



Menlo Park Fire Protection District

170 Middlefield Road • Menlo Park, CA 94025 • Tel: 650-688-8400 • Fax: 650-323-9129

Website: www.menlofire.org • Email: mpfd@menlofire.org

BOARD MEETING

08/20/2019

Closed Session, 6:00 PM, 1st Floor Conference Room

170 Middlefield Road, Menlo Park

Regular Session, 7:00 pm, Station 1 Classroom

300 Middlefield Road, Menlo Park

Mission Statement:

To protect and preserve life and property from the impact of fire, disaster, injury and illness

Virginia Chang Kiraly, Board President ~ Robert Jones, Vice President

Chuck Bernstein, Director ~ Jim McLaughlin, Director ~ Robert J. Silano, Director

AGENDA

ROLL CALL

PUBLIC COMMENT #1

A fundamental element of democracy is the right of citizens to address their elected representatives. Therefore under Public Comment #1, the public may address the Board on any subject not listed on the Agenda. Each speaker may address the Board for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. The Board cannot act on items not on the agenda and therefore the Board cannot respond to non-agenda issues brought up under Public Comment other than to provide general information. District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion of each agenda item and must be related to matters under consideration for that agenda item.

CLOSED SESSION (1st FLOOR CONFERENCE ROOM)

Per the LABOR RELATIONS COMMUNICATIONS POLICY as adopted on April 24, 2012, No individual Board member will individually negotiate with any bargaining group member. Each Board member shall inform the Fire Chief at their earliest convenience and disclose in the next closed session the general substance of any communications he or she has had with any District bargaining group member(s) that has any reference to any labor negotiations with the District.

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 1 case
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 2005 Willow Road, Menlo Park, CA 94025
Agency Negotiator: Harold Schapelhouman, Fire Chief
Under Negotiations: Price, terms, and related matters

ADJOURN TO OPEN SESSION MEETING AT 7PM (CLASSROOM)

REGULAR MEETING

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORTABLE ACTIONS FROM CLOSED SESSION REPORTED BY THE PRESIDENT

PUBLIC COMMENT #2

A fundamental element of democracy is the right of citizens to address their elected representatives. Therefore under Public Comment #2, the public may address the Board on any subject not listed on the Agenda. Each speaker may address the Board for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. The Board cannot act on items not on the agenda and therefore the Board cannot respond to non-agenda issues brought up under Public Comment other than to provide general information. District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion of each agenda item and must be related to matters under consideration for that agenda item.

1. Menlo Park Firefighters' Association Benevolent Activities Report
2. Report of the Fire Chief for Discussion and Direction

PRESENTATIONS

3. Commendation for David Ofwono for His Retirement from and Dedication to the California Task Force 3 (CA-TF3) Urban Search and Rescue (US&R) Team

CONSENT CALENDAR

Items on the Consent Calendar are generally routine in nature and will be acted upon collectively with one motion, unless removed by a member of the Board, Staff, or Public.

4. Approve the Minutes of the May 7, 2019, Special Board Meeting, and the July 16, 2019, Regular Board Meeting
5. Approve a Resolution Authorizing the Administrative Services Manager to Transfer Funds from Debt Service Reserves and Call Remaining Menlo Park Fire Protection District Certificates of Participation Series 2009 A Bonds
6. Approve a Resolution Authorizing the Surplus of District Equipment
7. Consider and Approve a Resolution Delegating Authority to the Fire Chief to Make Determinations of Disability Retirement Applications

REGULAR AGENDA

The public may address the Board on any subject listed on the Regular Agenda. Each speaker may address the Board once for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. Each speaker will be called upon to speak by the President when the item is heard.

8. Consider and Approve a Resolution Authorizing the Sole Source Purchase of a Long-Range Acoustical Device (LRAD) Used as a Community Wide Emergency Notification System Located at Fire Station 2 in East Palo Alto in an Amount Not to Exceed \$135,000

9. Consider and Discuss the Draft Response to the San Mateo County Civil Grand Jury Regarding Its Report Titled "Fire Safety Inspection Programs on the Road to Recovery"
10. Consider and Approve a Resolution Authorizing the Fire Chief to Execute a Sole Source Contract with Avocette for Implementation and Completion of a Fire Permit Tracking System in an Amount Not to Exceed \$67,000
11. Consider and Approve the Recommended Process for the Recruitment of a New Deputy Fire Chief
12. Consider and Approve a Resolution Authorizing the Fire Chief to Execute a Contract with RRM Design Group for a District Wide Space Needs Assessment in an Amount Not to Exceed \$210,000
13. Review and Accept Revisions to the Board of Directors' Policies and Procedures Manual

REPORTS AND REQUESTS

14. Committee Reports
15. President's Report
16. Directors' Reports and Requests

PUBLIC COMMENT #3

A fundamental element of democracy is the right of citizens to address their elected representatives. Therefore if unable to address the Board under Public Comment #1 and 2#, the public may address the Board on any subject not listed on the Agenda. Each speaker may address the Board for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. The Board cannot act on items not on the agenda and therefore the Board cannot respond to non-agenda issues brought up under Public Comment other than to provide general information. District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion of each agenda item and must be related to matters under consideration for that agenda item.

INFORMATION ONLY ITEMS

17. Handouts Distributed by California Water Service at August 12, 2019, Meeting with the District

ADJOURNMENT TO NEXT SCHEDULED MEETING OF SEPTEMBER 17, 2019

Notice regarding Board of Directors Meetings: The Board of Directors regularly meets on the Third Tuesday of each month at 7:00 PM in the Classroom at Station 1 at 300 Middlefield Road, Menlo Park. The Agenda is available through the Internet at <https://www.menlofire.org/board-agendas-and-minutes> 72 hours prior to the meeting and are also available at the Administration Office located at 170 Middlefield Road, Menlo Park

The Board may take action on any item on the agenda with the exception of Public Comment section. In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in MPFPD Board meeting or if you need a copy of the agenda and/or agenda packet materials in alternative format, please contact the Clerk of the Board during normal working business hours at 650-688-8400 at least 48 hours prior to the meeting so that request can be handled.



Fire Chief's Report – August 20, 2019

Deputy Chief and Fire Chief Transition and timing:

Please see the attached Staff Report

A complete transition plan that includes the actual reduction of Division Chiefs, addition of three more Battalion Chiefs and modification of others will be presented as part of an overall strategy for succession within my staff in September.

Town of Atherton:

The Town representatives met with the Fire District's Board representatives and Fire Chief regarding the 'Partnership Opportunities' list provided to the Fire District and additional proposals from the Fire Chief.

City of East Palo Alto:

The Fire District continues to work closely with the City on potential new development projects and code required access and water supply requirements.

City of Menlo Park:

The City Manager and I met to discuss an EOC/MAC facility at Station 1, the emergency preparedness agreement, Drone use, new development, evacuation planning and a variety of other issues.

San Mateo County:

The Alameda De las Pulgas Task Force will be meeting on August 22 at 7 pm at Menlo Commons. The group will be reviewing the 90 day trial lane closure and traffic signal program.

San Mateo County Fire Chiefs:

The County Fire Chief's met to discuss "initial attack" Strike Teams, received presentations and updates from County Communications and Tablet Command representatives and the proposed updating of the PSC Contract, for which I volunteered.

Joint Meeting with the San Mateo County Fire Chiefs:

The County Fire and Police Chief's met and discussed active shooter incidents, planning and policies along with in-building radio communications systems and Wildland Fire evacuation planning and preparedness.

Meeting with Cal-Water:

A presentation from Cal-Water is scheduled for the Boards September meeting. See the related information in the Board packet.

Space Needs Assessment Vendor:

Please see the attached Staff Report

Stanford Local Government Summer Institute (LGSI) Program:

We hosted the programs Wednesday night dinner and visit at Fire Station 6. President Kiraly welcomed the 22 students and staff.

National Night Out:

The Fire District participated in multiple events in Atherton, Menlo Park, East Palo Alto and the County. My thanks to the Directors who participated.

ESCI Interviews:

Our Standards of Cover vendor, ESCI, conducted interviews with Board members, City Managers and designated Staff members. The vendor will also be making comment on “appropriate staffing” at the Chief Officers level.

Memorial Service for Retired Captain Brian Dickson:

The Fire District was invited to and supported the memorial service for retired Captain Brian Dickson in Burlingame at Coyote point. The service was well attended.

San Mateo County Public Safety Memorial Service:

The annual memorial service is scheduled for September 8 (Sunday) starting at 10 am at Notre Dame de Namur University Chapel, located in Belmont.

A community open house at Station 77:

A community open house is scheduled for September 22 from 10 am to 2 pm.

Annual Pancake Breakfast and Open House at Station 1:

The annual joint pancake breakfast and open house is scheduled for October 12, 2019.

Rosenbauer all electric Fire Engine demonstration:

The concept all electric Fire engine is currently scheduled to be in Menlo Park for two days in November. More to come!

Annual Holiday Awards Ceremony and Luncheon:

The annual awards luncheon is scheduled for Monday, December 16.

Board related meetings and contacts:

President Kiraly and Vice President Jones:

We met to discuss and establish the August Fire Board Agenda.

President Kiraly and I met with Menlo Park Council Member Taylor:

We met to discuss Station 77, the Bell Haven community and new development.

President Kiraly and I met with Cal-Water representatives:

We discussed proposed legislation, Wildland Fires and critical infrastructure.

President Kiraly and I attended a Belle Haven Neighborhood Association meeting:

We discussed holding an open house at Station 77 and concerns about the Stations location, function, community impacts, and upgrades to Chilco street construction.

Director Silano:

Requested an item be placed on the September Agenda related to the Facebook false sarin event and purchasing a special detection unit.

END



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SPECIAL BOARD MEETING

MINUTES

May 7, 2019

CLOSED SESSION MEETING

The Menlo Park Fire Protection District Board Special Meeting Closed Session was called to order on Tuesday, May 7, 2019, by President Kiraly at 7:05 p.m. in the First Floor Conference Room located at 170 Middlefield Road, Menlo Park, CA 94025.

PRESENT: President Kiraly, Vice President Jones, Director Bernstein, Director McLaughlin, and Director Silano

ABSENT: None

STAFF PRESENT: Fire Chief Harold Schapelhouman, Deputy Chief Don Long, and Administrative Services Manager Kathleen Jackson

PUBLIC COMMENT #1

There were none.

CLOSED SESSION AGENDA

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Pursuant to Government Code Section 54957)
Title: Fire Chief
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 1467 Chilco Avenue, Menlo Park, CA 94025
Agency Negotiator: Harold Schapelhouman, Fire Chief
Under Negotiations: Price, terms, and related matters

ADJORN TO OPEN SESSION MEETING

The Board adjourned from Closed Session at approximately 8:05 p.m.

ROLL CALL

The Menlo Park Fire Protection District Board Special Meeting Open Session was called to order on Tuesday, May 7, 2019, by President Kiraly at 8:12 p.m. in the Station No. 1 Classroom located at 300 Middlefield Road, Menlo Park, CA 94025.

PRESENT: President Kiraly, Vice President Jones, Director Bernstein, Director McLaughlin, and Director Silano

ABSENT: None

STAFF PRESENT: Fire Chief Harold Schapelhouman, Administrative Services Manager Kathleen Jackson, EMS Manager Melanie Starz, Senior Management Analyst Jon Hitchcock, and Clerk of the Board Michelle Kneier

REPORTABLE ACTIONS FROM CLOSED SESSION BY THE BOARD PRESIDENT

President Kiraly stated there was no reportable action from closed session.

PUBLIC COMMENT #2

There were none.

PRESENTATION

3. Update on the Station 4 Public Workshop Meeting Schedule for May 15, 2019

Bill Louie with WLC Architects and Senior Management Analyst Jon Hitchcock provided the presentation.

REGULAR AGENDA

4. Discuss the Draft San Mateo County Pre-Hospital Emergency Medical Services Group Advanced Life Support Paramedic Designation Agreement

The Chief provided an update and answered questions from the Board.

5. Discuss List of Partnership Opportunities Received from the Town of Atherton

The Board directed staff to include this item on the June Board meeting agenda.

6. Update on the Liaison Meeting with the City of Menlo Park Regarding Follow Up from the Joint Meeting Held on March 5, 2019

The Chief provided an update.

PUBLIC COMMENT #3

There were none.

ADJOURNMENT

Motion: Upon motion by Director Silano, seconded by Director Jones, the Board adjourned from the open session at 10:25 p.m. (Vote: 5-0-0)

DRAFT



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BOARD MEETING

MINUTES

JULY 16, 2019

REGULAR MEETING

ROLL CALL

The Menlo Park Fire Protection District Board Regular Session Meeting was called to order on Tuesday, July 16, 2019 by President Kiraly at 7:01 p.m. in the Station 1 Classroom located at 300 Middlefield Road, Menlo Park, CA 94025.

PRESENT: President Kiraly, Vice President Jones, Director Bernstein, Director McLaughlin, and Director Silano

ABSENT: None

STAFF PRESENT: Fire Chief Harold Schapelhouman, Division Chief Ben Marra, Fire Marshal Jon Johnston, Administrative Services Manager Kathleen Jackson, Legal Counsel Lauren Quint, and Clerk of the Board Michelle Kneier

PUBLIC COMMENT #1

There were none.

1. Menlo Park Firefighters' Association Benevolent Activities Report

There was no report.

2. Report of the Fire Chief for Discussion and Direction

The Board accepted the Chief's report.

PRESENTATIONS

3. Commendation for Mike Bavister for His Retirement from and Dedication to the California Task Force 3 (CA-TF3) Urban Search & Rescue (US&R) Team

The Fire Chief and Division Chief Ben Marra presented the commendation to Mike Bavister.

Board Minutes
7/16/2019

CONSENT CALENDAR

4. **Approve the Minutes of the June 18, 2019, Regular Board Meeting**
5. **Accept the Treasurer's Report for the Month Ended May 31, 2019 (Unaudited)**

Motion: Upon motion by Director Bernstein, seconded by Director Jones, the Board approved the Consent Calendar. (Vote: 5-0-0)

REGULAR AGENDA

6. **Consider and Approve a Resolution to Recover Costs for Weed Abatement**

Motion: Upon motion by Director Jones, seconded by Director Silano, the Board approved a resolution to recover costs for weed abatement. (Vote: 5-0-0)

7. **Consider and Adopt a Resolution Authorizing the Fire Chief to Execute a Sole Source Contract with Avocette for Implementation and Completion of a Fire Permit Tracking System in an Amount Not to Exceed \$67,000**

This item was taken off the agenda.

8. **Consider and Approve a Resolution Authorizing the California Task Force 3 (CA-TF3) Urban Search & Rescue (US&R) Division Sole Source Purchase of Five Motorola Radios in an Amount Not to Exceed \$40,000**

Motion: Upon motion by Director Silano, seconded by Director Jones, the Board approved a resolution authorizing the CA-TF3 US&R division's sole source purchase of five Motorola radios in an amount not to exceed \$40,000. (Vote: 5-0-0)

9. **Consider for Adoption a Resolution Authorizing the Fire Chief to Execute a Contract with McKim Corporation for Fire Station 2 Driveway Ramp Improvements in an Amount of \$96,861.28 and Establish a \$15,000 Budget Contingency for Unanticipated Change Orders**

Motion: Upon motion by Director Silano, seconded by Director Jones, the Board adopted a resolution authorizing the Fire Chief to execute a contract with McKim Corporation for Fire Station 2 driveway ramp improvements in an amount of \$96,861.28 and establish a \$15,000 budget contingency for unanticipated change orders. (Vote: 5-0-0)

10. **Consider and Discuss Board Goals and Recommendations from the Ad Hoc Committee**

Director Kiraly reported that the Ad Hoc Committee met on July 9. Each Committee member prepared a memo outlining their discussion.

Upon consensus, the Board accepted the recommendations from the Ad Hoc Committee.

There was a motion by Director Bernstein, seconded by Director Silano, that the Board President will assign each goal to a Committee. (Vote: 5-0-0)

REPORTS AND REQUESTS

11. Reports/Requests/Liaison/Committee Reports of Directors

Director Bernstein reported that he attended a CERT drill in Menlo Park. He also announced that National Night Out is on August 6. Lastly, he stated he was concerned about illegal fireworks before, after, and during the 4th of July holiday.

Director Jones reported that on June 22 he attended the Station 6 Community Open House. He also reported that the Human Resources Committee met on July 2 and that they continue reviewing updates to the Board of Directors' Policy and Procedures Manual. He also reported that the Emergency Preparedness Committee met on July 9 and relayed that the CCM Board met on July 2 and that they decided to move forward with forming a 501c3.

Director Silano reported that he attended the Station 6 Dedication Ceremony on June 20. He also reported he went to a Facebook incident that occurred on July 1. Lastly, he reported that he attended a Board of Supervisors meeting where Director Jones was recognized for his service to the community.

Director McLaughlin reported that he attended the Human Resources Committee meeting on July 2. He also attended the Station 6 Dedication Ceremony on June 20.

12. President's Report

Director Kiraly reported that she attended several Station 6 events including the Dedication Ceremony on June 20, the Community Open House on June 22, and the Media Open House on July 10. She also reported that the Board Goals Ad Hoc Committee met on July 9. Lastly, she stated that there was nothing to report for the Finance Committee as the items were discussed at tonight's meeting.

PUBLIC COMMENT #2

There were none.

ADJOURNMENT

Motion: Upon motion by Director Jones, seconded by Director McLaughlin, the Board adjourned from the open session at 9:20 p.m. (Vote: 5-0-0)

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

FROM: Administrative Services

PREPARED BY: Kathleen Jackson

APPROVED BY: Chief Schapelhouman

ITEM: APPROVE A RESOLUTION AUTHORIZING THE ADMINISTRATIVE SERVICES MANAGER TO TRANSFER FUNDS FROM DEBT SERVICE RESERVES AND CALL REMAINING MENLO PARK FIRE PROTECTION DISTRICT CERTIFICATES OF PARTICIPATION SERIES 2009 A BONDS

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve a resolution authorizing the Administrative Services Manager to transfer funds from the Debt Service Reserves and call the remaining Menlo Park Fire Protection District (MPFPD) Certificates of Deposit (COPs) Series 2009 A.

BACKGROUND

On December 1, 2009, the District Board adopted a resolution, which authorized the issuance of lease financing of certain capital projects with the Public Property Financing Corporation of California (a nonprofit public benefit corporation). On behalf of the District, the Public Property Financing Corporation issued Certificates of Participation in the original principal amount of \$11,990,000, with a premium account of \$225,165 and bearing interest at 2-7%, On December 8, 2009, closing date of December 23, 2009.

The table below shows the initial issuance of the COPs Series A and Series B sources and uses:

Initial Issuance of Certificate of Participation		
	Series A	Series B
Sources of Funds:		
Principle Amount of Certificate	\$ 3,055,000	\$ 8,935,000
Original Issue Premium	225,165	-
Total Sources of Funds	\$ 3,280,165	\$ 8,935,000
Uses of Funds:		
Capital Improvement Projects	\$ 2,918,174	\$ 7,981,826
Reserve Fund	305,500	779,005
Cost of Issuance	32,051	102,689
Underwriter's Discount	24,440	71,480
Total Uses of Funds	\$ 3,280,165	\$ 8,935,000

The total principal amount of \$3,055,000 was issued under COP Series A. The interest earned and paid to bond holders for COP Series A is exempt from Federal income taxes.

The table below provides the original COP Series A debt amortization.

Debt Service Payment Schedule: COP Series A					
Payment Date	Coupon	Payment	Interest	Principal	Balance
2010-2015	2.00%-3.00%	\$ 1,628,615	\$ 653,615	\$ 975,000	\$ 2,080,000
2/1/2016	3.00%	\$ 48,050	\$ 48,050	\$ -	\$ 2,080,000
8/1/2016	3.00%	\$ 308,050	\$ 48,050	\$ 260,000	\$ 1,820,000
2/1/2017	4.00%	\$ 44,150	\$ 44,150	\$ -	\$ 1,820,000
8/1/2017	4.00%	\$ 314,150	\$ 44,150	\$ 270,000	\$ 1,550,000
2/1/2018	5.00%	\$ 38,750	\$ 38,750	\$ -	\$ 1,550,000
8/1/2018	5.00%	\$ 318,750	\$ 38,750	\$ 280,000	\$ 1,270,000
2/1/2019	5.00%	\$ 31,750	\$ 31,750	\$ -	\$ 1,270,000
8/1/2019	5.00%	\$ 326,750	\$ 31,750	\$ 295,000	\$ 975,000
2/1/2020	5.00%	\$ 24,375	\$ 24,375	\$ -	\$ 975,000
8/1/2020	5.00%	\$ 334,375	\$ 24,375	\$ 310,000	\$ 665,000
2/1/2021	5.00%	\$ 16,625	\$ 16,625	\$ -	\$ 665,000
8/1/2021	5.00%	\$ 341,625	\$ 16,625	\$ 325,000	\$ 340,000
2/1/2022	5.00%	\$ 8,500	\$ 8,500	\$ -	\$ 340,000
8/1/2022	5.00%	\$ 348,500	\$ 8,500	\$ 340,000	\$ -
Total		\$ 4,133,015	\$ 1,078,015	\$ 3,055,000	

Currently, the outstanding principal on the COPs Series A, is \$975,000 with a five percent coupon.

DISCUSSION

Pursuant to Section 3.01(a) of the Trust Agreement; The Certificates maturing on or before August 1, 2019, are not subject to optional prepayment prior to their respective stated maturities. The Certificates maturing on or after August 1, 2020, are subject to optional prepayment in whole or in part among maturities on a pro rata basis and by lot within a maturity, on any date on or after August 1, 2019, from prepayments of the Lease Payments made at the option of the District pursuant to Section 9.2 of the Lease, at a prepayment price equal to the principal amount to be prepaid together with accrued interest represented thereby to the date fixed or prepayment, without premium. Bonds may be redeemed prior to their maturity by the Trustee upon the written request of the District.

District Staff recommends calling the remaining 2009 COPs Series A Bonds, par value of \$975,000.

