

PS COMMITTEE #5
March 5, 2009

MEMORANDUM

March 3, 2009

TO: Public Safety Committee
FROM: Minna K. Davidson, Legislative Analyst
SUBJECT: Quarterly update – Fire Code Enforcement

Those expected to attend include:

Richard Bowers, Interim Fire Chief, Montgomery County Fire and Rescue Service
(MCFRS)
Michael Love, Chief, Division of Community Risk Reduction Services, MCFRS
Assistant Chief Michael Donahue, Deputy Fire Marshal, MCFRS
Rick Merck, Senior Permitting Services Specialist, Code Enforcement Section, MCFRS

Background

On November 28, 2006, the Council approved a package of three regulations to update Fire Safety Code requirements and the fees associated with them. Executive Regulations 6-06AM, *Fire Safety Code – Fire Protection Systems*, and 7-06AM, *Fire Safety code – Building Construction*, were intended to form the foundation for a major new Code Enforcement initiative to enable MCFRS to focus more attention on enforcement of requirements for existing structures and systems. Executive Regulation 5-06AM, *Fire Safety Code – Fee Schedule for Inspections, Permits, Licenses, Certificates & Exceptions*, established a new fee structure which was intended to eventually recoup the full cost of Fire Code Enforcement operations including additional resources to implement the new requirements.

In view of the extensive changes to the Code requirements and fee structure, the Public Safety Committee requested quarterly updates on the implementation of the new Code Enforcement initiative.

Three-year Implementation Plan

To transition to the new initiative, MCFRS is phasing the implementation of the regulations over a three-year period. This extended phase-in is intended to provide time to identify and notify individuals and organizations that will be affected by the regulations, hire and train additional MCFRS Code Enforcement personnel, and initiate a new invoicing system.

According to the staffing analysis provided with the Fiscal Impact Statement, MCFRS planned to add a total of 29 new positions over the three-year period (© 25). In addition to the 21 Code Enforcement positions that existed before the regulations were approved (eight fee supported and 13 tax supported), they planned to add 13 new positions in FY07, nine in FY08, and seven in FY09. At this point, MCFRS has hired the 22 new positions to be added in FY07 and FY08. The seven new positions proposed for FY09 were not included in the FY09 budget, and the updated information provided by MCFRS now assumes that they will not be hired until FY11.

Initial fiscal analysis by MCFRS assumed that Fire Code Enforcement operations would become totally fee-supported by FY10. The updated information from MCFRS projects that this schedule will stretch into another year. FY08 revenues were lower than originally projected, and MCFRS staff estimate that revenues for FY09-11 will be lower than originally projected too. They believe that it will take until FY11 to reach full cost recovery, and that is only if the new fee regulation takes effect at the beginning of FY10, the Fire Code Regulations are fully enforced, and the seven third-phase positions are added in FY11. MCFRS has provided information about current FY08 and FY09 revenue and expenditure estimates on © 9-12; financials for FY08-11 on © 13; and the status of the new fee regulation on © 18.

March 4 Quarterly Update

For the March 4 update, MCFRS staff will provide a general update on the Code Enforcement initiative, and will be prepared to discuss the issues below. To provide context on fire deaths and loss in the County and strategies to reduce them, the Fire Chief has provided comments on © 1-4. He has also included comments on plans to civilianize positions in Fire Code Enforcement, and an update on high rise residential sprinkler retrofits on © 5. An MCFRS briefing outline is on © 6-18.

Questions

Progress in inspections: The briefing outline says that Fire Code Enforcement is on track to conduct over 20,000 inspections in FY09. The Committee may want to ask the following questions:

1. In which occupancies and which parts of the County are these inspections being conducted?
2. What is the breakout of inspections of new construction vs. existing structures?

3. How many of the inspections will be first-time, and how many will be re-inspections?
4. What proportion of the overall Countywide inspection workload is 20,000 inspections? How much more needs to be inspected?

Fire protection systems: The information provided by MCFRS says that inspectors have identified over 10,000 fire protection systems to date. **The Committee may want to ask how much of the County has been inspected for fire protection systems, and how much more remains to be inspected.**

Failure rates: MCFRS previously reported that they were finding problems at a rate of almost 100% of buildings inspected, and that inspections required a great deal of time because of the high failure rate. The current report says MCFRS continues to find problems at a rate approaching 100% of buildings inspected. **The Committee may want to ask which kinds of problems are the most frequent.**

At the previous Fire Code Enforcement update in November, the Committee requested that MCFRS staff provide examples of letters that are sent to addresses that will be subject to Fire Code Enforcement inspections. Attached are letters for an initial fire protection system inspection (© 19-20) and for a fire protection system permit renewal (© 21). **The Committee may want to ask MCFRS staff about their general schedule for distributing these letters, and whether they are effective in encouraging building owners to prepare for inspections.**

Status of fee regulation: In November 2007, the Committee asked MCFRS staff to expedite the revision of the Code Enforcement Fee Regulation so that increased revenues could be realized as soon as possible. An amended regulation was published in the August 2008 Register. Following the close of the comment period, MCFRS staff determined that an additional substantive revision of one of the sections was needed. MCFRS staff has completed the revision and plans to submit the regulation for republication in the April 2009 Register. **The Committee may want to ask MCFRS staff to describe the nature of the amendments in more detail, and consider issuing a temporary regulation in the meantime so that increased revenues can be realized as soon as possible.**

This packet contains:

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MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Richard R. Bowers
Interim Fire Chief

MEMORANDUM

February 27, 2009

TO: Minna Davidson
County Council Office

FROM: Richard R. Bowers, Interim Fire Chief
Fire and Rescue Service

Subject: 3/5 PS Comm. FCE Update

Please find attached the information that you requested for the topics:

- Fire loss statistics and trends
- Strategies to reduce fire deaths and loss

attachment

Office of the Fire Chief

101 Monroe Street, 12th Floor, Rockville, Maryland, 20850-2589 240/777-2486, FAX 240/777-2443

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Fire loss statistics and trends

There was a significant decrease in residential fire fatalities from calendar year 2007 compared to calendar year 2008. There were five residential fire fatalities in 2008 compared with thirteen in all of the previous year of 2007.

