

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
State Board of Fire Services**

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**MINUTES
State Board of Fire Services
Thursday, April 24, 2003
Sacramento, California****MEMBERS PRESENT:**

John Tennant, State Fire Marshal
Richard Alarcon, California Labor Federation
Steve Brown, Fire Districts Association of California
Denny Bungarz, County Government*
Richard Guerrero, International Association of Fire Fighters
Dallas Jones, Director, Governor's Office of Emergency Services
Richard Mayberry, California Professional Firefighters
Thomas Sullivan, Fire Districts Association of California
Dan Terry, Chair of the California Fire Fighters Joint Apprenticeship Program
Jim Wright, Acting Chief Deputy Director, California Department of Forestry and Fire Protection

MEMBERS ABSENT:

Michael Esparza, California State Firefighters Association
P. Michael Freeman, California Metropolitan Fire Chiefs
Rick Martinez, California Fire Chiefs Association
Denny McEntire, City Government
Harry Wilson, Insurance Industry
John Winder, California Department of Forestry Firefighters

STAFF:

Nancy Wolfe, Assistant State Fire Marshal
Gini Krippner, Division Chief, Code Development and Analysis, State Fire Marshal
Art Cota, Division Chief, State Fire Training
Bob Monsen, Academy Administrator, California Department of Forestry and Fire Protection

GUESTS:

Ray Bizal, National Fire Protection Association
Jim de Leur, Los Angeles County Fire Department
Page Dougherty, International Code Council
Kevin Reinertson, Department of Housing and Community Development, Division of Codes and Standards
Mike Stewart, Sacramento Metropolitan Fire Department

* Left meeting at 11:50 a.m.

CALL TO ORDER

Chief John Tennant, Chairman of the State Board of Fire Services (SBFS), called the State Board of Fire Services to order at 0940 hours at the Office of the State Fire Marshal Headquarters, 1131 S Street, Sacramento, California. Member Rick Martinez was unable to attend the meeting, therefore, was not administered the oath of office.

I. ROLL CALL

Roll call of the SBFS was conducted; a quorum was present.

II. INTRODUCTIONS

Self-introductions of guests were conducted.

III. APPROVAL OF MINUTES OF FEBRUARY 26, 2003 MEETING

Chief Tennant called for additions or corrections and approval for the minutes from the February 26, 2003 meeting.

Motion: Guerrero/Mayberry; Discussion: None; Vote of Members: Unanimous for Approval.

IV. ANNOUNCEMENTS

Chief Tennant explained logistical information regarding parking and meeting breaks.

V. FIRE AND LIFE SAFETY BUILDING STANDARDS ADVISORY BOARD

(This agenda item is presented in the minutes as “verbatim transcription” to provide those SBFS members not in attendance the benefit of the full discussion.)

A. Report from April 17, 2003 meeting

Chief John Tennant: The Fire and Life Safety Building Standards Advisory Board met on April 17th and they had presentations – they met over at OES --thank you Dallas-- a very nice facility it was well attended. The members of that particular advisory body developed some ideas on how they will take a look at these codes. They developed a list of considerations that they will be using as they consider this matter of the Building Code and the Fire Code. I thought it was a very good meeting. Not having seen these folks interact with an issue, ask questions, I thought they did a good job and I'm happy that they're the kind of folks that have agreed to serve because I was impressed by the quality of the discussion and the people who were there. Gini Krippner has been managing this. Herding these cats and trying to keep things on track so that we come up with a good recommendation for the Building Standards Commission at the end of May.

Gini, I would ask you to report on any action that they had taken at that meeting and, if you have a list of the considerations, we might put those out so that folks will have a reference point. A good deal of the discussion at this board meeting was how to handle the material that had been distributed. Gini will outline the technical analysis that had been developed by the Fire Marshal's Office and how much work went into it. You all should have received material about this prior to this meeting. One of those items is a binder that is about four to five inches thick.

Division Chief Gini Krippner: They're right here.

Tennant: I actually had thought that you had had these sent to you already.

Assistant State Fire Marshal Nancy Wolfe: In keeping with the budget situation we decided that it was better to have them take them home themselves. If you are flying home we would be happy to ship it for you, but since so many of you are driving, we thought that maybe you wouldn't mind hauling them home with you.

Tennant: And that gives you some insight as to how the State works; I thought that these were provided to you a couple of weeks ago and they decided that it would be better for you to get them today, so you can see, you get them today. Gini, why don't you tell us about these considerations that they have put together,

and they speak for themselves. One of the things that I believe they took up at the meeting, in my absence in the afternoon, was the process.

Krippner: This binder that is being given to you today was developed by a lot of people. We had about 48 different people from California Fire Chiefs Association, Northern California Fire Prevention Officers and Southern California Fire Prevention Officers, as well as State Fire Marshal staff that worked on this document. It's a comparison of code elements between the ICC (International Code Council), NFPA, and the California Building Code and the California Fire Code. It was intended to draw comparisons between what we currently have adopted in California against the two proposed model codes that are out there. There's about 20 different fire departments represented through this document; a couple of consultants worked on it, but they were all members of the FPO groups and Cal Chiefs, plus the State Fire Marshal. We organized it under the incident command system, where we had two branches and ten task groups; each branch had five task groups, and that's how we organized it. It's a pretty lengthy document; we divided it up by topics in here so we have like-assembly occupancies and E-occupancies and all that sort of thing. This is just a tool that's going to be used to help the advisory boards -- yourself, and the Fire and Life Safety Building Standards Advisory Board -- to try and evaluate for their recommendation. That's kind of where it came from and then, also, we are providing for you -- actually NFPA and ICC -- and I thank you very much for providing to you -- complimentary copies for the proposed code books, both the fire codes and the building codes from both code purveyors. So that's what we have in the boxes here for you (SBFS).

Now, with that, the Fire and Life Safety Building Standards Advisory Board, when they met the other day, actually voted on some considerations which you have in front of you to take a look at in their review and it's pretty self explanatory. They just want to: look at the level of safety that's provided in there; whether it's user friendly; whether they correlate easily from one document to another, like the building code and the fire code is correlated easily; history of the code purveyors; some economic considerations; there's some discussion about the cost to implement the use of the code books and the impact on local business and jurisdictions; what type of support services that the code purveyors could provide to the users of the documents.; and, in the model code development process, what the input of State local building and fire representatives are to that model code process, and that particular item was one that they discussed at the meeting.

The board really didn't arrive to any conclusions; it was just basically discussion, brought questions about how the model code agencies operate in their model code development process; what the other State agencies are comparing. We have some comparisons -- I think that HCD (Housing and Community Development) are working on, OSHPD (Office of Statewide Health Planning and Development), DSA (Division of the State Architect) that are very concerned with structural requirements so they wanted to take a look at what some of the other State agencies were doing. How much the State and local amendments will be required.

Now, as you know our California Building Code and California Fire Code we think is a pretty darn good code in California; so, whichever code that we decide to adopt in California, we'll be doing amendments, so they wanted to take a look at some of those amendments and what would be required to bring it up to current code. I've got to tell you the last one, "Model Code", I'm not real sure what that means, exactly. I took these off the draft of the minutes but I know that there was discussion about whether or not we would need to, if we could stay with our current building code that was adopted, that that particular discussion was pretty much ended and decided to move forward with a recommendation of the newly proposed code. I know that, Ray (Bisal), maybe you can lend some light as to what that discussion was.

Ray Bisal, National Fire Protection Association (NFPA): I think the one that says "input of State, local building fire representatives to the model code development process" was at the very end of this. There was discussion about that that was too focused and they were just going to talk about the model code process all together. I'm kind of suspecting that someone just wrote model code and forgot to write the rest of it. Instead of the input from the State and local --

Page Dougherty, International Code Council (ICC): And, Gini, the other thing that might have been there too, because we spent sometime talking about how the model code was developed, so, that was another piece of the pie.