FISCAL IMPACT

Transfer approximately \$668,500 from the Debt Service Committed Reserve, and transfer approximately \$314,000 from the 2009 Series A Bonds Restricted Reserve held by the fiscal agent to call all outstanding 2009 Series A COPs plus accrued interest.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENLO PARK FIRE PROTECTION DISTRICT DELEGATING AUTHORITY TO THE ADMINISTRATIVE SERVICES MANAGER TO TRANSFER FUNDS FROM THE DEBT SERVICE RESERVE FUNDS AND CALL REMAINING MENLO PARK FIRE PROTECTION DISTRICT CERTIFICATES OF PARTICIPATION SERIES 2009 A BONDS

WHEREAS, the Menlo Park Fire Protection District received a report from the Administrative Services Manager; and

WHEREAS, pursuant to Section 3.01(a) of the Trust Agreement and Section 9.2 of the Lease Agreement in the Menlo Park Fire Protection District Certificates of Participation Series 2009 A Bond Covenants, Bonds may be redeemed prior to their maturity by the Trustee upon written request of the District beginning August 1, 2019; and

WHEREAS, the Board of Directors of the Menlo Park Fire Protection District has determined that redeeming outstanding bonds from the Menlo Park Fire Protection District Certificate of Participation Series 2009 A that are callable is a fiscally sound decision; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that:

1. The Board delegates authority to the Administrative Services Manager to provide the Fiscal Agent, Bank of New York Mellon Trust Company, N. A. approval and consent to prepare the Optional Bond Call, to redeem remaining 2009 Certificates of Participation Series A; and
2. That the Board delegate authority to the Administrative Services Manager to act on behalf of the District in all matters related to the Optional Bond Call.
3. That the Board authorize the transfer from the Debt Service Reserves to the Debt Service Fund for the bond call.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Michelle Kneier, Clerk of the Board

APPROVED:

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

FROM: Administrative Services

PREPARED BY: Jon Hitchcock

APPROVED BY: H. Schapelhouman, Fire Chief

**ITEM: APPROVE A RESOLUTION AUTHORIZING THE SURPLUS OF
DISTRICT EQUIPMENT**

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve a resolution authorizing the surplus of equipment.

BACKGROUND

Per District policy all property with an original purchase price of \$5,000 or more shall be approved for surplus by the Board of Directors. The District has identified several pieces of equipment that no longer meet the District's needs. Staff has evaluated each piece of equipment proposed for disposal and based on their condition has identified in this report the proposed method for their disposal.

DISCUSSION

Staff has identified the following equipment for surplus:

The Menlo Park Fire District's IT Division has been in the process of replacing computer equipment due to new technology and the need to replace obsolete and broken equipment which no longer meets the District's needs. The equipment set for disposal consists of seven servers which were purchased in 2007 through 2012 and have out lived their useful life, are fully depreciated, and have already been replaced. The Menlo Park Fire District IT staff have formatted the hard drives and servers so that no information remains on them. The equipment is scheduled to be recycled by Green E-Waste Recycling Center. This company will strip the equipment down for useable parts. The recycling company for the E-waste does not charge a fee for the pickup service.

The EMS division purchased an eight-piece simulation training manikin in 2013. The manikin was used to provide the Firefighters with EMS training scenarios. The manikin is outdated and broken and is scheduled to be replaced in FY 19-20. The manikin has been fully depreciated. Staff will attempt to sell it however due to its poor condition if it cannot be sold it will instead be

donated.

In 2009 the District purchased Sire software for the purposes of agenda facilitation and document management. Hyland the developer of Sire is no longer making improvements to this software. In addition, the Sire program can only be supported by Microsoft 2008 server software. Unfortunately, at the end of this year Microsoft no longer supports the 2008 server software, which will allow the server and everything on it to be susceptible to malicious attacks. As a result of this, the District recently purchased software from Docuphase and PrimeGov to replace Sire. The documents in Sire will be migrated over to the new software. The Sire software has been fully depreciated.

The District purchased a Posi-Check device in 2005 to maintain the District's SCBA air packs. The District used this device for many years however in 2011 the District began contracting the maintenance of the air packs due to the increase in the number of air packs as well as to ensure that they are being serviced properly and documentation of the service is provided. The District has not since used the Posi-Check device which has exceeded its useful life. The Posi-Check has been fully depreciated. The District will retain and display the Posi-Check for historical purposes.

The mechanical division purchased a Snap On Modis automotive diagnostic tool in 2005 that is no longer supported by Snap On. The tool is fully depreciated and the District will attempted to sell it.

The District has two Ford Expeditions that were purchased in 2006 (MNL 3 and MNL 11) that are recommended for surplus due to their condition. Both vehicles are experiencing mechanical problems which would cost several thousand dollars to repair. Based on their age and mileage, the mechanical division recommends selling or trading in these vehicles rather than attempt to repair them.

US&R purchased a Mckesson I-Stat Analyzer in 2011. The Mckesson I-Stat Analyzer is an optional cache item that has become too costly to maintain and based on a review by the team medical leader this item is not needed. As of August 2019, the Mckesson I-Stat Analyzer has a net book value of \$1,224.86. This device will be returned to the manufacturer for disposal.

In 2009 US&R purchased a Brink's home security system for the US&R warehouse located at 1376 willow road. US&R has since relocated to the District's warehouse located at 2470 Pulgas Avenue which has its own building and security alarm system. US&R abandoned the existing alarm system at the old warehouse since it was outdated, no longer needed and it would cost additional monies to uninstall the system. The Brink's home security system is fully depreciated.

Upon approval of this report all of the equipment listed above will be surplus per the methods identified and removed from the District's fixed asset list.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AUTHORIZING THE SURPLUS OF EQUIPMENT

WHEREAS, the Board of Directors received a report from the Fire Chief requesting the surplus of equipment; and

WHEREAS, per District policy all property with an original purchase price of \$5,000 or more shall be approved for surplus by the Board of Directors; and

WHEREAS, all equipment has outlived their useful life or are no longer needed; and

WHEREAS, the Board of Directors accepts the report as submitted; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Menlo Park Fire Protection District authorized the surplus of seven servers with ID numbers 663, 698, 700, 851, 845, 1001, and 1134; one eight piece simulation training manikin with ID numbers 1004-1011; one McKesson I-Stat Analyzer with ID number 689, Sire agenda plus and auto indexing software, a Brink's home security system with ID number 829, a positive check device with ID number 444, a snap on modis automotive diagnostic tool with ID number 340, and two Ford Expeditions (MNL 3 and MNL 11) with VINs 1FMPU16536LA93627 and 1FMPU16516LA93626.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 20th day of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

APPROVED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

FROM: Human Resources

PREPARED BY: Brenna Rowe

APPROVED BY: Chief Schapelhouman

**ITEM: CONSIDER AND APPROVE A RESOLUTION DELEGATING
AUTHORITY TO THE FIRE CHIEF TO MAKE DETERMINATIONS OF
DISABILITY RETIREMENT APPLICATIONS**

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Adopt a resolution delegating authority to the Fire Chief to make determinations of disability retirement applications.

BACKGROUND

The Menlo Park Fire Protection District contracts with CalPERS for its retirement system. As a part of this contract, CalPERS administers a disability retirement program for both local Safety and Miscellaneous members of the retirement system. Various Government Code sections describe the process of filing applications for determination of and appeal to the determination of a disability retirement.

The determination on a disability or industrial disability retirement for public safety members is made by the local governing body – not CalPERS. As a contracting agency of CalPERS, the District has the authority to make disability or industrial disability decisions for its local safety employees only. The decision is then submitted by resolution to CalPERS in order to process the application for the local safety member. In all cases where an employee is applying for a disability or industrial disability retirement, the employee is required to submit all medical information provided by the employee, employer and/or workers' compensation carrier.

Government Code section 21156 grants authority to the contracting agency to make a determination on the basis of competent medical opinion and whether such disability is "industrial" within the meaning of CalPERS law. The attached resolution delegates authority to the Fire Chief to make industrial disability determinations by submitting applications for disability retirement and initiating requests for reinstatement in accordance with State law. The

attached Resolution is a CalPERS document and each contracting agency is required to have a valid Resolution for Delegation of Authority on file.

STAFF RECOMMENDATION

Staff recommends that the Board delegate the authority to the Fire Chief regarding the determination of disability retirement applications. This delegation would also allow the Fire Chief to file disability retirement applications for employees that have reached a permanent and stationary status but remain unable to perform the essential functions of their job. Without this delegation, the District is obligated to continue to employ those who are unable to perform their jobs but are unable to or delayed in filing a disability retirement application, until the Fire Chief brings an employer sponsored application to the Board. This delay can be costly and challenging for both staff and the employee.

Additionally, the District researched best practices around authority delegation and found most Public Agencies have adopted this policy including, City of Menlo Park, Redwood City, City of Palo Alto, and City of South San Francisco.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MENLO PARK FIRE PROTECTION DISTRICT
DELEGATING AUTHORITY TO THE FIRE CHIEF TO MAKE DETERMINATIONS
OF DISABILITY RETIREMENT APPLICATIONS**

WHEREAS, the Menlo Park Fire Protection District (hereinafter referred to as Agency) is a contracting agency of the Public Employees' Retirement System; and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, the Board of Directors of the Menlo Park Fire Protection District has determined upon legal advice that it may delegate authority under Government Code section 21173 to make such determinations to the incumbent of the position of Fire Chief; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that:

1. The Board delegate to the incumbent of the position of Fire Chief, authority to make determinations of applications on behalf of the Agency pursuant to Government Code section 21152 (c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability;
2. That the Board delegate to the incumbent of the position of Fire Chief, authority to make determinations of disability on behalf of the Agency under Government Code section 21156 and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Michelle Kneier, Clerk of the Board

APPROVED:

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

FROM: Office of Emergency Management

PREPARED BY: Ryan Zollicoffer

APPROVED BY: Chief Schapelhouman

ITEM: CONSIDER AND APPROVE A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF A LONG-RANGE ACOUSTICAL DEVICE (LRAD) FOR USE AS A COMMUNITY WIDE EMERGENCY NOTIFICATION SYSTEM TO BE LOCATED AT FIRE STATION 2 IN EAST PALO ALTO IN AN AMOUNT NOT TO EXCEED \$135,000

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Consider and approve a resolution authorizing the sole source purchase of a Long-Range Acoustical Device (LRAD) for use as a community wide emergency notification system to be located at Fire Station 2 in East Palo Alto in an amount not to exceed \$135,000

BACKGROUND

In response to last year's (2018) Board Priorities and Fire Chiefs goals, staff explored the possibility of merging its Shake Alert early earthquake warning system with its LRAD Community Wide Emergency Notification System. The goal was to validate how an early earthquake warning system, accompanied with a mass notification system, could provide advanced public alerting during a predicted earthquake using the already well established USGS Shake Alert early warning system that uses earthquake science and technology to detect "measurable earthquakes" over a selected threshold so that an audible alert can quickly reach as many people as possible, before the shaking begins.

DISCUSSION

Fire Station 2 is centrally located in East Palo Alto and already equipped with the Shake Alert and Sky Alert technology needed to successfully support this project. In addition, the 100 foot communications tower provides an ideal elevated pedestal needed to communicate one mile in all directions.

The purchase of this LRAD mass notification system will advance the Boards overall priority of providing an early mass notification warning system, District wide, during times of a disaster. In accordance with section 11.3.7 of the California Alert and Warning Guidelines referenced "Loud

Speakers and Address System” this strategy supports one of their alerting and warning technological methods of effective mass notification systems.

Recently, Mill Valley Fire Department installed five of these devices throughout their City as a way to boost their mass notification and public alerting messaging during large-scale disasters, specifically, wildland fires. Mill Valley Fire Chief Tom Welch said “we believe that the purchase and installation of this system goes a long way to improve the resiliency and redundancy of our communication systems.”

Once installed, the mass notification system will be tested and maintained annually by the District’s Office of Emergency Management (OEM). The LRAD system will only be activated by authorized and trained emergency personnel during times of significant emergencies that pose a real and immediate threat to the community, specifically an earthquake, flooding, fire or other significant threat to the City of East Palo Alto.

If for any reason the system malfunctions or unintentionally activated, a manual override switch and system will be installed to immediately shut itself off. Annual testing of the system will be in parallel with the Walsh Road Emergency Notification System, which is tested in January and June of each year. OEM will follow its existing pre-scripted emergency communication protocols when sending out voice-over alerts. These pre-scripted communication protocols align with the current County SMC Alert messaging standards.

The Fire Prevention Bureau will develop an educational marketing campaign informing the community of the Fire Districts newest alerting capabilities and any recommended emergency actions the public should take during an activation.

Because this system will solely be located on District property, no formal emergency service agreement is needed with other agencies. However, the District’s Office of Emergency Management plans to develop a joint emergency protocol in partnership with the City of East Palo Alto.

FISCAL IMPACT

The District Board approved \$250,000 in the 2019/2020 budget for the purchase of a mass notification systems. The LRAD voice over command capabilities are exclusive within the market, thus resulting in a sole source agreement between the two parties.

ATTACHMENTS

- A. Quote
- B. Resolution – Handout at meeting
- C. Questions & Answers – Handout at meeting

Mallory Safety & Supply LLC

740 Freeport Blvd #108 • Sparks, NV 89431 • (775) 355-2000

**ATTACHMENT A
QUOTATION**Purchase Order Address:
PO Box 2068
Longview, WA 98632

Order Number	
2441010	
Order Date	Page
5/3/2019 07:32:54	1 of 4
Estimated Date:	
5/3/2019 00:00:00	

Bill To:Menlo Park Fire District
170 Middlefield Road
Menlo Park, CA 94025**Ship To:**Menlo Park Fire District
Attn: Jim Stevens
170 Middlefield Road
Menlo Park, CA 94025

Quote Expires On 8/31/2019

Requested By: Mr. JIM STEVENS

Customer ID: 115387 Carrier: UPS Ground commercial

Freight: CUSTOMER DOES NOT PAY FREIGHT

PO Number						Ship Route	Taker			
LRAD QTE							CARAGON			
Order Line	Quantities					Item ID Item Description	Pricing UOM	Unit Price	Extended Price	
	Ordered	Shipped	Remaining	UOM Unit Size	Disp.		Unit Size			
1	1.0000		EA		1.0	LRACO-11761401 8 x 170W Amplifier Cabinet for Eight Cross Configuration Omni/Directional High Powered Speaker Array, NEMA 4X Cabinets 12 VDC System Charged by Line Voltage MP3 Player/Controller with Record on the Fly PTT Microphone Class D Amplifiers Batteries (2) 12 VDC	EA 1.0	27,777.78	27,777.78	
2	4.0000		EA		1.0	LRACO-11737700 Assembly, dual 60XL degree horns with pole mounting brackets	EA 1.0	7,222.22	28,888.88	
3	1.0000		EA		1.0	LRACO-11648300 Satellite Activation: ViaSat FT2225 Unit with Pole Mount, 30m Ethernet Cable	EA 1.0	3,333.33	3,333.33	
4	1.0000		EA		1.0	LRACO-11648200 Satellite Activation: 30m Ethernet Cable	EA 1.0	333.33	333.33	
5	8.0000		EA		1.0	LRACO-11752900 Speaker Cable, 2 Conductor, 70FT Ferrule to Ferrule	EA 1.0	0.00	0.00	
6	1.0000		EA		1.0	LRACO-ANNSAT ANNUAL SATELLITE FEE	EA 1.0	2,000.00	2,000.00	
7	1.0000		EA		1.0	LRACO-LRADMNSSF LRAD Command and Control Interface LRAD Setup Fee - includes initial configuration to hardware and software GUI	EA 1.0	2,413.33	2,413.33	
8	1.0000		EA		1.0	LRACO-GENASYSMASERSW Genasys Cloud based Command and Control Interface GENASYS SOFTWARE One Time setup fee	EA 1.0	7,222.22	7,222.22	

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QUOTATION

Divisions of Mallory include
California Safety and
Brenton Safety Solutions

Order Number	
2441010	
Order Date	Page
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Quote Expires On 8/31/2019

Order Line	Quantities					Item ID Item Description	Pricing UOM	Unit Price	Extended Price
	Ordered	Shipped	Remaining	UOM Unit Size	Disp.		Unit Size		
(Cloud based) IPAWS Compaitable Additional Seat License for Life Guard Activation									
9	1.0000		EA	1.0		LRACO-SEATLICENSE Additional Seat License	EA 1.0	1,111.11	1,111.11
10	1.0000		EA	1.0		LRACO-APIINTEGRATIONFEE Integration with ShakeAlert Engineering Fee to Create an API to Integrate the LRAD Software to ShakeAlert	EA 1.0	5,555.56	5,555.56
11	1.0000		EA	1.0		LRACO-11614610 Desktop Computer, W/O Monitor, Dell Configured	EA 1.0	2,777.78	2,777.78
12	1.0000		EA	1.0		LRACO-11624000 Monitor, Desktop Computer, Dell	EA 1.0	0.00	0.00
13	1.0000		EA	1.0		LRACO-11258200 Gooseneck Microphone for Live Public Announcement	EA 1.0	0.00	0.00
14	1.0000		LO	1.0		LRACO-LRADMNSINSTALL Installation - Labor, Material and Equipment to Provide The Following: Decommissioning and removal of existing siren systems in (3) existing locations, Install, Complete All Electrical Connections	LO 1.0	27,222.22	27,222.22
15	1.0000		LO	1.0		LRACO-LRADMNSCOM Start Up and Commissioning	LO 1.0	2,777.78	2,777.78
16	1.0000		EA	1.0		LRACO-11747401 Optional Spare Parts - Class D Amplifier with Power Supply 1 x 170W	EA 1.0	1,000.00	1,000.00
17	1.0000		EA	1.0		LRACO-11179700 Optional Spare Pts Driver, LRAD DS-60XL	EA 1.0	1,500.00	1,500.00
18	1.0000		EA	1.0		LRACO-11664840 Optional Spare Pts Single Board Computer	EA 1.0	1,388.89	1,388.89
19	1.0000		EA	1.0		LRACO-11648300 Satellite Activation: ViaSat FT2225 Unit with Pole Mount Optional Spare Parts	EA 1.0	2,888.89	2,888.89
20	1.0000		EA	1.0		LRACO-INSTALLATIONNOTES1 Radio Frequency by Others	EA 1.0	0.00	0.00
21	1.0000		EA	1.0		LRACO-INSTALLATIONNOTES2 Underground Utility Locates by Others	EA 1.0	0.00	0.00
22	1.0000		EA	1.0		LRACO-INSTALLATIONNOTES3 Power Supply: 110-230 VAC	EA 1.0	0.00	0.00

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QUOTATION

Divisions of Mallory include
California Safety and
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Order Number	
2441010	
Order Date	Page
5/3/2019 07:32:54	3 of 4

Quote Expires On 8/31/2019

Order Line	Quantities					Item ID Item Description	Pricing UOM Unit Size	Unit Price	Extended Price
	Ordered	Shipped	Remaining	UOM Unit Size	Disp.				
						15 Amp Electrical Service, Disconnect and Meter brought to the NEMA Cabinets by Others. Disconnect and Meter if Required, Supplied by Others.			
23	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES4 Roof Mount Kit: Matting and Ballast by Others	EA 1.0	0.00	0.00
24	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES5 Roof Penetrations and Patching: For Power and Connectivity by Others	EA 1.0	0.00	0.00
25	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES6 Connectivity: TCP/IP CAT-5 Cable brought to the NEMA Cabinets by Others	EA 1.0	0.00	0.00
26	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES7 Existing Poles: The Structural Integrity of the Existing Poles that are to have the LRAD Arrays mounted on is the Sole Responsibility of the Owner. LRAD Corporation is not responsible for any damage to the Pole or resulting damage from the Pole in case of a Pole structural failure - continued	EA 1.0	0.00	0.00
27	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES7CONT resulting from the addition of the LRAD Array.	EA 1.0	0.00	0.00
28	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES8-1 New Poles: 1. If initial Pole site is found to be unacceptable due to soil conditions being unable to support heavy vehicles such as Cranes and or Boom/Bucket Trucks and no alternative site can be located, a Change Order will be issued to cover the additional costs - continued	EA 1.0	0.00	0.00
29	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES8-1CONT of providing planking to support the installation vehicles.	EA 1.0	0.00	0.00
30	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES8-2 2. LRAD is not Responsible for any Damages Caused by Vehicles and or Cranes, Boom/Bucket Trucks Crossing Side Walks, Parking Lots, Etc.	EA 1.0	0.00	0.00
31	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES8-3 3. Given the Soil Conditions in the Area LRAD will Not be Responsible for Poles that May Sink or Lean once Installed.	EA 1.0	0.00	0.00
32	1.0000			EA	1.0	LRACO-INSTALLATIONNOTES8-4 4. Customer shall provide location(s)	EA 1.0	0.00	0.00

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QUOTATION

Order Number	
2441010	
Order Date	Page
5/3/2019 07:32:54	4 of 4

Quote Expires On 8/31/2019

Divisions of Mallory include
California Safety and
Brenton Safety Solutions

Order Line	Quantities				UOM Unit Size	Disp.	Item ID Item Description	Pricing UOM Unit Size	Unit Price	Extended Price
	Ordered	Shipped	Remaining							
							for the disposal of spoils from the auguring process.			
33	1.0000			EA	1.0		LRACO-INSTALLATIONNOTES9 Rock Clause: If during the Auguring Process Impenetrable Substrate is Encountered and a New Site Needs to be Selected - An Additional Charge Will Apply	EA 1.0	0.00	0.00
34	1.0000			EA	1.0		LRACO-INSTALLATIONNOTES10 Saturation Clause: If during the Auguring Process the Site is Determined to be Saturated with Water or Loose Material and a Supporting Sleeve is Required to Complete the Process - An Additional Charge Will Apply	EA 1.0	0.00	0.00
35	1.0000			EA	1.0		LRACO-INSTALLATIONNOTES11 Traffic Control: (If Required) Not Included	EA 1.0	0.00	0.00

Total Lines: 35

SUB-TOTAL: 118,191.10
TAX: 10,046.25
AMOUNT DUE: 128,237.35

Dispositions: C = Cancelled B = Backordered P = Production Item

U.S. Dollars

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: February 19, 2019

FROM: Bureau of Fire Prevention

PREPARED BY: Fire Marshal Johnston

APPROVED BY: Fire Chief Schapelhouman

ITEM: CONSIDER AND DISCUSS THE DRAFT RESPONSE TO THE SAN MATEO COUNTY CIVIL GRAND JURY REPORT ITS REPORT TITLED “FIRE SAFETY INSPECTION PROGRAMS ON THE ROAD TO RECOVERY”

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve the Fire Chief and Fire Marshal’s proposed response to the July 22, 2019, Civil Grand Jury Report titled “Fire Safety Inspection Programs on the Road to Recovery”

BACKGROUND

On December 2, 2016, at approximately 11:20 pm, in the Fruitvale neighborhood of Oakland, California, a fire broke out in a warehouse known as the Ghost Ship. The warehouse had been converted into an artist collective and included dwelling units. At the time of the fire, the warehouse was hosting a concert.

Residential and entertainment uses were not allowed under the warehouse's permits at the time of the fire. A total of 36 people were killed in the fire, the deadliest in the history of Oakland. It was also the deadliest building fire in the United States since The Station Nightclub fire in 2003 and it was the deadliest mass-casualty event in Oakland since the 1989 Loma Prieta earthquake.

The California State Fire Marshal, through the CA Health and Safety Code, mandates that certain occupancies are to be inspected annually. Since the Ghost Ship Fire grand jury investigations searched for other high risk and illegal occupancies that could put the public at risk. The outcome of the investigations determined that the state required annual inspections on various occupancies however, they were not mandated to be reported to any governing body. Senate Bill 1205, authored by Senator Jerry Hill, was successful in requiring the reporting of annual inspections to its administering authority on an annual basis.

