

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

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MINUTES
State Board of Fire Services
Thursday, May 29, 2003
Governor's Office of Emergency Services, Sacramento, California
Teleconference Site: California State University, Long Beach, California

MEMBERS PRESENT:

John Tennant, State Fire Marshal
Richard Alarcon, California Labor Federation*
Steve Brown, Fire Districts Association of California
Denny Bungarz, County Government
Michael Esparza, California State Firefighters Association
P. Michael Freeman, California Metropolitan Fire Chiefs
Richard Guerrero, International Association of Fire Fighters
Dallas Jones, Director, Governor's Office of Emergency Services
Rick Martinez, California Fire Chiefs Association
Richard Mayberry, California Professional Firefighters
Thomas Sullivan, Fire Districts Association of California
Dan Terry, Chair of the California Fire Fighters Joint Apprenticeship Program
Harry Wilson, Insurance Industry
John Winder, California Department of Forestry Firefighters
Jim Wright, Acting Chief Deputy Director, California Department of Forestry and Fire Protection

MEMBER ABSENT:

Denny McEntire, City Government

STAFF:

Nancy Wolfe, Assistant State Fire Marshal
Randy Roxson, Assistant Deputy Director, State Fire Marshal Operations
Gini Krippner, Division Chief, Code Development and Analysis, State Fire Marshal
Art Cota, Division Chief, State Fire Training
William Carmack, Division Chief, Code Enforcement, Plan Review, State Fire Marshal
Leslie Haberek, Senior Deputy, Code Development and Analysis, State Fire Marshal
Ingrid Icasiano, Senior Deputy, Code Development and Analysis, State Fire Marshal
Rodney Slaughter, Senior Deputy, Code Development and Analysis, State Fire Marshal
Ernie Paez, Supervising Deputy, Code Enforcement, South, State Fire Marshal**

* Joined the meeting at the teleconference site of the California State University, Long Beach, at 1:12 p.m.

** Facilitated and attended meeting at teleconference site, California State University, Long Beach.

GUESTS:

Neal Allbee, Sierra College
Ray Bizal, National Fire Protection Association
Laura Blaul, Orange County Fire Authority
Wayne Boyd, National Fire Protection Association
Page Dougherty, International Code Council
B. J. Foster, Regulations Coordinator, Office of Statewide Health Planning and Development
Dan Gemeny, Vice Chair, Fire and Life Safety Building Standards Advisory Board
Ruben Grijalva, Palo Alto Fire Department; representing California League of Cities Fire Chiefs Section
Don Harris, Office of Statewide Health Planning and Development
Tom Harvey, San Francisco Fire Department; Member, Fire and Life Safety Building Standards Advisory Board
John Henry, International Code Council
Doug Hensel, Department of Housing and Community Development, Division of Codes and Standards
Doug Hoffner, California Building Officials
Will Howard, Attorney, International Code Council
Christina Jamison, Ventura County Fire Department
Gary Keith, National Fire Protection Association
Ken Kraus, Los Angeles City Fire Department
John Mapes, Foster City Fire Department
James Martin, City of Garden Grove
James McMullen, Western Fire Chiefs Association/Uniform Fire Code Association
Manny Muniz, Fire Protection Consultant, MMA
Dave Noss, National Fire Protection Association
Ralph M. Ochoa, Attorney, International Code Council
Kevin Reinertson, Department of Housing and Community Development, Division of Codes and Standards
Mary Reynolds, Western Propane Gas Association
Robert Rowe, Downey Fire Department; Member, Fire and Life Safety Building Standards Advisory Board
Ed Saltzberg, Member, Fire and Life Safety Building Standards Advisory Board
Kevin Scott, Kern County Fire Chiefs Association
Jim Shannon, President, National Fire Protection Association
Al Smith, Member, Fire and Life Safety Building Standards Advisory Board
Mike Stewart, Sacramento Metropolitan Fire Department; President, Northern California Fire Prevention Officers Association
Jim Tidwell, Ft. Worth (TX) Fire Department; Chair, International Fire Code Council
Dave Walls, Department of Housing and Community Development, Division of Codes and Standards
Sara Yerkes, Vice President for Public Policy, International Code Council

I. CALL TO ORDER

Chief John Tennant, Chairman of the State Board of Fire Services (SBFS), called the meeting to order at 0943 hours at the Governor's Office of Emergency Services (OES) Headquarters, 3650 Schriever Avenue, Mather, California. Member Rick Martinez was administered the oath of office by Chief Tennant.