Most victims were impaired either physically or cognitively and the human response to the fire was inappropriate and not effective. Residential fire sprinklers would have made a difference in every fatal fire event. Smoke Alarms were present in most cases.

The leading causes of all fires are improperly discarded smoking materials, cooking and/or related to the kitchen, heating equipment (including those associated with space heaters and fireplaces), arson and electrical (not necessarily in that order).

Residential Fire Fatalities

September 8, 2008 – 8075 Georgia Avenue, Silver Spring, 31 male,
August 29, 2008 – 11311 Gainsborough Rd, Potomac, 78 female,
May 3, 2008 – 12819 Twinbrook Parkway, Rockville, 50 male
February 6, 2008 – 5919 Rolston Road, Bethesda, 57 male
January 15, 2008 – 1511 Heather Hollow Circle, White Oak, 61 male

Fire Damage in Dollar Loss

In Calendar Year 2008 there were 50 significant fire incidents with a fire loss reported to be over \$250,000, including three greater than \$3 million, five greater than \$1 million and eleven more that \$500,000 in damage. There were about 450 structure fire incidents with fires reported to be confined to room of origin.

Estimated Fire Dollar Loss Last Five Years

2004	2005	2006	2007	2008
35,272,100	47,211,800	35,709,934	26,345,965	34,020,876

Fire dollar loss while important to track is generally not an effective way to evaluate trends since you will rarely see consistency in the numbers. Significant fires can in some cases increase the dollar loss without actually showing an increase in risk, such as when there is an unusually high value to the property. As shown in the Top 10 list of major dollar loss fires eight out of ten of these fires are single family homes. These ten fires resulted in just over 40% of the fire loss for 2008. Three of the houses are higher end value that resulted in a fire of with extraordinary loss compared to more average homes. What has become a concern regarding fires in current residential construction is the use of light weight and engineered building materials and methods common in home

building. These fires have a higher propensity for significant fire consumption due to the decrease in material mass and increase surface area to mass ratio. When fire gets into the structure it tends to burn violently and is frequently a total loss before control can be achieved and often before the fire department arrives.

TOP 10 - Major Fire Incidents in 2008 (\$ loss)

July 30, 2008 – 10830 Pleasant Hill drive, Potomac, house under construction, \$3.5 million

July 6, 2008 - 101 Ashton Oaks Court, Ashton, house, \$3 million

May 21, 2008 – 11505 Lake Potomac Drive, Potomac, house, \$3 million

November 25, 2008 – 3119 Rolling Road, Chevy Chase, house, \$1.5 million

September 1, 2008 – 11616 Lake Potomac Drive, house, \$1.2 million

May 3, 2008 - 12819 Twinbrook Parkway, Rockville, apartment, \$1.2 million

April 30, 2008 – 324 East Diamond Avenue, Gaithersburg, apartment, \$1 million

March 13, 2008 – 3840 Bel Pre Road, Aspen Hill, apartment, \$1 million

February 25, 2008 – 15540 Owens Glen Terrace, Gaithersburg, house, \$850,000

January 4, 2008 – 6102 Swansea Street, Bethesda, house, \$850,000

Strategies to reduce fire deaths and loss

Montgomery County Fire and Rescue Service (MCFRS) identified a trend toward increased fire deaths of residents 65 year and older earlier this decade. The trend increased throughout the decade and in 2005 the department promoted an intense evaluation of the fire problem associated with aging residents. As a result a County Executive Task Force of residents, key agencies and organizations was appointed to identify specifics of the problem and identify recommendations for reducing risk. In 2008 a final report of the task force identified 37 recommendations for reducing fire risk of residents 65 years and older. MCFRS has begun implementing some of these recommendations.

MCFRS has always maintained a level of risk reduction outreach and education efforts. We are always working to increase our efforts in our outreach and education efforts. The increased evidence of fire safety risk to residents over 65 though required us to commit more focus and effort on this problem. Over the last three years there were several concentrated community fire safety efforts addressing the needs of our older residents. These were generally door to door visits aimed at performing home safety surveys with residents to identify and in some cases correct on the spot safety problems in the home. In the spring of 2008 MCFRS senior management decided that a program of greater intensity was needed and it needed to be sustained for three to five years to begin to show evidence of reduced risk. In October of 2008 the department resumed a program of visits to all homes in the county with a weekly door to door safety program. This program has been known since the mid 1990s as the Safety in Our Neighborhood program. The current focus is to increase the number of homes with operating smoke

alarms and raise resident's awareness and knowledge for a home fire escape plan. Since October we have visited over 16,000 homes and have installed hundreds of new smoke alarms and replaced hundreds of smoke alarm batteries.

