

Response to Questions on the FY 2009 Advertised Budget Plan

Request By: Supervisor Hyland

Question: Does the Fire Marshal have sufficient staff to conduct timely inspections? How responsive is the Fire Marshal currently and what would it take to be more responsive and efficient?

Response: The Fire Prevention Division (FPD) cannot perform all the regulatory and enforcement activities as required by law with current staffing and budget levels. The Prevention Division would be more responsive and efficient if 19 merit inspector positions were added and 2 administrative assistants. In addition, workload efficiency would be enhanced by transitioning limited term positions to merit.

The Fire Prevention Division (Fire Marshal) is the enforcement arm of the Fire and Rescue Department. It is divided into the Fire Prevention Services Section (FPS) and the Hazardous Materials and Investigative Services Section (HMIS). The FPS is primarily responsible for regulatory enforcement of the Statewide Fire Prevention Code (SFPC) and the Uniform Statewide Building Code (USBC) where building inspections are concerned. The FPS is further divided into Fire Engineering Plans Review, Revenue & Records, Fire Inspections and Fire Protection Systems Branches. The HMIS is primarily tasked with enforcing parts of Title 18 (the Criminal Code of Virginia) where it relates to the SFPC and enforcement of environmental crimes statutes. This Section is also responsible for regulatory enforcement/inspections regarding the use, storage, transportation and handling of hazardous materials and enforcing motor carrier safety regulations associated with hazardous materials.

The following is an assessment of needs by branch of the Fire Prevention Services Section:

Fire Prevention Services Section:
Fire Protection Systems Testing Branch

Acceptance Testing (new construction)

With existing staffing levels, witnessed tests of fire protection systems are currently being done within three weeks of request by the builder. Requests for after-hours acceptance tests are currently accommodated within five business days of request. However, this is the slow (winter) season for construction, and the number of requests and the lag time to schedule them, based on past experience, is expected to increase within the next 30 days. Traditionally, lag times during the spring/summer/fall months are maintained at six to eight weeks for acceptance tests and a lag time of two weeks for overtime acceptance tests. During peak periods, lag times for acceptance testing of fire protection systems can reach 12-14 weeks and lag times for overtime acceptance tests can reach three to four weeks.

Systems Re-Testing (existing systems)

At this time, the FPD accomplishes about 55.3 percent of the mandated testing on fire protection systems. The FPD prioritized the annual systems tests of existing systems

based on risk for high loss of life based on the type of occupancy and use of the building. The following are workload indicators from February 2007 through February 2008 and the percentages by occupancy type that were completed.

Facility Type	Total # Facilities	# Tests Conducted Yearly	% Facilities Tested
Child Care Centers	167	129	77.2%
Health Care - Home for Adults	26	23	88.5%
Health Care - Group Homes	2	2	100.0%
Health Care - Hospitals	7	7	100.0%
Health Care - Nursing Homes	31	28	90.3%
High Rise - Hotels	22	19	86.4%
High Rise - Office Buildings	149	117	78.5%
High Rise - Residential	66	55	83.3%
Low Rise - Motels	41	19	46.3%
Low Rise - Office Buildings	772	164	21.2%
Low Rise - Residential	3,482	2,184	62.7%

The FPD is concerned about the accuracy of the data – it may not capture all the buildings that require testing of fire protection systems due to the lack of building surveys. The FPD anticipates that this will eventually be resolved through the Fairfax Inspections Database Online (FIDO) system once all phases are brought online.

When customer demand for service is primarily in acceptance testing requests, staff is shifted between re-testing and acceptance testing to accommodate the demand. When demand in acceptance testing is low, staff is redirected to re-testing activities. There is always a significant workload to address.

There are currently 35 positions to perform inspections. The breakdown of positions is as follows: 3 uniformed Fire Technicians, 17 ELT Fire Inspector positions and 15 merit Fire Inspector positions in the Fire Protection Systems Testing Branch. There is also 1 Administrative Assistant I ELT position in this Branch. It takes approximately one and a half to two years to fully train a new Fire Inspector and costs approximately \$176,000.

In order for this Branch to conduct all the mandated inspections required by the SFPC, the Systems Testing Branch would need an additional **8** positions at the Fire Inspector II classification. In addition, transitioning from 18 ELT to 18 merit positions would significantly reduce turnover and contribute to better workload capacity. Operating

expenses, such as vehicles and other equipment necessary to perform inspections would be required to support additional positions.

Fire Inspections Branch

The Fire Inspections Branch's duties are primarily found in Chapter 62 of the Code of Fairfax County (Fairfax County Fire Prevention Code) and the SFPC. There are two core areas of regulatory responsibility in the Fire Inspections Branch, Use Inspections and License Inspections.

Use Inspections are one-time inspections for such things as building occupancies (newly permitted occupancies), fairs and festivals, tent inspections (especially during prime "wedding" season), under/above ground storage tank removals, all-night prom and graduation parties, and fireworks displays. These inspections are required to be performed when the customer requests the service. The Fire Inspections Branch currently performs approximately 3,000 use inspections each fiscal year. These inspections are scheduled within 24 hours, or at the customer's request. Many of these inspections involve after hours or weekend inspections.

