

CITY OF OAKLAND

INTER OFFICE MEMORANDUM

TO: Edward D. Reiskin
City Administrator

FROM: Dr. Reginald Freeman, Fire Chief
Oakland Fire Department

SUBJECT: City's Response to the 2021-22
Alameda County Grand Jury Report
on Fire Inspections

DATE: September 26, 2022

EXECUTIVE SUMMARY

Below please find the response to the 2021-2022 Alameda County Civil Grand Jury Report ("Report") regarding fire inspections from the City of Oakland ("City"). The Oakland Fire Department ("OFD" or "Fire Department") would like to thank the Jurors for their work. The Fire Department welcomes the constructive feedback on its fire inspection procedures, and for the opportunity to respond.

RESPONSE TO FINDINGS

Grand Jury Finding 22-47: *The Oakland City Council has no written plan or timetable for holding Oakland Fire Department accountable to annually complete all state-mandated fire inspections.*

City Response: The City agrees with the finding.

City Explanation: There is no specific written plan or timetable created by the City Council to ensure the Fire Department is completing all state-mandated inspections. This has historically been the responsibility of the Fire Marshal and Chief of the department. Since becoming Fire Chief, Reginald Freeman has set a very clear goal for the Prevention Bureau that state mandated inspections were to be a top priority for the division, with staffing, schedules and weekly metrics aligned to complete 100% of these inspection types.

Grand Jury Finding 22-48: *The Oakland Fire Department does not have an up-to-date inventory of buildings that require state-mandated inspections.*

City Response: The City disagrees with the finding.

City Explanation: The updated building inventory is now available in our Accela database and being utilized daily for scheduling purposes. The Fire Prevention Bureau is working with other departments to develop a process to ensure that updates to property and occupancy type is reflected in the Accela platform. The goal is to ensure that the department maintains the most accurate and complete list of state mandated inspection.

Grand Jury Finding 22-49: *The slow, uncoordinated, and incomplete implementation of Accela, throughout Oakland's [C]ity departments including, but not limited to the Oakland Fire*

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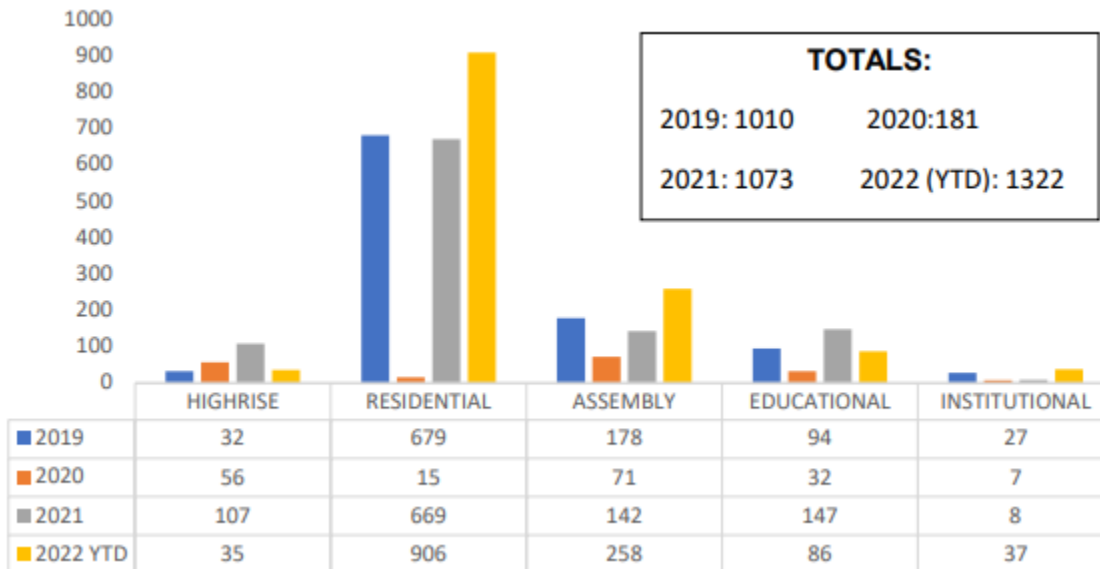
Department, has greatly reduced the ability of the Fire Prevention Bureau to complete state-mandated fire inspections.