MCFRS is also in the implementation of a partnership with Division of Aging and Disability Services and other direct service providers to assess fire risk of some of the most vulnerable residents. The opportunity in partnerships allows us to increase efficiency by increasing service provider awareness of risk and in some cases correct problems on the spot. Many problems such as lack of working smoke alarms would be referred to MCFRS who would then send staff out to assist the resident in correcting the problem. The number of people in Montgomery County who are providing direct service to seniors daily is considerable. When you consider social services, home healthcare, Meals on Wheels and many others we have people who often times know the residents and are able to assess their risk, then refer to MCFRS for assistance. The benefit is that these most vulnerable residents may not have been touched by our other fire safety outreach programs.

In addition to education and outreach efforts we have assisted the Housing Opportunities Commission with planning and review of funding requests to improve life safety in some of their multi-family buildings. We understand that this cooperative effort has led to funding for Capitol Improvement Projects for two of the most critical HOC structures.

Other efforts to reduce fire loss includes regular posting of information and interaction on community list serves such as CafeMontgomery, ClarksburgCA, EastSilverSpringCivic and as many as 10 additional Yahoo Groups serving Montgomery County communities. Furthermore the department conducts podcasts, web logs and Twitters focused on fire and injury prevention. These efforts coupled with our appearance and participation with regional new media results in our fire safety messages going out to thousands of people.

The department's increased efforts to improve fire code compliance through expansion of services in code enforcement are another area of risk reduction that will reduce fire casualties and fire dollar loss. In addition to the specific work accomplished in assuring code compliance here in Montgomery County representatives are actively involved in State and National code consideration to improve our ability to address problems in the building codes. Through the Metropolitan Washington COG Fire Prevention Committee MCFRS is promoting a code change that will revise national building codes to reduce the propensity for deck and other combustible structures to extend fires into buildings with devastating results. These fires have resulted in major fires in Montgomery County in recent years. These fires have also resulted in a firefighter's death in Prince William County, Virginia and severe burn injuries to a crew of firefighters in Loudoun County, Virginia.

Plans to civilianize positions in Fire Code Enforcement

There is a strategic plan to convert some uniformed code positions to civilian. It is anticipated that the plan will be realized in future budget fiscal years.

High rise residential sprinkler retrofit

MCFRS intends to continue the promotion of changes in the Montgomery County Fire Safety Code to work toward improving fire safety in older residential high rises. The existing codes enable a flexible approach to improving safety through a systematic method that may involve a number of fire protection systems including but not exclusive to sprinkler installation. As mentioned earlier the County has begun approval and planning for upgrading life safety systems in some HOC properties. Proposals have also been presented for additional HOC buildings and a prioritized list has been offered by HOC to schedule these upgrades based on availability and approval for CIP funding.

Fire Code Enforcement

February 2009
Second Quarterly FY09 Update

Fire Loss Statistics and Trends

Human Costs

- Eight fatalities to date for CY2008
- Four non-fatal critical burn injuries
 - *Commonality with civilian fatalities and near misses is inability to act due to altered mental status*
- Four firefighter near miss critical burn injuries

Property Costs

- Fire loss is up 50% in the 1st Qtr of FY09 over 1st Qtr of FY08
 - \$12 million vs. \$8 million

Our biggest concerns

- Impact of economic down-turn on arson
 - Rate of vehicle arson fires remain very high.
 - High-occupancy residential fires.
-

Progress in Enforcement

- Continue to find problems at a rate approaching 100% of buildings inspected.
 - On track to conduct over 20,000 inspections in FY09.
 - 11,352 inspections FYTD (as of Feb 24, 2009)
 - 13,447 inspector-hours FYTD
 - Inspectors identified 14,816 Operational Permits (10,163 Fire Protection Systems)
-

FY08 Revenues

- Revenues for FY08 originally budgeted at \$5.8 million
 - Revised FY08 Revenue Estimate: \$2.6 million
 - Provided \$3.0 million in billable services
 - \$2.74 million in deposits
 - \$400,000 in aging
 - \$3.14 million in total revenues
 - 21% over revised revenue estimate
-

FY08 Expenditures

- FY08 Adopted Budget: \$7.4 million.
 - Revised FY08 expenditure estimate: \$6.8 million.
 - Total FY08 expenditures: \$6.0 million.
-

FY09 Revenues and Expenditures

- FY09 revenue projections are \$4.2 million.
 - FYTD Revenue total \$2.1million.
 - FYTD aging accounts total \$405,850.
- FY09 expenditures are budgeted at \$6.3 million.
 - FYTD expenditures total \$2.85 million
 - Projected year end expenditures are \$5.8 million

FY09 Revenues and Expenditures

- Data from Dept of Permitting Services indicates a 52% down-turn in new construction permits
 - Revenue decrease has not been seen yet
- FCE resources have been shifted from new construction to existing structures
 - See results of the resource shift beginning
 - Revenue projections remain unchanged

Code Enforcement Financials

	TOTAL PROJECTED REVENUES	BUDGETED AMOUNT	ACTUAL / PROJECTED EXPENDITURES	SHORTFALL
FY 08	\$3,133,313	\$6,844,249	\$6,056,184	\$2,922,871
FY 09 (See Note A)	\$4,244,614	\$6,308,288	\$5,800,000	\$1,555,386
FY 10 (See Note B)	\$5,172,130	\$6,308,288	\$5,800,000	\$627,870
FY 11	\$5,982,940	\$6,308,288	\$5,800,000	\$ (182,940)

NOTE A

Assumes that business & revenues associated with pre-paid inspections through DPS remain down for the remainder of FY09 and the proposed revisions to the Fee Regulation **take effect beginning FY10.** Also assumes that 25% of business and Revenue occur in first 4 months of the FY and 75% of business occurs in the last 8 months of the FY

NOTE B

Reflects the proposed revisions for fee regulations and revenue collection is shifted to invoicing for services. Assumes the proposed Budget and existing Savings Plan remains unchanged.