II. ROLL CALL

Roll call of the members was conducted; a quorum was established.

III. INTRODUCTIONS

Chief Tennant invited self-introductions of guests.

IV. APPROVAL OF MINUTES

Chief Tennant called for additions or corrections and approval of the minutes from the April 24, 2003 meeting.

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

V. ANNOUNCEMENTS

Chief Tennant thanked Member Dallas Jones for the use of the OES facility for the SBFS meeting.

Chief Tennant explained that this meeting is being teleconferenced and facilitated at the California State University, Long Beach, where Member Richard Alarcon will be joining the meeting. Any action by the board will be conducted by roll call after Member Alarcon is present.

VI. STATEWIDE TRAINING AND EDUCATION ADVISORY COMMITTEE UPDATE

Division Chief Art Cota announced that the Statewide Training and Education Advisory Committee (STEAC) met in April to review the current curriculum projects. Three curricula were brought to the SBFS for their consideration for approval at this meeting: Fire Prevention 1A and 1B; Driver Operator 1A and 1B; and Large Animal Rescue (further discussed under Item IX-B).

An issue that will be brought to the SBFS at a future date concerns the costs of student manual reproduction. A number of course sponsors are reproducing manuals, charging the same fee that State Fire Training would charge and directing those monies to other areas. This impacts State Fire Training's ability to produce curricula. The average cost to develop or revise curricula is approximately \$30,000. STEAC has asked State Fire Training to conduct a study relative to actual costs of curricula.

Chief Cota continued by stating that another issue discussed by STEAC is the community college fire technology programs and how the State budget issues that are affecting the programs. Most community colleges have experienced a ten-percent budget cut. There is a significant reduction in the number of public safety courses that will be offered in the coming semester. Budget cuts at a time when there is a greater need for training courses due to the number of separations from the fire service and new positions, magnifies the problem.

A. Strategic Plan for Fire Service Training

This item was discussed at the previous SBFS meeting, and will be included as an agenda item during a future meeting.

VII. LEGISLATIVE UPDATE

In an effort to keep this Legislative update fairly brief, Assistant State Fire Marshal Nancy Wolfe reported only on Assembly Bill 1216 by Assemblyman Vargas. She explained that this bill would allow the State Fire Marshal (SFM) to adopt fire and life safety building standards in high risk areas. Specifically, those regulations would be related to roofs, exterior walls, structure projections, porches, decks, balconies, eaves, attics, eave vents, and windows. These standards are to be developed in consultation with California Department of Forestry and Fire Protection (CDF) and Department of Housing and Community Development (HCD) and would be effective upon action by the State Building Standards Commission (BSC). These regulations would be applicable for new and remodeled structures built in high fire-hazard severity zones in urban wildland interface communities and in other areas that are subject to wildland safety threat. Chief Wolfe added that CDF-SFM is sponsoring this bill.

VIII. OLD BUSINESS

A. Accreditation of Academies; Needs Assessment

Division Chief Cota distributed and discussed two redrafted survey letters; one addressed to the Fire Department Chiefs, the other to the Accredited Regional Fire Academy Directors. Chief Cota explained that the redrafts incorporated the recommended revisions made by the SBFS at the previous meeting.

In reviewing the letter addressed to the Fire Department Chiefs, Member Esparza suggested the inclusion of a question as to how many employees in the fire service are not firefighters (i.e.; inspectors or public information officers) who have successfully completed an accredited academy and obtained a position in the fire service in a capacity other than firefighter. Member Brown agreed this question would be beneficial to include. Chief Cota agreed to include a question as to how many full-time non-suppression employees

have completed an accredited academy. Chief Cota will be working with the OES Fire and Rescue Branch, to use their electronic survey subscription service to disburse the final letter to the Fire Department Chiefs.

Motion: Terry/Esparza to accept the proposed letter addressed to the Fire Department Chiefs, with the addition of the above-identified question; Discussion: None; Vote of Members: Unanimous for Approval.