SB 1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.

This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 13146.4 is added to the Health and Safety Code, to read:

13146.4.

(a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

The California State Fire Marshal mandates inspections to be performed annually in all public and private schools (Group E Occupancy), large family daycares, hotels, motels, lodging houses, apartment houses and dwellings (Group R-1, R-2, R2.1, R-4 Occupancy) and high rises. Jails and care facilities (Group I Occupancy) shall be performed every two years.

On February 19, 2019, Staff presented the Fire Board with a report and resolution that was unanimously approved by the Board for calendar year 2018. The report stated that a total of 827 State mandated inspections were identified for 2018. Of those, 823 sites were visited at least once for an inspection. **This was a 99.5% acceptance rate. Upon review, the four remaining inspections were immediately completed in January 2019.**

Under direction of the Fire Marshal, inspections are divided between engine companies and fire inspectors to perform annually. The inspections performed annually are state mandated

inspections, and non-mandated businesses are slated to be performed as often as possible, or between 1-3 years. This is due to a commitment to providing community education, safety and excellent customer service within the Fire District.

Engine companies performed a total of 1,306 business inspections and Fire Prevention staff performed an additional 347 business inspections, for a total of 1,653.

DISCUSSION

The Grand Jury report highlights over a decade of effort by the Fire District to prioritize and ensure that these important life safety inspections are being addressed, recorded and professionally completed

In 2009, all inspection records were “decentralized”, when it was discovered that each Fire Station maintained its own inspection records with no regular oversight or accountability by Fire Administration, Fire Marshal and the Fire Chief.

In 2010, paper inspection forms were mirrored and copied into a highly mobile “tablet based” computer format for ease of use and data entry. A master inspection data base was created and a customized “dash board” monitoring system that is reviewed monthly for accountability and progress was created by our Information Technology (IT) Team working in conjunction with Fire Prevention and line Captains.

In 2014, a Master Business directory was reviewed and updated to verify all of the business occupancies within our entire jurisdiction. Utilizing a spreadsheet from the San Mateo County Tax Assessors office, a contractor surveyed every building within the Fire District. It took one year to develop and was the most accurate information database at that time. **This data base will be updated again in 2020.**

GRAND JURY RECOMMENDATIONS AND THE FIRE DISTRICTS RESPONSE

Pursuant to Penal Code Section 933.05, the Grand Jury requests that each of the identified Fire Agencies respond to the forgoing Findings and Recommendations referring in each instance to the number thereof:

This response is due no later than October 21, 2019 and should indicate that it was approved by the Fire Board.

For all the findings, the responding agencies shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implementation action.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Fire Marshal Johnston and the Fire Chief recommend the Board approve the following responses and actions:

The Fire District agrees with Findings F1 – F18.

R1. By no later than January 31, 2020, each fire department within the County should put in place a written policy that sets forth the process for (1) maintaining a comprehensive list of all buildings within its jurisdiction for which annual inspections required under sections 13146.2 and 13146.3 of the California Health and Safety Code are to be performed, (2) keeping such a list updated on an annual basis, and (3) completing and reporting on all mandated annual inspections.

RESPONSE TO R1:

The recommendation has not been implemented, but will be implemented by January 31, 2020.

Fire Chief – Modify and/or add internal agency policies

Fire Board - Modify and/or add Board policies

R2. By no later than November 30, 2019, each fire department should submit a proposal to its administrating authority setting forth the content of the annual report as required under section 13146.4 of the California Health and Safety Code (former SB 1205) (the “annual report”) which at a minimum should propose the inclusion of the following information in the Annual Report:

- The total number of buildings within the fire department’s jurisdiction in each category of building (referred to as an occupancy type) subject to mandated annual inspections that year.

- The number of each occupancy type inspected during the year;
- The number of each occupancy type, if any, not inspected that year and the reason such inspection did not take place, and;
- The number of each occupancy type, if any, not inspected for two or more consecutive years.

RESPONSE TO R2:

The recommendation has been implemented. (See the February 19, 2019 Staff Report).

The Fire Chief and Fire Marshal shall submit to the Fire Board by no later than November 30, 2019, a list of the CA State mandated annual inspections. This list at minimum shall include, total number of buildings within the jurisdiction subject to mandated inspections, the number of each type inspected annually, the number not inspected annually and the reason it did not take place, and the number of inspection not completed for two or more consecutive years.

R3. By no later than January 31, 2020, the administering authority for each fire department should review the proposal for the content of the annual report submitted by its Fire Chief and provide written instructions regarding the required content and due date for submission of the annual report.

RESPONSE TO R3:

The recommendation has not been implemented, but will be implemented by January 31, 2020.

The Menlo Park Fire Protection District Fire Board shall review the above R2 proposal and provide written instruction for required content and due date for submission.

Fire Board - Modify and/or add Board policies

R4. By no later than February 28, 2020 (and annually thereafter), the administering authority for each fire department should instruct the Fire Chief to publish the fire districts annual report on the fire districts web-site.

RESPONSE TO R4:

The recommendation has not been implemented, but will be implemented by February 28, 2020.

The Menlo Park Fire Protection District already publishes the Fire District Annual Report on the Fire District website, and will continue to do so.

FISCAL IMPACT

The State of California allows through the Health and Safety Code “Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government

Code.” The Menlo Park Fire Protection District has not charged fees for annual inspections as it was felt that it is a service that is provided for by property taxes.

ATTACHMENT

A. Grand Jury Report



FIRE SAFETY INSPECTION PROGRAMS ON THE ROAD TO RECOVERY

[Issue](#) | [Summary](#) | [Background](#) | [Discussion](#) | [Findings](#) | [Recommendations](#)
[Requests for Responses](#) | [Methodology](#) | [Bibliography](#) | [Responses](#)

ISSUE

Have the ten fire departments and districts within San Mateo County conducted annual safety inspections of all schools, hotels, motels, apartments, and condominiums within their jurisdictions and are they ready to report to their administering authorities as required by SB 1205 (2018)?

SUMMARY

California state law requires that all fire departments and districts in the state (“fire departments”) conduct annual safety inspections of all public and private schools, apartments, condominiums, hotels and motels within their jurisdictions (sometimes referred to in this report as “mandated annual inspections”). In June 2018, the Bay Area News Group investigated the fire safety inspection programs of major fire departments across the Bay Area, including the Redwood City Fire Department in San Mateo County. The Bay Area News Group found that fire departments, including the Redwood City Fire Department, were routinely failing to conduct these mandated annual inspections. A state law (SB 1205) which became effective in January 2019, now requires all fire departments to submit Annual Reports to their governing bodies or administering authorities (e.g., city council, fire district board, board of supervisors) regarding their compliance with the state’s mandate for annual fire safety inspections.

Based on the Bay Area News Group’s assertion that at least one fire department within San Mateo County had failed to annually conduct inspections, the Grand Jury undertook a compliance review of all ten fire departments¹ within the County for the years 2015 through 2018 to determine whether their mandated annual inspections were conducted as required. For the period in question, the Grand Jury found substantial non-compliance among seven of the ten fire departments, particularly for the years prior to 2018. Although most departments appear to be making substantial efforts to correct their deficiencies, those departments must address such deficiencies promptly if they are to comply with the requirements of SB 1205.

SB 1205 does not set forth the information to be contained in Annual Reports submitted by fire departments to their administering authorities. The Grand Jury concludes that administrative authorities should provide written instructions regarding the required content and due date for submission of Annual Reports in order to provide meaningful oversight of fire departments’ compliance with annual inspection laws. The Grand Jury also recommends that all fire departments establish written policies specifying processes and procedures for conducting inspection programs that comply with state law and for regularly monitoring their performance

¹The ten fire departments in San Mateo County are: Central County Fire Department, Coastside Fire Protection District, Colma Fire District, Menlo Park Fire Protection District, North County Fire Authority, Redwood City Fire Department, San Bruno Fire Department, San Mateo Consolidated Fire Department, South San Francisco Fire Department, and Woodside Fire Protection District.

against these requirements. Finally, the Grand Jury recommends that fire departments make data on compliance with annual inspection requirements available on their websites to members of the public.

BACKGROUND

Building safety inspections by fire departments are essential to identify potential fire hazards before they occur. When inspections do not occur, disasters result. Lawmakers have focused special attention on certain categories of buildings and require them to be inspected annually. California Health and Safety Code Sections 13146.2, 13146.3, and 17921(b) mandate that fire departments conduct annual inspections of all the buildings in the following building categories within their jurisdiction:

- Public and private schools²
- Hotels
- Motels
- Apartment buildings, and
- Condominiums³

Fire departments are also authorized, but not required, to annually inspect high-rise buildings in their jurisdictions (California Health & Safety Code, Section 13217a). Significantly, prior to the passage of SB 1205 in 2018, California law did not include any requirement for fire departments to report on their compliance with annual inspection obligations.

The infamous December 2016 Oakland Ghost Ship warehouse fire in which 36 people were killed brought this problem to public attention.⁴ Investigations of the fire by Oakland and Alameda County officials found a number of conditions that contributed to the disaster,⁵ including:

- The Oakland Fire Department (OFD) had no record of the Ghost Ship warehouse property, therefore the property was never the subject of formal fire inspections.⁶

² Includes buildings and structures occupied by more than six children two years of age and older used for educational purposes through the 12th grade. California Code of Regulations, Title 24, Chapter 3, Use and Occupancy Classification. <https://up.codes/viewer/california/ca-building-code-2016-v1/chapter/3/use-and-occupancy-classification#305>.

³ California State Fire Marshal Code Interpretation. http://osfm.fire.ca.gov/codeinterpretation/pdf/2008/08_090.pdf

⁴ Oakland Fire Department, Fire/Arson Investigative Unit, *Origin and Cause Report, Incident #2016-85231, December 2, 2016, 1315 31st Avenue*, March 18, 2017, 3. <https://www2.Oaklandnet.com>.

⁵ Oakland Fire Department, Fire/Arson Investigative Unit, *Origin and Cause Report, Incident #2016-85231, December 2, 2016, 1315 31st Avenue*, March 18, 2017, 3. <https://www2.Oaklandnet.com>.

⁶ Kimberly Veklerov, "Oakland Fire Department Software Blamed for Inspection Lapses," *San Francisco Chronicle*, April 9, 2017, accessed May 23, 2018. <https://www.sfchronicle.com/bayarea/article/Oakland-Fire-Department-software-blamed-for-11061705.php>.

- A number of city and county officials were aware of the warehouse and its live/work communal activities but did not take action that may have prevented the disaster.⁷
- A variety of fire and building code violations existed in the warehouse.⁸

The revelations surrounding the Oakland Ghost Ship fire led to an investigation into the building inspection records of eleven large Bay Area fire departments by the Bay Area News Group (BANG) which resulted in a June 1, 2018 Mercury News article entitled, *Burned Out: How overwhelmed fire inspectors fail to protect us*.⁹ The article revealed that many of the fire departments that were investigated by BANG routinely failed to perform all of their required annual inspections. Prevention divisions within these major fire departments, which are responsible for inspections, were described as “overwhelmed and often disorganized.” Failures were attributed to “antiquated data management systems, small staffs and difficulty keeping up with problem properties that require repeat visits.”¹⁰

The one fire department in San Mateo County that was included in BANG’s investigation was the Redwood City Fire Department. The article revealed that:

- Of the 17 public and private schools within its jurisdiction, the Redwood City Fire Department had inspected four of the schools only once and 13 others only twice between 2012 and 2017 when each of the schools should have been inspected at least six times.¹¹
- In 2017, 18 percent of Redwood City apartments, hotels, and motels had not been inspected as required.¹²
- Between 2010 and 2017, 16 percent of apartments, hotels, and motels were overdue for their annual inspections by 6 months or more.¹³

SB 1205, enacted in 2018, now requires fire departments to report annually to their governing bodies (referred to in SB 1205 as their “administering authority”) on their compliance with state inspection requirements (referred to throughout this report as an “Annual Report”). The governing body may be a city council, a fire district board for departments serving multiple cities, or a county board of supervisors. This legislation seeks to hold fire departments accountable and offers a mechanism to ensure compliance with inspection laws.

⁷ Ibid.

⁸ Ibid.

⁹ Thomas Peele, “Burned Out How overwhelmed fire inspectors fail to protect us”, *The Mercury News/East Bay Times*, June 1, 2018.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

DISCUSSION

1. Fire departments' primary functions

Fire departments have three primary functions: (a) fire suppression, (b) other emergency responses (primarily for medical emergencies), and (c) fire prevention. Suppression refers to putting out fires that have already started. This entails deployment of fire engines and firefighters that are highly visible to the public and garner significant attention. Interestingly, actual fire suppression accounts for only a small percentage of fire department emergency responses (approximately 3.4 percent in 2016).¹⁴ Responses to medical emergency calls, which involve responses by suppression personnel and equipment, accounted for approximately 64 percent of all 2016 emergency responses by fire departments in California.¹⁵ Prevention, in contrast, involves the low profile, day-to-day work of inspecting buildings for compliance with fire safety codes, reviewing plans for new building developments to ensure compliance with fire code requirements, on-site inspections of building construction to confirm that fire safety features are being installed per approved building plans, and investigating the causes of fires that do occur. Prevention functions within a fire department are usually managed by a Fire Marshal.¹⁶

2. Necessary elements for carrying out required annual inspection programs

The elements necessary for a fire department's performance of its required annual inspection obligations and, under SB 1205, their new reporting obligations, are as follows:

- *Written policies and procedures:* Fire departments should have written policies and procedures in place that set forth: (a) how an inspection program is to be carried out, (b) staff responsibilities, (c) the specific inspection data that must be gathered and available for retrieval, (d) how performance of inspections is to be measured and reported, and (e) oversight and management processes for the inspection program.¹⁷
- *Lists of buildings required to be inspected:* Fire departments need to have an up-to-date list of all of the buildings within their jurisdiction that must be inspected annually. Developing and maintaining such lists is time consuming and requires the investment of significant resources. In order to do so, fire department staff may review parcel lists, walk through neighborhoods to update the list, and review building permits or tax information to identify owners of apartment buildings.¹⁸

¹⁴ 2016 data from the U.S. Fire Administration/California Fire Loss/Fire Department Profile www.usfa.fema.gov/data/statistics/states/california.html.

¹⁵ 2016 data from the U.S. Fire Administration/California Fire Loss/Fire Department Profile. www.usfa.fema.gov/data/statistics/states/california.html. The other incident types were: Good Intent 17.9 percent, False Alarms 6.5 percent, Service Calls 6.1 percent, Hazards 1.8 percent, Other 0.3 percent, Explosions 0.1 percent. The information does not total 100 percent due to rounding.

¹⁶ Grand Jury interviews.

¹⁷ Grand Jury interviews.

¹⁸ Grand Jury interviews.

- *Inspection Process:* Building inspections are usually carried out by a mix of prevention inspectors, who have specialized expertise on building code requirements, and regular engine company suppression firefighters. In some fire departments, engine company firefighters conduct most inspections, though in others they are assigned to carry out only simple, routine inspections and prevention personnel carry out the more complex inspections where a higher level of expertise is needed.¹⁹
- *Record keeping and data retrieval:* Accurate records must be maintained of all inspections completed, the dates performed, building addresses, and the types of building inspected (e.g., school, hotel, apartment building). These records need to be organized and maintained in a manner that allows fire departments to monitor performance of their annual inspection obligations, identify inspections yet to be done, monitor follow up when deficiencies are identified, and report to management and administrative authorities on compliance. In all but the smallest fire departments, this necessitates storing inspection data in electronic databases that can be queried for reports reflecting progress against inspection requirements and follow up to ensure deficiencies are corrected.²⁰

Fire departments' inspection reports completed in the field have, in the past, been filled out on paper. Paper field reports are either filed manually and maintained only in paper form, or data from the field reports is entered into an electronic database to allow storage, retrieval and analysis. Most departments are moving toward the use of electronic tablet devices such as iPads for field reports.²¹

- *Staffing:* Adequate specially trained inspectors who understand the requirements of city and state fire codes are needed. Such staff are usually part of prevention units within fire departments.²²

3. *Grand Jury's review of individual fire departments' inspection programs*

(a) *Written policies and procedures:*

Of the ten fire departments in San Mateo County, only the following six have written policies and procedures applicable to their mandated annual inspection obligations:²³

- Central County Fire Department,²⁴
- Menlo Park Fire Protection District,

¹⁹ Grand Jury interviews.

²⁰ Grand Jury interviews.

²¹ Grand Jury interviews.

²² Grand Jury interviews.

²³ The Grand Jury requested each department to submit policies and procedures. Those received were reviewed by the Grand Jury.

²⁴ According to written communication, the policy on school inspections was updated 1/30/19. The policy on inspections for all occupancies is in draft form but has not been through the department's approval process.

- Redwood City Fire Department,
- North County Fire Authority,²⁵
- South San Francisco Fire Department, and
- Woodside Fire Protection District.

One additional department, Coastside Fire Protection District, submitted an inspection policy, though it was specific to how engine company staff conducts business inspections and was not specifically for mandated annual inspections. The following fire departments do not have written policies and procedures regarding their inspection programs:

- Colma Fire District,
- San Bruno Fire Department, and
- San Mateo Consolidated Fire Department.

Of the policies submitted to the Grand Jury, the Grand Jury found the most comprehensive were from Menlo Park Fire Protection District (MPFPD) and North County Fire Authority (NCFA). The MPFPD's policy defines the buildings to be inspected, the procedures to be followed, and inspection fees. Additionally, the MPFPD has an Engine Company Manual that includes occupancy classifications, information on the maintenance of records, an inspection flow chart, a referral form to the Fire Prevention Division for follow up, and a master list change request form. MPFPD also has a detailed slide show presentation on building inspections for engine company staff. The NCFA policies include detailed information on staff responsibilities, assignments, and the inspection process.

(b) *Lists of buildings required to be inspected:*

All ten fire departments investigated by the Grand Jury appear to have comprehensive lists of buildings in their jurisdiction subject to mandatory inspections. These lists may also include businesses in a department's jurisdiction. (Single family residences are excluded since they are not routinely inspected.)²⁶

(c) *Inspection Process:*

Departments use different combinations of staff with different expertise to conduct inspections. Prevention staff receive training on fire safety codes and must understand the design and function of building systems, such as heating, ventilation, and air-conditioning (HVAC), smoke

²⁵North County Fire Authority's policy did not mention school inspections.

²⁶ Grand Jury interviews.

control, and alarm systems, and sprinklers. Fire suppression staff (also referred to as engine company staff) may only have a general understanding of fire codes.²⁷

Of the ten fire departments investigated by the Grand Jury, the following three use prevention staff alone to complete mandated inspections:²⁸

- Colma Fire District,
- South San Francisco Fire Department, and
- Woodside Fire Protection District.

Though South San Francisco Fire Department now uses prevention staff, engine company staff were used along with prevention staff in 2015, 2016, and 2017 to inspect apartments and condominiums.

Of the seven remaining fire departments, the following four primarily use engine company staff to conduct inspections, though prevention staff will inspect schools and some large structures (which are more complex to inspect):²⁹

- Central County Fire Department,
- San Bruno Fire Department,³⁰
- San Mateo Consolidated Fire Department, and
- North County Fire Authority.

For example, Central County Fire Department engine company staff inspect all but two apartment buildings. Prevention staff inspects the remaining two apartment buildings plus all hotels, motels, and schools.³¹

Finally, three of the fire departments– the Menlo Park Fire Protection District, Redwood City Fire Department and Coastside Fire Protection District – staff their inspections in other ways. Redwood City Fire Department uses fire prevention staff to conduct inspections of schools, hotels, motels and high-rise occupancies. Engine company personnel conduct inspections of other apartments.³² Menlo Park Fire Protection District uses a combination of prevention and

²⁷ Grand Jury interviews.

²⁸ Not all fire departments inspect day centers, though such facilities are classified as “Educational” under California Code of Regulations, Title 24, Chapter 3, Use and Occupancy Classification. <https://up.codes/viewer/california/ca-building-code-2016-v1/chapter/3/use-and-occupancy-classification#305>.

²⁹ Grand Jury interviews.

³⁰ San Bruno Fire Department also uses truck company staff to conduct inspections. Written correspondence.

³¹ Grand Jury interviews.

³² Prevention staff also inspects four jails bi-annually. Engine and truck company suppression staff were trained to perform fire and life safety inspections. The Department is also inspecting non-mandated business occupancies

engine company staff for inspections and assigns inspections based on the level of technical expertise appropriate for each building. Assignments made to engine company staff will generally be those that require less inspection expertise and prevention staff handle inspections that require higher-level inspection expertise, or that require a greater amount of time to complete. Prevention staff, rather than engine company staff, are also tasked with following up on safety issues in buildings that had earlier been identified by engine company staff.³³

Coastside Fire Protection District's (CFPD) inspection staffing is not yet decided. In 2017, its Unit Chief learned that there had been significant failures in the department in carrying out mandated inspections. As a result, the CFPD hired consultants to complete all of the department's mandated annual building inspections in 2017 and 2018.³⁴ CFPD will continue to use consultants and engine company personnel to conduct inspections. However, CFPD is considering adding a full-time position in the Fire Marshal's Office to facilitate inspections (as well as for other duties).³⁵

(d) *Record keeping and data retrieval:*

Until recently, all ten of the fire departments completed their inspection reports on paper, though three of them would then enter data from the reports into an electronic database.³⁶ Four departments that continue to use paper filing system (as opposed to electronic) are:

- Coastside Fire Protection District,
- Colma Fire District,
- San Bruno Fire Department, and
- Woodside Fire Protection District.³⁷

Woodside Fire Prevention District, however, reported that the department would like to digitize reports and eliminate paper files but because of its small size and the cost of a database system, it is unlikely to purchase one.³⁸ Colma Fire District with only thirty-six mandated inspections, is also too small to purchase a database system.³⁹

throughout their jurisdiction on a multi-year cycle using engine and truck company personnel. Written correspondence.

³³ Grand Jury interviews.

³⁴ Coastside Fire Protection District staff reported that in 2016 a Deputy Fire Marshal position was eliminated. This staff member had been responsible for managing inspections. No other staff member was assigned that responsibility. The Fire Marshal position was vacant, though it was filled in February 2019.

³⁵ Grand Jury interviews

³⁶ Grand Jury interviews.

³⁷ Grand Jury interviews.

³⁸ Grand Jury interviews.

³⁹ Written correspondence.