The other service area that the Fire Inspections Branch provides is License Inspections. License Inspections are annual inspections associated operational permits as defined by the SFPC. Some of the types of inspections involved in license inspections are pools and public/private schools. The Fire Inspections Branch is required to perform an inspection of the occupancy holding the Fire Prevention Code Permit (FPCP) before the permit expires and requires renewal. There is a customary lag time of 6-10 months, depending on the area and density of the County. Areas of the County such as Tyson's Corner with a high density of office and commercial spaces have greater lag times than those areas of the County that are primarily residential in nature. Customers for a permit in Tyson's Corner may wait for 10 months before their inspection is performed. Approximately 5,500 License Permits are issued each year. The cost of the permit includes one inspection and one follow-up inspection. After that, there is an additional charge at the adopted hourly rate for follow-up inspections. Some complicated occupancies, such as Fairfax Hospital or other large places of assembly may require four to five follow-up inspections to ensure that all deficiencies noted in the original inspection are corrected. In FY 2007, the Fire Inspections Branch performed a total of 18,942 inspections in order to issue approximately 3,000 use permits and 5,500 licensing permits. Most use permits require only one inspection, while most licensing permits require multiple inspections.

The Fire Inspections Branch is currently staffed with a total of 14 front line inspectors. Authorized staffing includes 8 merit fire inspectors, 3 ELT fire inspectors, 1 Fire Lieutenant, 1 Fire Technician and 1 alternative placement Firefighter to perform inspections. An inspector performs an average of 26 inspections per week, or six to seven inspections per work day. To reduce the lag time waits between payment for FPCP and the License Inspection, an additional 11 merit status fire inspectors are required. It is recommended that 3 merit inspectors replace the 3 ELT inspectors because of the enhanced staff capacity that results. This staffing level would ensure that initial licensing inspections are performed within one month from the renewal date, rather than the current lag time of 6-10 months. Additional funding would be required for additional positions such as vehicles, fuel, and other operational expenses associated with this type of code enforcement activity.

It should be noted that fire inspectors generate revenues in excess of the costs associated with their salaries, fringe, and operating expenses.

Revenue and Records Branch

There are 10 positions assigned to the Revenue and Records Branch of the FPD. Five of these are merit positions the remaining 5 are ELT. The Revenue and Records Branch handles all invoicing and revenue collection services for the FPD. Additionally, this branch maintains inspection and billing records and processes all requests made under the Virginia Freedom of Information Act concerning fire prevention activities. The following charts illustrate the amount of revenue collected and the number financial transactions processed by the Revenue and Records Branch on an annual basis.

Fiscal Year	Total Revenue Collected
1997	\$2,635,476
1998	\$2,792,432
1999	\$3,212,799
2000	\$3,638,610
2001	\$3,419,841
2002	\$2,992,475
2003	\$2,974,094
2004	\$3,716,043
2005	\$3,848,068
2006	\$4,052,458
2007	\$3,779,673

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Monthly Invoices Billed	4,387	4,776	5,010	5,194	5,304	5,956
Monthly Invoice Payments Received	4,298	4,612	5,087	5,194	5,097	5,960
Past Due Invoices Mailed	1,969	1,354	3,253	3,709	3,244	3,709
FOIA Requests Received	234	327	395	505	489	595
FOIA Invoices Billed	229	313	406	505	505	570
FOIA Invoice Payments	233	300	373	502	491	530
Void Report (Journal Entry Adjustment)	170	32	50	79	31	41
Uncollectible Report	1	3	6	4	0	1
Refund Report	229	359	321	471	446	412
Rims Billed Report	256	303	229	245	172	142
Plans Received	7,196	7,916	8,635	9,110	9,014	7,930
FPCP Issued (renewals and new)	5,833	6,087	6,080	6,138	6,246	6,250
TOTAL Financial Actions	25,035	26,382	29,845	31,656	31,039	32,096

In addition to the above workload indicators, the Revenue and Records Branch changed some of its collection and billing policies in FY 2008 due to implementation of the Fairfax Inspections Database Online (FIDO) program. In previous fiscal years, witnessed acceptance testing and overtime inspections of fire protection systems were pre-paid and then refunds were issued or invoices sent on any remaining balances. Effective July 1, 2007, all witnessed acceptance tests and overtime tests of fire protection systems are invoiced after the work is completed. The Revenue and Records Branch has issued 6,110 invoices for these services as of March 1, 2008, which exceeds the total number of invoices billed in previous fiscal years. Additionally, the Revenue and Records Branch began issuing permits and collecting fees for permits associated with FIDO implementation on October 29, 2007. This includes permits for the Fire Marshal and certain permits for the Building Official. The Revenue and Records Branch has issued 953 Fire Marshal permits and 778 permits for the Building Official from implementation to February 29, 2008.

Any addition of fire inspectors would increase the workload of Revenue & Records Staff. If the recommended 19 additional inspectors are approved, two administrative assistant positions would need to be added. Because of the time and cost to train ELT positions, and with excessive turnover of these positions, workload processing would be enhanced by transitioning from ELT to merit positions.