Regarding the redraft of the letter addressed to the Accredited Regional Fire Academy Directors, Chief Cota explained that this letter has been redrafted to incorporate the comments by the SBFS at their previous meeting, as well. Specifically, the demographics are separated by academic years for a period of three years, as well as the number of students that participated in the programs, both in the pre-service fire academy and all other fire technology program components. The cultural and gender diversity statistics for three years are also requested, along with questions relating to the emergency medical technician and paramedic training.

Chief Cota stated that the feedback from the two surveys will be separated by counties.

Motion: Mayberry/Martinez to accept the redraft of the proposed letter to the Accredited Regional Fire Academy Directors ; Discussion: None; Vote of Members: Unanimous for Approval.

B. California Fire Academy/Monterey Peninsula College

Chief Cota recalled that, at the last SBFS meeting, he had advised of a potential closing of the State Fire Training Operation at the Asilomar Conference Center due to: (1) budget issues that Monterey Peninsula College (MPC) was experiencing; (2) some student dissatisfaction with the Asilomar facility; and (3) teachers' displeasure with the teaching environment. This closing has come to fruition; State Fire Training has discontinued the program at Asilomar and is transitioning from the Asilomar Conference Facility to MPC facilities. Member Esparza asked that Chief Cota report back to SBFS within 12 months regarding the impacts of the changes to this program. He asked Chief Cota to consider whether this program is most beneficial to students by continuing to offer it in Monterey or by offering it at a variety of other venues.

C. Model Code Discussion and Recommendation

1. Summaries by National Fire Protection Association and International Code Council

Sara Yerkes, Vice President, Public Policy, International Code Council (ICC), presented a summary of the ICC and its process. Ms. Yerkes announced that James Lee Witt was appointed to the position of Chief Executive Officer for ICC. Jim Tidwell, Chairman of the Fire Code Council, Page Dougherty and John Henry of ICC staff, as well as Ralph Ochoa and Will Howard, counsel for ICC were also in attendance. For further information, Ms. Yerkes invited the members to visit the ICC web site, www.icc-safe.org, for updated information regarding the ICC. Ms. Yerkes and her colleagues answered questions from the SBFS regarding the ICC voting process.

Jim Shannon, President, National Fire Protection Association (NFPA), presented an overview of the NFPA, including the organization's history, membership and process used in the development of codes and standards. Mr. Shannon also explained the NFPA Standards Council and its hearing process.

2. Report from Fire and Life Safety Building Standards Advisory Board

Randy Roxson, Assistant Deputy Director, State Fire Marshal Operations, reviewed the process used by the Fire and Life Safety Building Standards Advisory Board (FLSAB). Chief Roxson reported that ten task groups were organized to complete code comparisons using the currently adopted Uniform Building Code. Upon completion of the code comparisons, the FLSAB was tasked with examining the code issue. After their review of the code comparison materials and testimony from the public and the code groups, the FLSAB made a recommendation to the SBFS. SBFS is responsible for evaluating the issue and making a recommendation to the State Fire Marshal. The State Fire Marshal must report his findings to the State Building Standards Commission subcommittee on June 11, 2003.

Dan Gemeny, Vice Chair of the FLSAB, briefly described the process the FLSAB took in the consideration of their recommendation of the model codes. Mr. Gemeny explained that the FLSAB decided to make a recommendation of a single “family” of codes. The FLSAB recognized nine considerations in evaluation of the two model codes. These considerations were:

- level of safety
- user friendliness
- ease of correlation
- history of the code purveyors
- economic considerations for the jurisdictions and for businesses in the State
- support services
- code official input in the model code development process
- consideration of other State agency comparisons
- determine how many State and local amendments may be required, depending on the differences in the two model codes

During their meetings, the FLSAB discussed the code adoption process, particular methods, the accreditation, membership dues and fees. Additionally, the FLSAB reviewed additional documents, letters from jurisdictions as well as individuals and organizations and letters of comparison from other states, along with hearing public testimony and final statements from each purveyor. Afterwards, there was a motion with a vote taken by members, along with their comments, wherein the recommendation of adoption of the NFPA codes was carried with a vote of eight ayes and four nays.

3. Discussion by State Board of Fire Services Members

It was the desire of the SBFS to hear comments from the public before discussing the issue. (Discussion is noted below.)