San Bruno Fire Department (SBFD) reported that records had not been kept in a single, central location but had been scattered across various locations, including fire officers' personal files.⁴⁰ It was only after receiving a document request from the Grand Jury that SBFD's inspection reports were collected, reviewed, and stored centrally.⁴¹ Since it is likely that files had been misplaced or purged, SBFD does not have an accurate record of the number of inspections that were completed (2015 – 2018). SBFD has addressed these issues and is now confident that it is accounting for all completed inspections on spreadsheets that list the date each building was inspected and by whom. In 2019, the San Bruno City Council approved funds for a Records Management System which is being implemented. Once implemented, staff will use electronic tablets to document inspections which will improve tracking and accounting of inspections.⁴²

The following three fire departments complete their inspection reports on paper but then enter the information into a computer database:⁴³

- Central County Fire Department,⁴⁴
- Redwood City Fire Department,⁴⁵ and
- South San Francisco Fire Department.⁴⁶

Since field report data must be entered manually, there can be delays in accessing up-to-date information and human entry errors or omissions occur.⁴⁷ In response to Grand Jury queries, all three fire departments reported that they have difficulty retrieving accurate information from their current database systems regarding inspections.⁴⁸ Though Central County Fire Department (CCFD) plans to continue using its current database, CCFD will implement software for the system using iPads to input field inspection data directly into the database system in 2019.⁴⁹ Redwood City Fire Department issued an RFP for a new database system and as of June 2019 was in the final phase of evaluating the responses. The new database system will allow for an all-electronic process using iPads in the field.⁵⁰ South San Francisco Fire Department is not investing in a new database.

As of January 13, 2019, the fire departments of San Mateo, Belmont, and Foster City completed their five-year transition to a single department called the San Mateo Consolidated Fire Department. The three city fire departments had used different database systems, though field inspection reports were completed on paper. San Mateo Consolidated Fire Department has

⁴⁰ Grand Jury interviews.

⁴¹ Grand Jury interviews.

⁴² Written correspondence.

⁴³ Grand Jury interviews.

⁴⁴ Grand Jury interviews.

⁴⁵ Grand Jury interviews.

⁴⁶ Grand Jury interviews.

⁴⁷ Grand Jury interviews.

⁴⁸ Grand Jury interviews.

⁴⁹ Implementation of the iPad-based system has been delayed by the database company for two years. The department is hopeful that problems will be resolved soon. Grand Jury correspondence.

⁵⁰ Grand Jury interviews and correspondence.

implemented a new database system that incorporates the inspection data of its three predecessors going back to July 2018. This database is able to track and report on the completion of mandated inspections in the department's jurisdiction. However, data for inspections done prior to July 1, 2018 are not included in the new system and can only be accessed by querying each of the three predecessor databases individually and then consolidating the results manually. All paper field inspection forms were eliminated in 2018 when staff transitioned to iPads for field reports.⁵¹

The Grand Jury identified two fire departments, Menlo Park Fire Protection District (MPFPD) and North County Fire Authority (NCFA), that currently have robust database systems on which they maintain inspection data. MPFPD staff has utilized iPads for approximately three years to complete field inspection reports. Inspection reports completed prior to that time and stored in paper form were digitalized so that their data could be incorporated into the database system, allowing staff to compare multiple years of inspections.⁵²

In 2017, NCFA implemented an electronic records management system. Field inspection reports are currently completed on paper and then entered into the electronic system manually but NCFA expects that staff will begin using iPads for their field inspection reports in 2019. A demonstration of the database showed that inspections for individual sites are complete and easily accessible, though the reporting functionality was limited. For example, staff could not easily run a report to determine the percentage of mandated inspections completed.⁵³ The Grand Jury noted that customized reports may still need to be created by the database vendor to meet all NCFA's reporting needs.

In all of the fire departments, inspection reports that document hazards and/or fire safety violations lead to re-inspections.⁵⁴ The Grand Jury noted that inspection data submitted by fire departments identified sites that had been inspected multiple times in a year. Inspections of these sites⁵⁵ were repeated to ensure violations were addressed. Departments' use of iPads or tablets allows inspectors to more easily take and attach photographs to inspection reports to document violations.⁵⁶

e. *Staffing issues*

Of the ten fire departments investigated by the Grand Jury, three reported the need for additional fire prevention staff:⁵⁷

- Redwood City Fire Department,
- San Bruno Fire Department, and

⁵¹ Grand Jury interviews.

⁵² Grand Jury interviews.

⁵³ Grand Jury interviews.

⁵⁴ Grand Jury interviews.

⁵⁵ Grand Jury interviews.

⁵⁶ Grand Jury interviews.

⁵⁷ Grand Jury interviews.

- San Mateo Consolidated Fire Department.⁵⁸

Since first contacted by the Grand Jury, San Bruno Fire Department added a full-time prevention staff position⁵⁹ and Redwood City Fire Department retained two contract fire inspectors and is in the process of filling a vacant Deputy Fire Marshal position.⁶⁰

Two others -- Coastside Fire Protection District (CFPD), and South San Francisco Fire Department (SSFD) -- stated that they need to further assess their prevention staffing needs because of their unique staffing issues.⁶¹ Specifically, prevention staff in the SSFD has been tasked with code enforcement for all city code violations. SSFD estimates that general code enforcement (which does not include fire inspections) at times can consume up to 75 percent of prevention staff's time based on code case volume and the complexity of individual code cases. SSFD's general code enforcement responsibility is being transitioned to the city's Public Works Department in 2019. Once that shift in responsibility is completed, SSFD's prevention staffing needs will be assessed.⁶²

With respect to the Coastside Fire Protection District, the Grand Jury learned that positions tasked with conducting inspections and oversight had been left vacant since 2016.⁶³ Following the hiring of a new Fire Marshal, however, officials from CFPD informed the Grand Jury that they intend to re-assess staffing needs, particularly since CFPD's annual inspections have been conducted by consultants rather than fire department personnel since 2017.

f. *Data on compliance with mandated annual inspection laws*

The data gathered and analyzed by the Grand Jury on San Mateo County fire departments' compliance with their annual inspection obligations from 2015 through 2018 is set forth in Table 1 below. It paints a mixed picture, showing widespread failures to conduct mandated annual inspections, particularly in the earlier years, with substantial improvements taking place in 2018.

As Table 1 shows, the following seven fire departments did not conduct at least 90 percent of the annual mandated inspections as required in all or some of the years from 2015 through 2018:

- Coastside Fire Protection District,
- Central County Fire Department,
- Colma Fire District,⁶⁴

⁵⁸ Grand Jury interviews.

⁵⁹ Written correspondence.

⁶⁰ Written correspondence.

⁶¹ Grand Jury interviews.

⁶² Grand Jury interviews and written correspondence.

⁶³ Grand Jury interviews.

⁶⁴ Colma Fire District was unaware of the public space inspection requirements for condominiums but has now included them on their list of required inspections. Written correspondence and Grand Jury interviews.

- Redwood City Fire Department,
- San Bruno Fire Department,
- San Mateo Consolidated Fire Department, and
- South San Francisco Fire Department.

The reasons for lapses in inspections vary.

- Two departments, Coastside Fire Protection District and South San Francisco reported staffing issues, already described, which negatively impacted the ability of staff to complete inspections.
- A lack of oversight was reported by staff in two departments, San Bruno Fire Department, and Coastside Fire Protection District.⁶⁵ The Grand Jury believes this lack of oversight was also a factor that contributed to the lack of inspections by Redwood City Fire Department.
- The lack of searchable database systems was also a factor in the seven departments noted above since staff could not readily assess their compliance with state inspection mandates throughout the 2015 – 2018 timeframe.
- The disjointed storage of files by staff in San Bruno Fire Department meant SBFD could not verify that inspections were completed.⁶⁶

The Grand Jury was unable to analyze the data submitted by the San Mateo Consolidated Fire Department (SMCFD) for 2015 through 2017. The data submitted came from the three city fire departments (Belmont, Foster City, and San Mateo) that now make up SMCDF and came from different database systems and which appeared incomplete. The Grand Jury was unable to combine the data for analysis. The data for 2018 was from one database and although inspections for all schools in the jurisdiction were complete, inspections for apartments, condominiums, hotels, and motels were incomplete.

Three departments consistently performed at least 90 percent of mandated annual inspections from 2015 through 2018. These departments are:

- Menlo Park Fire Protection District (MPFPD),
- North County Fire Authority (NCFA), and
- Woodside Fire Protection District (WFPD).

⁶⁵ Grand Jury interviews.

⁶⁶ Written correspondence.

All three have well developed inspection programs including written policies and procedures for inspections. Two of the departments, MPFPD and NCFA, have also invested resources for database systems that permit monitoring and oversight. Even though WFPD did not have a computer database, the department was sufficiently well-organized, and the number of mandated inspections was small, such that management was able to effectively oversee the process to ensure annual inspections of schools in the district.

Table 1: Inspections Completed Annually Compared to Required Inspections by Fire Department

Name	Jurisdictions Served	School Inspections					Apt/Condo/Hotel/Motel Inspections				
		Required	Completed				Required	Completed			
			2015	2016	2017	2018		2015	2016	2017	2018
Coastside Fire Protection District	Half Moon Bay, Miramar, El Granada, Princeton-by-the-Sea, Moss Beach, Montara	22	6 27%	5 23%	8 36%	20 91%	52	30 58%	35 67%	22 42%	34 65%
Central County Fire Department	Burlingame, Hillsborough, Millbrae	22 to 23	18 of 22 82%	16 of 22 73%	22 of 23 96%	20 of 23 87%	790	NA ⁶⁷	483 61%	764 97%	746 94%
Colma Fire District	Colma, Broadmoor, Sterly Village, unincorporated Daly City	3	3 100%	3 100%	3 100%	3 100%	33 ⁶⁸	2 6 %	2 6%	7 21%	6 18%
Menlo Park Fire Protection District	Atherton, Menlo Park, East Palo Alto, some of unincorporated San Mateo County	76 ⁶⁹	77 100%	80 100%	77 100%	74 97%	749	745 99%	772 100%	765 100%	747 100%
North County Fire Authority	Brisbane, Daly City, Pacifica	81 to 87 ⁷⁰	84 of 84 100%	85 of 85 100%	87 of 87 100%	81 of 81 100%	930	925 99%	920 99%	924 99%	902 97%
Redwood City Fire Department	Redwood City, San Carlos, some of unincorporated San Mateo County	36	24 69%	1 3%	6 17%	36 100%	1,002 ⁷¹	619 62%	484 48%	629 63%	775 ⁷² 77%
San Bruno Fire Department	San Bruno	14	12 86%	12 86%	12 86%	14 100%	367	245 67 %	235 64%	242 66%	290 79%
San Mateo Consolidated Fire Department	Belmont, Foster City, San Mateo	57	NA	NA	NA	57 ⁷³ 100%	1,837	NA	NA	NA	1,505 82%
South San Francisco Fire Department	South San Francisco	18	5 28%	9 50%	9 50%	18 100%	456	124 27%	408 89%	87 19%	28 6%
Woodside Fire Protection District	Woodside, Portola Valley, Ladera, Los Trancos, Skyline, Vista Verde	6	6 100%	6 100%	6 100%	6 100%	0	0	0	0	0

⁶⁷ Central County Fire Department inspected 22 schools in 2015 and 2016 and 23 in 2017 and 2018. Because of the Department's computer system, the Department could not extract data for 2015.

⁶⁸ Colma Fire District was unaware of the requirement to inspect public spaces in condominiums but has now included them on their list of required inspections. Written correspondence and Grand Jury interviews.

⁶⁹ According to Menlo Park Fire Protection District staff, the total number of buildings inspected changes annually. This is due to changes in day care facilities which are included in its list of mandated school inspections. The district also allows one inspection form for a property or complex instead of multiple forms for one site which may account for some of the differences in inspection totals noted in the table.

⁷⁰ North County Fire Authority noted changes in the number of schools reported annually because of construction, closures, preschools (which are inspected), and corrections in their database.

⁷¹ This number only includes apartment buildings. Redwood City Fire Department does not inspect condominiums. Written correspondence. The Grand Jury notes that all other departments included condominiums as part of their mandated inspections.

⁷² Redwood City Fire Department operates by Fiscal Year. The data for 2018 is based on FY 2018-2019, July 1, 2018- June 30, 2019. The Department provided data as of March 2019 and expects to complete all inspections by June 30th. There are 28 hotels and motels in Redwood City and San Carlos and the Department had inspected 22 or 79% but expects to complete all inspections by June 30th. Written Communication

⁷³ The Grand Jury could not extract the desired statistics on annual inspections for the San Mateo Consolidated Fire Department from 2015 - 2017 due to the quality of the data submitted. The Department did not have an accurate count of the inventory in the district until July 2018 when inspection data from the three cities was migrated to one system. Therefore, 2018 calendar year represents the first year with complete data records.

4. Conclusions

Inspections

As the data in Table 1 documents only three fire departments in the county, Menlo Park Fire Protection District, North County Fire Authority, and Woodside Fire Protection District, have consistently inspected at least 90 percent of their mandated annual inspections of schools, hotels, motels, and condominiums within their jurisdictions from 2015 through 2018. Redwood City Fire Department was non-compliant from 2015 – 2017, completing only 2 percent of schools and 48 percent of hotels, motels, and condominiums in 2016. However, the data indicates that the Department appears to be on track to complete their mandated inspections by the end of their fiscal year (June 30, 2019). Other departments have also shown improvement. In 2018, Coastsides Fire Protection District completed more than 90 percent of school inspections (up from 36 percent the previous year). Central County Fire Department completed more than 90 percent of inspections of apartments, condominiums, hotels and motels in 2017 and 2018 (up from 61 percent in 2016). San Bruno Fire Department completed 100 percent of school inspections in 2018 (up from 86 percent the previous years).

Record Keeping and Data Retrieval

A number of departments are enhancing their database systems. However, as Woodside Fire Protection District demonstrates, smaller departments can complete and document inspections without costly investments in a database system.

Inspection Process

Table 2 summarizes information regarding inspection programs across the ten fire departments. A number of departments recently implemented the use of iPads or tablets to document inspections and others plan to do so. This should eliminate problems associated with paper files and such tools, as previously noted, allow departments to document deficiencies by attaching photographs.

Written Policies and Procedures

The first submissions of Annual Reports on mandated inspections will be for 2019. As previously noted, SB 1205 does not specify what information must be in those reports. Even the most comprehensive policies and procedures submitted to the Grand Jury did not specify what information departments will submit to their administering authorities.

Table 2: Summary of Inspection Programs

Name	Written policies and procedures in place for mandated inspection program?	Master List of Bldgs. to Inspect?	Records	Electronic Database in Use?	At Least 90% of All Inspections Completed from 2015 - 2018
Central County Fire Dept.	For School Inspections ⁷⁴	Yes	Paper field inspection forms used, though iPads to be implemented in 2019	Yes	No
Coastside Fire Protection Dist.	No	Yes	Paper field inspection forms used	No	No
Colma Fire Dist.	No	Yes	Paper field inspection forms used	No	No
Menlo Park Fire Protection Dist.	Yes	Yes	iPads used for field inspection reports	Yes	Yes
North County Fire Auth.	Yes (for apts, hotels, motels, condos)	Yes	Paper field inspection forms used, though iPads to be implemented in 2019	Yes	Yes
Redwood City Fire Dept.	Yes	Yes	Paper field inspection forms used but iPads to be used with new database system when implemented	Yes, and department will be implementing a new system	Yes, for FY 2018-2019
San Bruno Fire Dept.	No	Yes	Tablets to be used beginning in 2019	Implementing a system in 2019.	Yes, for Schools
San Mateo Consolidated Fire Dept.	No	Yes	iPads used for field inspection reports	Yes (as of July 2018)	No
South San Francisco Fire Dept.	Yes	Yes (and in process of updating)	Paper field inspection forms used	Yes	No
Woodside Fire Protection Dist.	Yes	Yes	Paper field inspection forms used, but department is considering digitizing paper reports	No	Yes

⁷⁴As previously noted, the policy on engine company inspections is in draft form and has not been approved through the department's process.

FINDINGS

Inspections

- F1. California Health & Safety Code Sections 13146.2, 13146.3 and 17921(b) and regulations require fire departments to conduct annual inspections of all public and private schools, hotels, motels, lodging houses, and apartments in their jurisdictions (mandated annual inspections).
- F2. From 2015 through 2018, the following three fire departments conducted inspections of over 90 percent of the mandated buildings in their jurisdictions, as shown in Table 1:
- Menlo Park Fire Protection District
 - North County Fire Authority
 - Woodside Fire Protection District
- F3. The disorganization and incompleteness of the data submitted by the San Mateo Consolidated Fire Department for 2015 through 2017 (which it inherited from its predecessor fire departments) was such that it could not be analyzed by the Grand Jury. However, data submitted by SMCFD for 2018 was well organized and showed 100 percent of schools and 82 percent of the apartments, condominiums, hotels and motels within its jurisdiction were inspected that year.
- F4. Each of the fire departments is developing more robust inspection programs by, for example:
- implementing database management systems.
 - adding prevention staff.
 - using iPads or tablets to document inspections.
- F5. SB 1205 does not specify what the content of Annual Reports to fire departments' administrative authorities should be regarding mandated annual inspections

School Inspections:

- F6. In 2015, 2016, and 2018 Central County Fire Department failed to perform annual inspections of at least 90 percent of the schools within its jurisdiction although it completed 96 percent of school inspections in 2017 as shown on Table 1.
- F7. From 2015 through 2017 the following four fire departments failed to perform annual inspections of at least 90 percent of the schools within their jurisdiction, though all showed substantial improvement in 2018 as shown on Table 1:
- Coastside Fire District increased inspections from 36 percent in 2017 to 91 percent in 2018.
 - Redwood City Fire Department increased from 15 percent in 2017 to 85 percent in 2018 and is on track to complete all schools by the end of its fiscal year.

- San Bruno Fire Department increased inspections from 86 percent in 2017 to 100 percent in 2018.
- South San Francisco increased inspections from 50 percent in 2016 and 2017 to 100 percent in 2018.

F8. From 2015 through 2018 Colma Fire District completed 100 percent of school inspections.

Apartment/Condominium/Hotel/Motel Inspections:

F9. From 2015 through 2018, the following four fire departments failed to perform annual inspections of at least 90 percent of the apartments, condominiums, hotels and motels within their jurisdiction. as shown on Table 1:

- Coastside Fire Protection District;
- Colma Fire District;
- San Bruno Fire Department; and
- South San Francisco Fire Department.

F10. From 2015 through 2017 Redwood City Fire Department failed to perform annual inspections of at least 90 percent of the apartments, hotels and motels within its jurisdiction, though the department showed substantial improvement in 2018 as shown on Table 1:

- Redwood City Fire Department improved from a low of 48 percent in 2016 to 77 percent in 2018 and is on track to complete all inspections by the end of its fiscal year.

F11: In 2016 Central County Fire Department failed to perform annual inspections of at least 90 percent of the apartments, condominiums, hotels and motels within its jurisdiction. The department inspected over 90 percent of these structures in 2017 and 2018. The Department could not provide data for 2015.

Record-Keeping & Data Retrieval

F12: The following five fire departments currently have data management systems that allow them to readily track and report on the completion of their mandated annual inspections:

- Central County Fire Department,
- Menlo Park Fire Protection District,
- North County Fire Authority,
- San Mateo Consolidated Fire Department, and
- Woodside Fire Protection District.

F13: The following two departments plan to implement database systems that will allow them to readily track and report on the completion of their mandated annual inspections:

- San Bruno Fire Department and
- Redwood City Fire Department.

F14: The following three fire departments need to assess their data management systems to allow them to readily track and report on the completion of their mandated annual inspections:

- Coastside Fire Protection District,
- Colma Fire District, and
- South San Francisco Fire Department.

Inspection Process & Staffing

F15. The following three fire departments reported the need for additional prevention staff to complete all of their mandated annual inspections:

- Redwood City Fire Department,
- San Bruno Fire Department, and
- San Mateo Consolidated Fire Departments.

F16. Coastside Fire Protection District and South San Francisco Fire Department reported they need to assess the sufficiency of their prevention staffing.

Written Policies & Procedures

F17. The following four fire departments reported they do not have written policies and procedures in place governing their mandated annual inspection programs:

- Coastside Fire Protection District,
- Colma Fire District,
- San Bruno Fire Department, and
- San Mateo Consolidated Fire Department.

F18. None of the ten departments' policies and procedures specified how they will report to their administering authorities under SB 1205 (2018).

RECOMMENDATIONS

R1. By no later than January 31, 2020, each fire department within the county should put in place a written policy that sets forth the process for (1) maintaining a comprehensive list of all buildings within its jurisdiction for which annual inspections required under Sections 13146.2 and 13146.3 of the California Health & Safety Code are to be performed, (2) keeping such a list updated on an annual basis, and (3) completing and reporting on all mandated annual inspections.

R2. By no later than November 30, 2019, each fire department should submit a proposal to its administering authority setting forth the content of the annual report as required under Section 13146.4 of the California Health & Safety Code (former SB 1205) (the "Annual Report"), which at a minimum should propose the inclusion of the following information in the Annual Report:

- The total number of buildings within the fire department’s jurisdiction in each category of building (referred to as a “occupancy type”) subject to mandated annual inspections that year.
 - The number of each occupancy type inspected during the year;
 - The number of each occupancy type, if any, not inspected that year and the reason such inspection did not take place, and
 - The number of each occupancy type, if any, not inspected for two or more consecutive years.
- R3. By no later than January 31, 2020, the administering authority for each fire department should review the proposal for the content of the Annual Report submitted by its fire chief and provide written instructions regarding the required content and due date for submission of the Annual Report.
- R4. By no later than February 28, 2020 (and annually thereafter), the administering authority for each fire department should instruct the fire chief to publish the fire department’s Annual Report on the fire department’s public website.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests that each of the following respond to the foregoing Findings and Recommendations referring in each instance to the number thereof:

- Central County Fire Department Board of Directors
- Coastside Fire Protection District Board of Directors
- Colma Fire District Board of Directors
- Menlo Park Fire Protection District Board of Directors
- North County Fire Authority Board of Directors
- The City Council of Redwood City.
- The City Council of San Bruno
- San Mateo Consolidated Fire Department Board of Directors
- The City Council of South San Francisco
- Woodside Fire Protection District Board of Directors

In responding to the foregoing Findings and Recommendations, each of the respondents should respond only as to that part of the Finding or Recommendation that expressly applies to it. No respondent should respond as to any other respondent.

Each respondent should be aware that its comments or responses must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

METHODOLOGY

The Grand Jury reviewed relevant provisions of the California Health and Safety Code governing required annual inspections, SB 1205, the legislative history for SB 1205 regarding fire inspections and compliance reporting; and local news articles relating to fire safety inspections.

The Grand Jury reviewed annual inspection data provided by each of the ten fire departments in San Mateo County for the years 2015 through 2018, conducted interviews with personnel from each fire department, reviewed their written policies and procedures governing safety inspections (to the extent they existed) and reviewed each fire department's website information.

Documents

- The Grand Jury reviewed inspection data from the 10 fire departments in San Mateo County.
- Documents in the Bibliography

Interviews

- The Grand Jury interviewed personnel from each of the ten fire departments in San Mateo County.