City Response: The City disagrees with the finding.

City Explanation: While Accela may prove to be a valuable tool to track and store inspection data, inspections of all types could have been completed utilizing the legacy program, One Step. The failure to efficiently implement Accela did not prevent inspections from occurring; rather it can be attributed in some years to a lack of sufficient staff and management oversight.

The Fire Department has worked to fill vacant positions and to ensure that there is effective management of the Fire Prevention Bureau. Evidence of the effect of these changes includes the number of state mandated inspections completed in 2022 vs. prior years. The Fire Prevention Bureau completed 38% of state-mandated inspections in 2019, as compared to 14% in 2020. Based on current data for 2021, the inspection rate, annualized, is still only 41% which the Department recognizes is unacceptable. Fire Chief Freeman is aware of this issue and has improved performance in 2022, to meet the state-mandated inspection requirements with 100% compliance by the end of 2022. As of September 1, 2022, the bureau had completed 1,322 of the required state mandated inspections for the calendar year.

Please see **Chart 1, State Mandated Inspections** below for more information.



Grand Jury Finding 22-50: *Historically, the Oakland Fire Department has not provided sufficient training for fire inspectors.*

City Response: The City partially disagrees with the finding.

City Explanation: Historically, the department has provided incoming Inspectors with California State Fire Marshal Fire Inspector Training, as it relates to the job of an inspector. As stipulated in their job descriptions, Inspectors may be certified by any of the following organizations:

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- International Code Council (ICC);
- California Office of the State Fire Marshal (OSFM);
- National Fire Protection Association (NFPA).

In addition, if a newly hired Inspector lacks a certification from any of the following organizations, they must obtain that certification during their probationary period, and must maintain that certification throughout the duration of their employment.

Grand Jury Finding 22-51: *The [C]ity of Oakland presents a uniquely challenging environment for inspections which has resulted in high turnover of inspectors.*

City Response: The City disagree with the finding.

City Explanation: The Fire Prevention Bureau has experienced a high turnover rate due to retirements, personnel who elected to move out of the area for various reasons, including to seek higher compensation. Meanwhile, the complexity of this city, in terms of diversity of property and inspection types, make Oakland an appealing employment destination for those seeking to gain their CA State Fire Marshal certifications, and becoming more well versed in their positions.

Grand Jury Finding 22-52: *The [C]ity of Oakland's slow and inefficient recruitment process results in hiring delays and fails to hire candidates with relevant experience.*

City Response: The City partially disagrees with the finding.

City Explanation: Many factors play a role in determining the pace of recruitment and hiring new qualified candidates. The Fire Department is working with the Department of Human Resources Management on an ongoing basis to make sure the City is effectively promoting available positions to generate the largest possible pool of interested and qualified candidates to interview.

Grand Jury Finding 22-53: *The Oakland Fire Department has not used the citation process for fire safety violations in a manner that results in immediate and substantive improvements to fire safety.*

City Response: The City partially disagrees with the finding, and it requires further evaluation.

City Explanation: OFD does have a citation process that is used to identify non-compliant fire code violations. When the violations are identified, the property owner is informed with a timeframe for the violations to be corrected. OFD is currently working to improve the process so that the Fire Prevention Bureau can minimize the time that it takes to schedule re-inspections and verify that the violations have been corrected. This process is under review and the department is working with the Office of the City Attorney to ensure a reasonable due process for parcels to obtain compliance.

Grand Jury Finding 22-54: *The Oakland Fire Department does not have sufficient administrative staff support for fire inspectors to aid in the citation process.*

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City Response: The City agrees with the finding.