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Billing and Collection

Have been working on a collection procedure with the County Attorney's Office for accounts aged 90 days or more.

- ❑ \$613,243 in aging accounts
- ❑ \$42,608 in aging less than 90 days
- ❑ \$363,258 aged over 90 days
- ❑ \$207,376 potential in penalty fees

Full Cost Recovery

- Full cost recovery has shifted to FY11.
 - Assumes the 7 third-phase personnel are added in FY11.
 - Requires full implementation of the requirements contained in MCER 5-06AM, 6-06AM and 7-06AM.

FSC Fee Schedule Regulation

- Published in the August Register.
 - Comment period closed on September 19.
 - Comments received from AOBA and Commission on Common Ownership
 - Comments and revenue/inspection data analysis point to a substantive revision of Section 4.
 - Has been submitted for republication in the April 09 Register.
 - Revised regulation:
 - Keeps the inspector hourly rate at \$175 per hour, billable at a rate of \$43.75 per quarter-hour.
 - Eliminates all pre-paid inspections. All inspection services will be invoiced.
-



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Richard R. Bowers
Interim Fire Chief

November 1, 2008

Dear Building Owner/Manager:

Fire safety is a vital concern to everyone. The ability of a fire protection system to contain a fire in its beginning stages is paramount to reducing the damage caused by the fire. Poor maintenance and closed valves are major causes of fire protection system malfunctions. Ultimately, you the building owner/manager are charged with the responsibility to ensure the residents, tenants, patrons, staff and emergency personnel are protected by proper working fire detection, alerting, and suppression systems.

The Fire Marshal's Office has been mandated by Montgomery County Executive Regulation to enforce a program to ensure proper operation of all installed fire protection systems. This program is the direct result of several serious fires where systems were not maintained and failed to operate correctly. Subsequent investigations of other buildings in our county found many of the fire protection systems in those buildings would not operate as designed due to common maintenance issues. Due to these life safety concerns, Fire Code Enforcement Inspectors will be visiting your building to review the appropriate testing/inspection records for your fire and life safety systems. Please be prepared to provide the following:

- Current records demonstrating the required periodic testing of your fire alarm system (if so equipped), per the National Fire Alarm Code Standard (NFPA 72).
- Current records demonstrating the required periodic testing of your fire sprinkler/standpipe system (if so equipped), per the Standard for Inspection, Testing and Maintenance of Water-Based Fire Protection Systems (NFPA 25).
- Current records demonstrating the testing/inspection of your commercial cooking equipment per the Standard for Ventilation Control and Fire Protection Cooking Operations (NFPA 96).

Failure to provide documentation that these systems have been properly maintained will result in Notice of Violation and possibly Civil Citation(s), with fine, issued to the responsible person. For serious offenses, your business will face the issuance of Civil Citation(s), with fines, possibly Criminal Citation(s) and may be posted "Unsafe to Occupy", until corrective measures are taken.

Inspectors will be checking and/or witnessing that a licensed testing agency has tested your system and provided you with the proper documentation. Upon satisfactory completion of this inspection you will be issued appropriate operational permits for the year. The fee for the permit is \$50.00 per system plus \$35.00 per quarter hour of Inspector's time.

Office of the Fire Marshal

101 Monroe Street, 12th Floor, Rockville, Maryland, 20850-2589 240/777-2486, FAX 240/777-2443

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The Montgomery County Government, Fire Code Enforcement Section strives to provide all residents, workers, employers, and business owners with a fire safe environment. We continuously work to identify hazards and help ensure our customers receive the best service. As we continue to provide these inspections, we wish to thank you for your continued cooperation and support in this vital effort to protect the citizens of the county.

If you have any questions, please call (240) 777-2427 and ask to speak with Captain Matt Carrigan.

You may view the new executive regulations by going to:

www.montgomerycountymd.gov/content/firerescue/firecode/index.asp



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Richard R. Bowers
Interim Fire Chief

February 22, 2009

Regarding permit #

Attention Fire Protection System Permit Holders

Your address has been identified as having at least one Fire Protection System Permit issued by the County Fire Marshal. According to our records, this permit has expired or will expire within the next 45 days. Your renewal fee will be \$55.00.

Per Montgomery County Executive Regulation 5-06AM, Sec.4.d., it is required that prior to renewing your permit or permits, you must submit annual testing records for your fire protection system from a Montgomery County licensed contractor that indicates your fire protection system is compliant with the Fire Code.

Please submit these records to the below address by April 1st, 2009.

Montgomery County Fire Code Office
255 Rockville Pike 2nd Floor
Rockville, Maryland 20850
Attention: Captain Matthew Carrigan

Once a review of your records is completed and compliance is demonstrated, your new Fire Protection System Permit will be issued. You will be receiving an invoice for any and all permits.