Krippner: For those of you don't – I don't know if you made introductions –

Tennant: No, that's something that I missed and I'm sorry. The folks who are visitors or participants, if you would like to introduce yourself now, this would be a good time. I didn't mean to overlook you; just so everyone knows who you are –

Dougherty: Well, they already know my name is Page, but I'm Page Dougherty; I'm the Regional Director of fire service activities for the International Code Council here in the Western United States.

Bizal: I'm Ray Bizal with NFPA's Western Regional Office in Long Beach.

Kevin Reinertson: I'm Kevin Reinertson with HCD (Department of Housing and Community Development), Division of Codes and Standards.

Mike Stewart: I'm Mike Stewart with Sacramento Metropolitan Fire District and President of Northern California Fire Prevention Officers Association.

Bob Monsen: I'm Bob Monsen, the CDF Fire Academy Administrator.

Krippner: Okay, any questions about the considerations that the Fire and Life Safety Building Standards Advisory Board is looking at? The next meeting is May 2nd, and we've also established another meeting, if they need additional time, to review, which is May 12th, I believe – tentatively – if they need some more additional time.

Dan Terry: I have a recollection that – and I don't know why, obviously I'm in error -- that they were going to make a recommendation at this meeting; so, that's not correct?

Tennant: Their recommendation will be at the termination of their deliberation of it and they hadn't made a recommendation – they didn't take an action.

Terry: So is there a possibility, and I know that you folks were shooting at a date in late May as my recollection, and so is there a possibility that date is going to get moved back based upon their not completing their work?

Tennant: I don't anticipate that.

Krippner: Yeah, I think we're anticipating that they'll be completed with their decision no later than May 12th, which would be ready for presentation for this board (SBFS) at the May 29th meeting.

Tennant: Their agenda was prepared for action but it didn't compel action; it was permissive so that if they wanted to take up a piece of it and make a recommendation on a piece of it or if they wanted to rattle with the whole thing, they weren't restrained.

Krippner: The other issue is some of the members felt like they needed more time to read this. Let's see, other item of significant was, basically, there was a motion that they were going to recommend one set of codes. In other words, one "family" of codes, so whatever their recommendation would be -- in other words they wouldn't recommend, let's say, fire code for one model code or organization and a building code from another; that they would pick from an entire family of codes, and actually made a motion and moved to act on that. So, that's probably of the most significance. Other than that, any other questions?

Terry: One other question about process -- my understanding is now that, along with this group that will make a recommendation to this board (SBFS), this board will make a recommendation to the State Fire Marshal, who will, therein, make a recommendation to the Building Standards Commission, correct?

Tennant: That is correct.

Terry: Are the other groups, like OSHPD and the DSA and HCD, moving along at the same pace where all of this is going to come to fruition and a fluid --

Tennant: Their process, I think -- I don't want to speak for them -- we have one of them here, so -- our process is different. I think their processes are more internal. This is one of the things I wanted to do is to make sure that this had plenty of public transparency, and so that's why we are doing it this way. You want to tell us how HCD is and, if you know how the other ones are proceeding? We didn't get any direction from the Building Standards Commission, Executive Director nor the Building Standards Commission itself, as to how we were to proceed. The agencies that will be making recommendations have representatives on something called the "Coordinating Council" and there is a member from each of the agencies, and, in the past, that was set up to handle individual discrepancies with regulations. If HCD comes up with something that wants doorways to be two foot and we really think that we've had experience with people that are two foot-six -- and we want it a little wider, that would be a place for the Coordinating Council to rattle with it. Whole code model bodies don't lend themselves to resolution in a Coordinating Council; that really wasn't what it was set up for. So, this may go too, and the body that is really going to determine how this comes to the Building Standards Commission, is the Building Standards Commission. They have a Code Committee, a subset of the Building Standards Committee, and they may want it to go to them first before it goes to Building Standards. You may know this process better than I do; I've watched it a few times and my head kind of swirls a little bit --

Reinertson: Yeah, what you said is true. I don't know of any other -- in a sense that I know is true, there's a lot of confusion to what's going to happen when you get to the Building Standards Commission or the time between the Code Correlating Council meeting and the Building Standards Commission meeting.

Terry: Does HCD -- have they availed themselves with any public processes, or are you just winging it and doing it on your own?

Reinertson: We are doing our review internally. The public, as far as public process and public input, we accept, and have been accepting, written, informal, verbal communications, letters, from both ICC, NFPA, and the public. That's part of our process --

Terry: So, you haven't had any public hearings? And aren't going to?

Reinertson: I don't know if we are going to or not.

Bizal: Yesterday, the Division of the State Architect (DSA) held a meeting of their advisory board, and both the ICC and NFPA gave presentations there, and it was discussed how the advisory board was going to provide input and, basically, DSA indicated that they wanted feedback from the advisory board, but I don't think that it's as formal as this process. So, there is some public input from DSA and they are going to have another advisory board meeting in May for discussion on this; but, I don't think they are going to formalize this, it's sort of a recommendation.

Tennant: Was your presentation -- and this is directed to both (NFPA and ICC) -- was your presentation to them the same as it's been to us?

Bizal: It was basically the same information tailored for their issues; because they adopt different building standards than the State Fire Marshal's Office.

Dougherty: And they knew about their presentation, beforehand.

Krippner: Yeah, ICC and NFPA have been asked to make an “impromptu” presentation at the Fire Life and Safety Advisory Board on the history of the fire code and development of the fire code, and I have to hand it to both organizations for being able to get up and stand up on their feet, with no preparation time whatsoever, and make a presentation to the board, which is what they did.

Tennant: And, we appreciate you being generous in that way.

Krippner: I have nothing else to –

Tennant: At the Fire and Life Safety Advisory Committee, you did do an “impromptu” discussion of process. Is that my understanding?

Krippner: No, they didn’t necessarily do a presentation on process. The board discussed process and there was a lot of questions relative to process and both organizations were there to answer questions, which was very helpful, so – it really wasn’t a formal presentation “per say”. Now, in the document that we are providing to you, in the back there are some flow charts that identified model code process for both agencies. That was one of the elements that we reviewed in our document here, so, that might be helpful to you.

Tennant: I don’t want to disadvantage you by asking you to do things that you aren’t prepared to do, but if we could, perhaps, have a presentation from each on the process. The technical component is kind of hard to discuss in a setting like this with folks that haven’t seen it, but the process component may be something that, while they’re going to be having the opportunity to look at it, it may be something that we could address today, if you are willing. (*Background: Sure*) Does that please the board? Okay, would somebody like to go first?

Bizal (NFPA): In fact, I’m trying to think whether or not we provided – I don’t think we provided this group with it – we have a little brochure that talks about our process, because what is in the back of that huge notebook is extremely detailed. I mean whoever did – or the committee that did it – went through the rules and procedure and just put everything on the chart. I’ve got a very simplified version of that that I will share with you; I’ll send it to Gini and she can share it. The process that NFPA is focused around committee work. Of course, being in the ANSI accredited process – that means that the committee is balanced – it’s balanced by the NFPA Standards Council, and it’s overseen by this third-party organization, the American National Standards Institute. We have nine categories; when someone says they want to be on a committee, we categorize them. They could be an enforcer, they could be labor, they could be a manufacturer, a designer, academic, insurance is one, research is another – and I can’t remember the others – but, we categorize people and we will not let more than one-third of any category hold that committee “hostage”, if you will. So, in that case – and not all nine categories are necessarily on every committee, because there are some categories where there’s people – it’s up to people to volunteer to be on a committee. In order to get a vote through, it takes two-thirds majority. That is now, we say, that one-third of the committee, or this majority, cannot control a committee. For example, one-third of our committee is code enforcers and they have to convince other people to join their cause in order to get something through the committee. That’s a little about the committees.

The process begins with anybody participating and submitting a proposal in this 24-month cycle. We announce, and people submit proposals; the proposals are processed. They are on the web for anybody to download – we hold technical committee weeks, so that all the committees are meeting at the same place, and they discuss these issues; anybody can participate in that discussion from the general public. The committee makes a recommendation and, at the meeting, it’s a majority of the vote; but, after the meeting, there is a letter ballot that is sent out to the committee and it takes a two-thirds majority for that action to move forward.

