor of decisions on land-use issues.

Each time the Fire Service Community has raised these concerns, some organizational changes have been made. However, history seems to reflect that the changes are made simply to appease the Fire Service Community because, after a seemingly short time period, the same issues and concerns rise to the forefront again and again.

To illustrate our point, we note that these same issues and concerns were raised in 2001 and 2002, when no action was taken by DDES to fill the Fire Marshal vacancy caused by the retirement of then-Fire Marshal Tom McDonald. Not only was there a failure to fill the Fire Marshal's position, but the office organization was divided into several individual units and each of these units was assigned to a variety of different supervisors within the DDES in an obvious attempt to methodically dismantle the FMO. These changes have effectively caused the Fire Marshal's Office to become ineffective in fulfilling its statutory role, and have significantly lowered the level of service to the citizens of unincorporated King County.

## DISCUSSION

A long and, at times, contentious series of discussions between the Fire Service Community and the DDES produced no tangible results. Thus the Fire Service Community brought the matter to the attention of the King County Council. As a result, the Council acted positively and issued a directive to proceed with filling the Fire Marshal position. Although there were other organizational issues still in need of resolution, such as the reassignment of FMO staff to other divisions or sections, discussions on those issues were deferred to a later date for two primary reasons. First was to allow the newly-appointed Fire Marshal to become acquainted with organizational needs and because there were some assurances that future consideration would be given to reuniting the FMO staff. Second was the desire to attempt to work within the organizational structure of the DDES to accomplish the goals of the Fire Service Community, and the citizens that we all serve.

It was agreed that joint meetings between the Fire Service Community and the DDES staff, including the Fire Marshal, would continue in order to keep the lines of communication open in hopes that future issues could be discussed and resolved in a collaborative venue. For several meetings this seemed to be the case and, in the opinion of the Fire Service Community, great strides were made with the appointment of a new

Fire Marshal. This was followed by the realignment of the Annual Inspectors under the direct supervision of the Fire Marshal, another step forward.

Unfortunately, there has been no further willingness to entertain discussions or any consideration of reuniting the Fire Engineers and New Construction Inspectors under the direct supervision of the Fire Marshal. This has been a long sought-after goal of the Fire Service Community to ensure consistency related to code compliance and enforcement.

In fact, the concern of the Fire Service Community has increased by DDES's expectation that the Annual Inspection Unit will become self sustaining by recovering 70% of the operating costs for that unit through hourly inspection fees. An historical review of inspection revenues shows that the 70% goal has never been attainable, and is not realistic. It is not likely that the 70% goal will ever be reached unless all non-billable functions are discontinued. These non-billable functions might include general public safety activities including public education, coordination of inspections with the fire districts, responding to questions on fire code issues and complaints from citizens and fire districts, interactions with other fire marshal office staff, code enforcement staff and building inspection division staff. It is our understanding that such a directive has already been issued and such action is totally unacceptable to the Fire Service Community.

In addition to the concern about a reduction in the level of fire and life safety being provided by the County, we are alarmed at the recent direction given to the Fire Investigation Unit (FIU) to discontinue the investigation of vehicle fires as required by State Statute. We fail to understand the rationale for this new direction, especially in view of the overall success of the FIU in solving or clearing all types of investigation cases. In fact, the success rate for closures by the FIU is 17.52%, which is significantly higher than the National closure rate of 16% and the Western Region closure rate of 13.7%. It is also well documented that FIU has been exceptionally successful in uncovering other types of felony crimes such as fraud, vehicle theft rings, chop shop operations and, most recently, threats against life in connection with vehicle fire investigations.

### **FIRE SERVICE COMMUNITY COMMITMENT**

We in the Fire Service Community are committed to working with the FMO and Union Local 519 in developing a new business marketing plan that will provide a more stable level of billable hours within the annual inspection program. It is our belief that a new business marketing plan can sustain a 55% to 60% revenue stream. The Council, however, needs to acknowledge the fact that many of the functions performed by the FMO fall into the general category of Public and Life Safety, and these activities should be funded through general expense revenues (CX funds).

It is also our strong belief that there are opportunities for the FMO to become a strong Regional Service Provider by expanding contracting services through interlocal agreements with other governmental agencies and organizations. We are even committed

to exploring further involvement of local fire districts in the unification of services as was expressed by the Council in the budget proviso passed as part of the 2003 County budget.

## **COUNTY COUNCIL COMMITMENT**

The Council must also make a commitment to retaining a strong and effective FMO in order to preserve the quality of life for all citizens within unincorporated King County. By taking this action, the Council will also be fulfilling its statutory responsibility for providing fire inspection and fire investigation services as clearly spelled out in the Revised Code of Washington (RCW) Titles 19 and 48 respectively. This responsibility should not be taken lightly because, should the County fail to provide all of these services, the County itself could likely be held liable for the failure to do so.

