Grand Jury

Contra
Costa
County

725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

May 14, 2019

Contra Costa County
Fire Protection District
Board of Directors
4005 Port Chicago Highway, Suite 250
Concord, CA 94520

Dear Board of Directors:

Attached is a copy of Grand Jury Report No. 1905, "Fire Inspection Records and Reporting" by the 2018-2019 Contra Costa Civil Grand Jury.

In accordance with California Penal Code Section 933 et seq., we are submitting this report to you as the officer, agency or department responsible for responding to the report. As the responding person or person responding on behalf of an entity, you shall report one of the following actions in respect to each finding:

(1) You agree with the finding.
(2) You disagree with the finding.
(3) You partially disagree with the finding.

(Pen. Code, § 933.05(a).) In the cases of both (2) and (3) above, you shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons thereof.

In addition, Section 933.05(b) requires you to reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

After reviewing your response to ensure that it includes the above-noted mandated items, please send (1) a hard copy of the response to the Grand Jury at P.O. Box 431, Martinez, CA 94553; and (2) a copy in Word by e-mail to ctadmin@contracosta.courts.ca.gov. Your response must be submitted to the Grand Jury, in the form described by the above-quoted Government Code, no later than **August 16, 2019**.

Finally, please note that this report is being provided to you at least two working days before it is released publicly. Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release.

Please immediately confirm receipt of this letter and the attached report by responding via e-mail to ctadmin@contracosta.courts.ca.gov.

Sincerely,

Richard S Nakano, Foreperson
2018-2019 Contra Costa County Civil Grand Jury

cc: David Twa, County Administrator

A REPORT BY
THE 2018-2019 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1905

Fire Inspection Records and Reporting

What We Don't Know *Can* Hurt Us

APPROVED BY THE GRAND JURY

Date MAY 10, 2019

RICHARD S. NAKANO
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date MAY 13 2019

ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contact: Richard Nakano
Foreperson
925-522-6941

Contra Costa County Grand Jury Report 1905

Fire Inspection Records and Reporting

What We Don't Know *Can* Hurt Us

TO: Contra Costa County Fire Protection District Board of Directors

SUMMARY

In June 2018, an investigative news report alleged that many of the San Francisco Bay Area's largest fire departments are not consistently performing all of their state-mandated fire inspections for schools and multifamily residences. The Contra Costa County Fire Protection District (Fire District) was among those named in these news reports.

The Grand Jury confirmed that the Fire District had fallen behind on completing all the state-mandated fire inspections for schools and multifamily residences. By the end of 2018, the Fire District had completed all these fire inspections for properties included in its database.

Cost-reduction and cost-control measures implemented by the Fire District in the wake of the recent economic recession included closing seven fire companies, which reduced staffing by 25%. The Fire Prevention Bureau lost clerical support during the downturn, forcing inspectors to take on administrative tasks in addition to their inspections. Fire District officials also indicated that reporting and technology improvements could have helped them manage fire inspections more effectively. These factors contributed to the inspection shortfall.

The Grand Jury recommends that the Fire District consider upgrading the existing Record Management System (RMS). There is a need for the ability to enter inspection results in the field using a tablet device, and automate the initial loading and updates of inspection data. There is a need for a formal audit process to verify the accuracy and completeness of the RMS data on a regular basis.

The Grand Jury recommends the Fire District consider changes to its reporting on inspections to include an indication about whether the Fire District is in compliance with

state mandates. It should also consider providing online public access regarding the status of fire inspections.

METHODOLOGY

In the course of the investigation, the Grand Jury:

- Reviewed Fire District Board of Directors public meetings
- Interviewed employees at various levels of the Fire District
- Reviewed applicable state laws, regulations, and local ordinances
- Examined Fire District policies, procedures, job aids, and activity reports
- Reviewed the 2016 Local Agency Formation Commission (LAFCO) Municipal Service Review
- Toured the Contra Costa Regional Fire Communications Center
- Attended fire inspections for a commercial property and a multifamily residence
- Reviewed examples of inspection notices including re-inspection reports following violations
- Observed the Record Management System in operation

BACKGROUND

Fire inspections are designed to help reduce the risk and severity of fire and limit injury or death when fires do occur.

The California Health and Safety Code (Sections 13143-13146; 17921 and 17958) mandates that fire departments perform annual fire inspections of schools and multifamily residences of three units or more. The California Code of Regulations (Titles 19 and 24) establishes minimum requirements for fire and building safety. The Contra Costa County Fire Protection District Ordinance 2016-23 adopts relevant sections of the California Code of Regulations with amendments tailored to the Fire District's needs. These regulations provide detailed requirements on the adequacy of exits, the installation and maintenance of fire extinguishing and alarm systems, and hazardous materials storage and handling.