We publish those results that are ROP (Report on Proposals); anybody can get those off the web or mailed to them. The ROP is basically “out for comment”. If you disagree with the action of the technical committee, anybody in the world can submit a comment to a proposal or an action on a proposal.

That action then goes back to the committee and we have another public meeting of the committee -- the committee meets. Anyone can participate -- and the committee takes action on the comments.

The result of the comments are published in what we call ROC (Report on Comments). The Report on Comments is made available to anybody on the web site and then we hold our public meeting, and that is a meeting where anybody that is a member can vote. It's basically a hearing and if you want to bring up an item, the items are discussed, and then voted on by our general membership. Because we do not balance our general membership, that vote is not a final action -- it is advisory to the committee. If the general membership vote is different from a technical committee, that advisory vote actually goes back to the technical committee; they're balloted on it and, if there is a difference, it means an automatic appeal. If there is not a difference, than that's the way it is -- there is no further action. Automatic appeals and other appeals that are brought forth by anyone then go to the Standards Council.

The Standards Council at NFPA is basically a balanced committee that hears appeals, and, if they feel the need to make a change on a technical issue, they do so. But, I will tell you that less than one percent of all code changes that come through NFPA are appealed and end up at the table of the Standards Council and few of those usually go through different from technical committee. But, there is an opportunity for any group and anybody, whether they be architects, engineers, fire service representatives, building officials, anybody can participate equally in this process all the way through. But, I will say that the focus of the NFPA is on its technical committees and the work is done in that due process. That's it in a nutshell.

Dougherty (ICC): Some of this will sound similar but it really isn't. So, bare with me, if you will, as we go through this part of it. In the ICC process, it's an 18-month process. We have two categories of members. One on the jurisdictional representatives, who are assigned by the jurisdictions to represent them; the other categories of membership are, what we say, basically people who do not represent government entities that might be professional engineers, designers, members of the fire service who are not part of the voting group of the fire department. So, there's the two groups and they come in as we go through our theory process.

The first step, the actual step of the code process, is the submittal for code proposals. All of those are gathered up and put in a book that we call a monograph. That is published for all to see prior to the public hearing. They have anywhere from 45 to maybe even 60 days in front of the public hearing.

Our first meeting is the public hearing. At that process, it is an open process where anybody can get up and discuss the item; the item is a code change. The items are brought up in order, basically going from the front of the codes to the back of the codes. There is a time limit to speak, two minutes for/two minutes against an item; there is a rebuttal of one minute for each side. If somebody wishes and has more information than they can say in two minutes, they are allowed to have another person come up and continue on the discussion that they could not do, so they could fully discuss an issue if it were to take more than two minutes. The reason why we keep it to a two-minute/one minute is the number of people who are at these hearings and do participate and get up and speak.

At the public hearing, once the moderator, who is controlling the public hearings, sees that there is nobody else to speak on an item, then the moderator will close the public hearing and the code development committee, which has been listening to these public comments as they are made on the floor, then the committee discusses it.

Our committees are made up a little bit differently in that our committees require that a minimum of one-third of the people have to be code enforcers. Some committees are one-third/one-third/one-third; some committees maybe have more code enforcers than they do with the other two groups, and the other groups, we call our "producers" and "users". And, our code enforcers, we call the "general", so the committee will then take the item and they will discuss in front of the assembly; they are allowed to discuss anything that was brought up before, by the assembly. If something new or topic or issue is brought up that wasn't discussed by the membership and the public people are out there, then they must reopen the public hearing and allow the public to have comment on that issue. Then they would close it and go back to committee deliberation.

After the committee has discussed the issue, they vote on it. They are allowed to vote in three ways; as submitted, as modified, or disapproved. After the committee votes, it goes back to the moderator, and the moderator will call for an assembly action and will ask if anybody in the room would like to have a assembly action, and anybody in the room, member of the organization or not, can request an assembly action. It must be seconded, and again, anybody in the room may second. At that point, we go into another discussion, the pros and cons of the issue, from the membership's point of view. Now, they have had the chance to hear the first discussion and the committee's discussion, and then, when the discussion is over, the moderator will call for a vote. The assembly vote is open to any member of ICC, whether they are a code enforcer, whether a design professional; any of membership categories is allowed to vote at the assembly action.

Once the committee has gone through their issues, and all of our committees meet at one time and in one place in about a ten-day span, so if anybody wanted to work in multiple codes (and the fire services does like to work in multiple codes) usually a building code, a gas code, mechanical code, existing building code; those are the ones that primarily affect the fire service the most, and they try to group those code hearings in a sequential order so that somebody who comes on the first day and they can stay through the third or fourth day, and then, they are going on into other issues that they might not want to, then they can go home and get back to work.

After the code hearing and all the codes have been heard, we produce a pamphlet which is called a Report of the Hearing, and that tells the user all of the action, whether it was approved, disapproved, approved as modified; if there was an assembly action, whether it passed or failed; it will show any modifications that were made through this discussion process that goes on.

At the end of that document, people then will know what happened at the hearing and then we have a public comment period. The public comment period is a period where anybody can write in a public comment which, basically, is a disagreement with what might have happened at the hearings. If an item was approved, a person might write in and say, "I believe it should be disapproved and here is my additional reasons why it should be disapproved ---". The difference between the assembly action and the public comment is that the assembly action is a concerned effort of the group of the membership and that assembly action will take that item onto the final action hearing. A public comment will also take an item onto the public hearing, but it's only the re-work of one person; so we feel that the assembly action has a little more weight when people read the monograph as to the differences between something being an assembly action or a public comment taken at this final action hearing.

After the public comment period is completed, we produce another monograph prior to the hearing, again; at least 30 days, and generally earlier, and it's on the web site and available for purchasing through a book (hardcopy) and, then, the people come to the final action hearing. Any item that was not either challenged with an assembly action or a public comment, goes onto the consent agenda and that item is then voted as part of the consent agenda. All the items in an assembly actions and public comments go to the final action hearings and we do another discussion of the item, itself. And, this process, when we come to a vote, only voting governmental members and jurisdictional representatives – those people whose jurisdictions are set, may vote in this process, are to vote. So this is a vote of the code enforcers only. And that is the piecemeal of our process, simplified as much as I can.

Tennant: What is the definition of a code enforcer?

Dougherty: A code enforcer is anybody who enforces that code or a code that is part of a set. We have fire code officials, building code officials; they are all code enforcers. And to be a voting person, you must be an employee of a department. Part of our voting process, and those that are allowed to vote, we have three general categories of membership for a jurisdiction that would have: Up to 50,000 population, they would have four voting representatives; from 50,001 to 150,000, they would have eight voting members; and from over 150,000, would have 12 voting members; and if a jurisdiction, obviously they have a building department, the building department could have the appropriate number of people. The fire department also enforces the codes, so the fire department could have the appropriate number; and, if there is another

agency within the jurisdiction that had people who enforced the code, they would also be able to have the appropriate number of voting representatives.

Richard Mayberry: You had mentioned that there are two major – one of the public entities, basically, and that of the professional, and you said that the fire is represented on professional as long as they don't have a voting capacity within their entity; can you explain that?

Dougherty: Do you mean in the membership area? *(Pause)* If an entity had 50,000 people and they are allowed four voting representatives, but they may have six people in their fire prevention bureau, and they wanted to allow the other two people to get information, have membership rights of an affiliate member, and that is what it is actually called, the official term – that person would be an affiliate member – then the jurisdiction, you know, the person could individually join ICC, not as a governmental representative, but as an affiliate member who is in the fire service. It is just another one of the six or so membership classes; students, retired, design professionals, firm, corporations are some of the other membership titles that they have.

Bizal: You know, let me help you out here – I think, from a jurisdictions point of view, as Page pointed out, depending on the size of the jurisdiction, they get a certain number of votes. If you are 50,000, you get four votes. Somebody in the jurisdiction appoints who those four voting people are. Those four voting people, then, can go and have the vote on the final say. If, for some reason, you, as a member of the fire prevention bureau and were not selected as a voting member, you can still go to the meeting, and you can participate up until that final vote; but, because you were not selected as a voting member, you can't vote.