You may view the local law that makes these permits for Fire Protection Systems a requirement by going to:

www.montgomerycountymd.gov/content/fire/rescue/crrs/firecode/execregs/5-06am.pdf

To view a list of qualified Montgomery County Fire Protection System Contractors go to:
www.montgomerycountymd.gov/apps/fire/rescue/crrs/firecode/contractorlist/contractorlist.asp

If you have any questions, please contact the Fire Code Enforcement Section @ 240-777-2427.

Fire Code Enforcement Section

255 Rockville Pike, 2nd Floor, Rockville, Maryland, 20850 Phone 240/777-2457, FAX 240/777-2465

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MEMORANDUM

October 4, 2006

TO: Beverley K. Swaim-Staley, Director
Office of Management and Budget

VIA: Martha Lamborn, Management and Budget Manager *ML*

VIA: Brady Goldsmith, Management and Budget Specialist *Brady*

FROM: Anita A Aryeetey, Management and Budget Specialist *AA*

SUBJECT: Executive Regulation 5-06, Fire Safety Code – Fee Schedule
for Inspections, Permits, Licenses, Certificates and
Exceptions

REGULATION SUMMARY

This regulation provides a schedule for regular inspections as required by the Montgomery County Fire Safety Code, Section 22-23. The regulation establishes operational permits for fire protection systems, license requirements to work on fire protection systems, along with fees for such inspections, permits and licenses. The regulation also revises existing fees for inspection services, permits, licenses, certificates, and exceptions.

FISCAL SUMMARY

The program will be phased in over three years, with complete implementation by FY10. This fiscal impact statement is based on the cost of implementing the regulation as published in the Montgomery County Register.

Revenues

This regulation increases existing fees by 15 percent; replaces permanent certificates with annual certificate requirements; adds a new fire protection system operational permit at \$60; other fees ranging from \$12 to \$500; adds a new fee of \$140 per hour for inspector contact time; and adds a new annual inspection requirement for fire safety.

The revenue projection for FY07 also includes an automation enhancement fee which is 10 percent of any regular fee including permits, licenses or any activity for which the fire safety code requires a fee and is in addition to that regular fee.

Revenue assumptions are based upon a 34 to 50 percent collection factor of the anticipated revenue for the first year of enhanced code enforcement efforts, which yields \$2,221,510 (\$2,019,550 from new and increased fees, and \$201,960 from the automation enhancement fee). In FY08, the revenue assumptions are based upon 70 to 75 percent compliance (until all sites are identified) and collections. The FY08 revenue is estimated at \$4,641,070 (\$4,219,150 new and increased fees and \$421,920 automation enhancement). In FY09 the revenue assumptions are based upon 100 percent compliance and collections. The

FY09 and FY10 revenue is estimated at \$5,851,850 (\$5,319,860 new and increased fees and \$531,990 automation enhancement).

Expenditures

Personnel

To comply with the new code enforcement regulations, MCFRS proposes a phased-in approach to personnel where 13 full-time positions will be added in FY07 at 10.2 WYs which includes 2.1 WYs in overtime. Salary, wages and benefits total \$1,066,310 in FY07. In addition there will be nine full-time positions added in FY08 for a total of 22 positions at 26.2 WYs with salary, wages and benefits totaling \$2,835,970 (see attachments A and B).

Operating

Operating expenses are comprised of uniforms, personal protection envelopes (PPE's), self contained breathing apparatus (SCBA), community outreach, PSCS radios, office space, furniture, computers including tablet PCs, equipment and communication, vehicles, fuel, maintenance and automation enhancements.

Total operating expenses in FY07 are \$1,516,330, which includes one-time expenses of \$856,340. The operating expenses also include costs for relocation of HHS staff who occupy the space next to Fire Code Enforcement. The Department of Permitting Services has agreed to split the cost of relocating the HHS staff because they have a similar need for space within the same facility. MCFRS has identified \$418,220 as their share and listed it as part of the one-time expenses in FY07. FY08 operating expenditures are \$1,518,630, with \$249,770 in one-time expenses (see attachments A and B).

Michael Donahue, Montgomery County Government Fire and Rescue Service, Steve Batterden, Department of Public Works and Transportation, Robert Debernardis, Montgomery County Health and Human Services, and Robert Hubbard, Department of Permitting Services contributed to and concurred with this analysis.

Attachments:

- A. Fire Code Enforcement - Staffing Analysis: FY07 Incremental Costs & Revenues of Staffing Improvements.
- B. Fire Code Enforcement - Staffing Analysis: FY08 Incremental Costs & Revenues of Staffing Improvements.

cc: Chief Carr, MCFRS
Randy Wheeler, MCFRS
Michael Donahue, MCFRS
Robert Hubbard, DPS
Robert Debernardis, HHS
Steve Batterden, DPWT

Issuing Department Fire and Rescue

Contact Person Michael Donahue, 7-2470

Executive Regulation No. 5-06

FISCAL IMPACT STATEMENT

Fire Safety Code – Fee Schedule for Inspections, Permits, Licenses, Certificates & Exceptions
Title of Regulation

FISCAL SUMMARY: Presentation of the incremental increase or decrease in expenditures and revenues for the current and next fiscal years.