After media attention brought fire inspection concerns to light, California passed legislation to increase accountability for performing mandated fire inspections. This new section of the California Health and Safety Code (Section 13146.4) takes effect in 2019 and requires that local fire departments report annually to their governing authority on their compliance with state fire inspection mandates.

Schools and Multifamily Residences

California law requires an annual fire inspection of all buildings used for educating K-12 students, including public, private, and faith-based schools. Private residences used for homeschooling are not included.

Fire inspections are required for California Department of Social Services-licensed care facilities initially, annually, and when significant changes are introduced in the facility or how it is used. Examples include residential care facilities for the elderly or disabled and assisted living facilities.

In addition to these state-licensed facilities, multifamily residences of three units or more must be inspected annually by the fire department. These include apartments, condominiums, triplexes, and temporary residences such as hotels and boarding houses. Annual fire inspection requirements in California do not apply to single-family residences, duplexes, or townhomes.

What Fire Inspectors Look For

In conducting these inspections, fire inspectors are required to check for working fire alarms and clear lines of sight to unobstructed exit paths. They ensure that doors and other building designs that limit or prevent the spread of fire and smoke work properly. In schools, inspectors enter classrooms and other areas to perform inspections. For multifamily residences, inspectors are only authorized to inspect common areas such as hallways, stairwells, and the exteriors of buildings.

The Contra Costa County Fire Protection District

The Fire District currently serves nine cities and one large unincorporated area in Contra Costa County. About 600,000 of the county's 1.1 million residents live in the Fire District. It is governed by a five-member Board of Directors and managed by the Fire Chief. There is a seven-member Advisory Fire Commission that receives regular reports on fire prevention activities.

The District's Fire Prevention Bureau includes two units charged with performing inspections and issuing fire clearances for properties indicating they passed the required fire inspection:

- The **Engineering Unit** reviews building drawings and inspects new buildings. This unit also performs fire inspections and issues fire clearances for building permits that require an initial fire inspection because of hazardous materials or processes.
- The **Code Enforcement Unit** inspects existing occupancies and operations requiring a fire clearance, including the state-mandated inspections referred to in this report. These regulated occupancies include K-12 schools and multifamily residences of three units or more.

Additional Inspections Beyond Schools and Multifamily Residences

The Fire District performs a variety of fire inspections outside of regulated occupancies. These include inspections of new or modified buildings such as high-rise facilities, jails, businesses, factories, storage facilities, and public assemblies of 50 or more persons. It also provides fire clearances for hazardous processes, or when hazardous materials and combustibles are stored in quantities requiring a permit.

Although these types of inspections are not the focus of this report, they are important community safeguards and they compete for Fire District resources.

DISCUSSION

In June 2018, the media reported that as many as 11 of the San Francisco Bay Area's largest fire departments had not consistently performed all the required annual fire inspections for schools and multifamily residences over the previous eight years. The Fire District was among those identified in these reports.

In public meetings following the media reports in June, the Fire District acknowledged it had not completed all state-mandated annual inspections in prior years. For example, the District reported that in 2017 it completed 60-70% of the required inspections for schools and about 45% of the required inspections for multifamily residences. Some schools had not been inspected in over two years. The Fire District publicly reported on its ongoing progress in closing the backlog over the second half of 2018. In August, the Fire District reported that all of the state-mandated fire inspections for schools were up to date. All the required 2018 inspections for multifamily residences in the Fire District's database were completed by the end of the year.

The Grand Jury looked at factors contributing to the fire inspection backlog and how the Fire District completed state-mandated inspections during the second half of 2018.

Factors Contributing to the Inspection Backlog

Sharply declining property tax revenue and increasing operating costs created a fiscal crisis for the Fire District during the economic downturn that began in 2008. In public meetings and documents, the Fire District described the difficulty of maintaining service levels during the 2013-2014 budget cycle. During this same budget cycle, the District predicted that it would be unable to fully respond to all 911 calls. As a result, it forecast more severe fire conditions and fire spread, as well as delays in providing lifesaving medical treatment.

During the fiscal crisis, the Fire District implemented cost-reduction and cost-control measures. The Contra Costa County Board of Supervisors voted to close four of its 28 fire stations in 2013. The Fire District reduced non-operational support positions and left vacant positions unfilled. During this time, staffing was reduced by about 25%. In its 2016 Municipal Service Review, LAFCO reported that the number of active fire apparatus in the Fire District service area was reduced by as much as 30%.