City Explanation: There are vacancies as identified in our organizational chart, and having more staff will make the process notification property and business owners, regarding inspection status, invoicing or rescheduling more efficient.

Grand Jury Finding 22-55: *The [C]ity of Oakland does not have fire inspection information readily available on its website for public review.*

City Response: The City partially agrees with the finding.

City Explanation: Most of the information on inspections pertains to the annual vegetation management program that is focused on properties located in the state-designated very high and high fire hazard severity zones. The Fire Prevention Bureau is currently working on listing inspection types on the City's website and adding information to the website to educate the public on is the inspection process, and what is required under the City's Fire Code. The Fire Department is overhauling the content of its web pages do be more current, especially regarding inspection-related content. This process is expected to be completed in December 2022 and rolled out to the public in January 2023.

RESPONSE TO RECOMMENDATIONS

Recommendation 22-62: *The Oakland Fire Department shall report the status of state-mandated fire inspections to the Oakland City Council's Public Safety Committee quarterly for review and evaluation.*

City Response: This recommendation has been implemented.

City Explanation: The first quarterly report was provided to the Public Safety Committee on September 13, 2022 and we look forward to providing regular updates. That report may be accessed here:

[https://oakland.legistar.com/LegislationDetail.aspx?ID=5697539&GUID=DB9F51DD-E150-432F-B72B-48005D67D518&Options=&Search=.](https://oakland.legistar.com/LegislationDetail.aspx?ID=5697539&GUID=DB9F51DD-E150-432F-B72B-48005D67D518&Options=&Search=)

Recommendation 22-63: *Oakland's [M]ayor must meet monthly with the Oakland Fire Department [C]hief focusing on progress toward the goal of 100% compliance with state-mandated fire inspections.*

City Response: This recommendation has been implemented.

City Explanation: The Mayor and Fire Chief already meet monthly and one of the topics of discussion is the status of state mandated inspections.

Recommendation 22-64: *The [C]ity of Oakland must develop a dependable, cross-agency, up-to-date inventory of buildings needing state-mandated fire inspections.*

City Response: The recommendation has been implemented.

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City Explanation: As noted in the response to "Grand Jury Finding 22-48", the Oakland Fire Department has developed an inventory of buildings that, due to their use and occupancy characteristics, have been mandated by the state for annual inspections. Furthermore, there has been much stronger coordination between OFD and the Planning and Building Department over the last several years to address prior deficiencies that stemmed from related City departments working in silos. The implementation of OFD's use of Accela has required more cross department coordination and the department intends to keep that commitment to the City's goals and community's expectations.

Recommendation 22-65: *The Oakland Fire Department, in partnership with the Accela Task Force, must evaluate the Oakland Fire Department team and the work plan for the Oakland Fire Department's Accela implementation, including the possible addition of administrative permission for the Oakland Fire Department to allow the Oakland Fire Department Accela liaison to make direct changes to the Accela interface.*

City Response: The City agrees with this recommendation.

City Explanation: The Oakland Fire Department will present this recommendation to the Accela Task Force for their consideration

Recommendation 22-66: *The Oakland Fire Department executive staff must meet regularly with the Oakland Fire Department Accela liaison to evaluate the status of Accela implementation within the [D]epartment, including the status of Accela's performance in aiding inspections.*

City Response: The recommendation has been implemented.

City Explanation: Meetings between key OFD personnel and staff from Planning and Building Department, which manages Accela on behalf of the City, have been happening consistently for approximately a year. Those meetings will continue as all parties seek to ensure that the platform is being used effectively and to ensure coordination between related city staff.

Recommendation 22-67: *The Oakland Fire Chief must evaluate personnel assignments to ensure the appropriate liaison with systems and operational knowledge is in place for the critical implementation of Accela.*

City Response: The recommendation has been implemented.

