



PERFORMANCE AUDIT OF OAKLAND FIRE DEPARTMENT'S FIRE PREVENTION BUREAU

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SEPTEMBER 30, 2020

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September 30, 2020

HONORABLE MAYOR
HONORABLE CITY COUNCIL
HONORABLE CITY ATTORNEY
CITY ADMINISTRATOR
INTERIM FIRE CHIEF DRAYTON
RESIDENTS OF OAKLAND
OAKLAND, CALIFORNIA

RE: PERFORMANCE AUDIT OF THE OAKLAND FIRE DEPARTMENT'S FIRE PREVENTION BUREAU

Dear Mayor Schaaf, President Kaplan, Members of the City Council, City Attorney Parker, City Administrator Reiskin, Interim Fire Chief Drayton, and Oakland Residents:

As city leaders we are acutely aware of the 1991 Oakland-Berkeley Hills Tunnel Fire and the 2016 Ghost Ship Fire--two of the most disastrous fires in American history. Following both fires, the City launched major fire prevention efforts to improve fire and life safety throughout the City of Oakland. Specifically, after the Ghost Ship fire, the Mayor created a task force "comprised of community members, housing advocates, and fire safety experts, to devise a framework to improve building, event, and life safety." The task force recommended a set of wide-ranging reforms to the City's fire prevention program.

To assess whether the City is on target in implementing these vital reforms and whether the City is doing all it can to protect our residents, my office conducted a performance audit of Oakland Fire Department's Fire Prevention Bureau (Bureau). The scope of the audit included the Fire Prevention Bureau's activities conducted from September 2016 through September 2019.

The overall objectives of the audit were to determine whether the Bureau implemented the 2017 recommendations from the Mayor's Task Force and whether the Bureau has established adequate controls to ensure all state mandated inspections were completed and fire safety was adequately enforced. The audit also identifies opportunities for the Fire Prevention Bureau to improve its fire prevention practices. The report includes 30 recommendations to address the deficiencies identified in the audit.

The Department has agreed to implement 29 of the 30 recommendations, and on one of the recommendations it appears the Department is proposing a more comprehensive approach than we recommended. Therefore, we commend the Department for this, and consider their response to be an agreement of implementation.

Together, we must ensure a sense of urgency and accountability is ignited at the Fire Prevention Bureau. We cannot look back and say we knew better, we must look forward and provide our residents and businesses with the assurance that the City is doing all it can to protect them.

Sincerely,

A handwritten signature in black ink, appearing to read 'Courtney Ruby', with a stylized flourish at the end.

COURTNEY A. RUBY, CPA, CFE
City Auditor

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Executive Summary

Overview

The Office of the City Auditor (Office) conducted a performance audit of Oakland's (City) Fire Prevention Bureau (Bureau), a division of the Oakland Fire Department, to examine whether the Bureau implemented the 2017 recommendations from the Mayor's Task Force established after the tragic Ghost Ship Fire in 2016 and assess the adequacy of its fire safety inspections to keep our residents and businesses safe.

Background

The mission of Oakland's Fire Prevention Bureau, a division of the Oakland Fire Department, is to reduce the risks of fire throughout the community. The Bureau conducts fire safety inspections of the City's buildings, structures, and vacant lots. The Bureau also performs, what are termed state-mandated inspections, which include buildings used for public assemblies, educational purposes, institutional facilities, multi-family residential dwellings, and high-rise structures. The Bureau also:

- Oversees the City's Commercial Inspection Program in which fire suppression staff (the engine companies) conduct fire safety inspections of smaller apartment buildings and retail businesses throughout Oakland.
- Inspects the various cannabis operations located in Oakland for Fire Code violations and investigates non-permitted operations.
- Reviews building plans and plans for tenant improvements to ensure new construction includes all required fire safety components, such as proper signage, fire alarms, and fire sprinkler systems.
- Is responsible for fire safety in the high danger zone of the Oakland hills.

Why This Audit Matters

Public safety is among the top priorities for the residents of the City of Oakland. The 1991 Oakland-Berkeley Hills Tunnel Fire and 2016 Ghost Ship Fire are two of the most disastrous fires in American history. Following both fires, the City launched major fire prevention efforts to improve fire and life safety throughout the City of Oakland.

This audit identifies opportunities for the Fire Prevention Bureau to improve its fire prevention practices, thus assuring Oakland residents the City is doing everything possible to prevent further fire disasters.

Executive Summary

Objectives

The objectives of the audit were to determine if the Fire Prevention Bureau has

- implemented the recommendations from the Mayor’s Task Force established after the Ghost Ship Fire in 2017,
- established adequate controls to ensure that all state-mandated inspections are conducted annually, and
- established adequate controls to ensure that fire safety is adequately enforced.

Key Findings

Finding 1: After Three Years, a Great Deal of Work Remains for the City to Accomplish the Reforms Outlined by the Mayor’s Task Force Following the Ghost Ship Fire

- In 2017, after the Ghost Ship Fire, the City launched a major reform effort to improve fire and life safety throughout the City of Oakland. More than three years later, the City has made progress, but significant work remains to fully implement these reforms.
- High turnover in leadership at the Fire Department and in the Fire Prevention Bureau has compromised reform efforts. Since 2017, the City has had three Fire Chiefs and three Fire Marshals.
- Only recently has the Bureau begun to employ a strategic focus on implementing the rigorous management and accountability systems called for in the Mayor’s Executive Order.
- The City has created what is now called the “Properties Team” to bring into compliance properties that were being used as unpermitted residences. These were usually warehouses or commercial buildings that had been converted to residences but that did not conform to the City’s building, housing, fire safety, or zoning requirements. The Properties Team, which meets weekly, is composed of representatives from the Planning & Building Department, the Housing Department, the Bureau, and the City Attorney’s Office, and has worked successfully with the owners of these properties to bring them into compliance with City requirements.
- Over the past three years, the Bureau’s budgeted inspectors has increased from 8 to 26 inspectors, increasing its capacity for completing inspections. Of the 18 additional inspectors, 13 conduct inspections of state-mandated facilities and 5 inspectors were upgraded from temporary vegetation management inspectors to full-time vegetation management inspectors. In addition, the Bureau has added two new supervising inspector positions.
- The Bureau still needs to update business practices, train inspectors, develop standard operating procedures, implement more robust quality control processes, and develop performance measures.

Executive Summary

Finding 2: The Bureau is Not Meeting its State-Mandated Inspection Requirements

- In moving to the new Accela database, the Bureau learned its master list of properties requiring annual inspections is incomplete. The Bureau is completing a block-by-block analysis of the City to ensure all properties have been identified.
- Even with additional staff, the Bureau has not significantly increased the number of state-mandated annual inspections conducted over the past three years. Overall, the Bureau slightly increased its total inspections from 1,133 inspections of state-mandated properties between September 2016 to September 2017, to 1,241 inspections between September 2018 and September 2019.
- Overall, the Bureau inspected approximately 26 percent of all identified facility types from September 2018 through September 2019. Conversely, the Bureau did not conduct mandated inspections of 74 percent of the properties requiring inspections, from September 2018 through September 2019.
- An even more in-depth view of the inspection data covering the entire three-year period shows that 2,429, or 51 percent of the mandated properties, had not been inspected at all. We found that about half of the properties that the State Fire Code or the City's Municipal Code has deemed high risk enough to be inspected annually, received no inspections for at least three consecutive years.
- The Bureau's personnel have been stretched thin from meeting its annual state-mandated inspections by other work, such as inspections required by the City's building boom, addressing safety issues at the many homeless encampments throughout the City, and the hiring and training of new inspection staff. The Bureau's practice to repeatedly re-inspect properties to bring them into compliance has also diverted significant time away from conducting mandated inspections.
- The Bureau has not established a risk-based approach for prioritizing and scheduling its work, even after the Mayor, in her 2017 Executive Order, directed that the City determine the number of inspections that needed to be completed annually and prioritize them based on risk.