Tennant: Who typically decides who gets to go and vote?

Dougherty: It varies from jurisdictions; I know some jurisdictions were the fire marshal makes the decisions, some jurisdictions were the fire chief makes the decisions, and there are some where the mayor or city manager makes the decisions, or ratifies the recommendations of the department head.

Tennant: Where was the last time a vote was taken of these designated voting members?

Dougherty: Our last final hearing was in August of last year (2002) in Fort Worth. That is what the code books that this group will be getting are a result of that third cycle producing an edition of the code.

Tennant: If we were to ask, would you be able to present the numbers of people that voted and how many voted from building departments and how many voted from fire departments?

Dougherty: There would be a registration there, but, again, we don't require a fee be paid to register, so somebody can come up, we validate that they are an appropriate designated voting member, and then we will just give them a card. They can come from a local area, they are not staying, they didn't register for the meeting and some of the other activities, lunches, and other things. They can just come in and get a voting card and vote. So it is a little difficult to see –

Tennant: Would you know who voted?

Dougherty: Individuals?

Tennant: Yes

Dougherty: No.

Tennant: Would you know who was designated to vote?

Dougherty: Yes. We have a roll of the designated voting members and to be able to get a voting card, your name has to appear on that roll, and they ask for a picture identification, that do validate, your jurisdiction had to have assigned you to that responsibility so there is a form that is kept at the main offices.

Many times somebody will say, "I'm a voting member"; they will check the roll, if they weren't there, they'll back to the main offices, call the jurisdiction, is name valid, how is it spelled, is there any identification number to it. So, if there is somebody that their computer glitched and didn't get their name on the list, we have a back-up way to be sure that they are a qualified voting person that they could be there.

Tennant: Let me sharpen my question, then, a little bit, because I am sure that the answer to my question is embedded in my ear – Could I know what level of participation the fire service enjoyed in your process?

Dougherty: I can tell you that somewhere, approximately 25 percent of the ICC membership is fire-service related.

Tennant: Is that voting members?

Dougherty: That's voting members. And, actually, in general, we have about 55,000 people on the role and about 25 percent of those come from the fire service.

Tennant: And on the vote that you had in August, would you be able to tell me with precision, what percentage was fire service, and when I say fire service, what I'm talking about is code officials or fire chiefs.

Dougherty: I could not give you an exact number. There are certain – because a building official who enforces the fire code, in our system, is allowed to vote in the fire code; they can vote in any code, because, once you have in membership, you are allowed to vote in any and all codes that you wish to participate in. So, when we have our fire code hearing, the fire code development portion of the hearings – what you'll see, and, if you go there, you will see primarily fire service people, and I mean fire prevention bureau employees, fire department employees, the majority of the vote – but there will be some building officials; and there are certain areas of this country where building officials are the fire marshal, because they either have a volunteer fire department or fire district that does no fire prevention activities or construction activities at all.

Tennant: They're probably not one of those with eight votes, though.

Dougherty: They're probably a group of four votes; actually, there are some with eight votes.

Bizal: Before I left ICBO, we used to produce a roster that listed all the "Class A" jurisdictional members and their voting designees, and those listed the people, and sometimes, I don't know if that identified whether they were from the building department or the fire department. Usually, the "Class A" voting designee, the main person, is listed with a title. Do they still have that roster? The last one I have is 1999.

Dougherty: No, there are rosters and there are different ways that it can come out, but it would be an individual scan of the roster of say 1999, or looking into the voting roster that's at the hearing to try to make that determination.

Steve Brown: In both places, people that are ultimately able to vote and participate in the hearings are members, are they jurisdiction members in terms of the vote?

Dougherty: Of a committee? Okay, our committee participation, you do not have to have to be an ICC member to participate in the committees. In the "producer" group or "user" group, all you have to do is go to the web site, get the application to participate in the committee, and then all of those people – their resumes and the information they have sent in -- are selected by that information.

Brown: And then the voting, as you described the voting are the members that the jurisdiction –

Dougherty: The final action hearing, you know, are jurisdictional designated people; the assembly action – any member of ICC.

Brown: Jurisdictional entities have to be –

Dougherty: Yes, they are members.

(From Background): To be on a committee?

Dougherty: Well, not to be on a committee. The jurisdictional people are going to be – they will submit things just like anybody else. They'll submit under the general code enforcers.

Brown: NFPA?

Bizal: NFPA, you do not have to be a member of NFPA to be on a technical committee, no matter what category you come from; but, in order to vote in a membership action, an advisory membership action, you do have to be a member.

Tennant: Questions?

Richard Guerrero: Very quickly, some of the questions that the State Fire Marshal asked, and I would ask you, related to the ability to have some sort of idea of fire service input, and you couldn't find the dates, and whether or not that is something that you record.

Bizal: Well, obviously, I think both organizations have to record who they are giving their voting badges to; I don't know that we keep that after the meeting, but I will find out, and I would imagine, if you are a member, we know what tag or difference is – I will try to find out and see if I can get that for you, but I can tell you that 28 percent of the NFPA's 77,000 members comes under the fire service, whether they be firefighters, fire chiefs or fire prevention officers.

Terry: I have a question, maybe for you, John, because I want to get clear on the process here. So, after this advisory board – and, by the way, I compliment you for your openness in the public process that you have put forth, I mean I think you are giving everybody a shot at this thing – I think that no matter which way this thing ultimately goes, you will be criticized, but I think you have been a lot more open about the public process side of this thing. So the process is that this board is going to receive this recommendation somewhere around mid-May, and then we are going to have a meeting in late May and we are going to, hopefully, have a discussion and make a decision and a recommendation to you. Will there be a further public hearing that you are going to allow the competing code folk to come in and -- so that's probably going to take a while.

Tennant: It'll take as long as they consume, and, I'm not – you know, part of this is to let the parties exhaust themselves with regard to their proposal; if it gets repetitive, I won't allow that –

Terry: But, it will be a public hearing?

Tennant: It will be a public hearing – this whole process is public.

Terry: Okay.

Tennant: I anticipate this to be a completely public process; as transparent as we can make it, so that if there is information that is available, that it is shared, and that that information forms the basis for recommendations and further recommendations up the line. If there – as we are doing this process, we have set it up and – you know, this hasn't been done before, so there isn't a model sitting on a shelf that we use and that we use every four years, so, this was dreamt up in order to have the kind of process that Dan (Terry) was kind enough to speak to – if there are things about the process, as we go along, that we should change, if the proposers see something that they would like to insert into the process, if there is presentation material available that you wish to share with this body or with the code advisory body, I will certainly make that opportunity available to you, here today, or in subsequent meetings. I can't tell you how to present your product, all I can do is ask if you've had ample opportunity; and, so, I invite you to tell me,

now, if there is something about the process that you would like to see changed, or, if the opportunity that you see isn't ample.

Terry: I have a couple of issues as it relates to the letter that was written by Ralph Ochoa.

Tennant: Can I interrupt you, Dan, just for one moment?

Bizal: I just wanted to say that NFPA is very, very supportive of your process which you have established. It's very open, we have plenty of opportunity to participate; and, I'll give you an example: I have attended these meetings and have been able to share with you and answer questions. But, in that big huge notebook, we're going through it line by line; and we are finding things that we are going to want to comment on, and we have an opportunity, in this process, to do so, as was brought out at the Fire and Life Safety Advisory Committee, we will be providing our comments to that piece of work and comments on these ten items, as well, for whatever you want to do with it, and we appreciate that opportunity and we are very happy to work with them in this process.

Dougherty: And I would say that the ICC would echo that; we are in the same processes of review and participation and, if there is anything that both groups have supplied you – codes and other information to share with the working groups, I will be more than happy, if there is anybody who would like to ask a question, that comes through Gini or whatever the process that is established and be followed, we are more than willing to try and provide that additional information to clarify issues that might be there. And, from what I have seen, so far, it has been that process that we are trying to follow.