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Issued: July 22, 2019

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

FROM: Fire Prevention

PREPARED BY: FM Jon Johnston

APPROVED BY: Chief Schapelhouman

ITEM: CONSIDER AND APPROVE A RESOLUTION AUTHORIZING THE FIRE CHIEF TO EXECUTE A SOLE SOURCE CONTRACT WITH AVOCETTE FOR IMPLEMENTATION AND COMPLETION OF A FIRE PERMIT TRACKING SYSTEM IN AN AMOUNT NOT TO EXCEED \$67,000

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Adopt a resolution authorizing the Fire Chief to execute a contract with Avocette for implementation and completion of Phase II of a permit tracking system.

BACKGROUND

In 2014, the Board approved funding for a new permit tracking system in order to streamline processes and maintain precise records on projects through all phases of construction (plan review to final inspection). Implementation of this system was to be conducted in multiple phases.

The staff report from December 2014, included a February 2010 Management Partners report, “Consolidated Fire Prevention Fees, Technology Evaluation and Performance Measurement Report,” providing three recommendations for the Menlo Park Fire Protection District Fire Prevention Division.

- 1- Extend the use of TRAKiT to fire prevention bureau construction related activities.
- 2- Plan the implementation of mobile data devices for fire prevention activities.
- 3- Develop workload, efficiency and effectiveness measures for the fire prevention divisions in each agency to ensure that the operations are meeting the goals and objectives of the organization.

According to an audit of the Fire Prevention Bureau by Management Partners in August of 2009, “All customer jurisdictions, including the District, concur that the biggest issue regarding the

permitting and inspection process is the lack of an automated permit tracking system. Such a system would streamline the process and provide quality control.”

“The lack of a sophisticated and automated permit tracking system is costing the bureau real dollars and the valuable time of limited human resources....”

DISCUSSION

Since the time of the Management Partners audit, the Fire Prevention Division partnered with County of San Mateo and completed the Phase I implementation of Accela, the District’s permit tracking program. Phase I is the beginning system for construction permits only, and has been very successful with implementation. After having success with Phase I, the Division is ready to move forward with Phase II in order to further expand the digital tracking system that would include annual occupancy permits, hazardous material permits, code enforcement cases, weed abatement and fire investigation.

San Mateo County has a sole contractor, Avocette, to implement and maintain Accela within their system; therefore, they will be conducting the Division’s buildout of Phase II. Avocette has completed seventy five percent (75%) of our Phase II buildout within San Mateo County until it was determined we needed to separate from the County. During the buildout of Phase II, San Mateo County has expressed that we are past their capabilities and they are slowing us down with buildout and implementation and recommended we separate to maintain our pace of growth and be able to implement all the features we need. To complete the remaining portion, we need to use Avocette who has built seventy five percent (75%) of our existing system. Using another vendor at this point would cause delays. Avocette has performed at a very high level, provided excellent customer service, and we would recommend them for completion of this project.

Accela is known for its enhanced capabilities and has proven its ability to meet our Division’s needs. With the implementation of Phase II, it will enhance the current system and bring the Division into further compliance with record availability, retention and transparency standards.

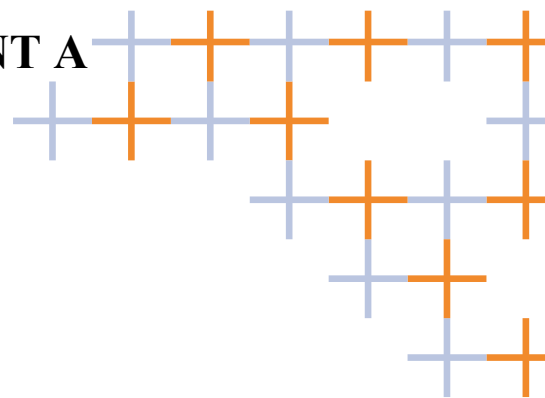
FISCAL IMPACT

Funding in the amount of \$200,000 was approved by the Board in FY2017/18 for the build out of the tracking program with San Mateo County. \$155,791.40 has been used to date. The remaining funds, \$44,208.60, have not been used due to the PO being secured with San Mateo County, and ended June 30, 2019 (fiscal year-end). The cost to complete Phase II is \$66,875. Staff may need to return at mid-year after a review and assessment to determine if an increase in funds are needed to complete the project, knowing the remaining funds for the project on the PO with San Mateo County were not used in FY18/19. The separation from San Mateo County was not anticipated and therefore, an increase in cost for the digital environment and changes is increasing the amount to complete. However, that slight increase in cost was able to be included in the FY19/20 budget line.

For Finance Staff: The source of funds will be the Licenses and Software (73310) and Permit Tracking System Maintenance (71530) budgets within the Fire Prevention Program (5000).

ATTACHMENTS

- A. Scope of Work – Avocette
- B. Resolution



Menlo Park Fire Department Enhanced Functionality Project Completion

STATEMENT OF WORK

CYNTHIA TOMEY

JUNE 5, 2019

Document History

Version	Issue Date	Updated By	Changes
0.1	June 5, 2019	Cynthia Tomey	Draft for project team review

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Purpose of Document

The purpose of this document is to define the objectives, scope, characteristics and structure of the completion of the MPFD Enhanced Implementation project. The statement of work is an agreement between all stakeholders as to how the project will be executed and completed.

Project Outline

Project Objectives

The Objective of the project is to complete the MPFD Enhanced Implementation project. Due to technical constraints the Enhanced Implementation project (Reference: County of San Mateo Resolution No. 075007 SR001) could not be completed with the current configuration. In order to complete the project Menlo Park Fire Department (MPFD) will be extracted from the SMCgov Agency and moved to its own SAAS licensing implementation. This project completion will be performed in two distinct phases:

1. MPFD Extraction
2. Enhanced Implementation Completion

Project Timeline

The term of the Project is planned for 6 months. This timeline is dependent on the scheduling of Accela resources.

Project Start Date: June 2019
Project End Date: December 2019

Phase	Stage	Approximate Dates
Phase 1 - MPFD Extraction	Stage 1 – Initiation and Preparation	June 10 th – 21 st
	Stage 2 – Agency Setup	June 24 th – July 12 th
	Stage 3 – SUPP Environment Setup	July 15 th – 26 th
	Stage 4 – TEST Environment Setup	July 29 th – August 9 th
	Stage 5 – User Acceptance Testing	August 12 th – September 6 th
	Stage 6 – Go Live	September 9 th – 16 th
Phase 2 - Enhanced Implementation Completion	Stage 1 – Initiation and Preparation	September 23 rd – 27 th
	Stage 2 - Analysis and Development	September 30 th – October 25 th
	Stage 3 – User Acceptance Testing	October 28 th – November 22 nd
	Stage 4 – Go Live	November 25 th – December 2 nd

The dates in the above table are approximate. Actual start dates of deliverables will be based on the project plan created in Stage 1 – Initiation and Preparation and will be adjusted based on the actual duration of previous and dependent stages/tasks. Resources will be assigned in accordance with the project plan and resource assignment will be adjusted based on the actual duration of previous and dependent stages/tasks.

Project Estimate

The Enhanced Functionality Completion project will be implemented as a Fixed Price contract based on a blended rate of \$125/hour and the following estimation. Deliverables will be invoiced on completion and signoff of deliverable acceptance.

Project Management will be billed monthly for the duration of the project.

Phase 1 - MPFD Extraction				
Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 1 – Initiation and Preparation	1	Create Project Plan	8	\$1,000
	2	Develop Migration Scope	10	\$1,250
	3	Create Migration Plan	20	\$2,500
Stage 2 – Agency Setup	4	Environment Setup	8	\$1,000
	5	Verify Environments	20	\$2,500
Stage 3 – SUPP Environment Setup	6	Implement Migration into SUPP	24	\$3,000
	7	Migration Testing	20	\$2,500
	8	Environment Verification	10	\$1,250
Stage 4 – TEST Environment Setup	9	Implement Migration into TEST	16	\$2,000
	10	Migration Testing	8	\$1,000
	11	Environment Verification	10	\$1,250
Stage 5 – User Acceptance Testing	12	Training and UAT Introduction	20	\$2,500
	13	Dry-Run of PROD Migration	8	\$1,000
	14	UAT	40	\$5,000
Stage 6 – Go Live	15	Prod Migration Plan	20	\$2,500
	16	Set Go-Live Date	8	\$1,000
	17	Go-Live	8	\$1,000
Phase 2 - Enhanced Implementation Completion				
Stage 1 – Initiation and Preparation	1	Create Project Plan	8	\$1,000
	2	Review Scope	8	\$1,000
Stage 2 - Analysis and Development	3	ACA Specifications, Setup and Deployment	54	\$6,750
	4	Payment Adaptor Specifications and Development	40	\$5,000
Stage 3 – User Acceptance Testing	5	Training and UAT Introduction	20	\$2,500
	6	UAT	40	\$5,000
Stage 4 – Go Live	7	Prod Migration Plan	16	\$2,000
	8	Set Go-Live Date	8	\$1,000
	9	Go-Live	8	\$1,000
Project Management and Oversight			75	\$9,375
TOTALS			535	\$66,875

Deliverables

For each stage of the project, a summary of the deliverables, responsibilities, effort and duration are provided.

Phase 1 – MPFD Extraction

Stage 1 – Initiation and preparation

Project Initiation is an opportunity to ensure the project starts in a well-organized, structured fashion while re-confirming the Menlo Park Fire Department and Avocette expectations regarding the implementation. The deliverables are comprised of project planning activities and environment preparation.

In conjunction with the Menlo Park Fire Department, Avocette will perform the following tasks:

- Finalize staffing for the project teams.
- Finalize and document formal deliverable acceptance criteria and signoff procedures, identify team members that will be responsible for signoff from the Menlo Park Fire Department and Avocette.
- Finalize an integrated baseline Project Plan that includes resource allocation for all tasks (in collaboration with the Menlo Park Fire Department Project Manager).
- Update and further expand the Project Charter to define deliverables, identify roles and responsibilities, and define how the project will be governed, including a detailed escalation plan.

The following deliverables are completed in this stage:

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 1 – Initiation and Preparation	1	Create Project Plan	8	\$1,000
	2	Develop Migration Scope	10	\$1,250
	3	Create Migration Plan	20	\$2,500

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department's requests for information.
- Coordinate project planning activities.
- Complete deliverables and other project management and control tools and processes with input from appropriate Menlo Park Fire Department resources.

Menlo Park Fire Department Responsibilities:

- Identify and set expectations with key resources and subject matter experts for ongoing participation in the project.

- Provide timely and appropriate responses to Avocette's requests for project planning input and meeting logistics requests.
- Review and provide feedback on the draft documents
- Ensure that the document review periods established during Project Initiation and recorded in the Project Plan are adhered to by the Menlo Park Fire Department team

Deliverables:

- 1 Create project plan
 - i. Responsibility – Avocette and Menlo Park Fire Department
- 2 Develop migration scope
 - i. Identify what Configuration pieces to include in extraction
 - ii. Responsibility – Menlo Park Fire Department with Consultation from Avocette
- 3 Create migration plan
 - i. Responsibility –Avocette

Stage 2 – Agency Setup

Avocette will work with the Accela to create new MPFD agency environments (SUPP, TEST, PROD)

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 2 – Agency Setup	4	Environment Setup	8	\$1,000
	5	Verify Environments	20	\$2,500

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department's requests for information
- Assist Accela where necessary
- Verify environments are operational
- Continue PM activities.

Menlo Park Fire Department Responsibilities:

- Provide timely and appropriate responses to Avocette's requests for information
- Assist Accela where necessary
- Coordinate with Accela
- Provide any existing supporting documentation as required

Deliverables:

- 4 Environment Setup
 - i. Responsibility - Accela with Consultation from Avocette and MPFD
- 5 Verify environments
 - i. Smoke test of all three environments
 - ii. Responsibility - Avocette

Stage 3 – SUPP Environment Setup

Avocette will work with the Menlo Park Fire Department Information Technology Department to create a MPFD specific SUPP environment.

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 3 – SUPP Environment Setup	6	Implement Migration into SUPP	24	\$3,000
	7	Migration testing	20	\$2,500
	8	Environment Verification	10	\$1,250

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department's requests for information
- Create migration package and import into SUPP environment
- Perform smoke testing to identify, document and resolve migration issues
- Assist MPFD during environment verification testing
- Continue PM activities.

Menlo Park Fire Department Responsibilities:

- Provide timely and appropriate responses to Avocette's requests for information
- Perform environment verification
- Schedule participants and meeting locations for workshop activities

Deliverables:

- 6 Implement migration into SUPP
 - i. Responsibility - Avocette
- 7 Migration testing
 - i. Responsibility - Avocette
- 8 Environment verification
 - i. Responsibility - Menlo Park Fire Department with support from Avocette

Stage 4 – TEST Environment Setup

Avocette will work with the Menlo Park Fire Department Information Technology Department to create a MPFD specific SUPP environment.

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 4 – TEST Environment Setup	9	Implement Migration into TEST	16	\$2,000
	10	Migration testing	8	\$1,000
	11	Environment Verification	10	\$1,250

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department's requests for information
- Update migration package plan based on information from deliverable 7 and import into TEST environment
- Assist MPFD during environment verification testing
- Continue PM activities.

Menlo Park Fire Department Responsibilities:

- Provide timely and appropriate responses to Avocette's requests for information
- Perform environment verification
- Schedule participants for testing

Deliverables:

- 9 Implement migration into TEST
 - ii. Responsibility - Avocette
- 10 Migration testing
 - ii. Responsibility - Avocette
- 11 Environment verification
 - i. Responsibility - Menlo Park Fire Department with support from Avocette

Stage 5 – User Acceptance Testing

Once the TEST environment setup is complete Avocette will coordinate with Accela to perform a Practice Dry Run. This practice will assist in defining timing for the Final Go Live Deployment and create an environment for User Acceptance Testing (UAT).

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 5 – User Acceptance Testing	12	Training and UAT Introduction	20	\$2,500
	13	Dry-Run of PROD Migration	8	\$1,000
	14	UAT	40	\$5,000

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department's requests for information
- Conduct training for MPFD staff
- Prepare MPFD for UAT
- Coordinate with Accela to plan and perform a Go Live Dry Run
- Support UAT process
- Identify and document and migration issues and coordinate with Accela to remediate

Menlo Park Fire Department Responsibilities

- Provide timely and appropriate responses to Avocette's request for information
- Schedule participants and meeting locations for training
- Perform User Acceptance Testing

Deliverables:

- 12 Training and UAT Introduction
 - i. Training to be defined
 - ii. Responsibility – Avocette and MPFD
- 13 Dry-Run of PROD Migration
 - i. Responsibility - Accela with Consultation from Avocette and MPFD
- 14 UAT
 - i. Responsibility – MPFD (Testing), Avocette/Accela (remediation fixes)

Stage 6 – Go Live

Production Go-Live date is defined as the official date in which Accela Automation moves from the test environment to production for daily Menlo Park Fire Department usage. This date will be agreed to by both Avocette and the Menlo Park Fire Department

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 6 – Go Live	15	PROD Migration Plan	20	\$2,500
	16	Set Go-Live Date	8	\$1,000
	17	Go-Live	8	\$1,000

Avocette Responsibilities:

- Lead the effort to transfer the configuration and any required data from Test to Production
- Assist in the development of a Deployment Checklist that details the critical tasks that must be accomplished prior to moving to Production
- Continue PM activities

Menlo Park Fire Department Responsibilities:

- Provide technical and functional user support for pre and post Production Planning, execution, and monitoring
- Provide timely and appropriate responses to Avocette's request for information
- Assist in the development of a Deployment Checklist that details the critical tasks that must be accomplished prior to moving to Production

Deliverables:

- 15 PROD Migration Plan
 - i. Responsibility – Avocette, Accela and Menlo Park Fire Department
- 16 Set Go Live Date
 - i. Responsibility – Avocette with consultation from Accela
- 17 Go Live
 - i. Responsibility – Avocette and Accela

Phase 2 – Enhanced Implementation Completion

Stage 1 – Initiation and preparation

Project Initiation is an opportunity to ensure the project starts in a well-organized, structured fashion while re-confirming the Menlo Park Fire Department and Avocette expectations regarding the implementation. The deliverables are comprised of project planning activities and environment preparation.

In conjunction with the Menlo Park Fire Department, Avocette will perform the following tasks:

- Finalize staffing for the project teams.
- Finalize and document formal deliverable acceptance criteria and signoff procedures, identify team members that will be responsible for signoff from the Menlo Park Fire Department and Avocette.
- Finalize an integrated baseline Project Plan that includes resource allocation for all tasks (in collaboration with the Menlo Park Fire Department Project Manager).
- Update and further expand the Project Charter to define deliverables, identify roles and responsibilities, and define how the project will be governed, including a detailed escalation plan.

The following deliverables are completed in this stage:

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 1 – Initiation and Preparation	1	Create Project Plan	8	\$1,000
	2	Review Scope	8	\$1,000

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department’s requests for information.
- Coordinate project planning activities.
- Complete deliverables and other project management and control tools and processes with input from appropriate Menlo Park Fire Department resources.

Menlo Park Fire Department Responsibilities:

- Identify and set expectations with key resources and subject matter experts for ongoing participation in the project.
- Provide timely and appropriate responses to Avocette’s requests for project planning input and meeting logistics requests.
- Review and provide feedback on the draft documents
- Ensure that the document review periods established during Project Initiation and recorded in the Project Plan are adhered to by the Menlo Park Fire Department team

Deliverables:

- 1 Create project plan
 - i. Responsibility – Avocette and Menlo Park Fire Department
- 2 Review scope
 - i. Review Scope from MPFD Enhanced Implementation Project and adjust current project scope as necessary
 - ii. The current scope is limited to ACA and Payment adaptor. Additional items will require a change order.
 - iii. Responsibility – Avocette and Menlo Park Fire Department

Stage 2 – Analysis and Development

This stage includes completion of two outstanding technical items from the initial enhanced implementation project:

1. Setup and configuration of the Accela Citizen Access Portal (ACA) with MPFD municipal branding
2. Setup and configuration of the online payment processing gateway for the supported payment vendors

In order to determine the MPFD interface requirements, analysis sessions will be conducted to determine if there are any updated requirements from the original enhanced implementation project.

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 2 - Analysis and Development	3	ACA Specifications, Setup and Deployment	54	\$6,750
	4	Payment Adaptor Specifications and Development	40	\$5,000

Avocette Responsibilities:

- Provide timely and appropriate responses to Menlo Park Fire Department's requests for information.
- Conduct analysis sessions
- Implement ACA based on MPFD's business need
- Build and test all aspects of the interface that interact directly with the Accela Automation
- Demonstrate completed functionality

Menlo Park Fire District Responsibilities:

- Provide timely and appropriate responses to Avocette's request for information
- Provide access to systems and individuals to assist with analyzing system interface

- requirements
- Allocate qualified business/technical experts time for interface testing sessions critical to the project's success
- Identify and coordinate any related tools used to implement the interface (3rd party or in-house)
- Work with Third Party Data Sources to determine best methods of interfacing to Accela system
- Validate interface through testing

Deliverables:

- 3 ACA Specifications, Setup and Deployment
 - i. Responsibility – Avocette with consultation from MPFD
- 4 Payment Adaptor Specifications and Development
 - i. Responsibility - Avocette with consultation from MPFD

Stage 3 – User Acceptance Testing

This deliverable is comprised of the assistance Avocette will provide to allow MPFD to accept that the solution meets the requirements as documented in all the deliverables. Avocette will assist MPFD in the testing and validation of the solution and its readiness to be migrated to production for active use.

Avocette will provide assistance to MPFD as needed by providing User Acceptance Testing (UAT) support and facilitating completion of UAT. Avocette will address and rectify issues discovered during the UAT process as the MPFD staff executes testing activities. Avocette will work with MPFD to develop a test plan and deliver sample test scripts, as well as an issue log to track the progress of testing.

MPFD and Avocette agree that this deliverable is critical to project success and that adequate staffing is required in order to successfully test the system, end to end, and resolve all issues prior to go-live. MPFD and Avocette will work to identify and resolve any staffing issues as they occur.

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 3 – User Acceptance Testing	5	Training and UAT Introduction	20	\$2,500
	6	UAT	40	\$5,000

Avocette Responsibilities:

- Provide recommendations on testing strategy and best practices
- Lead MPFD in up to 4 weeks of User Acceptance testing effort and the validation of the system configuration and its readiness to be migrated to production for active use
- Resolution of mutually agreed to prioritized issues as a result of User Acceptance Testing activities

Menlo Park Fire District Responsibilities:

- Provide timely and appropriate responses to Avocette's request for information.
- Make available the appropriate MPFD key users and content experts to participate in user acceptance testing as defined and managed by MPFD
- Develop the User Acceptance test scripts with oversight of Avocette and sample scripts
- Utilize Analysis documents as the basis for the acceptance of this Deliverable

Deliverables:

- 5 Training and UAT Introduction
 - iii. Training to be defined
 - iv. Responsibility – Avocette and MPFD
- 6 UAT
 - ii. Responsibility – MPFD (Testing), Avocette/Accela (remediation fixes)

Stage 4 – Go-Live

Production Go-Live date is defined as the official date in which Accela Automation moves from the test environment to production for daily Menlo Park Fire Department usage. This date will be agreed to by both Avocette and the Menlo Park Fire Department

The following deliverables are completed in this stage

Stage	Deliverable #	Deliverable Name	Hours	Cost
Stage 4 – Go Live	7	Prod Migration Plan	16	\$2,000
	8	Set Go-Live Date	8	\$1,000
	9	Go-Live	8	\$1,000

Avocette Responsibilities:

- Lead the effort to transfer the configuration and any required data from Test to Production
- Assist in the development of a Deployment Checklist that details the critical tasks that must be accomplished prior to moving to Production
- Continue PM activities

Menlo Park Fire Department Responsibilities:

- Provide technical and functional user support for pre and post Production Planning, execution, and monitoring
- Provide timely and appropriate responses to Avocette's request for information
- Assist in the development of a Deployment Checklist that details the critical tasks that must be accomplished prior to moving to Production

Deliverables:

- 7 PROD Migration Plan
 - ii. Responsibility – Avocette, Accela and Menlo Park Fire Department
- 8 Set Go Live Date
 - iii. Responsibility – Avocette with consultation from Accela
- 9 Go Live
 - ii. Responsibility – Avocette and Accela

Deliverable acceptance Form

Deliverable Acceptance Form

Date:

Project Name:

Agreement Date:

Avocette Manager:

Menlo Park Fire Department agrees that Avocette has successfully completed the following Deliverables / Deliverables:

Deliverable / Milestone Item Name/#	Source / Reference Details	Amounts Billable
Total:		

Menlo Park Fire Department agrees that Avocette has successfully completed the Deliverables/Deliverables described above and therefore agrees to pay all invoices in connection with the acceptance of the Deliverables/Deliverables in accordance with the terms of the related Contract/Agreement.