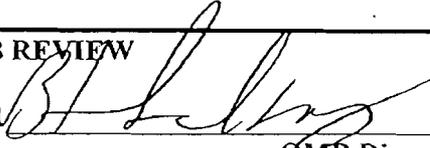
	<u>Current Fiscal Year FY 07</u>	<u>Next Fiscal Year FY 08</u>
1. Revenues:		
<i>Fire Tax District Fund: Inspection Fees, Permits, etc</i>	\$2,019,550	\$4,219,150
<i>Automation Enhancement</i>	<u>\$ 201,960</u>	<u>\$ 421,920</u>
Total Revenues	\$2,221,510	\$4,641,070
2. Personnel Costs: All uniformed positions		
Salaries and Wages (including OT):	\$ 770,930	\$2,028,980
Fringe Benefits:	<u>\$ 295,380</u>	<u>\$ 806,990</u>
Total Personnel Costs:	\$1,066,310	\$2,835,970
3. Operating Expenses:		
List Items: office space, fuel, maintenance, brochures, gear, uniforms, scba, vehicles, pscs radios		
Total Operating Expenses:	\$ 971,170	\$ 815,910
Capital Outlay:	\$ 343,200	\$ 280,800
<i>Automation Enhancement</i>	<u>\$ 201,960</u>	<u>\$ 421,920</u>
	\$1,516,330	\$1,518,630
Total Expenses (2 + 3):	\$2,582,640	\$4,354,600
4. Positions Affected:		
Positions:		
Full-time:	13	22
Part-Time:	0	0
Workyears:		
Full-time: (includes 2.1(07) and 4.2(08) WY in OT)	10.2	26.2
Part-Time:	0	0

5. Assumptions and Explanations: See attached memo.

6. Economic Effect on Private Sector: Revised fees by 15% to account for personnel cost increases; new fees of \$140/hour for inspector contact time; permanent certificates replaced with annual certificate requirements; new fire protection system operational permits at \$50; new corporate and employee license requirements at \$200 and \$50; and new annual inspection requirements for fire safety.

OMB REVIEW

✓ Fiscal Impact Statement approved


OMB Director

Fiscal Impact Statement not approved, OMB will contact department to remedy.

Attachment A

Revised: 8-25-2006
8-29-2006

Fire Code Enforcement - Staffing Analysis FY07 Incremental Costs & Revenues of Staffing Improvements

Position	Year	Number of Positions	Number of Work Years	FY07					
				Salary & Wages ^A	Benefits ^A	Annual Operating ^B	One-time Operating	Capital Outlay	Revenue Off-Set
Admin Specialist I - gr.18	FY07 ^C	1	0.67	\$ 33,289	\$ 9,987	\$ 1,665	\$ 6,320	\$ -	\$ 860,675
	FY08 ^D								
	FY09								
Fiscal Assistant - gr.16	FY07	1	0.67	\$ 30,365	\$ 9,110	\$ 1,665	\$ 6,320	\$ -	\$ -
	FY08								
	FY09								
Assistant Chief ^E	FY07	1	0.67	\$ 78,793	\$ 42,032	\$ 10,721	\$ 566,183	\$ 31,200	\$ -
	FY08								
	FY09								
Captain/Program Manager	FY07 ^C	1	0.67	\$ 66,537	\$ 33,994	\$ 10,721	\$ 27,752	\$ 31,200	\$ 700,375
	FY08 ^D								
	FY09								
Lieutenant/Inspector	FY07	2	1.33	\$ 114,617	\$ 56,463	\$ 21,442	\$ 55,504	\$ 62,400	\$ -
	FY08	1							
	FY09	2							
Master FF/Inspector	FY07	3	1.75	\$ 136,674	\$ 71,396	\$ 29,405	\$ 83,256	\$ 93,600	\$ -
	FY08	3							
	FY09	1							
FF3/Inspector	FY07	4	2.33	\$ 146,545	\$ 72,399	\$ 39,206	\$ 111,008	\$ 124,800	\$ -
	FY08	5							
	FY09	4							
Overtime	FY07		2.10	\$ 164,102					
	FY08								
	FY09								
Subtotals^F		29.0	10.18	\$ 770,923	\$ 295,382	\$ 316,779	\$ 856,343	\$ 343,200	\$ 1,561,050
New Construction new fees									\$ 458,500
Subtotal New Fees									\$ 2,019,550
Automation Enhancement Fund									\$ 201,955
Total New Revenues									\$ 2,221,504
Total Expenditures									\$ 2,582,627
Balance									\$ (361,123)

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Fire Code Enforcement - Staffing Analysis FY07 Incremental Costs & Revenues of Staffing Improvements

Notes

- ^A Assumes that all management & civilian positions will be in place beginning November 1, 2006 to begin program development. MFF & FF3 positions start in December to allow for training. Program implementation to begin January 1, 2007.
- ^B Annual operating costs combines office space, motor pool, equipment & communications, and automation enhancement.
- ^C Assumes that first year program start-up will limit revenue collection to 50% for Operational Permits, New construction, & Licensing and 34% for Activity-based permits & Systems testing.
- ^D Assumes that second year of the program will only realize 75% compliance and revenue until all occupancies are identified.
- ^E One time operating costs includes initial year of space leasing and cost of relocating Health & Human Services from 255 Rockville Pike.
- ^F Does not include senior fire protection engineer, fire protection engineer and OSC positions and associated revenues added in FY06

Attachment B

Fire Code Enforcement - Staffing Analysis FY08 Incremental Costs & Revenues of Staffing Improvements