Finding 3: The Bureau's Current Enforcement of Fire Safety Laws is Often Ineffective

- Of the 1,241 state-mandated inspected properties between September 2018 through September 2019, the Bureau was unable to obtain compliance on 493 properties, or 40 percent of the total state-mandated properties it inspected, even after a total of 415 re-inspections. The number of re-inspections on these non-compliant properties ranged from one to seven re-inspections.
- Of those 1,241 properties inspected, the Bureau did not identify any violations on 512 properties, or 41 percent of the total state-mandated properties it inspected, and the Bureau performed 389 re-inspections to compel 236 property owners to correct their safety violations.
- The Oakland Unified School District has not corrected the deficiencies that Bureau inspectors

Executive Summary

found during their inspections at 17 of 20 schools sampled. Twelve of these schools had been inspected two or more times and continued to fail their inspections. The deficiencies found include missing fire extinguishers and non-functioning fire alarms.

- The Bureau has not operationalized its appeals process to provide property owners with an opportunity to dispute bureau findings of violation. As a result, over 700 homeowners have uncorrected violations from the 2018 fire inspection season and the Bureau has not assessed an inspection fee, even though these homes have been inspected at least two or more times during the 2018 fire season.
- The estimated 2018 fees the City has suspended by this practice and the absence of an appeals process is over \$300,000. The Bureau has not yet assessed a fee to homeowners with uncorrected violations for the 2019 season, even though these properties have been inspected multiple times.

Recommendations

Finding 1 Recommendations:

Finding 1 includes 16 recommendations to assist the Department in fully implementing the reforms identified by the Mayor's Task Force. To fully implement the reform efforts, the Bureau should:

1. Develop a scorecard of performance measures to clearly communicate what they are trying to accomplish, align and prioritize the day-to-day work, and monitor its progress toward its strategic targets. One example of a performance measure would be to set an expectation for the number of inspections that each inspector should be expected to accomplish in a given timeframe, such as a month or year. The Bureau should also ensure the recommendations from the Mayor's Task Force are appropriately incorporated into the performance measures until they are achieved.
2. Send out a reminder to all of Oakland's fire houses of the updated protocol for reporting unsafe properties to the Bureau and establish a formalized electronic system for tracking all properties until safety issues are resolved.
3. Continue its efforts to fill the vacancies on its organization chart.
4. Ensure the backlog of inspection reports are addressed.
5. Permanently assign appointments to the supervising inspector positions.
6. Develop a process to electronically input its inspection reports.

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7. Establish a timeline for completing the Accela database system and train all staff once the Accela database is fully implemented.
8. To streamline the process for paying inspection fees, afford property owners the option of paying on-line for their fire safety inspections.
9. Adopt a final version of a training plan and authorize the Fire Marshal to approve training for staff and establish a formal system for tracking staff's training and certifications. Managers should periodically review training records to ensure all staff are meeting their training requirements.
10. Create a specialized training program for cannabis inspections.
11. Create a specialized training program for supervisory inspectors.
12. Immediately create a formal system for conducting and documenting quality assurance reviews of inspections.
13. Compile and adopt a set of standard operating procedures (SOPs) and establish a process to update the SOPs regularly.
14. Develop formal procedures for cannabis facilities to operate and to provide a basis for inspecting these facilities.
15. Develop key performance measures.

To ensure the Mayor and City Council can track the Bureau's reform efforts, the City Administrator should:

16. Re-establish its periodic reports called for in the Mayor's 2017 Executive Order.

Finding 2 Recommendations:

Finding 2 includes 10 recommendations to improve the Bureau's inspection capability, provide more accountability for inspectors and for the Bureau, and ensure adequate staffing for the cannabis inspection program. To improve its inspection efforts, the Bureau needs to:

17. Continue to develop and update a master list of all properties that need to be inspected.
18. Establish data integrity controls with the implementation of the new Accela database.

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19. Adopt a risk-based approach for scheduling state-mandated inspections as recommended by the Mayor's Task Force in 2017. Risk factors would include the type of facility, period elapsed since the facility was last inspected, the age of the facility, the compliance history of the facility, the number of occupants using the facility, and whether the facility is used 24 hours a day or only during the work-day.
20. Immediately complete a risk assessment and schedule its inspections for the 2,400 properties not inspected in the last three years, based on the risks presented by each property.
21. Develop a workload and staffing analysis to provide a basis for evaluating the productivity of the inspectors and the Bureau. At a minimum, this analysis should include the number of facilities that need to be inspected, the average time it takes to inspect these facilities, time needed to re-inspect facilities, travel time, and the available staff to conduct inspections.
22. Create a set of performance measures that will enable supervisors to assign inspections and hold each of its inspectors accountable by monitoring their contribution to accomplishing the Bureau's inspection workload.
23. Enhance its monthly report to add a component to track the total time that inspectors spend doing their inspections against a pre-established goal for each inspector.
24. Re-evaluate the number of inspection staff and administrative support it has assigned to inspecting cannabis facilities.

To ensure that cannabis facilities are not allowed to operate indefinitely without meeting Fire Code requirements, the City Administrator's Office, in consultation with the Fire Department, should:

25. Establish expiration dates for provisionally permitted cannabis facilities.

To ensure a comprehensive interdepartmental approach to the regulation of cannabis facilities is in place, the City Administrator should:

26. Identify all the City departments involved in the regulation of cannabis facilities and develop an Interdepartmental Agreement to clarify each department's role and responsibilities, ensure interdepartmental coordination, information sharing, and if applicable, shared training opportunities.

Finding 3 Recommendations:

Finding 3 includes four recommendations to enhance the Bureau's enforcement efforts, address fire safety violations at the Oakland Unified School District, and operationalize the appeals process to provide

Executive Summary

property owners with an opportunity to dispute the Bureau's Findings of Violation. To strengthen its enforcement efforts, the Bureau should:

27. Employ more aggressive administrative and judicial actions to compel property owners to correct fire safety violations.
28. Immediately schedule a meeting with officials from the Oakland Unified School District to adopt a plan to bring its schools into compliance with fire safety regulations.
29. Elevate Oakland Unified School District's lack of compliance with fire safety requirements to the City Administrator and the Superintendent of the District.
30. Continue using the established appeals process in the City Administrator's Office for appeals related to the Bureau's inspection programs and begin assessing homeowners for past and current inspections fees.