## **POSITIVE BENEFITS TO RESTORING ALL OF THE FMO FUNCTIONS AND ACTIVITIES**

We also believe that there will be other positive benefits to restoring the FMO to its full operation as suggested below.

- **Elimination of conflicting and competing goals.**
  - The overall goal of the FMO should be focused on life and fire safety issues.
  - The overall success of the FMO should not be measured by the percent of revenue generated or, at least, not at the current goal of 70-75% recovery.
  
- **“Rejoining” or restoring all FMO functions under the direct supervision or management of the Fire Marshal.**
  - Provides more efficient utilization of resources.
  - Creates resource flexibility to adjust to temporary workload shifts.
  - Promotes better continuity and consistency in application and enforcement of regulations.
  - Removes the cumbersome functional method of supervisory and management lines and establishes direct responsibility.
  - Creates the opportunity for job sharing and cross training.
  - Increases FMO organization depth.
  - Restores professional and personal pride.
  - Establishes peer recognition and acceptance within the professional community.
  - Restores the FMO as a leading agency within the professional community.

## **AVAILABLE GENERAL FUND REVENUES**

We in the Fire Service Community are well aware of the decline in revenue for all levels of government and the need for making hard decisions in order to find a balance between revenues and expenditures. However, in the overall scheme of the County's budget, the allocated funding for the Fire Marshal's office at approximately \$3 million is insignificant in comparison to the value of the services the office provides. In order to retain the overall effectiveness of the FMO, we are asking the Council to acknowledge that the FMO budget needs to be augmented with general revenues for the public safety functions that are non-billable activities.

## **RECOMMENDATION**

We believe that, in order for the FMO to be a successful and viable service provider, it is necessary to reassign the FMO to some other department within King County government. If such a reassignment is not made, it is our opinion that the problems, issues and concerns which affect the FMO will never be resolved. In addition to the reassignment to another department, we believe that it is imperative that a different business plan be developed that would improve the revenue stream for the annual inspection unit, and that the non-billable activities must be retained because of their benefit to the overall fire and life safety of all citizens within unincorporated King County.

It is our strong recommendation that all of the FMO units, i.e., Fire Engineering, all Inspection Personnel and the Fire Investigation Unit, be under the direct control and authority of the Fire Marshal and that the FMO become a Division of the Office of Emergency Management (OEM).

The Fire Service Community is dedicated to serving the citizens within King County to ensure their emergency service needs are met. The Office of Emergency Management works in a collaborative fashion with us toward the same goal. It is our opinion that the FMO should, therefore, join the OEM as their overall mission is directly linked with both of our efforts. The strength and ultimate advances in life safety services that a combined OEM and FMO could bring to the citizens of King County, in concert with the Fire Service Community, is something in which the Council could take pride.


Although the physical relocation of the FMO can be deferred until later, the decision to authorize the move and the reunification should be made by July 1, 2004 so that a proposed budget can be developed in concert with the OEM budget for review and approval of the Council during the regular budget review process. A draft transitional plan is attached as Exhibit A to show that all elements of the transition have been considered. In addition to the plan, various options and recommendations – where appropriate – have also been included.

The Fire Service Community working in cooperation with the FMO and Union Local 519 is willing to assist in the development of the Transitional Plan. The budget, of course, should remain the responsibility of the FMO. It is recommended, however, that the Transitional Plan and the Budget should be developed concurrently.

**Ordinance Change:** Another significant and critical component of the restructuring of the FMO is to repeal King County Code, Title 2.15.055, which currently designates the Director of DDES as the Fire Marshal with authority to delegate the day-to-day operation to a designee. That ordinance must be replaced with a new ordinance appointing the Chief of the FMO as the County's Fire Marshal. This will enhance the Fire Marshal's ability to make decisions for the betterment of Life and Fire Safety for all citizens.

### CONCLUSION

We look forward to discussing this at length with the Council as a whole or with one of the appropriate Council Committees. As indicated by the signatures affixed below the County Fire Chiefs Association, the County Fire Commissioners Association and Local 519 fully support this recommendation.