City Explanation: Chief Freeman is in constant contact with the Fire Marshal as well as Battalion Chief Anthony Sanders who is the Department's current subject matter expert regarding Accela. Fire Marshal Bryant, members of the Fire Prevention Bureau, and Chief Sanders continue to work closely with staff from the Fire Prevention Bureau as well as Planning and Building.

Recommendation 22-68: *The Oakland Fire Chief must evaluate the implementation of Accela support and training available for state-mandated inspectors.*

City Response: The recommendation has been implemented.

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City Explanation: Every Inspector and administrative staff member is provided training on how to access the Accela platform, and the process for completing state mandated inspections, as it relates to their respective positions and functions.

Recommendation 22-69: *The Oakland Fire Department must assess its Accela working group to ensure that the [F]ire [D]epartment's automated needs in the Accela program are being met. This should include an automated online system for documenting all state-mandated inspections, the ability to document all follow-up inspections, and the ability to access data for statistical analysis of inspection results.*

City Response: The recommendation has been implemented.

City Explanation: The Fire Department now has full access to Accela to schedule and track inspections and evaluate compliance data.

Recommendation 22-70: *The Oakland Fire Department must ensure that all fire inspection training meets or exceeds the standards provided by the California Office of the Fire Marshal, and that enough staff are cross trained to ensure that fire inspections are completed.*

City Response: The recommendation has been implemented.

City Explanation: As new inspectors are hired, they are trained initially to ensure they can conduct basic fire code inspections, as well as state-mandated inspections. As they progress and gain more experience, there are opportunities to apprentice and train in other specialty areas such as hazardous materials (HazMat), pyrotechnics, and cannabis.

Moreover, and as noted in "Grand Jury Finding 22-50", Inspectors are required to obtain certification from either the Office of the State Fire Marshal OSFM, (National Fire Protection Association (NFPA), or the International Code Council (ICC) by the end of their probationary period and must maintain that certification throughout their employment with the City of Oakland.

Recommendation 22-71: *The Oakland Fire Department must create a clear career path for professional advancement of fire inspectors.*

City Response: The recommendation has been implemented.

City Explanation: OFD continues to provide opportunities for people to train and apply for supervisory roles. In 2021, new supervisory positions were created to oversee the scheduling and effectiveness of inspections in key areas, such as state mandated inspections, new construction, cannabis, etc. The Department is working with Human Resources Management to fill the vacant Assistant Fire Marshal (civilian) and Assistant Fire Marshal (sworn) positions.

Recommendation 22-72: *Oakland Fire Department leadership must work to raise the status of the Fire Prevention Bureau, so it is on par with the status and esteem afforded firefighters within the [D]epartment.*

City Response: The recommendation has been implemented and is an ongoing initiative.

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City Explanation: Upon Chief Freeman being sworn in on May 17, 2021, his undivided attention was placed on the Fire Prevention Bureau. His first all hands meeting during his first week of office was with the Fire Prevention Bureau -- not Operations - because he wanted to communicate expectations and hear what the members in the Bureau had to say. He continues to attend weekly meetings with the bureau and celebrate their work on social media.

Recommendation 22-73: *The Oakland Fire Department must establish clear expectations for the number of completed inspections on a daily/weekly basis to reach the 100% inspection goal.*

City Response: The recommendation has been implemented and continues to be evaluated.

City Explanation: Accela sends out a monthly list with a schedule of inspections for each inspector. The Fire Marshal tracks the progress by inspector and inspection type and sends a weekly report to the Fire Chief which is subsequently shared with the City Administrator's Office each Friday.

Recommendation 22-74: *The Oakland Fire Chief must authorize a salary and job study to determine the placement of Fire Prevention Bureau personnel in comparison to other large cities. Results should be shared with the [M]ayor, [C]ity council, and Oakland's [H]uman [R]esources [D]epartment.*

City Response: The recommendation has been implemented.