APPROVALS:

Menlo Park Fire Department Name:

Sign Off

Menlo Park Fire Department acknowledges that it has read this Document, understands it and agrees that the business processes in this document are accurate. Further, Menlo Park Fire Department agrees that this Document, including all documents and change orders referred to herein and attached hereto, constitutes the entire agreement of the parties on the subject matter hereof and supersedes all proposals or prior agreements, oral or written, and all other communications between the parties relating to the subject matter hereof. The parties agree that this Document cannot be altered, amended or modified, except in writing that is signed by an authorized representative of both parties.

Accepted By: Menlo Park Fire Department	Accepted By: Avocette Technologies
By:	By:
Print Name:	Print Name:
Title:	Title:
Date:	Date:

Resolution No. XXXX-2019

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AUTHORIZING THE FIRE CHIEF TO EXECUTE A SOLE SOURCE CONTRACT FOR IMPLEMENTATION OF A FIRE PERMIT TRACKING SYSTEM WITH AVOCETTE AT AN AMOUNT NOT TO EXCEED \$67,000

WHEREAS, the Menlo Park Fire Protection District provides emergency services and plan review and construction services to the Town of Atherton, City of East Palo Alto and City of Menlo Park and portions of unincorporated San Mateo County areas in accordance with State law; and

WHEREAS, the Board of Directors approved in December 2014, Resolution 1766-2014, the purchase and design of Phase I Accela tracking system implementation from San Mateo County; and

WHEREAS, the company known as Avocette is the approved vendor working through contract with the County of San Mateo on their Accela tracking system to build Phase II for Menlo Park Fire Protection District; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Menlo Park Fire Protection District authorize the Fire Chief to execute a sole source contract for implementation of a fire permit tracking system using Avocette at an amount not to exceed \$67,000

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 20th of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

APPROVED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

FROM: Human Resources

PREPARED BY: HR Manager Rowe

APPROVED BY: Chief Schapelhouman

**ITEM: CONSIDER AND APPROVE THE RECOMMENDED PROCESS FOR THE
RECRUITMENT OF A NEW DEPUTY FIRE CHIEF**

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve staff's recommendation for the recruitment of a new Deputy Fire Chief as outlined below.

BACKGROUND

On August 6, 2019, the Strategic Planning Committee reviewed staff's outline of the District's efforts towards succession planning. The committee then directed staff to return to the full board with recommendations regarding the hiring process for the soon to be vacant Deputy Fire Chief position.

DISCUSSION

Presented in this staff report are two options for the Board's consideration regarding the recruitment process to hire a Deputy Fire Chief. Staff and the Fire Chief recommend the Board proceed with Option 1.

Option 1 – Recommended by Fire Chief and Staff

Deputy Fire Chief Long has indicated he will be retiring on October 15, 2019. Division Chief Stevens will assume the Deputy Fire Chief position until his own retirement on December 31, 2019.

The Deputy Fire Chief position will be fully vacant with the retirement of Chief Stevens. The Chief has indicated that he plans to direct Human Resources (HR) to hire an external recruiter to facilitate the hiring process.

The cost for a professional recruiter and advertisement is estimated between \$30,000 and \$50,000. The recruitment will provide an opportunity for both internal and external candidates to apply for the position.

Activities:

- Meet with Chief and staff to build an ideal candidate profile
- Launch recruitment, advertising, marketing and social media campaigns
- Recruitment open; proactive candidate outreach; posting to social media
- Screening interviews & report results back to Chief and staff
- Finalist interviews in Menlo Park with Chief and staff
- Offer extended; background & reference check

Timeline:

- Recruitment Start in Aug 2019
- Interviews in Nov 2019
- Selection and Backgrounds in Dec 2019
- Hire and Start Date Jan 2020

This option is recommended by the Fire Chief and Human Resources as it allows the District to secure a highly qualified candidate in a timely manner without a significant disruption to the District's day to day operations.

Proceeding with a hiring process now allows the Chief to bring on a Deputy Chief that can be a compliment to the Executive Management team and ensure continuous oversight of the day to day operations of the organization and other internal processes within the District.

It is essential that the Fire Chief and the Deputy Chief have a compatible management strategy and working relationship to ensure the District continues to function in a highly effective and efficient manner.

It is the Fire Chief and staff's recommendation, as well as an established normal practice county and region-wide, that the Fire Chief select and appoint the Deputy Chief as a key member of his executive staff. Retaining hiring authority by the Fire Chief ensures that he is able to select the candidate whom is most suited to his management strategy, style, oversight over daily operations and personnel issues.

Should the Board decide to remove the hiring authority from the Fire Chief, a Board Policy modification and Chief Officer Compensation Plan change will be required.

Option 2

As previously stated, Deputy Fire Chief Long has indicated he will be retiring on October 15, 2019. Division Chief Stevens will assume the Deputy Fire Chief position until his own retirement on December 31, 2019.

The Deputy Fire Chief position will be fully vacant with the retirement of Chief Stevens. This option includes filling the vacant Deputy Fire Chief position with temporary assignments.

Temporary assignments could include internal candidates for six months to one-year assignments or the hiring of consultants or retirees. The District would then wait for the current Fire Chief to retire and engage in a hiring process to select a new Fire Chief. Once the new Fire Chief was on board, the new Chief would then engage in a hiring process for the Deputy Fire Chief.

Should the District select this option and the Fire Chief hires a consultant, this person could not have prior CalPERS service and could not be in the assignment for more than 1000 hours. If the District selects this option and the Fire Chief hires a retiree, this person could not work more than 960 hours, have a disability retirement of similar type of work, and would have to have been retired for more than 180 days.

Additionally, the Fire Chief's contract currently expires in a June 2021 and his potential retirement date is still just under 2 years away. The Chief has expressed his interest in potentially extending his contract beyond that timeframe.

The uncertain nature of the Fire Chief's retirement date could make this option potentially disruptive for the District. Additionally, using a rotation, or combination of limited temporary hires and internal placements, prevents the Fire Chief from putting in place and securing, a potentially longer-term candidate, needed for proper planning and organizational leadership.

Due to reasons stated above, the Fire Chief and staff do not recommend Option 2.

Current Board Process

When the Fire Chief announces his retirement date, the Fire Board has the option to offer the Chief's position to the Deputy Chief, who would then need to accept it, or choose to direct HR to hire a consultant to conduct an internal and external recruitment process, that would involve and report directly to the Fire Board with the assistance of HR.

FISCAL IMPACT

Both options include the hiring of an outside recruiter. The estimated cost of hiring a recruiter is approximately \$50,000.

ATTACHMENT

A. Committee Report from the August 6, 2019, Strategic Planning Committee Meeting

MENLO PARK FIRE PROTECTION DISTRICT

Committee Report

TO: Strategic Planning Committee

MEETING DATE: August 6, 2019

ITEM: Succession Planning

PREPARED BY: HR Manager Rowe

In consideration of the upcoming retirements, the District is evaluating a robust succession planning program. Below are some highlights and key features of the District's program.

Succession Planning is:

- Ensuring positions have a successor at all levels
- Identifying talent and training gaps within the organization
- Developing many employees for more challenging positions; not just one
- Embedding development opportunities in everyday work processes
- Embedding knowledge sharing into work processes
- Developing a planned approach to operational continuity

Succession Planning is not:

- Identifying a specific employee for a specific job at a future point in time

Succession Planning involves:

- Understanding organizational goals and objectives
- Identifying key positions
- Identify talent within organization
- Determine developmental needs
- Examine trends and predictions

District Actions:

- Complete a District-wide classification study (Jan 2020)
- Develop workforce plan by department (March 2020)
- Implement training and recruit strategically to support identified gaps (on-going)

Recruitment for Fire Chief:

With the upcoming retirement of the Fire Chief in June of 2021, the following is prepared in preparation for that event. District staff recommends the hiring of an external recruiter to facilitate the hiring process. The cost for a professional recruiter and advertisement is estimated between \$30,000 and \$50,000.

Activities:

- Meet with Staff; update ideal candidate profile
- Meet with the Board to receive input on ideal candidate
- Launch recruitment, advertising, marketing and social media campaigns
- Recruitment open; proactive candidate outreach
- Screening interviews & report results back to Staff
- Finalist interviews in Menlo Park with Staff
- Negotiations complete; background & reference check
- Board confirmation of Fire Chief Appointment

Timeline:

- Recruitment Start in Jan 2021
- Interviews in March 2021
- Selection and Backgrounds in April 2021
- Hire and Appointment in May 2021

Deputy vs Fire Chief:

For the Board's consideration regarding the upcoming vacancy of the Deputy Fire Chief. The Deputy role is crucial and ensures the success of the Fire Chief and the District. The Deputy is the inward facing Chief, similar to a COO; while the Fire Chief is the external facing Chief, similar to a CEO. Both positions are critical to the success of the organization.

Fire Chief Responsibilities –

- Sets the Goals and Vision of the Department
- Meets with elected or appointed officials, other fire/EMS officials, community and business representatives, and the public on all aspects of the department's activities.
- Represents the city fire/EMS departments in a variety of local, county, state and other meetings.
- Manages the Administration of the District

Deputy Fire Chief Responsibilities -

- Assists the fire chief in setting goals for the department, establishing policies and procedures, handling grievances, disciplining subordinates, meeting with union representatives, preparing the budget, and periodically reviewing equipment for safety and purchasing new equipment as needed.
- Supervises and coordinates the activities of divisions, battalions, including responding to emergencies, determine training and staffing needs, managing fire leadership, conducting department evaluation and ensuring that department policies and procedures are updated, reviewed, and followed.
- Carries out the vision and goals established by the Fire Chief

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors **MEETING DATE: August 20, 2019**
FROM: Administration Division **PREPARED BY: Jon Hitchcock**
 APPROVED BY: Harold Schapelhouman

ITEM: CONSIDER AND APPROVE A RESOLUTION AUTHORIZING THE FIRE CHIEF TO EXECUTE A CONTRACT WITH RRM DESIGN GROUP FOR A DISTRICT WIDE SPACE NEEDS ASSESSMENT IN AN AMOUNT NOT TO EXCEED \$210,000

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Consider and approve a resolution authorizing the Fire Chief to sign a contract with RRM Design Group for a District wide space needs assessment in an amount not to exceed \$210,000.00.

BACKGROUND

At the March 2019 Board meeting the Board of Directors directed Staff to develop a request for proposals (RFP) for a District wide space needs assessment in order to identify existing and future deficiencies of the District's facilities through the evaluation of each of the District's properties and structures. The RFP was drafted and submitted to the Board of Directors for their review and approval at the May 2019 Board meeting. The Board made a few minor comments that were incorporated in the final version of the RFP.

DISCUSSION

Staff solicited proposals from over ten firms and received four proposals. After reviewing the proposals, the District interviewed the top three firms. The District's selection criteria included the firms experience performing similar work, qualifications, price, understanding of the scope of work and deliverables, schedule and their proposed process.

The anticipated timeline for completion of the work is approximately six months however holidays and the ability to schedule meetings with the Board and interviews with Staff may have an impact on the schedule.

FISCAL IMPACT

As previously mentioned, the District received four proposals. During the review process several of the proposals required refinement in order to align them better with the scope of work. The pricing received after the refinement is shown in the table below.

Firm	Price
Gensler	\$276,507
RDC Architecture, Inc.	\$257,597
RRM Design Group	\$206,528
WLC Architects	\$245,780

Based on the selection criteria Staff is recommending that the Board award the Contract to RRM Design Group. Through the review process RRM demonstrated their understanding of the project and provided relevant past experience completing similar projects. Similar projects include the Madera County fire master plan, Santa Clara facility needs assessment, and the City of Napa facilities needs assessment. Their extensive fire station design experience will be complementary to completing the District's space needs assessment.

The source of funds for this contract will be fiscal year 2018-19 year-end funds.

ATTACHMENT

- A. Resolution
- B. Exhibit 1 - Contract

Resolution No. XXXX-2019

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AUTHORIZING THE FIRE CHIEF TO EXECUTE A CONTRACT WITH RRM DESIGN GROUP FOR A DISTRICT WIDE SPACE NEEDS ASSESSMENT IN AN AMOUNT NOT TO EXCEED \$210,000.00

WHEREAS, the Board of Directors received a report from the Fire Chief requesting the authorization to execute a contract with RRM Design Group for a District wide space needs assessment in an amount not to exceed \$210,000.00; and

WHEREAS, at the March 2019 Board meeting the Board of Directors directed Staff to develop a request for proposals (RFP) for a District wide space needs assessment; and

WHEREAS, the RFP was drafted and submitted to the Board of Directors for their review and approval at the May 2019 Board meeting; and

WHEREAS, Staff solicited proposals, received four proposals, performed interviews and recommends the contract to be awarded to RRM Design Group; and

WHEREAS, the Board of Directors accepts the report as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that:

1. The Board of Directors authorizes the Fire Chief to execute the contract with RRM Design Group for a District wide space needs assessment in an amount not to exceed \$210,000.00 attached hereto as Exhibit 1 in the same or substantially the same form as submitted in the report

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 20th day of August 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

AGREEMENT FOR SPACE NEEDS ASSESSMENT SERVICES

This Agreement is made and entered into as of the 21st of August, 2019 by and between the Menlo Park Fire Protection District hereinafter called "DISTRICT" and RRM Design Group hereinafter called "CONTRACTOR".

RECITALS

This Agreement is entered into with reference to the following facts and circumstances:

- A. That DISTRICT desires to engage CONTRACTOR to render certain services to the DISTRICT;
- B. That CONTRACTOR is qualified to provide such services to the DISTRICT, has submitted a bid to do so, and;
- C. That the DISTRICT has elected to engage the services of CONTRACTOR upon the terms and conditions as hereinafter set forth.

- 1. Services. The services to be performed by CONTRACTOR under this Agreement shall include those services set forth in Exhibit A, which is, by this reference, incorporated herein and made a part hereof as though it were fully set forth herein.

Performance of the work specified in Exhibit A is hereby made an obligation of CONTRACTOR under this Agreement, subject to any changes that may be made subsequently hereto upon the mutual written agreement of the said parties.

CONTRACTOR shall deliver to the DISTRICT, on request of the DISTRICT Manager, copies of all original papers, documents and any other materials, in electronic or any other form, prepared by CONTRACTOR to this Agreement.

Where in conflict, the terms of this Agreement supersede and prevail over any terms set forth in Exhibit A.

- 2. Term; Termination.
 - a. The term of this Agreement shall commence upon the date hereinabove written and shall expire upon completion of performance of services hereunder by CONTRACTOR or by March 30, 2020, whichever shall occur first.

b. Notwithstanding the provisions of (a) above, either party may terminate this Agreement without cause by giving written notice not less than fifteen (15) days prior to the effective date of termination, which date shall be included in said notice. In the event of such termination, DISTRICT shall compensate CONTRACTOR for services rendered, and reimburse CONTRACTOR for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the services actually rendered to the date of termination, consideration shall be given both to completed work and work in process. Nothing herein contained shall be deemed a limitation upon the right of DISTRICT to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to DISTRICT hereunder.

3. Compensation; Expenses; Payment. DISTRICT shall compensate CONTRACTOR for all services performed by CONTRACTOR hereunder in an amount based upon CONTRACTOR'S fixed rates during the time of the performance of said services. A copy of CONTRACTOR'S fixed rates for which services hereunder shall be performed are set forth in CONTRACTOR'S fee schedule marked Exhibit B hereof, attached hereto and by this reference incorporated herein.

Notwithstanding the foregoing, the combined total of compensation and reimbursement of costs payable hereunder shall not exceed the sum Two Hundred Six Thousand Five Hundred Twenty Eight Dollars (\$206,528.00) unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance and in writing in accordance with section 18 of this agreement.

CONTRACTOR shall submit invoices monthly to the DISTRICT. The invoice shall be paid by the DISTRICT within thirty (30) days of its approval. Invoice shall clearly indicate the contracted amount, the amounts previously billed, the amounts paid to date, and the amounts currently billed.

Except as specifically authorized by the DISTRICT, CONTRACTOR shall not bill DISTRICT for duplicate services performed by more than one person (reasonable quality control and assurance work as generally recognized as an acceptable practice in this field is excepted). In no event shall CONTRACTOR submit any billing for an amount in excess of the maximum amount of compensation provided for in this section.

4. Additional Services. In the event DISTRICT desires the performance of additional services, such services shall be authorized in advance of the performance thereof by the DISTRICT. Such amendment to this Agreement shall include a description of the services to be performed thereunder, the maximum compensation payable therefore, the time of performance thereof, and such other matters as the parties deem appropriate for the accomplishment of such services. Except to the extent modified by written amendment, all other terms and conditions of this Agreement shall be deemed incorporated in each such amendment.

5. Records. CONTRACTOR shall keep and maintain accurate records of all time expended relating to services to be performed by CONTRACTOR hereunder. Said records shall be available to DISTRICT for review and copying during regular business hours at CONTRACTOR'S place of business or as otherwise agreed upon by the parties.

6. Authorization. This Agreement becomes effective when endorsed by both parties in the space provided below.

7. Reliance on Professional Skill of CONTRACTOR. CONTRACTOR represents that it has the necessary professional skills to perform the services required and the DISTRICT shall rely on such skills of the CONTRACTOR to do and perform the work. In performing services hereunder CONTRACTOR shall adhere to the standards generally prevailing for the performance of expert consulting services similar to those to be performed by CONTRACTOR hereunder.

8. Relationship of Parties. It is understood that the relationship of CONTRACTOR to the DISTRICT is that of an independent contractor and all persons working for or under the direction of CONTRACTOR are its agents or employees and not agents or employees of the DISTRICT.

9. Schedule. CONTRACTOR acknowledges the importance to DISTRICT of DISTRICT'S Project schedule and agrees to put forth its best professional efforts to perform its services under this Agreement in a manner consistent with that schedule.

10. Indemnity. CONTRACTOR hereby agrees to defend, indemnify, and save harmless Menlo Park Fire Protection District, its Boards, officers, and employees, from and against suits, actions liability, loss, damage, expense, cost of every nature, kind or description, (including reimbursement or reasonable costs and fees of litigation), which may be brought against, or

suffered or sustained by, DISTRICT, its Board, officers, and employees to the extent caused by the negligence, intentional tortuous act or omission, or willful misconduct of CONTRACTOR, its officers, employees or agents in the performance of any services or work pursuant to this Agreement.

The duty of CONTRACTOR to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code; provided, however, that nothing herein contained shall be construed to require CONTRACTOR to indemnify DISTRICT, its Board, officers, employees and agents against any responsibility or liability in contravention of Section 2782 of the California Civil Code. CONTRACTOR shall have no obligation to indemnify for any wrongful or negligent acts, errors or omissions of others, including the active or passive negligence of any of the above indemnities.

11. Insurance. CONTRACTOR shall acquire and maintain insurance in the form and amounts set forth in Exhibit C and furnish DISTRICT with certificates and copies of information or declaration pages of the insurance required hereunder and, with respect to evidence of each insurance category the following endorsements:

- a. Precluding cancellation or reduction in coverage before the expiration of thirty (30) days after DISTRICT shall have received written notification of cancellation or reduction in coverage by first class mail;
- b. Providing that CONTRACTOR'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability (cross liability endorsement);
- c. Naming the DISTRICT, its Board, officers, employees, and agents, as additional insureds; and
- d. Providing that CONTRACTOR'S insurance coverage shall be primary insurance with respect to DISTRICT, its Board, officers, employees, and agents, and any insurance or self-insurance maintained by DISTRICT for itself, its Council, officers, boards, commissions, employees, or agents shall be in excess of CONTRACTOR'S insurance and not contributory with it.

12. Workers' Compensation. CONTRACTOR certifies that he is aware of the provisions of the Labor Code of the State of California which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and CONTRACTOR certifies that he will comply with such provisions before commencing the performance of the work of this Agreement.

13. Non-Discrimination. The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The CONTRACTOR will take affirmative action to insure that applicants are employed and the employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, advancement, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONTRACTOR shall at all times be in compliance with the requirements of the Federal Americans With Disabilities Act (Public Law 101-336) which prohibits discrimination on the basis of disability by public entities. The CONTRACTOR agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the DISTRICT setting forth the provisions of this non-discrimination clause.

14. Licenses. If a license of any kind, which term is intended to include evidence of registration, is required of CONTRACTOR, its employees, agents or sub-contractors by federal or state law, CONTRACTOR warrants that such license has been obtained, is valid and in good standing, and CONTRACTOR shall keep it in effect at all times during the term of this Agreement, and that any applicable bond has been posted in accordance with all applicable laws and regulations.

15. Notice. All notices required by this Agreement shall be given to the DISTRICT and CONTRACTOR in writing, by first class mail, postage prepaid, addressed as follows:

DISTRICT: Menlo Park Fire Protection District
170 Middlefield Road
Menlo Park, CA 94025
Attention: Fire Chief

CONTRACTOR: See Exhibit D.

16. Non-Assignment. This Agreement is not assignable either in whole or in part.

17. Use of Sub-contractors. CONTRACTOR shall not subcontract any services to be performed by it under this Agreement without the prior written approval of the DISTRICT. CONTRACTOR shall be solely responsible for reimbursing any sub-contractors, and the DISTRICT shall have no obligation to them.

18. Amendments. This Agreement may be amended or modified only by written agreement signed by both parties.

19. Validity. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

20. Governing Law. This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the Agreement, the unsuccessful party will pay the reasonable attorney's fees and expenses of litigation of the successful party.

21. Mediation. Should any dispute arise out of this Agreement, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached neither party shall be deemed the prevailing party for purposes of the settlement, and each party shall bear its own legal costs.

22. Conflict of Interest. CONTRACTOR may serve other clients, but none who would place CONTRACTOR in a "conflict of interest" as that term is defined in State law.

23. Entire Agreement. This Agreement, including Exhibits A, B, C, and D comprise the entire Agreement.

24. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first above written by their respective officers duly authorized in that behalf.

MENLO PARK FIRE PROTECTION DISTRICT

Dated: _____

CONTRACTOR

Dated: _____

EXHIBIT A

SCOPE OF WORK

Contractor has been selected for the preparation of a space needs assessment to identify existing and future deficiencies of the District's facilities through the evaluation of each of the District's properties and structures. The assessment will be used as a planning mechanism for developing a site or re-purposing an outdated structure into a building that supports the District's mission and objectives.

Kick off Meeting

The District staff will meet with the Contractor at the District's Administration Office for purposes of reviewing the refined scope of work, providing the Contractor with complete copies of all pertinent District documents, as well as with materials and technical studies developed by the District to date. The team will review the project schedule and milestones, as well as identify the role that each will play during the effort.

Following a review of all materials and technical studies, the Contractor will provide the District with a technical memorandum of any additional materials or information needed, as well as any peer review that may be appropriate for the Assessment. At this time, any necessary refinement to the scope of work must be made.