Position	Year Added	Number of Positions	Number of Work Years	FY08					
				Salary & Wages ^A	Benefits ^A	Annual Operating ^B	One-time Operating	Capital Outlay	Revenue Off-Set
Admin Specialist I - gr.18	FY07 ^C	1	1.00	\$ 51,656	\$ 15,497	\$ 2,496	\$ -	\$ -	\$ 1,291,013
	FY08 ^D								
	FY09								
Fiscal Assistant - gr.16	FY07	1	1.00	\$ 47,118	\$ 14,136	\$ 2,496	\$ -	\$ -	\$ -
	FY08								
	FY09								
Assistant Chief ^E	FY07	1	1.00	\$ 124,038	\$ 66,168	\$ 226,985	\$ -	\$ -	\$ -
	FY08								
	FY09								
Captain/Program Manager	FY07 ^C	1	1.00	\$ 104,743	\$ 53,514	\$ 75,576	\$ -	\$ -	\$ 2,011,135
	FY08 ^D								
	FY09								
Lieutenant/Inspector	FY07	2	2.00	\$ 180,432	\$ 88,885	\$ 28,732	\$ -	\$ -	\$ -
	FY08	1	1.00	\$ 90,216	\$ 44,442	\$ 14,366	\$ 27,752	\$ 31,200	\$ -
	FY09	2							
Master FF/Inspector	FY07	3	3.00	\$ 246,154	\$ 122,463	\$ 43,098			
	FY08	3	3.00	\$ 246,154	\$ 122,463	\$ 43,098	\$ 83,256	\$ 93,600	\$ -
	FY09	1							
FF3/Inspector	FY07	4	4.00	\$ 263,932	\$ 124,184	\$ 57,464			
	FY08	5	5.00	\$ 329,915	\$ 155,230	\$ 71,830	\$ 138,760	\$ 156,000	\$ -
	FY09	4							
Overtime	FY07								
	FY08		4.20	\$ 344,615					
	FY09								
Subtotals		29.0	26.2	\$ 2,028,972	\$ 806,982	\$ 988,056	\$ 249,768	\$ 280,800	\$ 3,302,147
New Construction new fees									\$ 917,000
Subtotal New Fees									\$ 4,219,147
Automation Enhancement Fund									\$ 421,915
Total New Revenues									\$ 4,641,062
Total Expenditures									\$ 4,354,578
Balance ^G									\$ 286,484

Fire Code Enforcement - Staffing Analysis FY08 Incremental Costs & Revenues of Staffing Improvements

Notes

- ^A Assumes that all management & civilian positions will be in place beginning November 1, 2006 to begin program development. MFF & FF3 positions start in December to allow for training. Program implementation to begin January 1, 2007.
- ^B Annual operating costs combines office space, motor pool, equipment & communications, and automation enhancement.
- ^C Assumes that first year program start-up will limit revenue collection to 50% for Operational Permits & Licensing and 34% for Activity-based permits, Systems testing, & New Construction fees.
- ^D Assumes that second year of the program will only realize 75% compliance and revenue until all occupancies are identified.
- ^E One time operating costs includes initial year of space leasing and cost of relocating Health & Human Services from 255 Rockville Pike.
- ^F Does not include senior fire protection engineer, fire protection engineer and OSC positions and associated revenues added in FY06
- ^G Monies collected that exceed expenditures will be committed to fund programs required by fire code, such as fire department access boxes. Fire department access boxes are required for all structures except one and two family dwellings. These boxes contain keys to all areas of a given building. To ensure security of buildings, new key locks will be installed in fire apparatus to prevent theft and existing building FD access boxes will be rekeyed. In future years, additional purchases, such as cone calorimeters and forensic analysis equipment, and non-revenue generating support personnel may be added to improve service.

Fire Code Enforcement - Staffing Analysis FY09 Incremental Costs & Revenues of Staffing Improvements

Position	Year Added	Number of Positions	Number of Work Years	FY09					
				Salary & Wages ^A	Benefits ^A	Annual Operating ^B	One-time Operating	Capital Outlay	Revenue Off-Set
Admin Specialist I - gr.18	FY07 ^C FY08 ^D FY09	1	1.0	\$ 53,464	\$ 16,039	\$ 2,496	\$ -	\$ -	\$ 1,721,350
Fiscal Assistant - gr.16	FY07 FY08 FY09	1	1.0	\$ 48,768	\$ 14,631	\$ 2,496	\$ -	\$ -	\$ -
Assistant Chief ^E	FY07 FY08 FY09	1	1.0	\$ 128,379	\$ 68,484	\$ 234,278	\$ -	\$ -	\$ -
Captain/Program Manager	FY07 ^C FY08 ^D FY09	1	1.0	\$ 108,409	\$ 55,387	\$ 14,366	\$ -	\$ -	\$ 2,681,513
Lieutenant/Inspector	FY07 FY08 FY09	2 1 2	2.0 1.0 2.0	\$ 186,747 \$ 93,374 \$ 186,747	\$ 91,996 \$ 45,998 \$ 91,996	\$ 28,732 \$ 14,366 \$ 28,732	\$ - \$ - \$ 55,504	\$ - \$ - \$ 62,400	\$ - \$ - \$ -
Master FF/Inspector	FY07 FY08 FY09	3 3 1	3.0 3.0 1.0	\$ 254,769 \$ 254,769 \$ 84,923	\$ 133,087 \$ 133,087 \$ 44,362	\$ 43,098 \$ 43,098 \$ 43,098	\$ - \$ - \$ 27,752	\$ - \$ - \$ 31,200	\$ - \$ - \$ -
FF3/Inspector	FY07 FY08 FY09	4 5 4	4.0 5.0 4.0	\$ 273,170 \$ 341,462 \$ 273,170	\$ 134,957 \$ 168,696 \$ 134,957	\$ 57,464 \$ 71,830 \$ 57,464	\$ - \$ - \$ 111,008	\$ - \$ - \$ 124,800	\$ - \$ - \$ -
Overtime	FY07 FY08 FY09		4.2	\$ 356,677					
Subtotals		29.0	33.2	\$ 2,644,826	\$ 1,133,676	\$ 1,173,504	\$ 194,264	\$ 218,400	\$ 4,402,863
New Construction new fees									\$ 917,000
Subtotal New Fees									\$ 5,319,863
Automation Enhancement Fund									\$ 531,986
Total New Revenues									\$ 5,851,849
Total Expenditures									\$ 5,364,670
Balance^G									\$ 487,179