Introduction and Background

Background

The mission of Oakland's (City) Fire Prevention Bureau (Bureau), a division of the Oakland Fire Department, is to reduce the risks of fire throughout the community. The Bureau conducts fire safety inspections of the City's buildings, structures, and vacant lots. The Bureau also performs, what are termed state-mandated inspections, which include buildings used for public assemblies, educational purposes, institutional facilities, multi-family residential dwellings, and high-rise structures. The inspectors conduct their field inspections in accordance with fire safety regulations found in the California Fire Code (Fire Code), the California Health and Safety Code and the local amendments to the Fire Code, as provided in Chapter 15.12 of the Oakland Municipal Code. Also, state licensed care facilities, such as community care facilities and child day care facilities, require a fire safety inspection by the Bureau before they can operate, and are inspected annually thereafter. The City charges an inspection fee for the inspections performed.

The Bureau also oversees the City's Commercial Inspection Program in which fire suppression staff (the engine companies) conduct fire safety inspections of smaller apartment buildings and retail businesses throughout Oakland. The engine companies rely on an inspection checklist to guide their inspections.

The Bureau also inspects the various cannabis operations located in Oakland and investigates non-permitted operations for Fire Code violations. Depending on the type of cannabis operation, that is, cultivation, manufacturing, distribution or retail, various fire safety regulations apply. Authorization to operate a cannabis business requires both a license from the California Bureau of Cannabis Control and a City license. Obtaining a state license also involves reviews by the California Department of Food and Agriculture and the California Department of Public Health. As of January 2020, the City regulates 127 fully permitted cannabis operations, which were all inspected prior to receiving a City permit to operate. Once permitted and in operation, these businesses are required to be inspected, at least annually.

The reports of all completed inspections are filed in a database called One Step. After each inspection, the inspector is responsible for inputting the inspection results into the One Step database. The Bureau also files paper copies of inspection reports in their central files. Finally, to ensure that inspections are done properly and accurately documented, the Bureau's Acting Assistant Fire Marshal does quality assurance reviews on a limited sample of the inspectors' work each month.

In addition, the Bureau's fire protection engineers review building plans and plans for tenant improvements to ensure new construction meets Fire Code requirements, such as proper signage, fire alarms, and fire sprinkler systems.

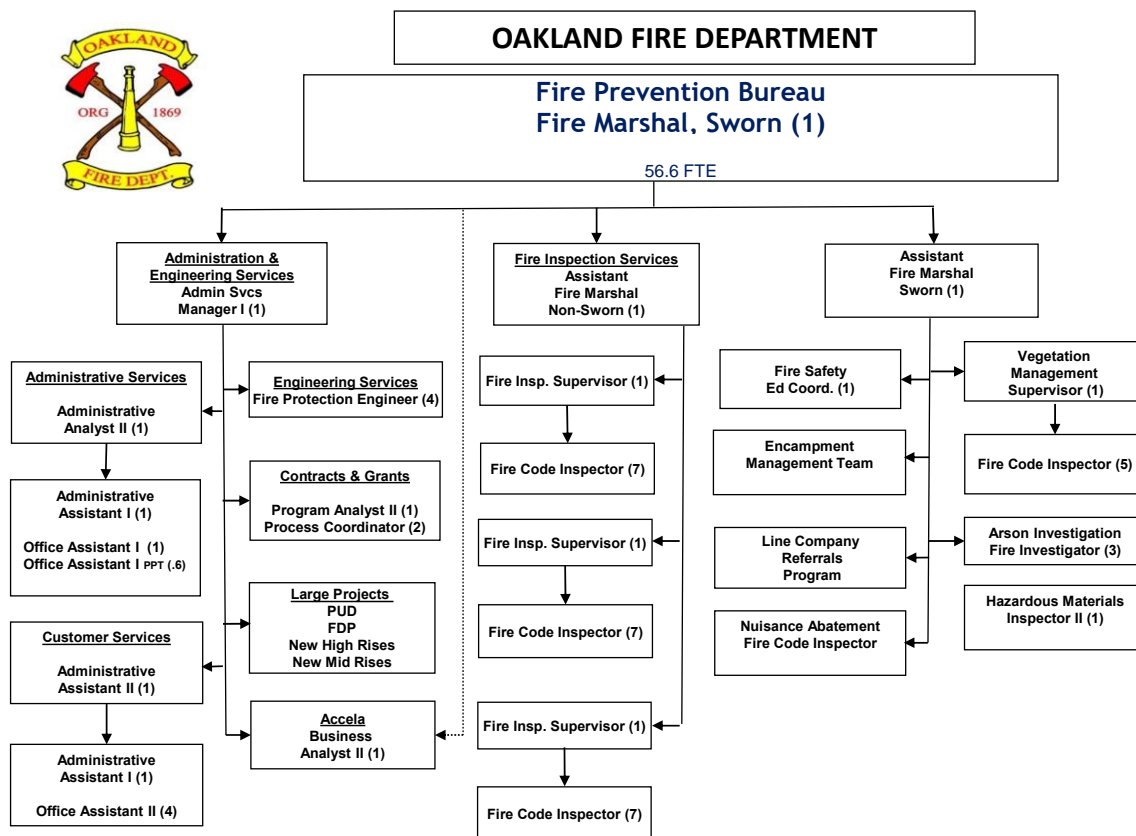
In many instances, the fire safety inspections completed by the Bureau originate from some triggering event, such as a resident complaint or a referral by an engine company who observes an unsafe condition in a building during their response to an emergency. Additionally, new construction comprises a significant percentage of inspections for the Bureau, as all new buildings and tenant improvements in existing buildings require one or more fire safety inspections.

Introduction and Background

The Bureau is also responsible for fire safety in the high danger zone of the Oakland hills. The Bureau, in coordination with the Fire Department's engine companies, carries out this responsibility by inspecting up to 26,000 residences, city-owned properties, and vacant lots located in the high severity fire zone to ensure that property owners comply with vegetation management practices requirements provided in Chapter 15.12 of the Oakland Municipal Code. The Bureau also manages contracts with goat grazing vendors and human crews to clear the City's road medians and park spaces of combustible grasses and shrubs that present a fire hazard in the Oakland hills.

Exhibit 1 below is the Bureau's organization chart, adopted in July 2019, that depicts the Bureau's 56.6 positions including fire code inspectors, fire protection engineers, fire investigators, administrative support, Assistant Fire Marshals, and the Fire Marshal.

Exhibit 1
Fire Prevention Bureau Organization Chart



Current 2020

Introduction and Background

In December 2016, a tragic fire, known as the Ghost Ship Fire, occurred at an Oakland warehouse and resulted in the deaths of 36 individuals. In response to this event, the Mayor created a task force (Mayor's Task Force) comprised of community members, housing advocates, and fire safety experts, to devise a framework to improve building, event, and life safety." The Mayor's Task Force recommended a set of wide-ranging reforms to the City's fire prevention program (the Mayor's Task Force recommended reforms are shown in Finding 1).

In July 2020, the Oakland City Council authorized the settlement of lawsuits filed on behalf of 32 of the 36 individuals who lost their lives in the 2016 Ghost Ship Fire, and a plaintiff who survived the fire, but has severe lifelong injuries and major medical expenses. The total settlement was \$32.7 million, with \$23.5 million for the families of the victims who perished, and \$9.2 million for the plaintiff who survived the fire.