City Explanation: The City recently concluded contract negotiations with all of the labor organizations working within the City of Oakland. Part of those negotiations included a review and analysis of staff salaries and benefits as compared to other jurisdictions in the San Francisco Bay Area. Those labor agreements cover the period from July 1, 2022, through June 30, 2025, and resulted in the salaries increases for civilian staff represented by the Service Employees International Union (SEIU), Local 1021 and the International Federation of Professional & Technical Engineers (IFPTE), Local 21. In addition, the City also concluded negotiations with the International Association of Fire Fighters (IAFF), Local 55 which represents the Fire Marshal (Sworn) and Assistant Fire Marshal (Sworn) positions. The results of those negotiations were compiled by the Department of Human Resources Management and were shared with the Mayor, City Council, and public at the July 19, 2022 meeting of the Oakland City Council. For more information about the negotiations and the resulting labor agreements, please refer to the report to the City Council that may be accessed here: <https://oakland.legistar.com/LegislationDetail.aspx?ID=5727574&GUID=973C92AD-0491-4CD7-93ED-258A0D420C78&Options=&Search=>.

Recommendation 22-75: *The [C]ity of Oakland must reform its hiring process to allow for more rapid filling of open positions in order to hire more experienced fire inspectors.*

City Response: This recommendation has been implemented but requires further analysis to ensure a sustainable process in which to identify anticipated vacancies and to begin and streamline the process of filling vacant positions.

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City Explanation: The Fire Chief and Human Resources Management Director meet regularly with fiscal and human resource staff within the Fire Department to determine best practices to limit vacancies following retirements, promotions, and other staffing gaps. In addition, the Department of Human Resources Management recently filled the Human Resources Manager position that has been tasked with identifying improvements to the City's recruitment process. In addition, as part of the City's Adopted Fiscal Year 2022-23 Budget, the Council allocated \$100,000 towards the City's efforts to reimagine recruitment and retention of its employees. Once the Human Resources Manager has completed their analysis of the existing process and identified opportunities for improvement, the Department of Human Resources Management will prepare a scope of work that can be used to solicit bids from qualified firms that can help the City refine and implement strategies to improve recruitment and retention. This is likely to occur the first quarter of 2023.

Recommendation 22-76: *The Oakland Fire Chief and Fire Prevention Bureau Fire Marshal must provide all inspectors with sufficient training that includes clear guidelines on how and when to cite violators. This must include a written policy that outlines specific actions and inspectors' authority when citing.*

City Response: The recommendation has not yet been implemented.

City Explanation: This recommendation has been discussed internally but requires further coordination with the City Attorney's Office to initiate protocols and training, and the necessary updates to existing guidelines. Fire Administration and the City Attorney's Office will be meeting on this process to have this operational by the end of 2022.

Recommendation 22-77: *The Oakland Fire Department must provide the Fire Prevention Bureau with administrative staff to support the fire inspectors to process noncompliance citations and prepare for court appearances if necessary.*

City Response: The City agrees with this recommendation.

City Explanation: Additional staffing has been budgeted, but there are vacancies identified in our organization chart. As noted in 22-54, as these positions are filled, this additional staff will assist in the development and distribution of notifications for noncompliance and other areas of the citation process.

Recommendation 22-78: *State-mandated fire inspection data should be easily accessible on the [C]ity of Oakland's public information web page.*

City Response: This recommendation has been implemented.

City Explanation: The quarterly report to the Public Safety committee (referenced in 22-62) is posted on the main page of the Fire Department's website.

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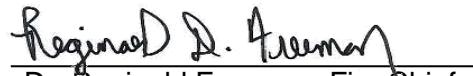
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For questions, please contact Felicia Bryant, Fire Marshal, at fwanzo-bryant@oaklandca.gov at 510-238-6599.

Respectfully submitted,

A handwritten signature in black ink that reads "Reginald D. Freeman". The signature is written in a cursive style and is positioned above a horizontal line.

Dr. Reginald Freeman, Fire Chief
Oakland Fire Department