Level of Analysis

The selected Contractor shall be tasked with the evaluation of the follow items:

1. Headcount Projections for both safety and non-safety employees - Projections of future headcount for planning purposes shall be based on the 2015 standards of coverage report, meetings with upper management and historical trends. Projections shall be 30 years into the future. Attachment A provides the FTEs and a list of District programs for the District.
 - a. The report shall include a summary of the current FTE's and the projected FTE's with a narrative explaining the projected growth.
2. Space Requirements - Documentation of existing conditions and determining the space needs for each department and program through the review of existing plan documents, site evaluations and meetings with District employees. The space requirements will be developed by studying the kind of work done by each department/program, gaining an understanding of the spaces that they need to support their work, and analyzing best practice metrics in public and private sector organizations. Attachment B provides a list of each of the District facilities and identifies what plan documents the District has available for the Contractor to use during their evaluation. Additionally the District conducted a facility condition

assessment in 2012 which can be used to assist in the evaluation of the space needs assessment. The Contractor is not tasked with evaluation of fire station and fire apparatus placement.

- a. Contractor shall include in the report, data collection sheets for each department and program. The data sheets will include the number of personnel in each department/program, where they are located, current square footage allocated for both personnel and their workstations as well as for storage, amount of square footage currently needed, amount of square footage needed to address future growth as identified in the headcount projections. Contractor shall include in the analysis each department's and program's vehicle and apparatus needs.
 - b. In addition to the data collection sheets, Contractor shall present the data collected in subsection 2a in a program format. A program shall be developed for each site.
3. Adjacencies - Documentation of the department/program relationships and indications of which departments/programs should be located together.
 - a. The Contractor shall identify in the report the locations of each Department/Programs (personnel and storage) and recommend proposed locations to address deficiencies and inefficiencies. Contractor shall consider site requirements such as parking when proposing relocation of personnel.
 - b. Contractor shall identify by modifying the existing site and floor plans to show the existing locations of each department's and program's personnel, equipment and supply storage.
 - c. Contractor shall identify by modifying the existing site and floor plans to show the proposed locations of each department's and program's personnel, equipment and supply storage.

Findings and Recommendations

The assessment shall provide findings on deficiencies as well as for opportunities of increased efficiencies. The Contractor shall evaluate and recommend alternatives to address each finding. In doing so the Contractor shall look at: lease/rent space, real property acquisition, property disposition, relocation, renovation and new construction. The Contractor shall provide the capital costs, operational and maintenance costs, and staffing support needed for each of their recommendations. The Contractor will also evaluate current zoning, building and fire code to verify that the proposed improvements are feasible.

Report and Presentation

The Contractor shall develop and provide a comprehensive report that includes an executive summary, an analysis of the District space needs and a summary of the findings and recommendations. The Contractor shall provide working draft documents at specified intervals for District staff to review and comment. Upon completion of the draft recommendations the Contractor shall present the findings and recommendations to the Board for their review and approval. Upon approval the Contractor shall complete the cost analysis to support each of the recommendations. The Contractor shall create the finalized document and provide a digital copy in both word and pdf format. The Contractor shall provide one bound, hard copy of the report and appendices.

The Contractor shall attend two public meetings. The first meeting the Contractor shall present the findings and recommendations for the Board's consideration and approval. At the second meeting the Contractor shall present the capital costs, operational and maintenance costs, and staffing support needed for each of their recommendations.

EXHIBIT B

CONTRACTOR'S FEE SCHEDULE

Contractor shall be paid monthly for milestones completed per the table below. District shall pay the invoice within 30 days of receipt and approval. District shall not pay more than \$206,528 for the completion of services identified in Exhibit A.

Reimbursable expenses shall be paid as incurred up to an amount not to exceed \$8,000.

Task	Deliverable	Value
Kick Off Meeting	Conduct Meeting	\$ 5,116
Previous Study Review	Written Acknowledgement	\$ 4,726
Issuance of Technical memo	Issue Memo	\$ 1,132
Conduct onsite visits	Perform Site Visits	\$ 5,556
Perform Interviews	Perform Interviews	\$ 9,500
Current and Projected Operation Headcounts	Projections including a narrative explaining growth	\$ 5,916
Space Needs Outline - Facilities Assessment Analysis	Data sheets for each department and program	\$ 5,264
Space Needs Report	Written Report	\$ 10,752
Program Adjacencies	Updated Data Sheets & written report explaining adjacency recommendations	\$ 5,116
Site Operations Fit	Written Report	\$ 9,596
Facility Operations Fit	Written Report	\$ 9,596
Facility Analysis Meeting	Conduct Meeting	\$ 4,384
Deficiency Analysis	Written Report	\$ 6,296
Option Research and Analysis	Written Report	\$ 14,212
Conceptual Site and Space Plans	Updated Site and Floor Plan Documents	\$ 8,368
Initial Cost Estimates	Preliminary Cost Estimate Report	\$ 3,064
Finding and Recommendation Meeting	Conduct Meeting	\$ 6,128
Draft Report and Recommendations	Draft Report	\$ 5,572
Board Presentation #1	Attend Mtg and Present	\$ 6,502
Findings and Recommendation Refinement	Written Report	\$ 6,576
Final Cost Estimates	Cost Estimate Report	\$ 35,854
Staffing Support	Written Report	\$ 4,596
Meeting	Conduct Meeting	\$ 6,128
Revised Draft Report	Draft Report	\$ 5,788
Final Report	Final Report	\$ 5,788
Board Presentation #2	Attend Mtg and Present	\$ 7,002
Total		\$ 198,528

EXHIBIT C

INSURANCE REQUIREMENTS

CONTRACTOR shall obtain and maintain the following categories of insurance and shall provide Certificates of Insurance and original Endorsements affecting the coverages specified in Section 11 - INSURANCE of the Agreement as follows:

1. Worker's Compensation and Employers' Liability Insurance, up to the statutory limit, but in no case less than \$1,000,000.
2. "Any Auto" Automobile Liability, with a minimum coverage of \$1,000,000 Combined Single Limit.
3. "Occurrence" Commercial General Liability Insurance with minimum General Aggregate Coverage of \$2,000,000 and \$1,000,000 per occurrence.
4. Professional Liability, with a minimum per claim limit of \$1,000,000 and \$2,000,000 Aggregate.

The certificate holder shall be:

Menlo Park Fire Protection District
170 Middlefield Road
Menlo Park CA 94025

The Certificate shall state the following: The Menlo Park Fire District, its Board, officers, employees, and agents, are named as additional insureds.

EXHIBIT D
VENDOR INFORMATION

Vendor Name: _____

Vendor DBA (for Sole Proprietors only): _____

Vendor Mailing Address for Accounts Payable:

Federal Tax ID #: ____

Vendor Phone Number: _____

Vendor Contact Person: _____

Vendor E-mail Address: _____

Vendor WEB Site ID: _____

ATTACHMENT A

Positions	Group	2018-19	2019-20	Change
		Positions	Proposed FTE	
Fire Chief	Unrep	1.00	1.00	-
Deputy Chief	Unrep	1.00	1.00	-
Division Chief	Unrep	3.90	3.90	-
Battalion Chief	Unrep	3.00	6.00	3.00
Fire Marshal	Unrep	1.00	1.00	-
Administrative Services Manager	Unrep	1.00	1.00	-
Emergency Medical Services Manager	Unrep	1.00	1.00	-
Disaster Response Manager	Unrep	1.00	1.00	-
Human Resources Manager	Unrep	1.00	1.00	-
Information Technology Manager	Unrep	1.00	1.00	-
Facilities Manager/Administrator	Unrep	-	1.00	1.00
Clerk of the Board	Unrep	1.00	1.00	-
Senior Accountant	Unrep	1.00	1.00	-
Senior Human Resources Analyst	Unrep	1.00	1.00	-
Senior Information Technology Analyst	Unrep	1.00	1.00	-
Senior Management Analyst	Unrep	2.00	2.00	-
Senior Payroll Analyst	Unrep	1.00	1.00	-
Accounting Technician	Unrep	2.00	2.00	-
Information Technology Specialist	Unrep	1.00	1.00	-
Public Service Assistance III	Unrep	1.00	1.00	-
Fire Prevention Coordinator	AFSCME	1.00	1.00	-
Risk Reduction Officer	AFSCME	2.00	2.00	-
Emergency Services Specialist	AFSCME	1.00	1.00	-
Fleet Supervisor	AFSCME	1.00	1.00	-
Mechanic	AFSCME	1.00	1.00	-
Plan Examiner	AFSCME	1.00	1.00	-
Administrative Assistant - Suppression Training	AFSCME	1.00	1.00	-
Administrative Specialist - Fire Prevention	AFSCME	1.00	1.00	-
Captain	IAFF	27.00	27.00	-
Captain - Training	IAFF	1.00	1.00	-
Engineer	IAFF	58.00	58.00	-
Firefighter	IAFF	17.00	17.00	-
Deputy Fire Marshall	IAFF	1.00	1.00	-
Fire Inspector I/II	IAFF	4.00	4.00	-
Total FTE		142.90	146.90	4.00
Grant Funded FTE				
Division Chief	Unrep	0.10	0.10	-
Sr. Management Analyst	AFSCME	1.00	1.00	-
Administrative Services Analyst	AFSCME	1.00	1.00	-
Logistics Specialist	AFSCME	1.00	1.00	-
Total Grant Funded FTE		3.10	3.10	-

Programs	Program #	Coordinator	Manager	Division Manager
Board of Directors	1000		Jackson	Schapelhouman
Administration	1010		Jackson	Schapelhouman
Legal	1030			Schapelhouman
Financial Management	1040		Jackson	Schapelhouman
IT	1050		Cheng	Long
IPad (IT)	1050	Babcock	Calvert/Cheng	Stevens
Human Resources	2020		Rowe	Long
Dispatch	---	---	---	Shaffer
Opticom	---	---	Pimentel	Shaffer
Radios	3006	Hooper	Calvert	Stevens
Fire Gear / Supplies	3007			Marra
Hose	3008	Kelly	Pimentel	Marra
PPE	3009	Kelly	Pimentel	Marra
Rope	3010	E. McGlennon	Pimentel	Marra
Saws	3011	Trester	Pimentel	Marra
SCBA	3012	Eggimann/Dito	Pimentel	Marra
Tools/Equipment	3013	Vidosh	Pimentel	Marra
Water Rescue	3040	Zamparelli	Coyle	Stevens
Fire Suppression	3070			Stevens
Honor Guard	3071	Wurdinger	Pimentel	Marra
UAS	3072	Dennebaum	Calvert	Stevens
Heavy Rescue	3073	Seth Johnson	Coyle	Stevens
Wildland	3074	Hooper	Coyle	Stevens
US&R – District and TF3	3150/7xxx			Marra
Accreditation	3151			Navarro
Suppression Training	3510			Shaffer
Live Burn	3511	Babcock	Calvert	Shaffer
Operations Audio/Visual	3512	Washington	Calvert/Cheng	Shaffer
Truck Academy	3513	Training Capt.	---	Shaffer
EMS	3520	Starz	---	Shaffer
Tactical Medic	3521	Brandon	Coyle	Stevens
Wellness	3522	Figone/Starz	Calvert	Shaffer
Cadet	3530	Wallace	Calvert	Shaffer
Explorer	3550	E. Mijangos	Calvert	Shaffer
Apparatus	4005	Strom	---	Marra
District Disaster prep	4015	Zollicoffer	---	Stevens
Community Disaster prep/CERT	4020	Ralston	---	Stevens
Facilities	4030	All Captains	Shift BC's	Marra
Fitness	4031	Foster	Calvert	Shaffer
Station Supplies	4032	Lai	Coyle	Marra
Public Education	4040	Duty Chief	Parker	Johnston
Training site	4050	Trester	Calvert	Shaffer
Fire Prevention	5000			Johnston
Weed Abatement	5060			Johnston

ATTACHMENT B Facility List

Facility Name: Fire Station 1

Location: 300 Middlefield Road, Menlo Park

Facility Condition: Poor

Use: Fire Station - Houses 1 engine, 1 Truck, 1 BC Vehicle and staffed by 7 firefighters and 1 BC. Also houses administration personnel on the second floor including the training division.

Available Documents: Station Site and floor plans. Proposed Conceptual Design and Program for the Redevelopment of this site.

Facility Name: Fire Station 2

Location: 2290 University Avenue, East Palo Alto

Facility Condition: New- Good

Use: Fire Station - Houses 1 engine, 1 Truck and staffed by 7 firefighters.

Available Documents: Station Site and floor plans.

Facility Name: Fire Station 3

Location: 32 Almendral, Atherton

Facility Condition: Fair

Use: Fire Station - Houses 1 engine and staffed by 3 firefighters.

Available Documents: Station Site and floor plans.

Facility Name: Fire Station 4

Location: 3322 Alameda De Las Pulgas, Menlo Park

Facility Condition: Poor

Use: Fire Station - Houses 1 engine, 1 Patrol vehicle and staffed by 3-4 firefighters.

Available Documents: Station Site and floor plans. Proposed Conceptual Design and Program for the Redevelopment of this site.

Facility Name: Fire Station 5

Location: 4101 Fair Oaks Avenue, Menlo Park

Facility Condition: Fair

Use: Fire Station - Houses 1 engine and staffed by 3 firefighters.

Available Documents: Station Site and floor plans.

Facility Name: Fire Station 6

Location: 700 Oak Grove Avenue, Menlo Park

Facility Condition: New - Good

Use: Fire Station – Houses 1 engine and staffed by 3 firefighters.

Available Documents: Station Site and floor plans.

Facility Name: Fire Station 77

Location: 1467 Chilco Avenue, Menlo Park

Facility Condition: Fair

Use: Fire Station – Houses 1 engine, 1 rescue and staffed by 5 firefighters. Also houses the District's mechanic shop.

Available Documents: Station Site and floor plans. Proposed Conceptual Design and Program for the Redevelopment of this site.

Facility Name: Administration - Main

Location: 170 Middlefield Road, Menlo Park

Facility Condition: Good

Use: Administration (Admin, IT, Finance) and Fire Prevention offices as well as Chief Officers.

Available Documents: Site and floor plans.

Facility Name: Administration - Annex

Location: 114 Santa Margarita Avenue, Menlo Park

Facility Condition: Poor

Use: Administration (HR) and US&R

Available Documents: Floor plans.

Facility Name: Warehouse

Location: 2470 Pulgas Avenue, East Palo Alto

Facility Condition: Poor

Use: Offices for US&R and storage primarily for US&R

Available Documents: Site and floor plans.

Facility Name: Valparaiso House

Location: 2110 Valparaiso Avenue, Menlo Park

Facility Condition: Poor

Use: Currently being rented. Planned to be demolished as part of the station 4 rebuild.

Available Documents: None

Facility Name: Chilco House

Location: 1457 Chilco Avenue, Menlo Park

Facility Condition: Poor

Use: Vacant

Available Documents: None

Facility Name: Almendral House

Location: 28 Almendral, Atherton

Facility Condition: Poor

Use: Currently being used as employee housing.

Available Documents: None

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: August 20, 2019

PREPARED BY: Michelle Kneier

ITEM: REVIEW AND ACCEPT REVISIONS TO THE BOARD OF DIRECTORS' POLICIES AND PROCEDURES MANUAL

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Review and accept revisions to the Board of Directors' Policy and Procedures Manual.

BACKGROUND

According to the Board Policies and Procedures, the Board is to review the Policy and Procedures Manual each year in the month of May. The last update of the Board Manual was completed on July 24, 2018.

At the May 2019 Board meeting, Board President Kiraly requested that Directors review the manual and forward any recommended changes or revisions to the Clerk of the Board.

As of July 24, 2019, the Clerk of the Board received one correspondence from Director McLaughlin regarding a recommended change to section 1.1 of the manual which was then discussed at the Human Resources Committee and is included with the below recommendations from the Committee.

DISCUSSION

Board previously approved updates to the manual:

1. APPENDIX C – *COMMITTEE AND LIAISON ASSIGNMENT* – 2019 – Approved May 2019
2. Workflow (New to the manual) – Approved June 2019

The following changes and updates are suggestions from the Human Resources Committee:

3. ARTICLE 1 (Section 1.1) Fire District Governing Authority
4. ARTICLE 4 (Section 4.4) Board Committees and Liaisons
5. ARTICLE 5 (Section 5.1) Board Responsibilities and Duties of Fire Chief
6. ARTICLE 7 (Section 7.8) Agenda Item Requests – Members of the Public

The following change is recommended by staff:

7. APPENDIX E – BOARD STANDING CALENDAR GUIDELINE

ATTACHMENTS

- A. Proposed updates to the Board of Directors’ Policy and Procedures Manual – redline and clean copies

APPENDIX C - COMMITTEE AND LIAISON ASSIGNMENTS – 2018~~9~~

(Policy Manual Update: ~~July~~August 201~~8~~9)

- Finance Committee: Director ~~Carpenter~~Kiraly - Chair; Director Bernstein; Resident Representative, ~~Sean Ballard~~Tom Prussing
- Human Resources Committee: Director ~~Kiraly~~Jones - Chair; Director ~~Jones~~McLaughlin
- Strategic Planning Committee: Director ~~Bernstein~~Kiraly - Chair; Director ~~Carpenter~~McLaughlin; ~~Resident Representative, Sean Ballard~~
- Emergency Preparedness Committee: Director Jones - Chair; Director Silano; ~~Resident Representative, Vacant~~
- Audit Committee Representative: Finance Committee
- Liaison to Town of Atherton: Director Kiraly; Director McLaughlin
- Liaison to City of East Palo Alto: Director ~~Carpenter~~Kiraly; Director Jones
- Liaison to City of Menlo Park: Director ~~Jones~~Kiraly; Director Bernstein
- Liaison to San Mateo County – District 3: Director Kiraly; Director Silano
- Liaison to San Mateo County – District 4: Director Kiraly; Director Silano
- Liaison to Joint Powers Agreement (JPA) for Pre-Hospital Emergency Group: Director ~~McLaughlin~~Jones
- Liaison to Local Areas Formation Commission (LAFCO): Director ~~Silano~~Carpenter
- Liaison to San Francisco Creek JPA: Director Jones

Note: Liaisons or representatives to other jurisdictions such as Local Area Formation Commission (LAFCO), Palo Alto, Woodside Fire Protection, Redwood City, City of Fremont, Coastside Fire Protections, etc. will be assigned as necessary. In the absence of an assigned liaison, necessary matters may be brought to the Ad-Hoc Efficiencies Committee.

APPENDIX C - COMMITTEE AND LIAISON ASSIGNMENTS – 2019

(Policy Manual Update: August 2019)

- Finance Committee: Director Kiraly - Chair; Director Bernstein; Resident Representative - Sean Ballard
- Human Resources Committee: Director Jones - Chair; Director McLaughlin
- Strategic Planning Committee: Director Kiraly - Chair; Director McLaughlin
- Emergency Preparedness Committee: Director Jones - Chair; Director Silano
- Audit Committee Representative: Finance Committee
- Liaison to Town of Atherton: Director Kiraly; Director McLaughlin
- Liaison to City of East Palo Alto: Director Kiraly; Director Jones
- Liaison to City of Menlo Park: Director Kiraly; Director Bernstein
- Liaison to San Mateo County – District 3: Director Kiraly; Director Silano
- Liaison to San Mateo County – District 4: Director Kiraly; Director Silano
- Liaison to Joint Powers Agreement (JPA) for Pre-Hospital Emergency Group: Director McLaughlin
- Liaison to Local Areas Formation Commission (LAFCO): Director Silano
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5.X (TBD) Board Interactions and Rules of Engagement Procedures

Workflow

New additions to staff work plan or requests for information from staff that are not part of an agenda item:

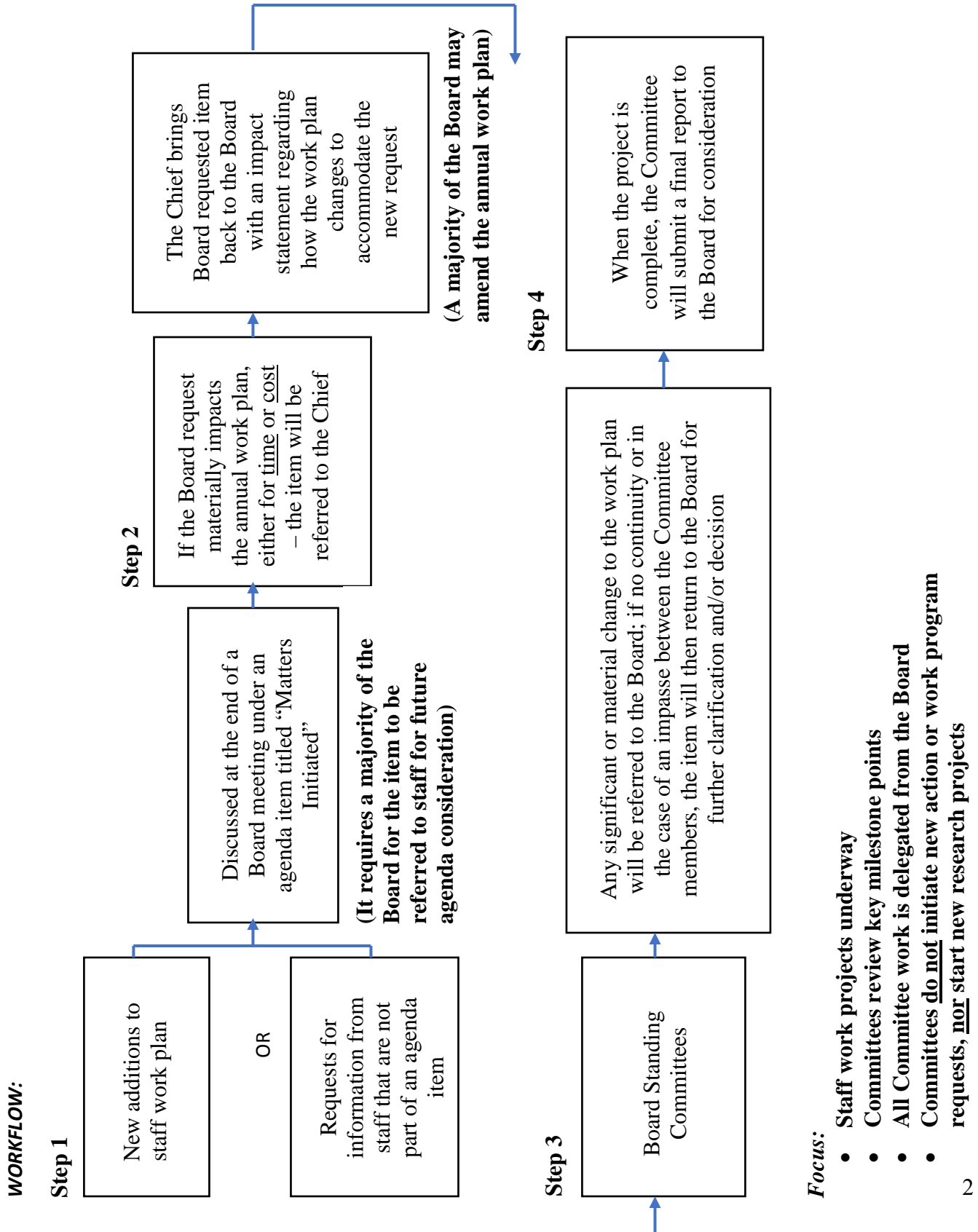
1. Discussed at the end of a Board meeting under an agenda item titled “Matters Initiated.” It requires a majority of the Board for the item to be referred to staff for future agenda consideration.
2. If the Board requests materially impacts the annual work plan, either for time or cost, the item will be referred to the Chief.
3. The Chief brings the Board requested item back to the Board with an impact statement regarding how the work plan changes to accommodate the new request (a majority of the Board may amend the annual work plan).
4. Board Standing Committees: Any significant or material change to the work plan will be referred to the Board. If no continuity or in the case of an impasse between the Committee members, the item will then return to the Board for further clarification and/or decision. When the project is complete, the Committee will submit a final report to the Board for consideration.