Terry: I'd like to ask, through the chair, Mr. Dougherty, a question concerning a letter from – I'm assuming it's the ICC attorney, Mr. Ochoa, is that right?

Dougherty: Mr. Ochoa, yes, that's right.

Terry: I'm curious, and your presentation about your process and you talk about the involvement of fire service professionals in your code development process – and I think that's great, but, in his letter, Mr. Ochoa's basically takes issue with the fact that the CFCA, which I am assuming is the California Fire Chiefs Association, takes great issue with the fact that they have this input, so there seems to be a contradiction in terms here. In his letter, he saying, "I don't understand why the California Fire Chiefs should have all this influence on this process"; but, you are telling me that you encourage it, so, which way is it?

Dougherty: I'm not familiar with that letter; I haven't seen that specific letter, I don't think. So, I'm a little bit of a loss to answer to answer that.

Terry: Okay, he basically challenges the California Fire Chiefs playing a major role in building code selection, so I was just curious, because on hand you are telling me, yeah, we really encourage that, we really like that, and then your attorney says, "We don't really like that", so it makes it difficult for me, as a board member, to quantify those two.

Dougherty: Let me read it real quick, here.

Tennant: We'll give you a minute to read.

Terry: Look on page 2 of his letter.

Tennant: We can take a five-minute break to give you a chance to read it.

(After break:)

Tennant: I don't want to belabor the question, but it had to do with maybe a different approach on how the (ICC) counsel views the process or how you do.

Dougherty: I think they are just trying to find an understanding of the role of the Fire Chiefs Association in this process due to whatever extent; it appears to have some major role in the ten committees being primarily staffed by people who they are representing, but I think they're just trying to find out how this came about or what decision process put it together.

Terry: Well, if not the technical expertise that exists within our profession, then who would you suggest do it, if it's not the fire service.

Dougherty: Well, I think some of inference seems to me that it is a State process, not necessarily a local process; but again, the SFM, I believe, has the ability to do it. If it had gone straight to the locals and not the Chiefs Association, would it have looked differently; I don't know. There are some concerns, I think, with the Chiefs Association providing information and providing a recommendation down the line, also, in this process. And, if they're working in these committees and they are having their own Northern and Southern California Fire Prevention Officers groups do separate recommendations, and if it is all coming to peak, what if they counteract each other. I think they are just trying to get a better assemblance of how the process was put together and where this role came about, and I think it's a decision that the Chief has.

Terry: I don't want to belabor the point, but I would only suggest to you that, by your own conversation earlier about your processes, that you weigh heavily on building officials in the development of your codes, don't you?

Dougherty: What do you mean by – we weigh heavily on building officials?

Terry: Well, I kept hearing about the membership on these committees –

Dougherty: We weigh with code officials, yes. I'm not saying – I don't think building – we have people who are building people on fire-related committees: fire safety, means of egress, general, we have fire service people on those committees. There are intended to be some building people involved in fire committees, also – it's kind of a two-way street. We feel that, in the long run, it's a two-way street. We need to work in the construction areas where it affects the fire service and the fire service needs to work in the building area.

Terry: So you like the fire chiefs' input if they are in your process, but you don't like them if they are in the NFPA process.

Dougherty: My personal feeling is they need to be involved in both processes, but that is not the question. The question is, as I see it here, is why do they play a major role in the building code selection, all be it statutory, and I think maybe the term "building code selection" is a [inaudible] code, maybe they should say code selection, or whatever. But again, I think they are just trying to find out what is the basis for that participation.

Tennant: Okay, would the SBFS like to hear how and why the working groups were put together, constituted, what their charge was and what they specifically were precluded from doing?

Terry: I'm comfortable with the process. I mean I saw your advisory committee, I thought it was balanced, I thought it was fair. I'm totally comfortable with this; it's other people that are uncomfortable.

Krippner: Would the board (SBFS) like a copy of the incident action plan that we developed for this process?

Tennant: Maybe – I've seen it, so I have the benefit of knowing how this was put together and why. Why don't I just tell you, from my perspective, how it was done and why it was done and then you'll know and you won't wonder if there is something out there that some people are comfortable with, some people know about, maybe everybody doesn't.

So, in taking a look at these codes (the books and the process) and the impact that it is going to have on California over many years, we have choices, we can use internal staff, which would be very difficult to do the kind of analysis that you find in here (binder) with existing staff. Everybody in the State that knows anything about codes wanted to participate in this process at some level. Knowing that we had a body of expertise out there in the fire service that wanted to be participants; we looked for a way to have them participate so that we would leverage our resources.

We developed ten areas that we thought were important to fire and life safety and to the SFM as far as the recommendation that we will ultimately make. We asked Cal Chiefs to assist us by providing expertise to be supervised and organized by the Office of the State Fire Marshal. So, Cal Chiefs, while they are the – in the State of California you have the California Fire Chiefs Association. A sub-group (a subordinate group) from the Cal Chiefs organization is the North and South fire prevention officers. In order to make sure that this process was as smooth as we could, rather than go into the fire service at a middle level with fire prevention officers, we wanted to make sure that Cal Chiefs knew what we were doing, we wanted to make sure that other people knew what we were doing. We went to Cal Chiefs and we said, “This is the way we see this process, we would like to have the benefit of the expertise that you have in your organization with Fire Prevention Officers and others so that our staff, working with them, can come up with an analysis that’s objective and that is technical, but that does not hold a recommendation”. There is no recommendation sought; there is no recommendation allowed with regard to the analysis. These people are all passionate about code, this is what they do. It was very difficult to restrain them from expressing opinion with regard to which is better.

The product that those working groups were designed to produce for you was technical analysis that doesn’t infuse opinion or drive or use the data or the information to drive their own opinion as to what you should do. It was as clean a process as possible; the statutes don’t address these working groups; Cal Chiefs had no control over what they would be considering; they didn’t have any input on how much work it would be, they didn’t control the product in any way. It is a product that was produced within the Office of the State Fire Marshal, supervised by personnel of the State Fire Marshal’s Office, and that product is pretty transparent and has been presented to you. That is the sum and total of Cal Chiefs’ involvement in that product. Are there any questions?

Brown: I think maybe – just another comment, to – is that ultimately the recommendation that comes from this board (SBFS) to you (SFM), there is only one Cal Chiefs vote on this board out of this whole board that would go to the SFM, and I wouldn’t categorize that as an overloading influence on the ultimate recommendation to you (SFM).

Tennant: You know, some of the things I have some burdens and I have some things that I enjoy with regard to this position, and having a body selected by the Governor that is multi-disciplinary, like this, and have in the statutes that sets this body up, direction with regard to building code considerations, is a luxury for me (SFM), because I couldn’t create this on my own. Likewise, with the Title 19 regulation that set up the Fire and Life Safety Advisory Board. Gini, did I get anything wrong or out of –

Krippner: No, you’re right on.

Tennant: If there are questions from the code purveyors or if there are questions from anybody else on that particular piece; and also, in the letter that you are provided, it asserts that there were public meeting violations and we ran every piece of this by counsel at the front end, in the middle, and as we go along, and, as I understand Bagley-Keene (Act), this wasn’t something that it covers in any way; no more than a staff meeting by the State Fire Marshal’s Office where we invite somebody else to come in and talk to us and help us with an issue; it’s not statutory.

Dallas Jones: The recommendations are available for public comment, are they not? In other words, we’re taking comment publicly and, if there’s errors, omissions or anything that seems to be unfloored in the recommendations, whether contained in the document, then there is an opportunity for public comment, at that point, at least, isn’t it?

Tennant: Yes; and I believe the code purveyors have had this document for some time, is that true?

Bizal: Absolutely.

Tennant: How long have you had it?

Bizal: I believe we received it on Friday, when it went on the web site, is when we –

Jones: So, I guess the point is that this will be one of the items that we use in our deliberation.

Tennant: And, you are not restrained –

Wolfe: It's just one tool – and the other Fire and Life Safety Building Standards Advisory Board is also designed to be, in regulation, well balanced and it also represents building, engineering, all other disciplines, so that we get that board to discuss these without having what could be construed as undue influence by any particular discipline.