Objectives, Scope, and Methodology

Objectives

The objectives of the audit were to determine if the Fire Prevention Bureau has

- implemented the recommendations from the Mayor’s Task Force established after the Ghost Ship Fire in 2017,
- established adequate controls to ensure that all state-mandated inspections are conducted annually, and
- established adequate controls to ensure that fire safety is adequately enforced.

Scope

The scope of the audit included the Fire Prevention Bureau’s activities conducted from September 2016 through September 2019.

Methodology

- Reviewed Oakland’s Municipal Code and the California Building and Health and Safety Code to identify inspection and permit requirements.
- Interviewed Fire Prevention Bureau management, supervisors, and staff to understand their practices for performing and managing inspections.
- Observed the Bureau inspectors performing inspections to understand the steps involved in conducting the inspection and documenting the inspection results.
- Analyzed the One Step database of properties and their inspection histories to determine which properties had been inspected, whether the inspection had been properly recorded, and whether follow-up inspections were completed to ensure deficiencies had been corrected.
- Interviewed the Fire Marshal, Assistant Fire Marshals, Inspectors, the Business Analyst, and Administrative Services Managers to assess the progress the Bureau and the Department made in hiring and training additional staff, improving its inspection tracking database, and creating standard operating procedures.
- Traced 40 inspection reports to the One Step database to determine whether the inspection results had been properly documented. Although we could not always validate the completeness of the information in the One Step database, we relied on it because it was the best available information.
- Reviewed reports of total inspections completed during the months of July through December 2019, and the annual 2019 report, to understand how the Bureau’s managers track the productivity of the Bureau and its inspectors.
- Interviewed staff of other City departments, including the City Administrator’s Office, the Planning & Building Department, the City Attorney’s Office, and the fiscal unit of the Fire Department, to understand how other departments interact with the Bureau.

Objectives, Scope, and Methodology

- Contacted other California cities about the operation of their fire prevention programs.
- Reviewed information related to the Fire Prevention Bureau received on the City Auditor's Whistleblower hotline.

Statement of Compliance

Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Audit Results

Finding 1: After Three Years, a Great Deal of Work Remains for the City to Accomplish the Reforms Outlined by the Mayor's Task Force Following the Ghost Ship Fire

The Mayor's Fire Safety Task Force recommended various reforms following the Ghost Ship Fire

In 2017, after the Ghost Ship Fire, the City launched a major effort to improve fire and life safety throughout the City of Oakland. The Mayor solicited support and advice from the National Fire Prevention Association (NFPA), the California Fire Marshall, fire safety experts, local architects, artists, housing advocates, and community members. The Mayor sought to address the issues raised by the fire including: fire and life safety standards for buildings, unsanctioned live/work spaces, minimizing the displacement of people inhabiting these buildings, and changes necessary to retain these types of uses and provide affordable live/work spaces if safety and habitability standards can be met.

In December 2016, NFPA members met with City officials with the goal of devising a framework to help improve building, event, and life safety. The NFPA recommendations became the framework for the Mayor's Fire Safety Task Force (Mayor's Task Force). The Mayor's Task Force was divided into four subcommittees with the following areas of reform:

- Data Subcommittee: This committee worked to develop a system that integrates City parcel data from multiple sources to ensure an accurate inventory exists that is accessible to City staff members from all relevant departments.
- Fire Budget and Staffing Subcommittee: This committee worked to determine the total number of fire inspections that need to be conducted annually, prioritize them based on risk, and develop strategies and recommendations pertaining to staffing levels, staff schedules, equipment needs, and technology improvements.
- Inspection and Displacement Protocols Subcommittee: This committee considered necessary changes to protocols for correcting fire and building code violations and recommended ways to improve communications among Fire, Planning & Building, and other City departments.
- Zoning and Building Code Subcommittee: This committee focused on reviewing and making recommendations on the City's zoning and building codes as they pertain to people living or holding events in non-conforming spaces, and to identify changes to the building code to make it easier to create safe, affordable live/work spaces in the future.

Eventually the City focused on the following six key areas:

1. Bringing buildings into compliance
2. Increasing inspection capacity and enhancing protocols
3. Improving inter-departmental communications (referrals and data sharing)
4. Strengthening tenant protections and education
5. Streamlining special event permitting
6. Identifying housing resources

Audit Results

This finding focuses on the first three reform areas: bringing buildings into compliance, increasing inspection capacity and enhancing protocols, and improving inter-departmental communications. Findings 2 and 3 address the Bureau's performance in inspecting state-mandated facilities and enforcing the Fire Code.

Specific reforms included:

- Establishing an interdepartmental case management team including Fire, Planning & Building, and the City Attorney, to address fire and life safety issues in unpermitted live/work spaces
- Targeting inspections at high-risk properties
- Updating its fire watch policy to immediately address fire safety needs when dangerous conditions at buildings are identified
- Improving coordination between the Bureau and the engine companies to identify and inspect high risk properties
- Securing funding to increase the number of fire code inspectors
- Updating the Bureau's organization chart
- Developing accurate, complete, and accessible data on its inspection program
- Developing standard operating procedures
- Developing a training plan for fire code inspectors, and,
- Developing key performance measures.

The Mayor called for the progress the Fire Department and the Bureau were making in improving the City's fire prevention program to be reported every two months. Despite this reporting requirement, the City Administrator only produced two reports--one in June 2017, and the another in November 2017, that outlined the specific accomplishments to improve the City's fire safety. The November 2017 report is the last instance of the progress reports called for by the Mayor.

Irrespective of the lack of reporting, as shown in Exhibit 2 below and the detail that follows, we found the City and the Fire Prevention Bureau made some progress in implementing the reforms initiated after the Ghost Ship Fire; yet, after three years, significant work remains to fully implement all the reforms. Reforms of this nature require a structured and well-managed program led by senior management. However, high turnover in leadership at the Fire Department and in the Fire Prevention Bureau has compromised reform efforts. Since 2017, the City has had three Fire Chiefs and three Fire Marshals. Only recently has the Bureau begun to employ a strategic focus on implementing the rigorous management and accountability systems called for in the Mayor's Executive Order. For example, the Bureau recently, in Summer 2019, began to deliver a management report on the inspections conducted each month, so the Bureau can monitor how many state-mandated inspections have been completed.

Audit Results

The City and the Fire Prevention Bureau have made progress in implementing reforms, but significant work remains

Exhibit 2 below shows the implementation status of the recommendations from the Mayor's Task Force formed after the Ghost Ship Fire. We have classified the recommendations as implemented, partially implemented, or not implemented. Implemented means the recommendation has been fully implemented and no further action is needed. Partially implemented means the recommendation has been partially implemented but, part of the recommendation remains open and further action is needed to address the recommendation. Not implemented means no significant action has been taken to address the recommendation.