Focus

- Staff work projects underway
- Committees review key milestone points
- All Committee work is delegated from the Board
- Committees do not initiate new action or work program requests, nor start new research projects

ATTACHMENT

BOARD AND STAFF INTERACTIONS AND RULES OF ENGAGEMENT



1.1 Fire District Governing Authority

The Fire District was established January 3, 1916 by the San Mateo County Board of Supervisors. The Fire District ~~is a California Special District (Independent) as a local government agency with taxation authority as established on June 27, 1916.~~ currently derives the authority for its organization and powers as a fire protection district under The Fire Protection District Law of 1987 (Health and Safety Code 13800 et seq.) which succeeded the Fire Protection District Law of 1961 and all of its statutory predecessors.

1.1 Fire District Governing Authority

The Fire District was established January 3, 1916 by the San Mateo County Board of Supervisors. The Fire District currently derives the authority for its organization and powers as a fire protection district under The Fire Protection District Law of 1987 (Health and Safety Code 13800 et seq.) which succeeded the Fire Protection District Law of 1961 and all of its statutory predecessors.

4.4 Board Committees and Liaisons

The Board President ~~and the Fire Chief or designee~~ shall outline the duties and responsibilities of a Board member on a committee and protocols that govern interaction between staff and the Board at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Appointments of Board Members to standing committees shall be made in accordance with Section 4.2.

Board Committee Roles:

Committee members should be aware and understand time constraints and deadlines. Committee members should also understand that the committee does not make decisions, rather it advises and recommends. Board committees are to concentrate on issues identified and referred to the committee by the Board.

Standing Committees:

- **Emergency Preparedness** – Shall focus their efforts on the annual Board adopted priorities list. Subject area of this committee includes: work with the jurisdictions on policy guidance and planning to ensure readiness in the event of an emergency.
- **Finance** – Shall focus their efforts on the annual Board adopted priorities list. Subject area of this committee includes: oversee and provide direction on all matters related to the financial management including but not limited to the budget, policies, audit and expenditure reviews.
- **Human Resources** – Shall focus their efforts on the annual Board adopted priorities list. Subject area of this committee includes: oversee and provide policy direction on matters related but not limited to personnel risk management, overall compensation and benefits, negotiations, and general welfare of departmental personnel.
- **Strategic Planning** – Shall focus their efforts on the annual Board adopted priorities list. Subject area of this committee includes: oversee and provide policy and direction on matters related to departmental strategic planning including facilities, apparatus, real property, equipment, alliances and service area extensions, major acquisitions and operations.

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The Board President and the Fire Chief shall outline the duties and responsibilities of a Board member on a committee and protocols that govern interaction between staff and the Board at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Appointments of Board Members to standing committees shall be made in accordance with Section 4.2.

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- **Strategic Planning** – Shall focus their efforts on the annual Board adopted priorities list. Subject area of this committee includes: oversee and provide policy and direction on matters related to departmental strategic planning including facilities, apparatus, real property, equipment, alliances and service area extensions, major acquisitions and operations.

5.1 Board Responsibilities and ~~Duties of~~ Fire Chief Functions

~~Important activities of the Fire Board are the formulation of policies and rules regarding Fire District programs and services. In carrying out its legislative and policy-making responsibility, the Board shall delegate the administrative, personnel and executive functions to the Fire Chief.~~

The District is governed by a legislative body known as the board of directors (Health and Safety Code 13840, 13861 et seq.).

To carry out its legislative and policy-making responsibility, the Board delegates the administrative, personnel and executive functions to the Fire Chief.

The Board has rights and powers, expressed or implied, necessary to carry out the following:

(a) To sue and be sued.

(b) To acquire any property, including water facilities for providing fire protection, within the district by any means, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district.

(c) To acquire by eminent domain any property necessary to carry out any of its powers of functions.

(d) To appoint necessary employees, to define their qualifications and duties, and to provide a pay schedule for performance of their duties.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts pursuant to Article 53 (commencing with Section 20810) of Part 3 of Division 2 of the Public Contract Code.

(g) To adopt a seal and alter it at pleasure.

(h) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(i) To establish and enforce rules and regulations for the administration, operation, and maintenance of the services listed in Section 13862.

(j) To enter joint powers agreements pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

(k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

5.1 Board Responsibilities and Fire Chief Functions

The District is governed by a legislative body known as the board of directors (Health and Safety Code 13840, 13861 et seq.).

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The Board has rights and powers, expressed or implied, necessary to carry out the following:

- (a) To sue and be sued.
- (b) To acquire any property, including water facilities for providing fire protection, within the district by any means, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district.
- (c) To acquire by eminent domain any property necessary to carry out any of its powers of functions.
- (d) To appoint necessary employees, to define their qualifications and duties, and to provide a pay schedule for performance of their duties.
- (e) To employ counsel.
- (f) To enter into and perform all necessary contracts pursuant to Article 53 (commencing with Section 20810) of Part 3 of Division 2 of the Public Contract Code.
- (g) To adopt a seal and alter it at pleasure.
- (h) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.
- (i) To establish and enforce rules and regulations for the administration, operation, and maintenance of the services listed in Section 13862.
- (j) To enter joint powers agreements pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.
- (k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

~~Agenda Item Requests—Members of the Public~~

~~Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors. The request may be made during the public comment portion of any Board meeting, but unless the requirements of the Brown Act can be met, the agenda item may only be added to a future meeting agenda as a “Proposed Agenda Item”. If the request is made outside of a Board meeting, the procedure is as follows:~~

- ~~1. The request must be submitted, in writing, to the Fire Chief at least one week prior to the Board meeting, and~~
- ~~2. The Board President, upon consultation with the Fire Chief, will determine whether the public request is a "matter directly related to the District Business" and if so, it may be placed on the Board's next scheduled meeting as a “Proposed Agenda Item” agenda.~~
- ~~3. The Agenda Item request from the public will be placed under the “Proposed Agenda Items” section of the agenda. If the Board approves the Agenda Item request, that item will be placed on the upcoming regularly scheduled Board Meeting and the requestor will provide staff to provide necessary reports and/or attachments for the Board Meeting packet.~~

APPENDIX E - BOARD STANDING CALENDAR GUIDELINE

(Policy Manual Update: ~~August 2019~~ October 2010)

Annual/Semi Annual Board Agenda Items			
Month	Item	Type	Time Period
January	Mid Year Budget Revisions	Consent	
January	Board Goals	Regular	
January	Recognize the Outgoing President	Presentation	
February	Succession Planning	Regular	
February	Proposed Revenue Budget	Regular	
February	State Mandated Inspections Report	Regular	
March	Adopt Fee Schedule	Public Hearing	
March	Fire Prevention Financial Report Update	Consent	
April	Approve US&R Budget	Consent	
April	Approve Weed Abatement Program	Consent	
April	Proposed Internal Service Funds and Reserves	Regular	
April	Adopt Fee Schedule	Consent	
May	Abatement Objections and Protests to Proposed Removal of Weeds and Abatement	Public Hearing	
May	Policy Manual Review	Public Hearing	
May	Approve Proposed Budget	Public Hearing	
May	Approve US&R Budget	Consent	
June	Renew expiring Contracts	Consent	
June	Declare Election	Regular	biennial
June	Appropriations Limit	Regular	
June	Investment Policy	Regular	
June	Approve Budget	Consent	
July	Recover Costs for Weed Abatement	Consent	
July	US&R Co-Op Extension	Consent	
September	Chief's Mid-Year Evaluation	Closed Session	Semi ann
September	Carry Forward Funds	Consent	
October	Year End Budget Revisions	Consent	
October	Conflict of Interest Biennial Update	Regular	<u>biennial</u>
November	Ceremony for Outgoing Board Members	Before the MTG	biennial
December	Nomination and Election of President and Vice President	Board Reorganization	
December	Swearing in and Presentation of Certificates to Newly Elected Board Members and Re-elected Board Members	Board Reorganization	biennial
December	Certify the Election	Regular	biennial
December	Chief's Review	Closed Session	

APPENDIX E - BOARD STANDING CALENDAR GUIDELINE

(Policy Manual Update: August 2019)

Annual/Semi Annual Board Agenda Items			
Month	Item	Type	Time Period
January	Mid-Year Budget Revisions	Consent	
January	Board Goals	Regular	
February	Proposed Revenue Budget	Regular	
February	State Mandated Inspections Report	Regular	
March	Adopt Fee Schedule	Public Hearing	
March	Fire Prevention Financial Report Update	Consent	
April	Approve Weed Abatement Program	Consent	
April	Adopt Fee Schedule	Consent	
May	Abatement Objections and Protests to Proposed Removal of Weeds and Abatement	Public Hearing	
May	Policy Manual Review	Public Hearing	
May	Approve Proposed Budget	Public Hearing	
May	Approve US&R Budget	Consent	
June	Renew expiring Contracts	Consent	
June	Declare Election	Regular	biennial
June	Appropriations Limit	Regular	
June	Investment Policy	Regular	
June	Approve Budget	Consent	
July	Recover Costs for Weed Abatement	Consent	
September	Chief's Mid-Year Evaluation	Closed Session	Semi ann
September	Carry Forward Funds	Consent	
October	Year End Budget Revisions	Consent	
October	Conflict of Interest Biennial Update	Regular	biennial
November	Ceremony for Outgoing Board Members	Before the MTG	biennial
December	Nomination and Election of President and Vice President	Board Reorganization	
December	Swearing in and Presentation of Certificates to Newly Elected Board Members and Re-elected Board Members	Board Reorganization	biennial
December	Certify the Election	Regular	biennial
December	Chief's Review	Closed Session	



The current interpretation of inverse condemnation, **holding utilities strictly liable for any wildfire** caused by utility equipment **regardless of standard of care or negligence, imperils** the viability of the state's utilities, **customers' access to affordable energy and clean water**, and the state's climate and clean energy goals; it also, does not equitably socialize the costs of utility-caused wildfires.

*Commission on Catastrophic Wildfire Cost & Recovery
June 2019*

DIRE CONSEQUENCES OF INACTION

Without common sense reforms, lawsuits against public drinking water suppliers for wildfire damages could:

- Drain millions of dollars needed to build and maintain water infrastructure – putting clean, safe drinking water at risk for Californians;
- Jeopardize the financial stability of public drinking water suppliers, limiting their ability to adapt to climate change and help the state achieve its greenhouse gas emission reduction goals;
- Put ratepayers and taxpayers on the hook for costs that aren't their fault and force water rates higher; and
- Threaten the jobs of the tens of thousands workers who operate drinking water systems.

POLICY PRINCIPLES

SAFETY & ACCOUNTABILITY

To reduce the chances of catastrophic wildfires, there should be an enhanced focus on ensuring:

- Compliance with wildfire mitigation plans; and
- Prudent maintenance and operation of electric infrastructure.

FAIRNESS

- Establish clear and fair rules of responsibility to help victims quickly recover from wildfires; and
- Implement reforms that prevent the tools firefighters use to battle fires, including public drinking water systems, from being blamed and held responsible for fires they don't start.

EMERGENCY RESPONSE

To maximize each community's fire protection capabilities, public drinking water suppliers should:

- Be encouraged to establish protocols for wildfire response in their Emergency Response Plans; and
- Coordinate the preparation of their Emergency Response Plans with first responders, including local fire departments.



www.firestakecalifornia.org



[facebook.com/firestakecalifornia](https://www.facebook.com/firestakecalifornia)



twitter.com/firestake_ca



THE COALITION FOR **FIRE PROTECTION** **& ACCOUNTABILITY**

As wildfire risks increase across California, the safety and reliability of our drinking water supply is under increasing threat, too.



SAFE COMMUNITIES DEPEND ON STRONG WATER SYSTEMS

Without common sense reforms, public drinking water systems – and their customers – potentially face lawsuits for damage caused by fires they didn't start. Water systems found responsible under California's strict liability standard could be forced to foot the bill for damage caused by wildfires, even if they don't do anything wrong. This unsustainable standard could force public drinking water suppliers into bankruptcy, threatening the tens of thousands of jobs they provide and the safety and reliability of the drinking water that sustains our communities.

Our diverse coalition of public drinking water suppliers, labor, and other organizations has come together to protect California's drinking water systems – the lifeblood of every community and an essential first line of defense for firefighters.

WATER SUPPLIERS AND THEIR CUSTOMERS STUCK WITH WILDFIRE BILLS

Following the Freeway Complex Fire, the Yorba Linda Water District was slapped with a \$69 million judgement, despite the Superior Court determining that the Water District did nothing wrong and had nothing to do with starting the fire.

The District had to pay tens of millions of dollars because the fire – which was caused by a disabled vehicle – damaged the water supplier's pumps, which then couldn't be used to help fight the fire. The Water District – and the people who depend on it – were victimized first by the fire and again when they got stuck with the bill.

The same logic used against Yorba Linda Water District is now being used in suits across the state against other public drinking water suppliers. These risks will be magnified if the Governor and Legislature do not act to protect the safety of communities who depend on strong water systems.



www.firesafecalifornia.org



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[@firesafe_ca](https://twitter.com/firesafe_ca)



FOR IMMEDIATE RELEASE:

June 7, 2019

Press Contact: Maya Polon, (818) 288-6231

**BROAD COALITION APPLAUDS COMMISSION'S RECOMMENDATION
TO PROTECT SAFE DRINKING WATER, FIREFIGHTING ABILITY
WITH FAULT-BASED WILDFIRE LIABILITY**

Sacramento, CA – The statement below was issued by [The Coalition for Fire Protection and Accountability](#) in response to the final recommendations made today by the Commission on Catastrophic Wildfire Cost and Recovery:

"Our broad coalition of public drinking water suppliers, labor, and other organizations applauds the Commission for recommending that California adopt a fault-based standard for wildfire liability. The current strict liability standard is unsustainable and places drinking water, ratepayers, and taxpayers at risk, in addition to threatening jobs across the state"

"A fault-based standard is needed to hold the responsible parties accountable for wildfires while protecting the safe drinking water our communities need, and the fire protection we count on."

"We urge the Legislature and Administration to act on the recommendations of the Commission and enact common sense reforms that make clear that water suppliers are not responsible for the damage from fires they do not start and ensure the continued safety and reliability of the state's drinking water."

###

record to substantiate their recommendations. In addition, all written comments will be included in the final report for the record.

At its April 29th meeting in Ventura, the commission established three workgroups (each made up of two commissioners) to undertake drafting sections of the report, supported by commission staff. These workgroups included one focused on utility liability, one on funding mechanisms to handle damages from future wildfires, and one on issues related to the homeowner's insurance market in high-risk fire areas.

This executive summary highlights the findings and recommendations of each of these workgroups, the full products of which are attached as appendices.

III. Findings

Utility Liability

Finding 1. California faces an unprecedented multi-dimensional emergency caused by catastrophic wildfires.

Finding 2. California has a decentralized system of regulating and governing the wildfire prevention and mitigation of its 56 public and private electrical utilities that creates inconsistent rules for addressing wildfire risk, redundancy of effort and squandering of scarce resources.

Finding 3. The current application of inverse condemnation, holding utilities strictly liable for any wildfire caused by utility equipment regardless of standard of care or negligence, imperils the viability of the state's utilities, customers' access to affordable energy and clean water, and the state's climate and clean energy goals; it also, does not equitably socialize the costs of utility-caused wildfires.

Finding 4. The increasing costs of capital and the risk of bankruptcy associated with the application of strict liability inverse condemnation doctrine to water companies, publicly-owned utilities, and investor-owned utilities is harmful to wildfire victims, ratepayers, and the utilities themselves.

Finding 5. The current process for determining cost recovery contributes to the uncertainty that utilities face, ultimately increasing costs to ratepayers while resulting in insufficient investment in wildfire mitigation.

Funding Mechanisms

Finding 6. The financial mechanisms for paying wildfire liabilities associated with utility-caused fires are strained and not sustainable for victims, ratepayers and utility shareholders.



June 6, 2019

The Honorable Gavin Newsom
Governor, State of California
Governor's Office, State Capitol
Sacramento, CA 95184

Commission on Catastrophic Wildfire Cost & Recovery
Governor's Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95184

The Honorable Toni Atkins
President Pro Tempore, California Senate
Room 205, State Capitol
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker, California Assembly
Room 219, State Capitol
Sacramento, CA 95814

Subject: Report to the Legislature & Governor

Dear Governor Newsom, President Pro Tempore Atkins, Speaker Rendon, and Commissioners:

The undersigned organizations – a diverse group of public water suppliers, trade associations, and union locals – appreciate that the Commission on Catastrophic Wildfire Cost and Recovery (Commission) has highlighted the significant threat to the safety and reliability of California's drinking water potentially posed by the lack of a fault-based wildfire liability standard in the state. As the Commission's draft Executive Summary and Utility Wildfire Liability Workgroup Report explain, the "current application of inverse condemnation imperils the viability of the state's utilities [and] customers' access to . . . clean water."

Quite simply, holding public drinking water suppliers potentially responsible for fires they do not start – as happened in the case against the Yorba Linda Water District in the aftermath of the Freeway Complex Fire – threatens to choke off investments needed to make continued improvements in utility infrastructure. These investments are critical to the ability of the state's public drinking water suppliers to continue to provide safe, reliable, and high-quality drinking water to their customers. The current legal environment also threatens to undermine the financial stability of the state's water suppliers and, in turn, the tens of thousands of jobs they provide.

We believe that the recommendations advanced in the Commission's draft Executive Summary would do much to ameliorate the substantial risks faced by California's public drinking water suppliers. For example, a common sense reform that makes clear that water suppliers are not responsible for the damage from fires they do not start would help ensure the continued safety and reliability of the state's drinking water.

Importantly, such a narrowly-tailored reform would not unduly affect the rights of fire victims in other circumstances.

For these reasons, we respectfully encourage the Commission to approve the draft Executive Summary and subcommittee reports as its final report to the Legislature and the Governor.

Sincerely,

Association of California Water Agencies
California American Water
California Water Association
California Water Service
California Water Utility Council of the Utility Workers Union of America
Crescenta Valley Water District
El Dorado Irrigation District
Great Oaks Water Company
Kinneloa Irrigation District
La Puente Valley County Water District
Lukins Brothers Water Company
Mountain Counties Water Resources Association
National Association of Water Companies
Palmdale Water District
Pico Water District
Public Water Agencies Group
Quartz Hill Water District
Rowland Water District
San Gabriel County Water District
San Jose Water
South Montebello Irrigation District
South Tahoe Public Utility District
Suburban Water Systems
Tahoe City Public Utility District
Three Valleys Municipal Water District
Utility Workers Union of America Local 160
Utility Workers Union of America Local 160C
Utility Workers Union of America Local 160D
Utility Workers Union of America Local 205
Utility Workers Union of America Local 283
Utility Workers Union of America Local 484
Valley County Water District
Walnut Valley Water District
Yorba Linda Water District

Cc: The Honorable Bill Dodd, Chair, Senate Select Committee on Governor's Wildfire Report
The Honorable Ben Hueso, Chair, Senate Committee on Energy, Utilities, & Communications
The Honorable Henry Stern, Chair, Senate Committee on Natural Resources & Water
The Honorable Chris Holden, Chair, Assembly Committee on Utilities & Energy
The Honorable Eduardo Garcia, Chair, Assembly Committee on Water, Parks, & Wildlife

June 14, 2019

The Honorable Gavin Newsom
Governor, State of California
Governor's Office, State Capitol
Sacramento, CA 95814

The Honorable Toni Atkins
President Pro Tempore, California Senate
Room 205, State Capital
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker, California Assembly
Room 219, State Capitol
Sacramento, CA 95814

Re: Wildfire Liability, Public Drinking Water Suppliers, & Fire Safety

The undersigned cities, counties, and community organizations – including the constituents we serve – receive water utility service from California Water Service (Cal Water), one of California's largest public drinking water suppliers and the largest regulated by the California Public Utilities Commission. In light of the growing threat posed by wildfires in California, we are very concerned about the consequences that could befall our communities if the state's drinking water suppliers continue to be potentially held liable for fires they have no role in starting. Ironically, holding drinking water suppliers financially responsible for these wildfires could, inadvertently, increase the risks our communities face from more traditional urban fires.

This predicament stems from a lawsuit against the Yorba Linda Water District (Water District) in relation to the Freeway Complex Fire, which was started by a broken-down vehicle. The Water District was held financially responsible for some of the fire damage – almost \$70 million – not because it started the fire but because the fire damaged some of the Water District's facilities, preventing it from pumping water to one neighborhood. In this case, a victim of the fire – the Water District – was held responsible for the damage caused by the fire as a result of the current application of the legal theory of inverse condemnation. Similar logic is now being used in lawsuits against other public drinking water suppliers, and additional lawsuits may be forthcoming as we experience more wildfires.

Rather perversely, holding public drinking water suppliers potentially responsible for fires they do not start could make our communities less safe. The recently-issued report from the Commission on Catastrophic Wildfire Cost and Recovery highlights that this type of application of the inverse condemnation doctrine threatens to choke off capital needed to make continued investments in utility infrastructure: investments that are critical to the continued safety and reliability of California's drinking water systems. Because they are interconnected, reducing the reliability of California's drinking water systems could undermine the reliability of our fire protection systems, actually increasing the dangers posed by fires, even in more traditional urban fire scenarios.

To ameliorate these risks, we respectfully encourage the Legislature and Administration to implement common sense reforms that make clear public drinking water suppliers are not responsible for the damage from fires they and their facilities do not start. Such a narrowly tailored reform would not unduly affect the rights of homeowners and other fire victims in other circumstances, while at the same time it would help to ensure the continued safety of California's drinking water and reliability of our fire protection systems.

Sincerely,

Cc: The Honorable Bill Dodd, Chair, Senate Select Committee on Governor's Wildfire Report
The Honorable Ben Hueso, Chair, Senate Committee on Energy, Utilities, & Communications
The Honorable Henry Stern, Chair, Senate Committee on Natural Resources & Water
The Honorable Chris Holden, Chair, Assembly Committee on Utilities & Energy
The Honorable Eduardo Garcia, Chair, Assembly Committee on Water, Parks, & Wildlife