Mayberry: I would just offer that Page (Dougherty) and you (Ray Bizal) talk with your folks – maybe you can pass on with what you see and hear at this table from the resources that the fact of diversity of the two boards (SBFS and FLSAB) that are in place to do evaluations and recommendations; I don't think it could be any fairer, you know, from either party.

Tennant: That particular letter (from Ochoa), just so you will know, was included on your agenda at ICC's request.

Okay, let's see, we have some discussion about process, we are asking questions, are there any other questions on the process either of the code purveyors or of the SFM? *(pause)* Okay, is there anything that you folks from the model code bodies would like to add or take up; if you have anything that you would like to present, if there are any issues with the material that we have presented, so far, where you have dispute, or – the folks are going to have this today, so if there are issues that are addressed in there and there are some technical inaccuracies, in your view, if you want to let us know about it, you can do it in writing, you can do it here. I would find it hard to believe that as much work which was thousands of hours of work that went into this (**Krippner:** 2,700 hours or something), I would find it hard to believe that all of it would be agreeable to both of the parties, either from a technical standpoint or there's clerical things that occur, as well. This has been worked over very hard, late at night and into the morning, by staff, but, you know, you have it, the boards both have it, and it's designed to serve as a tool and if the tool needs to be sharpened in some way, these are opportunities for you to say, while we appreciate the good work, there is one thing in that book that, you know, we would like to clarify or point out that we don't agree with, and you have that opportunity here and going into the future, if anything that you want provided to board members, we'd be happy to do that for you. Individual members may ask you for things; I'm kind of torn about whether, if, Mr. Guerrero, for instance, asks you for something and you send it to him, he has the benefit of that information and nobody else does, especially if somebody was to ask one of the code purveyors and not the other one. I'm really interested in this being seamless. Communications from lawyers I don't typically put in packets like this; I did at specific request, and, in the future, communications like that I think will probably be presented, just so that it's as seamless as possible so people know what is going on –

Terry: This genuinely would seem to be fair and, in keeping with your doctrine of fairness, I would say that any additions or corrections to that should be submitted to you (SFM) and distributed to everybody and so forth, on this issue.

Tennant: Is that agreeable?

Guerrero: Yeah, I was going to say that we should, if there are errors, we should be given in errata page from submissions by either purveyor to you (SFM) as opposed to the purveyors sending them directly –

Terry: I would also think that any requests from us (SBFS) should pass through the chair (SFM).

Tennant: Okay, would someone make that in a form of a motion?

Motion by Guerrero, seconded by Brown; any discussion, any objection? Motion carried.

Bizal: I just want to reiterate, not only are we very pleased with the openness of the process, but the process you set up to use the fifty people that put this together – I don't know how the staff could have done 2,700 hours worth of work, given their already busy workload, but I have to say that bringing codes and doing analysis like this for fifteen years, that somebody should give a hand for Gini and the staff for compiling the information and bringing it in on legible format for us all to read, because, you have ten groups that put this information together on their own, with as much direction as they had, into a very easy to follow book and I think that the staff has done a great job.

Also, because of your process, we have been given the opportunity to comment, and we will, and I am sure you will get a copy of those comments on those things and we really appreciate that.

Dougherty: And, we will be doing the same thing.

Tennant: And I echo what a terrific job Gini and her staff have done; and this is at no cost to the State, except for regular salaries. Two years ago, there was one person in Regulations in this office, and this was coming so we have done the best we can, and I appreciate that you have noticed, very much.

Okay, anything else that you would like to offer this morning, either one? Are there any other questions – not to restrain board members? One of the things I am going to be doing is asking both of the model code purveyors is to provide the office with a final argument or final statement that, if they would wish the office to consider in making the decision, and I would like that in 30 days, if that's agreeable. That will also be presented to this board (SBFS) in written form.

Bizal: In other words, it will be presented to the Fire and Life Safety Advisory Board, or would that be after their last meeting, I guess –

Tennant: I tell you what, here's what I'm going to do; I'm giving you 30 days, to be fair. If you have it sooner, and it can be agendized and distributed properly under the Bagley-Keene Act, it will be. If it comes in late, and it can't be included under the Bagley-Keene Act, it will be distributed as we are able with regard to those legal considerations. So the sooner you get it in, the sooner everybody will get it. Let's see, anything else?

You know, there are going to be questions from perhaps this body, perhaps from the office; I've seen a questionnaire from, I think, other State agencies have produced questions. Not all of those questions are pertinent to the decision-making here, but they are interesting, nonetheless. Some of them are pertinent to deliberation here. Now, I have seen it because Gini sent it to me and the other State agencies were kind enough to provide that to her; I read it, I don't know if Gini has read it yet, because she has been pretty busy, but would you (SBFS) like to see those questions from the other State agencies and the answers when they are available?

Jones (and Someone Else from Background at same time): Yeah.

Tennant: Would the model code folks be kind enough to provide those questions and answers that you get from other State agencies through the chair to these committees – it would be appreciated by the committee.

Bizal: Absolutely; we have received questions from DSA and from OSHPD and we are waiting on some – I think we are going to get some from HCD --

Reinertson: We are finishing formalizing our list of questions –

Bizal: Okay, and so we will be providing you with our responses to those questions –

Tennant: Okay, I can't think of anything else to –

Mayberry: I only heard from the one party – sorry –

Dougherty: I don't know if we'll get questions, but if we do, I'll request that we get copies so that we can provide them.

Tennant: I'd find it hard to believe that – I know that you do have questions because I have seen them. There are two sets; one is directed to NFPA, and the other is directed to ICC, so I know that you are getting at least some and if you provide us in that area, we'll make sure that the board gets it and, as I say, some of the things get beyond the ten areas that the office looked at with regard to providing you the basis for some discussion and deliberation. You are also not restrained by the things that we have put together for you; you may consider other things as you think as appropriate for your recommendation.

Bizal: I was going to offer – if this board has any questions, and you want to formalize them in paper, we would be more than happy to respond to those questions in writing and, in addition, bring whatever staff we need from any of our offices to answer those, with the board, in somewhat of a panel discussion, we would be happy to do that, as well.

Tennant: Okay, have we exhausted the model code purveyors this morning? If there is anything else you would like to present, you are welcome to, at this time.

Dougherty: I personally think it would be better to let the board look through the process procedure portion of the packet, maybe some other portions of the packet, to allow them to familiarize themselves and ask questions that way – I think that would be probably more beneficial and more direct to the concerns they might have.

Tennant: Okay, is there anything else that, in particular, you would like to see the board consider in the material that we have presented or any other material? *(pause)* Okay.

Krippner: Just one additional thing, we have extra copies of the report if anybody is interested in additional, it's not in a binder with the pictures, but is easier to carry –

Tennant: Okay, and that's provided under the Bagley-Keene Act, as well. I have a copy of that; I've actually read it a couple of times.

Alright, then we are concluded with our discussion on building code for this morning. Thank you, both very much, appreciate you –.

Next item, under "Old Business", Rapid Intervention Crew Tactics" Curriculum ...
(Verbatim transcription ended.)

VI. OLD BUSINESS

A. "Rapid Intervention Crew Tactics" Curriculum

The Rapid Intervention Crew Tactics curriculum had been carried over from the previous SBFS meeting to allow Member Freeman (who was absent from that meeting) the opportunity to discuss if he so desired. Division Chief Art Cota has since been advised by Member Freeman that this item did not need to be on the agenda; any issue that Member Freeman might have could be addressed directly to Chief Cota. There being no objection by the members present, this issue was removed from the agenda.