4. Public Comment

Listed below are the names of those that made public comment during the meeting:

Thomas Harvey	Ralph M. Ochoa	Laura Blaul
Jim Martin	Al Smith	Ruben Grijalva
Kevin Scott	Mike Stewart	Ed Saltzberg
John Mapes	Wayne Boyd	Mary Reynolds
Robert Rowe	Manny Muniz	Christina Jamison

In addition, members were provided with copies of letters of support received by SFM prior to the meeting.

5. Recommendation of Model Code

Following public comments, Chief Tennant asked the SBFS for any questions they might have of the code purveyor representatives. He then asked for discussion and comments from SBFS members.

Member Martinez commented that, after taking into consideration all the hard work that has been put into the code comparison study, the California Fire Chiefs Association recommends adoption of the NFPA codes and urges the NFPA and ICC to consider their relationship as much as possible during the transition. Member Martinez further stated that the California Fire Chiefs Association will support the decision of the California Building Standards Commission and actively work with whatever code sets are adopted to meet the needs of the State of California.

For clarification, Member Terry restated the process and the SBFS's roles and responsibilities in the recommendation of the model code: The FLSAB was established and studied to make a recommendation to the SBFS, which they have done. Subsequently, the SBFS is making a recommendation to the State Fire Marshal; then the State Fire Marshal will be forwarding a recommendation on to the Building Standards Commission and they will make the final

determinations. Considering this, Member Terry asked if the Chair was prepared to entertain a motion. The Chair responded that a motion would be in order. Member Terry then presented the following: "Having considered all the public testimony, the State Fire Marshal's technical analysis, as well as the recommendations of the Fire and Life Safety Building Standards Advisory Board (FLSAB), I move that the State Board of Fire Services (SBFS) support the recommendations of the FLSAB and support the NFPA model codes; and further request that the State Fire Marshal would represent the positions taken by the FLSAB and the SBFS before the Building Standards Commission."

Motion: Terry/Mayberry (as stated above).

Discussion: Member Freeman commented that included in the motion was to have this recommendation carry some guidance and weight for the State Fire Marshal. Member Terry responded that the SBFS is statutorily charged with providing advice to the State Fire Marshal. Should the State Fire Marshal's recommendation be different than that of the FLSAB and the SBFS, by stating the motion would ensure that the positions of the FLSAB and the SBFS would be presented to the Building Standards Commission for their consideration.

Member Winder commented that this is a difficult decision for him and hopes that in the future there is better communication between the fire chiefs and the fire prevention officers and staff that use these codes. Because there seems to be a difference of opinion, he explained his hope that through this process a better line of communication is developed which represents the fire service as a whole.

Member Freeman commented on the gravity of this decision. He identified that comments from fire prevention officers who enforce the codes and are more actively involved in code changes, amendments and enforcement, carried a lot of weight in the discussion among the California Metropolitan Chiefs. However, the California Metropolitan Chiefs supports adopting the NFPA codes.

Member Esparza stated that he has reviewed the material given and had some dialogue with the California State Firefighters Association who agrees that both model codes seem to fall short of a lot of the needs in California and has expressed concern that there will be considerable amendments needed, no matter what the choice of code.

Member Brown inquired as to the process for amendments to the code at the State level. Chief Gini Krippner responded that this is done on an annual cycle. The Building Standards Commission would adopt a model code and the State agencies will have the opportunity to ask for consideration of amendments to that established base-line code.

There being no further discussion, the Chair called for the vote by roll:

Vote of Members:

<u>Member</u>	<u>Vote</u>
Richard Alarcon	Aye
Steve Brown	Aye
Denny Bungarz	No
Michael Esparza	Abstain
Michael Freeman	Aye
Richard Guerrero	Aye
Dallas Jones	Aye
Rick Martinez	Aye
Richard Mayberry	Aye
Denny McEntire	absent
Thomas Sullivan	Aye

(Vote continued on next page)

<i>Dan Terry</i>	<i>Aye</i>
<i>Harry Wilson</i>	<i>Aye</i>
<i>John Winder</i>	<i>Aye</i>
<i>Jim Wright</i>	<i>Aye</i>

Vote Results: Twelve “Ayes”, One “No”, One “Abstain”, with one member absent and Chair not voting on recommendation to the State Fire Marshal; Motion passed.