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Fire Code Enforcement - Staffing Analysis FY09 Incremental Costs & Revenues of Staffing Improvements

Notes

- ^A Assumes that all management & civilian positions will be in place beginning October 1, 2006 to begin program development. MFF & FF3 positions start in November to allow for training. Program implementation to begin January 1, 2007.
- ^B Annual operating costs combines office space, motor pool, equipment & communications, and automation enhancement.
- ^C Assumes that first year program start-up will limit revenue collection to 50% for Operational Permits, New construction, & Licensing and 34% for Activity-based permits & Systems testing.
- ^D Assumes that second year of the program will only realize 75% compliance and revenue until all occupancies are identified.
- ^E One time operating costs includes initial year of space leasing and cost of relocating Health & Human Services from 255 Rockville Pike.
- ^F Does not include senior fire protection engineer, fire protection engineer and OSC positions and associated revenues added in FY06
- ^G Monies collected that exceed expenditures will be committed to fund programs required by fire code, such as fire department access boxes. Fire department access boxes are required for all structures except one and two family dwellings. These boxes contain keys to all areas of a given building. To ensure security of buildings, new key locks will be installed in fire apparatus to prevent theft and existing building FD access boxes will be rekeyed. In future years, additional purchases, such as cone calorimeters and forensic analysis equipment, and non-revenue generating support personnel to improve service.

Fire Code Enforcement - Staffing Analysis FY10 Fully Implemented Program Costs & Revenues

Position	Year Added	Number of Positions	Number of Work Years	FY10					
				Salary & Wages	Benefits	Annual Operating	One-time Operating	Capital Outlay	Revenue Off-Set
Admin Specialist I - gr.18	FY10	1	1.0	\$ 55,335	\$ 16,601	\$ 2,496	\$ -	\$ -	\$ 1,721,350
Fiscal Assistant - gr.16	FY10	1	1.0	\$ 50,474	\$ 15,143	\$ 2,496	\$ -	\$ -	-
Assistant Chief	FY10	1	1.0	\$ 132,872	\$ 70,881	\$ 241,841	\$ -	\$ -	-
Captain/Program Manager	FY10	1	1.0	\$ 112,203	\$ 57,326	\$ 14,366	\$ -	\$ -	\$ 2,681,513
Lieutenant/Inspector	FY10	5	5.0	\$ 483,208	\$ 238,039	\$ 71,830	\$ -	\$ -	-
Master FF/Inspector	FY10	7	7.0	\$ 615,267	\$ 321,404	\$ 43,098	\$ -	\$ -	-
FF3/Inspector	FY10	13	13.0	\$ 918,875	\$ 453,961	\$ 186,758	\$ -	\$ -	-
Overtime	FY10		4.2	\$ 369,160					
Subtotals		29.0	33.2	\$ 2,737,395	\$ 1,173,355	\$ 1,094,871	\$ -	\$ -	\$ 4,402,863
New Construction new fees									\$ 917,000
Subtotal New Fees									\$ 5,319,863
Automation Enhancement Fund									\$ 531,986
Total New Revenues									\$ 5,851,849
Total Expenditures									\$ 5,005,621
Balance									\$ 846,228

FY07–FY09 Revenue Stream

	FY07		FY08		FY09	
	Return Rate	Projected Revenues	Return Rate	Projected Revenues	Return Rate	Projected Revenues
<u>Battalion Inspectors</u>						
Commercial, Educational, Institutional	34%	\$ 212,177	75%	\$ 828,109	100%	\$ 1,104,145
Complaint Management	n/a					
<u>Systems & Structures Unit</u>						
Multi-family, commercial, retail	34%	\$ 463,196	75%	\$ 1,127,875	100%	\$ 1,503,833
Special events & unique hazards	34%	\$ 25,002	75%	\$ 55,151	100%	\$ 73,535
FPS Contractors	50%	\$ 30,300	75%	\$ 45,450	100%	\$ 60,600
Capacity Certificates	50%	\$ 86,250	75%	\$ 129,375	100%	\$ 172,500
All fire protection systems	50%	\$ 744,125	75%	\$ 1,116,188	100%	\$ 1,488,250
Non- & Complex / tenant space	50%	\$ 458,500	100%	\$ 917,000	100%	\$ 917,000
		\$ 2,019,550		\$ 4,219,147		\$ 5,319,863
		\$ 201,955		\$ 421,915		\$ 531,986
		\$ 2,221,505		\$ 4,641,062		\$ 5,851,849