Exhibit 2
Current Status of Reforms Following the Ghost Ship Fire

Recommendations from the Mayor's Task Force	Fully Implemented	Partially Implemented	Not Implemented
Identify and address high risk properties	✓		
Improve coordination between the engine companies and the Bureau to identify and investigate high risk properties	✓		
Augment inspection and engineering staff		✓	
Staff a new organization chart		✓	
Define and fully staff new supervisor positions		✓	
Update the Bureau's business processes		✓	
Provide sufficient training to Bureau inspectors		✓	
Perform quality assurance reviews of inspectors' work		✓	
Develop standard operating procedures		✓	
Develop key performance measures		✓	

The Bureau has fully implemented two recommendations from the Mayor's Task Force

The Fire Department has identified and addressed high risk properties

The City has created what is now called the "Properties Team" to bring into compliance properties that were being used as unpermitted residences. These were usually warehouses or commercial buildings that had been converted to residences but that did not conform to the City's building, housing, fire safety, or zoning requirements. The Properties Team, which meets weekly, is comprised of representatives from the

Audit Results

Planning & Building Department, the Housing Department, the Bureau, and the City Attorney's Office, and has worked with the owners of these properties to bring them into compliance with City requirements. Initially, 32 properties were the focus of the Properties Team's efforts over the past three years, although this number fluctuates as the Properties Team's work continues. Of the original 32 properties, 16 cases have been resolved and 16 are still unresolved. For those unresolved properties, the City is actively working with eight property owners to bring their properties into compliance. For the other eight properties, the City is taking enforcement action against the property owner to compel them to bring their properties into conformance with City regulations. In one case, the City red-tagged a property, which means the property cannot be used for any purpose, until safety violations have been corrected.

The Fire Department has also implemented protocols for reporting unsafe properties to the Bureau

In addition to identifying unpermitted residences, the former Fire Chief, in December 2016, directed the engine companies to make a concerted effort to identify any other properties in the City that appeared to have multiple fire safety hazards. Specifically, the Fire Chief issued a department-wide directive intended to improve the sharing of information between the engine companies and the Bureau. This effort resulted in a list of 125 additional property locations that the Bureau and the engine companies, targeted for enforcement. After an initial investigation of the properties, 61 of the 125 properties did not warrant further inspection. For the remaining 64 that warranted an inspection, the owners either corrected any violations or the Department took stronger enforcement actions. These properties include warehouses, vacant buildings, and businesses.

The former Fire Chief's directive instructed the engine company personnel to report to the Bureau unsafe/high risk buildings they observe in the field, such as when they respond to an emergency call in a building. Once this information is received, the Bureau enters the information into the One Step database and the appropriate response takes place. This effort immediately produced the above-mentioned "high risk" list in late 2016 that included 125 property locations that the Fire Chief reported were delegated for follow up to one of the engine companies or to the Bureau. Then in 2018, this practice was made permanent by incorporating it into the Department's procedures. We observed that during 2019, the engine companies continued to refer potentially unsafe properties to the Bureau for investigation and possible inspection.

We reviewed 13 hazardous properties that firefighting personnel referred to the Bureau's Assistant Fire Marshal between January 2019 and October 2019. In 12 of these cases, we found evidence the Bureau properly followed up to investigate whether these properties were unsafe and if so, acted to bring these properties to a safe condition. For one of the properties, we could not locate a file for the property in either One Step or in the Bureau's files.

One of the properties in our sample resulted in the Bureau being made aware of an especially dangerous situation in which homeless individuals were living in an unsafe building damaged by a fire eight years ago. After steps to ensure due process for these unpermitted residents, the City forced the evacuation of this

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property on November 28, 2019. The City then directed the building's owner to board up all the windows and doors to the building, which the owner did. However, even after all of this, a group of homeless individuals re-occupied the building and another fire occurred. After the fire occurred, a City Public Works crew re-boarded the building and constructed a fence around it.

All 13 of the properties discussed above were referred via a new dedicated e-mail account (set up in January 2019) to the Assistant Fire Marshal. However, all 13 referrals were from a single engine company. This raises the question why the other engine companies are not reporting through the new e-mail account, even after the Fire Chief directed the engine companies to report suspect properties in this fashion. The Assistant Fire Marshal is not exactly sure why only one of the engine companies is referring suspect properties via the new e-mail account but explained that the other engine companies are still sending referrals to him or to others in the Bureau, via regular e-mail. Not having these referrals funnel into one place (i.e. the new dedicated e-mail account) hinders the Bureau's ability to track the referral to ensure proper follow-up.

The Bureau Has Partially Implemented Eight Additional Reforms Stemming from the Mayor's Task Force

The key to an organization meeting its objectives is management accountability and the organizational controls that support such accountability. While the Bureau has made some progress on the reforms set forth by the Mayor's Task Force, such as identifying and addressing high risk properties and improving communication between the Bureau and the engine companies, the Bureau has yet to fully implement other organizational improvements needed to enhance its effectiveness. Existing staff vacancies and the lack of permanent staffing for supervisors have prevented the Bureau from fully implementing its new organization chart. Furthermore, the Bureau still needs to update business practices, train inspectors, develop standard operating procedures, implement more robust quality control processes, and develop performance measures.

The Bureau still needs to augment inspection and engineering staff

Over the past three years, the Bureau has increased its capacity for completing inspections. As Exhibit 3 below shows, the Bureau's budgeted inspectors has increased from 8 to 26 inspectors, an increase of 18 inspectors. Of the 18 additional inspectors, 13 conduct inspections of state-mandated facilities and 5 inspectors were upgraded from temporary vegetation management inspectors to full-time vegetation management inspectors. In addition, the Bureau has added two new supervising inspector positions to the Bureau. Exhibit 3 below outlines these and other enhancements in authorized Bureau staffing since the Ghost Ship Fire.

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Exhibit 3
Growth in the Bureau's Authorized
Staff Over the Past Three Years

	Fire Code Inspectors	Supervisors	Fire Protection Engineers	Business Analyst	Administrative Support
December 2016	8	2	3	0	4
Total Staff Added 2017-2020	18	2	1	1	7
Total Staff	26	4	4	1	11

In addition to adding fire code inspectors and supervisors, the Bureau has added one fire protection engineer, a business analyst to update and maintain its inspection database, and seven administrative support positions. Additionally, the Bureau unfroze the sworn Assistant Fire Marshal position in January 2017 to serve as a liaison between the sworn personnel in the engine companies, who perform commercial inspections, and the Fire Prevention Bureau.

The Bureau has filled most of the new positions on its organization chart, but with nine vacancies remaining, the Bureau still has more hiring to do. During the months of September 2019 and May 2020, the Bureau interviewed candidates to fill the vacant inspector, plan review, and administrative positions.

A new fire protection engineer started in September 2019. This fills one of the two vacancies in that unit and should help address the backlog of permits that are awaiting review.

Additionally, the Fire Marshal obtained the approval to spend salary savings of \$59,000 to hire temporary administrative employees to assist at the Bureau's front counter and to complete other tasks that enabled the Bureau to catch up on backlogged filing and responding to voicemails from property owners. However, the Bureau has lost these temporary workers for a period of time because the City's Master Agreements with two temporary employment agencies reached their spending limits. The Human Resources Department is currently in the initial steps of the process of establishing new Master Agreements for temporary help, which should be in place in 2020.

The Bureau still needs to finalize the redesign of its organization chart

In July 2019, the Bureau adopted a new organization chart that aligned the Bureau's 21 inspectors conducting state-mandated inspections under three supervising inspectors. Other improvements to the organization chart include the creation of a new Assistant Fire Marshal position, the addition of administrative staff, and the creation of a new business analyst position to help the Bureau migrate to a new database, Accela, that will streamline the Bureau's documentation of its inspections and enhance its communication with other key City databases, such as the permits database in the Planning & Building

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Department and its Code Enforcement Division. However, permanent supervisors have yet to be appointed. In addition, the Bureau still needs to fill all its administrative support positions.

