



Office of the City Manager

INFORMATION CALENDAR
December 10, 2024

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Keith May, Acting Fire Chief
 Subject: Fire Prevention Inspections Audit Status Report

CURRENT SITUATION AND ITS EFFECTS

On May 9, 2019 the City Auditor submitted a Fire Prevention Inspections audit report¹ to the City Council with recommendation to improve the overall fire prevention inspection program, improve customer service, and to reduce the risk of fires and other emergencies that may fall within the jurisdiction of the fire code. The purpose of this information item is to update City Council on the status of the audit report recommendations. This is the second and final status report regarding this audit, which is slated for no further follow-up action as recommended by the City Auditor for all audits more than five years old.

BACKGROUND

The initial audit included eleven recommendations. In a status report to City Council on November 3, 2022, two of the eleven recommendations were dropped, seven recommendations were started or partly implemented, and two recommendations were not started. Since that time, two of the recommendations have been started.

1.1 “Fire analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections.” Fire Marshal Steve Riggs retired on 9/14/2024. New Fire Marshal Drew Whyte began on 9/16/2024.

The Fire Prevention Division (FP) has been tracking new construction on an annual basis since 2019. In 2019, there were 47 projects with 3000 projected dwelling units under construction or in plan review. In 2024, there are 83 projects with 6,400 projected dwelling units. The FP division is currently analyzing the list of annual inspections and determining which businesses need to be inspected by the FP versus Suppression. In the next code adoption cycle (Fall/Winter 2025), the FP would like to amend Berkeley Municipal Code Section 12.50.040 – Applicability [of Fire Inspection Program] and we are analyzing the revenues from our annual fire prevention inspection program and our

¹ [Audit: Fire Prevention Inspections: Insufficient Resources Strain Code Compliance](#)

new construction projects to understand what monies are accruing to the general fund. In addition, we are analyzing which businesses need to be inspected by the FP Inspectors and not the Firefighters.

3.3 “Fire Prevention coordinate work plans with Suppression for all mandated prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs.” An analysis of annual fire prevention inspections completed by each engine company on each shift during Fiscal Year 2024 was delivered to the Deputy Fire Chiefs and Fire Chief in August 2024.

The FP does recognize that the General Orders and other policies and procedures pertaining to annual inspections, construction inspections, fire investigations, citizen complaints, etc. need updating. This project would require temporarily dedicating one senior Staff person to document the current processes and analyze them for process improvements. It would also include researching best practices and determining if they would be pertinent and useful for the FP.

At the auditor’s recommendation, the nine recommendations that have not been implemented after five years will be dropped. The recommendations that have been started or partially implemented will continue to move forward. There has been an increase in new construction projects that has doubled the workload relating to new construction which also indicates a need for additional staffing.

FISCAL IMPACTS OF RECOMMENDATION

None.

POSSIBLE FUTURE ACTION

Plans are currently being implemented to move away from a paper-based inspection system and into digital inspection records for both the built- and WUI-environments. This is likely to result in a small increase in the time devoted to individual inspections but should result in considerable efficiencies in handling inspection input & data, and result in a more efficient inspection process.

The fire department believes that any proposal to change the current scope of the annual fire inspection program should be made after the impacts of the current programmatic and structural changes can be assessed. Such a proposal needs to balance the City’s available fire inspection resources with the desired outcomes, namely:

1. *Reduce the incidence and severity of fires and other emergency incidents within the scope of the fire code.*
2. *Reduce the impacts of incidents on the lives and economy of the Berkeley community.*
3. *Satisfy all legal mandates for fire inspection and related services which may exist.*

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Andrew Whyte, Fire Marshal, Fire Department, (510) 981-3473

Attachments:

1: Audit findings, Recommendations, and Status Updates

Audit Title: Fire Prevention Inspections - Insufficient Resources Strain Code Compliance					
Issue Date: 05/09/2019					
Finding	Recommendation	Department	Last Period: Status	Current status update	
Fire Not Meeting Inspection Mandates; Extensive Code Requirements and Population Growth Impact Staffing Workload.	1.1 Analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections.	Fire	Not started	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Not Meeting Inspection Mandates; Extensive Code Requirements and Population Growth Impact Staffing Workload.	1.2 Perform a workload analysis to quantify the staff needed now and in the future to comply with the local fire prevention inspection requirements.	Fire	Started	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Relies on Incomplete Data to Manage Inspections.	2.1 Develop a process, in consultation with the Information Technology Department, for sharing information on property changes and additions between Fire and other City database platforms.	Fire	Dropped	N/A	
Fire Relies on Incomplete Data to Manage Inspections.	2.2 Work with both the database's software vendor and the Information Technology Department to strengthen controls over the database, including: assessing the needs for required fields for processing an inspection, such as unit, shift, inspector name, address, violation details, and violation location; formatting drop-down menus for inspection status, inspection type, and violation status; formatting the options available for the violation code numbers and violation description fields.	Fire	Dropped	N/A	
Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.1 Coordinate work plans with Suppression for all mandated fire prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs.	Fire	Started	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.2 Create a risk-assessment plan to identify those properties that are most at risk of a fire.	Fire	Partly Implemented	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.3 Issue a General Order to the Department on the importance and necessity of performing fire prevention inspections.	Fire	Not started	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.4 The Fire Marshal and Suppression Management jointly develop a communication plan between Fire Prevention and Suppression.	Fire	Started	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.5 Revise the fire prevention inspection training to provide hands-on training, using experienced Suppression staff, on how to conduct inspections and interact with residents and community members during inspections.	Fire	Partly Implemented	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	
Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.6 Develop and distribute educational information to property owners prior to the beginning of the inspection cycle to provide information on the fire prevention inspection program, common violations, and any upcoming inspections for that area of the City.	Fire	Partly Implemented	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.	

Fire Staff Do Not Have Enough Support to Get Inspections Done.	3.7	Create a process for issuing, tracking, and following up on administrative citations for properties with repeat or high-risk violations, including revenue collections and tracking. That process should collaborate with other City work units that perform enforcement activities to provide consistency.	Fire	Started	Dropped. Audit recommendations are considered dropped if the City has not implemented them within five years.
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