Chief Tennant thanked the staff that assembled the support documents, the code purveyors for their effort they expended, as well as the members of the public and the fire prevention officers who worked throughout this process. Chief Tennant also thanked the SBFS for their attention and diligence in considering the tremendous amount of material presented for their review.

IX. NEW BUSINESS

A. National Board of Fire Service Professional Qualifications

Chief Cota referred to a letter previously mailed to the SBFS from the National Board of Fire Service Professional Qualifications (Pro Board), in which an application was made to them to accredit someone for the purposes of delivering certification. For purposes of clarification, Chief Cota explained that the Pro Board is one of two entities in the United States that accredits those that offer certification programs (the other is the International Fire Service Accreditation Council [IFSAC]).

A private non-profit organization in California has applied to the Pro Board to issue Hazardous Materials certifications. The Pro Board has approached State Fire Training, stating that they are willing to review this application unless State Fire Training wants to become accredited as a State agency.

Chief Cota explained that the two boards review the entity that is providing the courses and provide a third-party evaluation to ascertain whether the curriculum meets the nationally-recognized standard for the particular level of certification and has a sound testing mechanism. There are fees associated with the program and certification.

Chief Cota stated that his response to the Pro Board during initial conversation was that, as Chief of State Fire Training, he could not be supportive of accreditation by a third party at this time, because State Fire Training accreditation comes from the fire service and the fact that State Fire Training programs are adopted by many of the fire departments in California and many of the certifications are a pre-requisite of hiring or promotion. Also, if the Pro Board proceeds forward with this review, State Fire Training may not be able to accommodate the participants of this program. The Hazardous Materials Program offered by State Fire Training exceeds NFPA standards. Therefore, if a participant receives certification under this other program/company in California, it will not meet State Fire Training standards. In addition, responsibility for this level of certification is already delegated by the California Legislature. OES develops certification standards and curriculum; the SFM, through the SBFS, adopts these same standards and shares this responsibility.

(Note: Vice Chair Esparza presided over the meeting at this point. Chairman Tennant left the room but rejoined the meeting at 1:45 p.m.)

During discussion by the members, it was suggested that more information or documentation showing other States' participation in this program is needed before the SBFS can consider any action.

(Chairman Tennant rejoined the meeting.)

*Motion: Jones/Bungarz; to communicate with the National Board of Fire Service Professional Qualifications (Pro Board) to find out more information on the specifics of how the mechanism would work; Discussion: Through further discussion the motion was amended by Jones/Bungarz to include a similar communication with IFSAC, the other provider or accreditation;
Vote of Members: Unanimous.*

B. Curriculum Updates and Approvals

- 1. Fire Prevention 1A and 1B**
- 2. Driver Operator 1A and 1B**
- 3. Large Animal Rescue**

Division Chief Cota explained that course outlines for Fire Prevention 1A and 1B, Driver Operator 1A and 1B, as well as Large Animal Rescue were mailed to members prior to today's meeting. Chief Cota reported that most of this curricula has already been delivered while awaiting the SBFS to reconvene during 2001-02, and this information is being presented today to bring the Board up to date on the curricula. Member Brown commented that this curricula is a vast improvement over those previously used.

Motion: Martinez/Terry; to adopt the modified curriculum, as presented; Discussion: None; Vote of Members: Unanimous for Approval.

X. ROUNTABLE DISCUSSION BY MEMBERS

In response to the SBFS's previous request, Chief Cota distributed a printout identifying various certifications and the total issued in recent years. Chief Cota noted that in Fiscal Year 2001/02, 5,726 certifications were issued; to date, 5,354 have been issued in Fiscal Year 2002/03. Chief Cota also noted that approximately 40,000 students have participated in the State Fire Training program during this year.

XI. PUBLIC COMMENT

No further public comment was made.

XII. MEETING ADJOURNMENT

The meeting was adjourned at 2:00 p.m. The next meeting is scheduled for Thursday, September 18, 2003, beginning at 9:30 a.m., in Sacramento (meeting location to be announced).

Meeting Minutes Developed by:
PENNY NICHOLS
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