The Bureau needs to permanently staff supervisor positions

Over the past three years, the Bureau has added 13 new fire code inspectors to primarily conduct state-mandated inspections. The City has authorized two new supervisors in addition to the existing supervisor to supervise this expanded team of inspectors conducting state-mandated inspections. This will improve the span of supervisory control from the supervision that existed in past years.

The addition of new supervising inspectors is clearly a step in the right direction. However, the Bureau has not yet made these positions permanent, and after negotiating with the union representing the supervisors, the Fire Marshal has appointed the most senior inspectors to rotate through these positions for a 60-day timeframe. The individuals in these positions need to be made permanent as soon as possible. Making these positions permanent will enable supervisors to develop a mentoring relationship with their inspectors, as well as to better oversee their inspection schedule, check the quality of their inspections, and respond to technical questions that may arise. The Fire Marshal agrees that these supervising inspectors need to be permanent appointments. However, according to the Interim Fire Chief, these supervisors have yet to be appointed on a permanent basis because the City is still completing the civil service process for these positions.

The Bureau still needs to update its business processes

The Bureau's procedures for documenting inspections is inefficient

Currently the Bureau's inspectors are doing more paperwork than is necessary to document the results of each of their inspections. Under the current process, the inspectors must first prepare a handwritten copy of their report on a triplicate form--one copy for the property owner, one copy for the inspector's file, and a third copy for the Bureau's central file. Then, upon returning to the office, the inspector must upload the inspection report into the One Step database. In this day of electronic recordkeeping, having to prepare handwritten inspection reports is an inefficient and outdated step in the process and can lead to an increase in errors and lost paperwork. This redundant process will be replaced with the adoption of the new Accela database.

The Bureau needs to develop a timeline for fully implementing the Accela database

In the process of converting from One Step to the Accela database, the Bureau discovered that it does not have a complete master list of properties that require periodic fire safety inspections. The Bureau is attempting to rectify this problem by converting their inspection data to the Accela database system. Also, this expanded database will allow City departments to more effectively share information. In fact, the City's Planning & Building Department has been using Accela for its recordkeeping needs for the past five years. The Bureau has however, struggled to fully implement the Accela database. Despite of its goal of converting to Accela in the first quarter of 2018, the Bureau has not yet rolled out the Accela system to its fire code inspectors. The migration of Bureau data to Accela turned out to be a bigger challenge than

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originally envisioned because the data needs of the Planning & Building Department differ from that of the Bureau, so these differences needed to be reconciled.

The Bureau has not established a timeline for the full transition to the Accela database, even though the documentation of accurate inspection reports is an issue we identified in the Office of the City Auditor's 2013 audit of the City's Vegetation Management Inspection Program. Since May 2018, the vegetation management inspectors have been using Accela and the Bureau assigned a Captain of Fire as the lead person in transitioning to the new database. In fiscal year 2017-18, the Bureau hired a new business analyst who is helping the Captain develop the new database. In Fall 2019, the Bureau began training one of the engine companies in how to use the Accela database to document their inspections. In February 2020, the City hired a consultant to assess the status of the Bureau's transition to the Accela database. The Bureau will not be able to provide a project timeline until the consultant completes their assessment.

The Fire Department's process for paying inspection fees is out of date

Another business practice in need of improvement is how property owners pay their inspection fees. Currently, property owners are not able to pay their fees electronically (as other City fee payers already do). One of the initiatives in the Fire Department's 2018-20 business plan is to establish a mechanism in which property owners will be able to pay their inspection fees electronically.

The Bureau still needs to provide more training to its inspectors

A stated goal of the Fire Department's 2018-20 business plan is to strengthen training opportunities for Bureau staff, including continuing to host and participate in regional training events. This past year, most of the Bureau's inspectors were able to attend an 11-day training class taught by State Fire Marshal instructors in Oakland on the fundamentals of the State Fire Code. However, in the future, it may not always be possible to bring training classes to Oakland and the City's procedures for approving out of the City travel to attend training is an arduous process:

- First, the former Fire Chief required a 60-day lead time before he would consider a request for training. This presents a challenge for the inspectors because regional training opportunities often are not announced with enough lead-time to accommodate the 60-day requirement.
- Secondly, each training request that involves training out of the City follows a multi-step approval process from the Bureau to the Fire Chief to the City Administrator's Office.

These challenges have resulted in several of the inspectors paying for training out of their own pocket. In one instance, an inspector who is expected to specialize in cannabis inspections, traveled at his own expense to Denver to learn best practices from a fire department more experienced in cannabis inspections. Given the volume and complexities in the cannabis industry, Oakland must have the right number of inspectors and ensure they receive the requisite safety training related to the cannabis industry.

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To pass probation, the Bureau's inspectors must obtain the California International Code Council's Fire Inspector I certification through one of the following options: International Code Council (ICC), California Office of the State Fire Marshal (OSFM), National Fire Protection Association (NFPA), or equivalent as defined by the OSFM and maintain the certification by renewing the certification on or before the expiration date, which requires the completion of continuing education credits. In addition, it is highly desirable for inspectors to complete the California State Fire Marshal's Fire Inspector courses 1A, 1B, 1C, and 1D.

Continuing education for each inspector is essential since the 700-page California Fire Code is revised every three years. The former Fire Chief wanted a training plan that showed the training needs for inspectors and others in the Bureau before he was willing to approve training requests. However, the Fire Marshal does not yet have a draft of a training plan. In addition, the Bureau has no central tracking of individual's training and certifications.

An additional training challenge facing the Bureau and its new organizational structure is permanently appointing the new supervising inspectors. Once this happens, the new supervisors will need training in effective supervisory practices.

The Bureau still needs to perform quality assurance reviews of inspectors' work

To track inspections conducted, the Bureau uses its One Step database. After each inspection, the inspector is responsible for inputting the inspection results into One Step. However, inspectors have not consistently input inspection results into One Step. We found that 5 of 40 (12.5 percent) of inspection reports we sampled were not entered into the database. In 2019, the Fire Marshal issued a directive reminding inspectors they were required to upload each of their inspection reports into the One Step database. It is important to properly document the report of each inspection so that follow up inspections can occur, and deficiencies are corrected.

In the past, the span of supervisory control over its inspectors was limited and any disregard for the Bureau's proper procedure may have gone unnoticed. As outlined earlier, however, the Bureau is in the process of adding more supervisors to train and guide its inspectors.

Since September 2019, the Bureau reported to us that they have established a quality control procedure in which the Acting Assistant Fire Marshal reviews a limited sample of inspection reports to ensure the inspectors are properly doing their inspections and uploading the inspection reports into the One Step database. The Acting Assistant Fire Marshal reported to us that she performs these monthly reviews so that by the end of the quarter she will have covered a sample of the work of every inspector. The Bureau, however, needs to establish a more robust quality assurance program including documenting the inspections reviewed, as well as the results of the reviews.