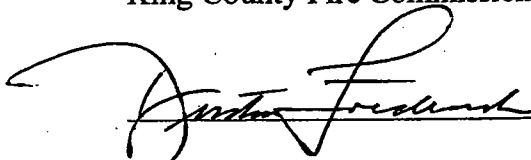
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Deputy Chief Bud Backer, President  
King County Fire Chiefs Association



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Commissioner Bob Cook, President  
King County Fire Commissioners Association



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Dustin Frederick, Business Manager  
Local 519



## EXHIBIT A

### KING COUNTY FIRE MARSHAL'S OFFICE TRANSITIONAL PLAN ELEMENTS AND RECOMMENDATIONS

It is imperative that a "Transition Plan" be developed in order assure a smooth relocation and re-unification for the Fire Marshal's Office (FMO). Following is a presentation of the transitional plan (plan). The elements of the plan are broken into sections and include a review of the various alternatives along with a recommendation where appropriate. The elements of the plan include the following:

**Relocation or Reassignment Approval:** Although the actual physical location of the FMO is essential, the approval of and the actual move of the FMO does not need to be made immediately. It is, however, extremely important that the decision to relocate be made quickly in order to give the FMO staff sufficient time to plan for and implement the various elements of this plan. It seems appropriate to reiterate at this point that this plan is a collaborative effort on the part of the Union, Fire Commissioners and Fire Chiefs (consortium). It should also be pointed out that the consortium has consulted with the Fire Marshal and he is in agreement with and is supportive of this plan

**Recommendation:** The consortium recommends that the Council approve the relocation and reassignment of the FMO.

**Amendment of King County Code, Title 2.16.035 and Title 2.16.055:** Title 2.16.035 "A" Department of Executive Services should be amended to include ... "the administrative offices of the Fire Marshal" and subsection "P" should be added to include the duties of the Fire Marshal's Office. Title 2.16.055 "A" should be amended to remove the designation and duties of Fire Marshal from the designation and duties of the Director of Department of Development and Environmental Services.

**Recommendation:** The consortium recommends that Council direct staff to prepare an ordinance change to amend the appropriate sections of Title 2.

**Organizational Changes:** Perhaps the most critical element of the transition plan is the need for organizational change. As currently structured it is difficult, at best, to function with a high level of efficiency and effectiveness. The primary difficulty is that the Fire Marshal does not have direct supervisory control of all of the units included in the FMO organization; two of the units, Fire Engineering and New Construction, are assigned to different units and different supervisors.

The Fire Marshal only provides direct supervision to the Annual Inspection Unit and the Fire Investigation Unit. The New Construction Inspection Unit reports to the Building Inspection Section supervisor while the Fire Engineering Unit reports to the Plans Review Section supervisor. The following breakdown shows the current organization:

## Fire Marshal Office Organization

### Units Supervised by Fire Marshal

- Fire Investigation Unit; 7 Personnel
  - Assistant Fire Marshal; unit supervisor
  - Administrative Support, 1
  - Investigators, 5
- Annual Inspection Unit
  - Deputy Fire Marshal II, 3

### Units Supervised by Others

- Fire Engineering Unit (Plans Review Section)
  - Deputy Fire Marshal III, unit lead
  - Deputy Fire Marshals II, 2
  - Administrative Support, 1
- New Construction Inspection Unit (Building Inspection Section)
  - Assistant Fire Marshal; unit lead
  - Deputy Fire Marshals, 2

The primary step in the transition would be to reunify all four units under the direct control and supervision of the Fire Marshal. Although it would be very beneficial to relocate the New Construction Inspection Unit to a more readily accessible location to the Fire Marshal it is not critical to immediately relocate the New Construction Unit.

Secondarily to the reunification of the technical units of the Fire Marshal's Office it is also paramount that the administrative support position currently assigned to the Plans Review Section Supervisor also be reassigned to the FMO.

**Recommendation: That the Council authorizes the reassignment of all technical and support positions to the Fire Marshal's Office.**

**Facilities.** Although it is possible to reunify the FMO without approving a relocation of the office, given the extremely high overhead charged by DDES (42%) it is prudent to find other facilities that would result in reduced overhead costs. Industry standards seem to reflect a cost closer to the 25% range. In considering facility needs the following options or alternatives were explored.

- **New Campus outside of DDES building:** Given the likelihood that overhead costs can be greatly reduced by relocation of FMO the following factors were taken into consideration:

- Relative proximity to DDES: It would be prudent to relocate to a facility that was in close proximity to the DDES building. This seems prudent in the respect that customer and other DDES staff contact are important to the “one-stop-shopping” concept. If suitable facilities, however, were not available it would still be possible to retain the “one-stop-shopping” approach by establishing a dedicated space and office hours for selected FMO staff to be available at the DDES building. This is a very common practice and has been utilized by DDES.
- Factors to consider under this approach should include:
  - Available space to lease including:
    - Available general office space, commercial-retail space; and, warehouse space
    - In each of these cases the need for tenant improvements need to be factored in.
- New campus within other available KC facilities: It would be practical to consider the same points as discussed above. This would not hinder the “one-stop-shopping” approach for the same reasons stated above. However, the availability of other KC facilities in close proximity to DDES does not seem to be a viable option at this point. If space were available all of the other factors listed above would also apply to these facilities as well.
- Remain within the DDES building: This is the least desirable alternative because of the high cost of overhead. If, however, the cost of overhead was brought in line with the 25% factor consideration of staying within the DDES building could be considered.
  - Reunification of all FMO units must proceed.
  - Relocate all FMO technical units to the same area of the building adjacent to the Fire Investigation Unit.
  - Authorize the FMO to continue utilizing the support services provide through DDES, but at the lesser overhead cost of 25%.
  - Transfer all of the vehicles, office furniture and fixtures directly into the FMO inventory.