B. Accreditation of Academies; Needs Assessment

Chief Tennant reported that Division Chief Art Cota, along with Mary Jennings of the California Fire Fighters Joint Apprenticeship Program (CalJAC), have developed a draft questionnaire based on a needs assessment and copies were distributed at the meeting. Chief Cota added that this list of questions is an attempt to obtain further information for the SBFS in addressing the effectiveness of the accreditation program of regional academies. This proposed letter would be sent to all fire chiefs in California. After reviewing and discussing the draft questionnaire, the following revisions were suggested:

- Member Brown suggested more than a one-year sample of time should be queried and the use of “date certain” (beginning and ending dates) would give enhanced information. Chief Cota agreed to specify a certain three-year period, instead of one year, and include specific dates.
- Regarding representation of the new hires reflecting the diversity of the community, Chief Tennant suggested it would be more instructive to not limit the answers to “yes”, “no”, or “somewhat”; but rather ask “what is the diversity of your community” and “what were the results of your hiring with regard to that diversity”.
- Member Brown commented that he is assuming “diversity” is referring to both gender and ethnicity. It may also be confusing as to what “somewhat” would include and should be more defined.
- Regarding the question of whether the department was able to hire individuals that reflected the diversity of the community, Member Brown was unclear if this referred to a particular hire or some goal within the department, etc.
- Member Mayberry mentioned that preference hiring of paramedics by departments could affect some of the diversity aspects. He suggested a question be added that addresses whether there is preference given to paramedic applicants. Member Brown suggested the inclusion of asking what percentage of the department’s hires were paramedics. Chief Tennant added that it would be important to know if there was a preference, or, if it was limited to individuals who are paramedic-certified. Member Terry suggested that, where the questionnaire addresses the minimum qualifications, a question could be added as to whether the department’s minimum qualifications require a paramedic license. Member Mayberry commented that in many cases, it is not a minimum qualification, but clearly, in a high percentage of their hiring, it is a preference.
- Regarding the hiring of paramedics, Member Brown suggested two important questions would be: (1) Of the hires (depending on the time of sampling) how many are paramedics and; in addition, (2) How many were regional academy graduates. It was suggested that these could be included as sub-questions to question No. 3 (How many entry-level firefighter positions did you fill least year).

Member Mayberry stated that it is important to determine if regional academies are producing the applicants that are, in fact, meeting the needs and being hired in California, either by preference or minimum qualifications.

Chief Cota stated a question had been included to help determine the skill level of entry-level new hires. It was noted that some departments hire graduates from multiple academies and should be considered in questions relating to the accredited regional academies, and perhaps the need to separate the academies while rating the skills of graduates hired. Chief Cota responded that this information could only be acquired through a more in-depth questionnaire. This proposed questionnaire is intended to give a general perception of the accredited regional academies. Member Alarcon added that the skill level of graduates declines when the length of time that they are actually hired increases. Chief Cota responded that this might not be an indictment of the academy program but, rather, an indictment of the certification criteria in that individuals are not required to maintain currency in their skills.

Member Guerrero stated that, in general, California may start experiencing the end of any mass hiring by fire departments. It was unclear as to whether this is a statewide trend. Member Terry summarized that there is a need to know how many candidates are graduating and actually being hired from these academies. While a lot of money is being spent on these academies, the economic downturn and attrition needs to be considered for any continuance of spending this money. Chief Tennant suggested that it might be important to ask how many entry-level positions are expected to be filled within one year and three years, in order to identify a trend. Member Brown added that the one-year should be defined (i.e.; 2003/04) as well as the three-year window of time.

Chief Cota stated that this draft questionnaire will be revised, based on the members' comments, and emailed to the members for their further review. It was agreed the best method of distributing the final questionnaire and to encourage its completion and return would be in electronic format. Member Jones noted that he believes the OES Fire and Rescue Branch has the ability to utilize an electronic survey subscription service and would only need to give the database to this service for them to administer. Member Jones volunteered to work with State Fire Training staff to get this questionnaire distributed.

Member Guerrero suggested that participation in the completion and offering the collected data to the fire service might increase return of this questionnaire. Assistant State Fire Marshal Wolfe suggested a statement be included on the questionnaire that this collected data will be posted on the web site. Chief Tennant suggested the results should also be offered in paper form, therefore, a statement at the end of the questionnaire will be added, asking if a copy of the results is requested ("yes" or "no") and, if "yes", the contact name and address where the results can be sent.

Chief Cota also shared a companion draft questionnaire addressed to Regional Fire Academy Directors. Regarding the diversity, Member Jones recalled that some of the regional academies use statistical base for the diversity of their program based on the entire enrollment of the community college rather than just the enrollment of the fire curriculum. He suggested that this might skew the diversity picture and asked if there is a statement that could be used to determine which of the two is used. Chief Tennant stated that there are two different ways of looking at demographics -- labor market and the actual community. He asked if identifying the community will give a different number than what might be commonly used for labor statistics. Chief Cota responded that the labor market (Employment Economic Development) is identified by county, and some counties (i.e.; Orange, Los Angeles) might include multiple colleges that draw from the same labor market.

Member Mayberry recalled that the purpose for this questionnaire to the regional fire academies is to determine if they are satisfying the needs in terms of the amount of graduates being hired. Minimum qualifications for entry-level new hires requires an Emergency Medical Technician (EMT) certification more universally now than ever. Member Mayberry asked if it would be helpful to ask the accredited academies if there is an EMT portion included in their training. Chief Cota responded that most of the academies include EMT; although, sometimes it resides in the fire technology program, other times in the nursing or health program.

It was noted that it would be helpful to know how many certified firefighters are currently without job placement in the fire service in California. Considering that accreditation does not expire, the numbers will continue to increase. Chief Cota will advise the SBFS as to the number of current certifications issued through State Fire Training. Member Jones added that it would be interesting to ascertain how many graduates have been certified, whether by State Fire Training or the Joint Apprenticeship Program, etc. Member Brown responded that this number would not include individuals who completed the Firefighter I course work through their department (been signed off by qualified instructors and work experience) and would skew the statistics. Member Jones suggested it might be beneficial to at least ask how many individuals have been trained in the regional academies.

Member Sullivan suggested the results of these questionnaires should be separated by areas of the state, rather than combined statewide.

Chief Cota will redraft the questionnaire addressed to the regional fire academy directors and anticipate distribution to the SBFS members within one week for their review before distribution and ask the academies to respond within a two-week period of time. The goal will be to have feedback to report at the next SBFS meeting.

VII. NEW BUSINESS

A. Strategic Plan for Fire Service Training

Chief Cota explained that the Northern California Training Officers presented the idea of the development of a plan for fire service training and education in California to the California Fire Chiefs Association (Cal Chiefs) during their annual planning conference last year and was approved. A grant was funded, through the Chancellor's Office, to assist in this project. A workshop of representatives from different organizations was planned with the goal of developing a "master plan" that transcended into a "strategic" plan for fire service training and education. The issues were to develop a problem statement, identify the issues relative to the current training system, ascertain the assumptions that would be included in an ideal training system, and to identify components of that ideal training system. Chief Cota distributed to the SBFS copies of a draft strategic plan developed from this workshop. He explained that this draft is now being distributed to the steering committee for revision, before distribution to the full workshop representatives for revision. Next it will be shared with a list of stakeholders representing about fifty different organizations and then will be available for fire departments to provide their input, as well. The final product from this will be a foundation for the development of the strategic plan; identifying the components and issues. Then the task will be to identify the resources and collaboration that needs to take place in order to improve our training and education system.

Chief Cota explained that the SBFS is a critical component in the development of this document; as it will need the endorsement and approval of the SBFS. Although this document started external to the government system, it will need to move internally to be carried forward. This will probably require three to five years to complete with actual implementation.

Chief Cota further explained that this draft is presented to the SBFS as an information item at this time, and was presented and supported by STEAC at their April 22, 2003 meeting. A recommendation from STEAC will be presented at the next SBFS meeting and, therefore, re-agendized for the next SBFS meeting.

Member Terry commented that this document has stimulated discussion by some of the fire service, including the CalJAC and some of the conclusions they have drawn are accurate, however, it is not known if they are realistic as to getting them put in to play. The results from the accreditation questionnaires might influence this document and the strategic plan.