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The Bureau needs to complete standard operating procedures

The Bureau has not adopted a completed set of standard operating procedures for its operation, although, according to the Fire Marshal, such procedures are now being written. Without standard operating procedures, the fire inspectors are without written guidance on best practices for completing and documenting their inspections. When bringing on new employees, it is particularly important to have documented operating procedures to support new hire training and to provide easily accessible instructions on the day-to-day work of enforcing the City's fire safety rules. For example, according to the Fire Marshall, a property owner must have an approved set of plans that serve as the basis for the Bureau's safety inspections pursuant to the California Fire Code.

In 2019, however, Bureau inspectors conducted 26 inspections before the owners obtained City-approved construction plans. This practice referred to as "conditional inspections" allowed property owners to proceed with construction or improvements without an approved set of plans. In May 2019, the then Acting Assistant Fire Marshal issued a directive prohibiting the practice of "conditional inspections." This is exactly the type of directive that should be included in a procedures manual.

The Bureau has drafted various standard operating procedures, such as procedures for inspecting residential alcohol and drug treatment facilities, residential care facilities, and large family day care facilities. Additionally, the Bureau is working on procedures for high rise inspections, fire alarm checklists, fire safety during construction, and standards for construction site safety.

Furthermore, to provide more specific guidance on cannabis operations, the Bureau is in the process of drafting new procedures for the City's cannabis production facilities. These facilities present a high fire and life safety risk to the community. It should be noted that the City has been inspecting these production facilities for several years without appropriate procedures in place.

The Bureau still needs to develop key performance measures

Since Summer 2019, the Bureau has been sending monthly reports to the Fire Chief on the number of inspections conducted by the fire code inspectors and building plans reviewed by the fire protection engineers. These reports should enhance the Bureau's accountability for its inspection and permit workload. Already, these reports have enhanced the transparency about how much work the Bureau's inspectors are accomplishing, since these reports have been posted in the Bureau's workspace since the Fall of 2019. The monthly report also informs the Bureau managers and supervisors of the amount of work that has been accomplished overall and by each inspector.

The Bureau's monthly reports, however, do not include goals and therefore does not provide insight to the unmet inspection requirements. Additionally, as we discuss in Finding 2, the Bureau has not established individual measures of performance for the number of inspections that each inspector should be expected to accomplish in a given time period, such as a month or year. We believe such measures are necessary for Bureau supervisors to assess whether inspectors are handling their share of the inspection workload and

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whether inspector workloads are equitably distributed. See Appendix A for an abbreviated version of the monthly report.

Conclusion

In 2017, after the Ghost Ship Fire, the City launched a major reform effort to improve fire and life safety throughout the City of Oakland. More than three years later, the City has made only limited progress in fully implementing these reforms. Turnover in the Fire Department and the Fire Prevention Bureau has compromised many of the reform efforts. To fully implement the reform efforts, the Bureau should:

Recommendations

1. Develop a scorecard of performance measures to clearly communicate what they are trying to accomplish, align and prioritize the day-to-day work, and monitor its progress toward the strategic targets. One example of a performance measure would be to set an expectation for the number of inspections that each inspector should be expected to accomplish in a given timeframe, such as a month or year. The Bureau should also ensure the recommendations from the Mayor's Task Force are appropriately incorporated into the performance measures until they are achieved.
2. Send out a reminder to all of Oakland's fire houses of the updated protocol for reporting unsafe properties to the Bureau and establish a formalized electronic system for tracking all properties until safety issues are resolved.
3. Continue its efforts to fill the vacancies on its organization chart.
4. Ensure the backlog of inspection reports are addressed.
5. Permanently assign appointments to the supervising inspector positions.
6. Develop a process to electronically input its inspection reports.
7. Establish a timeline for completing the Accela database system and train all staff once the Accela database is fully implemented.
8. To streamline the process for paying inspection fees and provide property owners the option of paying on-line for their fire safety inspections.
9. Adopt a final version of a training plan and authorize the Fire Marshal to approve training for staff and establish a formal system for tracking staff's training and certifications. Managers should periodically review training records to ensure all staff are meeting their training requirements.
10. Create a specialized training program for cannabis inspections.
11. Create a specialized training program for supervisory inspectors.
12. Immediately create a formal system for conducting and documenting quality assurance reviews of inspections.
13. Compile and adopt a set of standard operating procedures (SOPs) and establish a process to update the SOPs regularly.

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14. Develop formal procedures for cannabis facilities to operate and to provide a basis for inspecting these facilities.
15. Develop key performance measures.

To ensure the Mayor and City Council can track the Bureau's reform efforts, the City Administrator should:

16. Re-establish its periodic reports called for in the Mayor's 2017 Executive Order.

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Finding 2: The Bureau is Not Meeting its State-Mandated Inspection Requirements

The Bureau has not identified and inspected all state-mandated facilities

State-mandated inspections comprise a significant portion of the Bureau's inspections. In accordance with key sections of the California Fire Code and the Oakland Municipal Code, inspections of many properties are required annually. These include schools, mid-rise and high-rise apartment buildings, institutions, such as hospitals and community care facilities, and assembly type buildings, such as restaurants, churches or meeting halls. Exhibit 4 below includes the frequency requirements for various types of properties.

Exhibit 4
Required Inspection Frequencies
For Various Facility Types

Type of Facility	California Health & Safety Code	Oakland Municipal Code
Assembly - Structures used for amusement, entertainment, instruction deliberation, worship, drinking or dining, awaiting transportation, or education	Unspecified	Annual
Educational - Buildings used by more than 6 persons at any one time for educational purposes through the 12 th grade	Annual	Annual
Institutions - Buildings in which care or supervision is provided to persons who are not capable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of occupants is restricted	Every Two Years	Annual - as a condition of receiving public funds
High Rise - All high-rise structures with floors used for occupancy located more than 75 feet above the lowest floor level having building access	Annual	Annual
Residential - All residential structures of three units or more, or also referred to as R2	Annual	Annual - if more than 5 units
Hotels, Motels and Lodgings	Every Two Years	Annual - if specified in a permit condition
Industrial Buildings	Unspecified	Annual - if specified in a permit
Vacant Buildings	Unspecified	Unspecified

In moving to the new Accela database, the Bureau learned its master list of properties requiring annual inspections is incomplete. The Bureau is completing a block-by-block analysis of the City to ensure all properties have been identified. In fact, one of the Bureau's senior inspectors is on special assignment to

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do this. The inspector, relying on the City's business license database, which includes businesses and apartment buildings, and the County Assessor's property tax database, is inputting the new information into Accela. Before inputting the new information, however, he is verifying the accuracy of the information using "Google Earth" on items such as the address, building height and occupancy type. Proceeding on this project, the senior inspector has found buildings that were not on the Bureau's master list of properties that need to be inspected. Our analysis of the Bureau's accomplishment of its state-mandated inspections recognizes that the Bureau's master list of required inspections is incomplete, but it was the best information available at the time of the audit.

These state-mandated inspections are designed to ensure that:

- Fire extinguishers are present and up to date, and that exit systems are properly maintained,
- Fire doors are kept closed and not obstructed,
- Electrical and potential hazards that could contribute to the cause of a fire are eliminated,
- Stairwells are safe, and
- Fire protection systems, such as fire alarms and sprinkler systems are operational.