**Recommendation:** That the Council directs the FMO to continue searching for available KC facilities that would meet the needs of the FMO. If no such facilities can be located the FMO is authorized to work with the County Facilities staff to locate other appropriate office space.

**Vehicles, Office Fixtures and Furniture.** To ensure that inspection and investigation services activities will continue while new office space is evaluated all of the current vehicles used by the FMO for inspection and investigation activities and all office fixtures and furnishings shall be transferred to the FMO asset inventory.

- Vehicles:
  - Currently assigned vehicles to be transferred (inventory) to the OEM.
  - Potential requirement for available unassigned vehicles for special transportation needs.
  - Engineering field inspections pool vehicle which would also accommodate other staff transportation needs.
- Fixtures and Furnishings:
  - Office partitions, Desks, Bookcases, File Cabinets, Computers, Chairs, Tables, Telephones: Fixed wire and Cellular, Chairs and Administrative Materials; Etc.

**Recommendation: That the Council authorizes the transfer of vehicles, office fixtures and furnishings to the FMO inventory.**

**Support Services: When the FMO is reassigned to the Office of Emergency Management (OEM), the necessary support services would include the following:**

- Facility Management: provided by KC.
- Moving: Contract or by KC facilities.
- Repairs: By KC if county facilities; through lease agreement if private facilities.
- Remodeling or Refurbishing: By KC if county facilities; through lease agreement if private facilities.
- IS Support: By KC.
- FIU Server: By KC.
- Permit Plus interface: By KC.
- Data processing: within FMO.
- Telecom functions and hardware: By KC.
- Human Resources (HR): within FMO and KC Central HR.
- Payroll: within FMO and department which FMO is reassigned;
- Procurement (Stores): within department the FMO is reassigned to; within FMO.
- Legal: By KC
- Finance-Accounting: Accounts Receivable and Payable: within FMO.

**Recommendation: Given the variety of potential options listed above, the consortium is willing to work on this as part of the transition plan.**

**Potential Additional Staff Needed: The consortium is reluctant to make any formal recommendation for additional staff because recommendations are normally part of the internal budget discussions and justifications. We believe that it is not in the purview, nor should it be, of the consortium to make specific recommendations for staffing levels. Suffice it to say, however, we strongly recommend that serious consideration be given to the request for additional staff by the Fire Marshal, if such a recommendation is provided during budget deliberations.**

## SUMMARY

In summary, the consortium firmly supports and strongly recommends that the Fire Marshal's Office be relocated and that the Fire Marshal's authority, responsibility and professional status be implemented as proposed. The consortium is willing to assist in elevating the County Fire Marshal's Office to the stature of being a Regional Leading Agency in the delivery of fire prevention and investigative services commensurate with State Statutes. A summary review of the consortium's recommendation is as follows.

- **Relocation or Reassignment:** That the Council approve the relocation or reassignment of the FMO.
- **Amendment of King County Code Title 2.16.035 and Title 2.16.055:** That the Council approve the amending Title 2.16.035 adding "*the administrative offices of the Fire Marshal*" to subsection "A" and adding subsection "P" to include the duties of the Fire Marshal. Amend Title 2.16.055 to remove the designation of the Director of the Department of Development and Environmental Services as the Fire Marshal.
- **Organizational Change:** That the Council authorizes the reassignment of all the technical and support staff positions to the Fire Marshal's Office.
- **Facilities:** That the Council directs the FMO to continue searching for available KC facilities that meet the needs of the FMO and that if no KC facilities can be found to work with the County Facilities staff to locate other appropriate office space.
- **Vehicles, Office Furniture and Fixtures:** That the Council authorizes the transfer of all vehicles, office fixtures and furnishings to the FMO inventory.
- **Support Services:** The consortium makes no formal recommendation, but, encourages the Council to support recommendations that can be justified by the Fire Marshal.
- **Potential Additional Staff Needed:** The consortium makes no formal recommendation, but, encourages the Council to consider any recommendation by the Fire Marshal that can be justified and documented during the budget deliberations.

**CONCLUSION:** The consortium consisting of representation from the Union (Local 519), County Fire Commissioners Association and County Fire Chiefs Association strongly urge the King County Council to adopt the recommendations contained in this Transitional Plan for the County Fire Marshal's Office. We are available to meet with the Council on a whole or with one of the Council Committees to discuss this recommendation in detail. We thank the Council for its deliberations and consideration on this issue and look forward to working with the Council and the Fire Marshal's Office in the future.