B. California Fire Academy/Monterey Peninsula College

Chief Cota explained that he has been contacted by Natalie Rhoda, from Monterey Peninsula College, stating that the State Fire Training Program at the Asilomar Conference Center may be in jeopardy. The college is considering budget reductions and the allocation of funding for the operation of the office at the Asilomar Conference Center. Historically, many attendees do not wish to lodge at the Conference Center during training received. The size of the training room is based on the number of students that lodge at the Conference Center during the class and, therefore, may provide a training room designed to hold less students than actually attend. The quality and upkeep of the conference center has also decreased. Options and alternatives are being considered.

VIII. SCHEDULING OF FUTURE MEETING(S)

Member Mayberry asked if there will be regularly scheduled meetings for the remainder of the year; and whether the meetings will be held quarterly. Division Chief Cota responded that, historically, SBFS meetings have been scheduled about 30 days following each STEAC meeting to allow for presentation of any issues needing SBFS consideration. Chief Cota added that any changes of curriculum, certification standards, and academy accreditation are considered for approval by the SBFS. Issues raised at the last STEAC meeting held April 22, 2003, that will be presented to the SBFS at their next meeting will deal with reproduction of manuals, copyright and revenue issues.

Therefore, in addition to the already scheduled meeting of the SBFS for Thursday, May 29, 2003 at the Governor's Office of Emergency Services Headquarters, 3650 Schriever Avenue, Mather, California, meetings for the

remainder of year were set for Thursday, September 18, 2003 and December 4, 2003. Both the September and December meetings will be held at the State Fire Marshal Headquarters in Sacramento.

Chief Tennant added that, should he be unable to attend and Chair a SBFS meeting, the Vice Chair, selected by the SBFS members, can conduct the meeting. Michael Esparza has been serving in this capacity for several years during different SBFS configurations, although, in recent years, the Vice Chair has not been needed to conduct meetings. Chief Tennant would be happy to continue with the current Vice Chair, if he is the person the SBFS wants to serve as Vice Chair. If the SBFS desires to raise the issue of who would serve in the absence of Chief Tennant, then that is an issue members can put before the SBFS, as well.

IX. STATE BOARD OF FIRE SERVICES MEMBER COMMENTS

Relative to the May 29, 2003 SBFS meeting in which the recommendation of the code selection to the SFM will be decided by the SBFS, Member Terry asked if there is some prohibition against a SBFS member voting by telephone. Member Terry recalled that many years ago, when the SBFS was first established, there was a policy that included the understanding that, in many cases, attendance of ex-officio members (such as CDF and OES) would be interchangeable because of their attendance being preempted by other responsibilities, etc. Considering that all SBFS members have very active schedules, is there a formal policy or some prohibition against members voting by telephone or sending a representative.

Chief Tennant responded that he will review the policy and added that the meetings are: (1) held under the Statute of Health and Safety Code (H&S) Section 13140-13147; and (2) the Bagley-Keene Open Meeting Act. Within the Bagley-Keene Act, there are specific requirements. For instance, to conduct a conference call, the location of the conference call would need to be posted, location for each person who is to participate in the conference call would have to be posted and the public would need to be allowed access to the remote location(s). Chief Tennant continued that the answer, therefore, is yes, providing that it is posted within the requirements of the Bagley-Keene Act. Regarding "proxy" voting, Chief Tennant does not believe this is permissible. The ex-officio component, where other people have filled in during the past, is an issue Chair Tennant will ask advise of CDF counsel.

Member Brown added that Section 13140.6 of the H&S Code currently states that "...proxy representation shall not be permitted...". Member Terry asked if this is relative to ex-officio members, as well. Member Brown recalled that others would attend to represent an ex-officio, but could not recall if they were allowed to officially vote.

Chief Tennant plans to accept from both the members of the FLSAB and the SBFS who are absent and wish to communicate their preference or decision, to do so by written communication outlining their preference and reasoning that supports this preference. Chief Tennant will then take those communications and give them the weight they deserve for consideration when he makes a decision. Therefore, Chief Tennant will have the recommendation from the SBFS and, if a member is absent, will have their written communication with their view. This may not be the same as a "proxy" vote, but Chief Tennant will be making a decision, based on the recommendations and other considerations, as well. Those letters may represent other considerations that he takes into account.

It was noted that if there is a possibility of not having a quorum present for the May 29, 2003 meeting, the method of teleconferencing would need to be considered and properly posted. If a member is not able to attend, Chief Tennant is perfectly willing to use the provisions allowed in the Bagley-Keene Open Meeting Act to set up teleconferencing.

Chief Tennant added that any technical flaw in this code selection process will be looked at and talked about, such as the SFM considering a recommendation from a body (SBFS) that did not have a quorum and wasn't properly constituted. This is the best we can do and teleconferencing would be burdensome, because of the need to know ahead of time. Chief Tennant was not sure of what would happen if a member thought they might not be able to attend and, therefore, posted as a teleconference site, but was able to attend, after all. In this case, would the location still be considered an open-meeting venue. Member Jones asked whether it could be posted that we are making those arrangements for members who may not be able to attend and may do it by conference call, while not naming the individual members. Chief Tennant reiterated that he would ask these questions of CDF legal staff.

Member Sullivan asked if the SFM is required to have a vote on issues such as the code recommendation, or rather, just oral or written recommendations from the members. It was agreed that there would be better coverage if the recommendation was made by a vote of the members. Chief Tennant stated that he did not want to present an opportunity for an action in a preemptive way such as an injunction. He is hesitant to get very esoteric about the rules. It will not be looked at as what the decision was, but rather what can be done if the decision is adverse and he does not want to make it preemptive. It was noted by Member Terry that the SFM does not make the final decision as to the code selection, but, rather, a recommendation to the California Building Standards Commission.

Chief Tennant added that he is willing to discuss the different variants with CDF counsel and will report their findings to the SBFS. The method of how a recommendation to the SFM is expressed may offer the opportunity for some flexibility. Member Sullivan added that the only weakness might be that there is not a presence of operandum (i.e.; has this been done all along, before this issue).

Member Terry added that the SBFS has no authority (other than the appeals process) and is only advisory to the SFM. Chief Tennant stated that a vote is the easiest method and his desire that a quorum be present at the May 29th meeting to enable a vote. Member Alarcon stated he is unable to attend the May 29th meeting, therefore, Chief Tennant asked Member Alarcon to give his personal recommendation, based on the deliberations heard, material reviewed and Chief Tennant will take this into consideration. If Chief Tennant gets a split vote and there are letters presented by those who have been active participants and express some cogent rationale for their recommendation, this will certainly be taken into account, because the SFM is not restrained as to what is taken into consideration. Member Mayberry suggested that CDF counsel be asked to advise on this issue, as well. Chief Tennant will relay counsel's findings and options. It was noted by Member Terry that Member Mayberry may be the only member Chief Tennant needs to respond to regarding the counsel's findings. Chief Tennant reiterated that he is asking the members, based on the deliberation and process that has been seen as well as the material presented, to advise him of their preference. This will be taken into consideration and, while it may not constitute a vote, it will be considered and given the weight it deserves.

Member Jones noted that it seems somewhat unusual for a member to communicate in writing as to how they feel if they are not able to attend the meeting and asked whether the SBFS is setting itself up for a problem or adversity. Chief Tennant responded that any member of any board is free to communicate to him, now or later, on any issue. Chief Tennant added that, aside from the actions of the FLSAB and the SBFS, the performance, behavior and the presentation of the model code purveyors is going to be issues that Chief Tennant will also take into consideration.

As an informational item, Division Chief Art Cota distributed copies of his response to Mike Eno, Fire Chief of Fort Mojave Mesa Fire Department in Arizona, concerning Chief Eno's request for authority to "sign-off" firefighters from his agency for Fire Fighter I certification in California. Chief Cota's response explained that the statutory authority for certification does not extend to the State of Arizona, and could not be granted.

Additionally, Chief Cota distributed copies of Bulletin 03-09, signed by Kenneth J. O'Brien, Executive Director of the Commission on Peace Officer Standards and Training (POST), regarding the needed cancellation of POST training contracts because of their revenue deficit.

X. MEETING ADJOURNMENT

The meeting was adjourned at 1:00 p.m.

Meeting Minutes Developed by:
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