In order to reduce expenses, the District introduced the new Fire Inspector I classification, which meets the basic requirements of the job. However, there are limitations on the types of inspection they can perform, compared to the more experienced and higher compensated Fire Inspector II's.

The Fire Prevention Bureau lost clerical support during the downturn, compelling fire inspectors to take on more administrative duties such as manually loading fire inspection data into the Record Management System (RMS) from paper forms completed at the inspection site. Because of RMS limitations, the Fire District was unable to substitute technology (i.e. data entry in the field) for lost inspector productivity.

The Grand Jury found no evidence that the public was informed of potential impacts of the fiscal crisis on state-mandated fire inspections during this time.

Code Enforcement Inspection Revenue

The Fire Prevention Bureau is funded through a cost of service fee recovery provision in the California Health and Safety Code (Section 3143.5). As the table below shows, fees collected by the Fire District's Code Enforcement Unit have declined every year since 2014. This downward trend in fee revenue reflects the fact that the Fire District has seen a declining number of inspectors to do code enforcement inspections. In the summer of 2018, the Fire District reported in public meetings that in the past three years it struggled with attrition, recruitment, and retention of Fire Inspector I employees. These factors contributed to inspector vacancies. Fee revenue in the 2017-2018 fiscal year was less than half the amount collected just five years earlier.

Code Enforcement Unit Fee Revenue

Fiscal Year	Estimated Inspection Fees	Collected Inspection Fees	Difference vs. Previous Year
2013-2014	$1,100,000	$1,207,638	$185,834
2014-2015	$1,268,000	$1,131,349	($76,289)
2015-2016	$1,268,000	$923,489	($207,860)
2016-2017	$1,000,000	$882,679	($40,810)
2017-2018	$1,050,000	$566,410	($316, 269)

The code enforcement fees collected reflect the amount of time spent performing or supporting fire inspections. Fees collected are primarily influenced by inspector vacancies. Other contributing factors are short-term assignments of code enforcement

personnel to other units and for training, which temporarily removes fire inspectors from the field. As the number of inspectors and inspections increases, fees collected for inspections should proportionately increase. In June of 2018, four new Fire Inspector I employees were hired in the Code Enforcement Unit, bringing its workforce up to the seven inspectors authorized for the unit.

California law allows cost-of-service fees to include the cost of capital equipment, software, and maintenance agreements. Funding for the RMS recommendations in this report could come from additional fees paid for each fire inspection or fire clearance issued.

How the Fire District Addressed the Backlog in 2018

The Fire District hired four additional clerical staff to help the Code Enforcement Unit improve inspection data in the second half of 2018. These resources were used to help validate and correct data deficiencies in the RMS. System administrators accessed county and state websites such as the County Tax Collector, the California Department of Social Services, and the California Department of Education for this purpose.

Fire inspectors from Engineering were temporarily reassigned to Code Enforcement to help the Fire District eliminate the backlog. Management analyzed the inventory of regulated occupancies assigned to each inspector and redistributed the workload in 2018. The Fire District also terminated an agreement in November 2018 that provided fire inspection resources to the East Contra Costa Fire Protection District.

Each inspector in the Code Enforcement Unit can perform up to 900 inspections per year, on average. There are currently seven inspectors assigned to inspect about 8,000 occupancies. To meet state mandates, each inspector would have to average over 1,100 inspections per year.

Fire Prevention Reports

Fire inspection reports are manually recorded on paper forms that must be transcribed into the RMS database after inspectors return to the office. Fire District personnel publicly support the need to implement enhancements to the RMS, including the capability to enter inspection data in the field utilizing a tablet device.

The reports on compliance with state-mandated fire inspections that are shared with the Advisory Fire Commission and the public only show the number of inspections completed monthly. The reports do not indicate the status of compliance with the California fire inspection mandate for schools or multifamily residences in the prior 12 months. Nor do the reports forecast the status of state-mandated fire inspections to the end of the year.

The public does not have online access to a location's latest fire inspection notice. Instead, the public must call the Fire District during business hours and request that the status of the last fire inspection be looked up while they wait on the phone. The Grand

Jury recommends that the Fire District consider providing an address lookup feature via the Internet, including the pass/fail status and date of the last fire inspection.

RMS Does Not Meet Fire District Needs

The Fire District agrees that the RMS used for identifying, scheduling, and processing fire inspections no longer meets the needs of the Fire District. The current paper-based process inhibits the integrity and completeness of data. Paper-based forms are completed in the field and brought back to the office for input into the RMS. There is evidence that they can be illegible, transcribed into the RMS erroneously, or go missing.

A new RMS system should enable fire inspectors to enter inspection results in the field and connect to other external data sources as well as to the Fire District's own Computer Aided Dispatch (CAD) system. This will allow for a more efficient use of personnel and make inspection reports instantly available in the RMS. By connecting to the CAD system, the communication capability between the Fire Prevention Bureau and first responders will be improved.

There are fire inspection software applications that utilize a mobile data entry platform such as an iPad or other tablet device. System users can document the inspection on-site and insert pictures, notes, and signatures into the system at the time of inspection. This saves fire inspector time and improves the accuracy and availability of inspection data. The current RMS system does not support a mobile/tablet device that can be utilized by inspectors in the field.

The RMS system includes more than 35,000 records, of which about 8,000 are schools and multifamily residences. Fire District personnel manually load initial occupancy data and hazards and manually update the occupancy data. The new RMS could eliminate the need to re-key data from paper forms or online sources, which is time-consuming and increases the opportunity for errors.

The Grand Jury reviewed reports from the RMS, including the inventory list of regulated occupancies. Information provided in these reports appeared to be incomplete. The Fire District confirmed that some addresses of regulated occupancies were not included in the reports. However, the Fire District indicated that RMS operators are still able to access these records. Because of this data discrepancy, the Grand Jury was unable to independently verify that all mandated annual inspections were completed in the previous 12 months.

Information on a building and its inherent hazards, inspection, or firefighting concerns is only as current as the last time an inspector or firefighter was on site or plans were presented to the Fire Prevention Bureau. Information on changes in occupancy or other factors that impact fire safety are more readily available to fire inspectors and first responders when transmitted directly from local government permitting or licensing functions. Automating the initial loading and updating of occupancy data from authoritative sources, such as the California Department of Social Services and the California Department of Education, would improve the accuracy of RMS data.

The Fire Prevention Bureau has worked to improve the accuracy and completeness of the RMS database over the last half of 2018 by comparing RMS data to online resources. The Grand Jury recommends that the Fire District consider conducting periodic audits to confirm the accuracy and completeness of the RMS database.

The Fire District is up to date on the 2018 state-mandated fire inspections in its RMS database.

The Grand Jury recommends the Fire District consider whether Code Compliance staffing is sufficient to meet ongoing state inspection mandates, and to consider technology and reporting improvements that could help the Fire District manage fire inspections more effectively.

FINDINGS

F1. The Code Enforcement Unit's fee revenue has declined every year over the past four years. Fee revenue in the 2017-2018 fiscal year was less than half the amount collected just five years earlier.

F2. Each inspector in the Code Enforcement Unit can average up to 900 inspections per year. There are currently seven inspectors assigned to inspect about 8,000 occupancies.

F3. Additional fire inspectors or other efficiencies are needed to keep pace with state-mandated inspections for schools and multifamily residences.

F4. By December 2018, the Fire District completed the required state-mandated inspections for schools and multifamily occupancies that are known to them.

F5. The Fire District has not consistently performed all the state-mandated annual fire inspections for schools or multifamily residences in prior years.

F6. There is no evidence that the public was informed of potential impacts of the fiscal crisis on state-mandated fire inspections prior to the media reporting in June 2018.

F7. The current RMS system used for processing fire inspections requires that inspectors use paper forms in the field and manually enter data into the RMS once they return to the office.

F8. The Fire District does not have a formal audit process to confirm the accuracy and completeness of RMS data.

RECOMMENDATIONS

R1. The Fire District Board of Directors should consider directing the Fire Chief to evaluate the current staffing needs of the Code Enforcement Unit and confirm it has the staffing needed to complete the state-mandated annual inspections for

schools and multifamily residences (currently about 8,000), by December 31, 2019.

R2. The Fire District Board of Directors should consider directing the Fire Chief to produce public quarterly reports on the status of compliance with state-mandated inspections, including status for the prior 12 months and projected status to the end of the year, by December 31, 2019.

R3. The Fire District Board of Directors should consider directing the Fire Chief to develop a publicly available Internet-based address lookup feature disclosing the status of state-mandated fire inspections, by June 30, 2020.

R4. The Fire District Board of Directors should consider directing the Fire Chief to replace the existing RMS with a system that includes the ability to utilize a tablet device for data entry in the field, by June 30, 2020.

R5. The Fire District Board of Directors should consider directing the Fire Chief to connect the new RMS database to state and local data sources and to the District's own Computer Aided Dispatch system by June 30, 2020.

R6. The Fire District Board of Directors should consider directing the Fire Chief to develop and implement an audit process to verify the accuracy and completeness of the RMS data, by December 31, 2019.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Fire Protection District Board of Directors	F1, F2, F3, F4, F5, F6, F7, and F8	R1, R2, R3, R4, R5, and R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091