Even with additional staff, as discussed in Finding 1, the Bureau has not significantly increased the number of state-mandated annual inspections conducted over the past three years. Overall, the Bureau slightly increased its total inspections from 1,133 inspections of state-mandated properties between September 2016 to September 2017 to 1,241 inspections between September 2018 and September 2019.

Exhibit 5 below shows the number of inspections the Bureau conducted for each of the categories of state-mandated properties for each year between September 15, 2016 and September 15, 2019.

Exhibit 5
State-Mandated Inspections Completed by Year
September 2016 to September 2019

Facility Type	Number to be Inspected	Inspected 2016-2017	Inspected 2017-2018	Inspected 2018-2019	% Inspected 2018-2019
Assembly	1,224	109	184	218	18%
Educational	396	31	116	111	28%
Institutional	175	16	28	23	13%
Multi-Unit Residential	2,811	952	1,043	851	30%
High-Rise	121	25	33	38	30%
Total	4,727	1,133	1,404	1,241	26%

As the Exhibit 5 above shows, the Bureau has not inspected all state-mandated facilities, irrespective of the type of occupancy. Overall, the Bureau inspected approximately 26 percent of all identified facility types from September 2018 through September 2019. Conversely, the Bureau did not conduct mandated

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inspections of 74 percent of the properties requiring inspections, from September 2018 through September 2019. As shown, the highest number of the properties not inspected over the past three years are multi-unit residential properties (large apartment buildings). The percentage of facility types inspected ranged from a low of 13 percent for institutional properties and highs of 30 percent for high-rise buildings and multi-unit residential properties.

At the completion of our audit, the Department provided us with their own analysis of the number of state-mandated facilities that needed to be inspected during the audit scope period and the number of facilities inspected, by facility type. The Department's analysis is shown in Exhibit 6 below.

It should be noted that both analyses were obtained from the Bureau's One Step database, but the analyses were performed at different times. The City Auditor's analysis was completed in the Fall of 2019 and the Fire Department's analysis was completed in 2020 after staff updated the database.

Exhibit 6
Fire Department's Analysis of
State-Mandated Inspections Completed by Year
September 2016 to September 2019

Facility type	Number to be Inspected	Inspected 2016-2017	Inspected 2017-2018	Inspected 2018-2019	% Inspected 2018-2019
Assembly	1,202	120	149	173	15%
Educational	283	26	119	107	37%
Institutional	85	16	15	22	13%
Multi-Unit Residential	2,505	1,148	1,167	941	38%
High-Rise	121	31	34	39	32%
Total	4,196	1,333	1,484	1,282	31%

Although the Department's results are similar to the City Auditor's analysis, the two analyses have some differences. The biggest difference is in the number of state-mandated facilities that need to be inspected. As Exhibit 5 above shows, the City Auditor's analysis identified a total of 4,727 state-mandated facilities that need to be inspected annually; whereas, the Department's analysis identified 4,196 facilities that need to be inspected, a difference of 531 facilities. The Department analysis also shows that 31 percent of the state-mandated facilities were inspected between September 2018 through September 2019, compared to 26 percent in the City Auditor analysis. The percentage difference is largely the result of the Department's analysis having fewer state-mandated facilities to inspect.

When updating the database, the Bureau identified several problems with the database information including the following:

- The database incorrectly included food trucks as assembly facilities
- The database incorrectly included re-inspections when it should have only included initial inspections

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- The database included 228 multi-family units that were not assigned to inspectors
- The database included inspection reports that were not properly entered by staff at the front counter

Throughout the remainder of the report, we used the information from the City Auditor's analysis because the information was the best available information in the One Step database at the time the analysis was performed. The audit has documented that some of the inspection data has been found to be unreliable. Moving forward it is imperative that data integrity controls be established with the implementation of the new Accela database.

The Bureau has not inspected 51 percent of the state-mandated properties in the last three years

An even more in-depth view of the inspection data covering the entire three-year period shows that 2,429, or 51 percent of the state-mandated properties, had not been inspected at all. We found that about half of the properties that the State Fire Code or the City's Municipal Code has deemed high risk enough to be inspected annually, received no inspections at all for three consecutive years. Exhibit 7 below is a map of Oakland that shows by zip code, the number of properties not inspected over the three-year period from September 2016 to September 2019.

Exhibit 7
List of Properties Not Inspected in the Last Three Years by Property Type and Zip Code

Zip Code	Neighborhood	Assembly	Education	High Rise	Institutional	R2 ¹	Total by Zip
94601	Fruitvale	94	15	1	12	151	273
94602	Lincoln Highlands	31	13	0	3	43	90
94603	North Stonehurst	41	14	0	8	24	87
94605	Toler Heights	56	20	0	17	78	171
94606	East Peralta	63	11	0	6	170	250
94607	Prescott/Airport	126	20	11	10	125	292
94608	West Oakland	39	9	0	7	50	105
94609	Temescal	57	14	1	13	78	163
94610	Trestle Glen	44	9	4	14	176	247
94611	Montclair	47	15	3	9	77	151
94612	Downtown	97	7	32	9	131	276
94613	Mills College	8	0	0	0	3	11
94618	Rockridge	25	10	0	3	41	79
94619	Sequoiah	22	15	0	8	28	73
94621	Oakland Airport	88	13	4	9	41	155
94705	Claremont	1	0	1	0	4	6
Total		839	185	57	128	1,220	2,429

¹ All residential structures of three units or more are also referred to as R2

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Factors limiting the Bureau's ability to meet its inspection requirements

We list below the challenges that the Fire Marshal and his team have faced in meeting their inspection requirements.

- The City's building boom has diverted the Bureau's inspectors from conducting state-mandated inspections. During 2019, the Bureau conducted more than 1,900 inspections of new construction projects in the City. Thus, the Bureau has conducted more inspections related to new construction than state-mandated inspections. Depending on the size of the buildings under construction, these inspections can be much more labor intensive than state-mandated inspections of properties.
- Addressing fire safety issues in Oakland's homeless encampments is taking up at least one-half of an inspector's time.
- Ensuring fire safety at hundreds of special events per year are also part of the Bureau's responsibility.
- The engine companies are adding to the Bureau's inspection responsibilities when they notice unsafe properties while they are out in the field and they refer these properties to the Bureau for inspection. In one case during 2019, the Bureau spent dozens of hours inspecting a set of potentially unsafe buildings at Oakland International Airport that had been referred by an engine company. Such referrals could involve the lack of required fire safety equipment, such as fire alarms in a dwelling, or an unpermitted living situation in a building not intended for residential use.
- The hiring, on-boarding, and training of new inspection staff has taken inspector time away from completing inspections. As recently as the first half of fiscal year 2018-19, the Bureau was still training two new inspectors.

The Bureau repeatedly re-inspects properties

The Bureau's inspectors repeatedly re-inspect facilities to coax property owners to correct previously identified fire safety violations, rather than invoking a more consequential enforcement approach. For example, a more consequential approach would be to impose applicable fines under the Oakland Municipal Code early on, red tag unsafe/substandard properties, or, with the assistance of the City Attorney's Office, seek injunctions or other legal orders prohibiting occupancy and/or activities on the property until code violations are addressed. As demonstrated in Finding 3, inspectors conducted over 800 re-inspections between September 2018 through September 2019.

The Bureau has not developed a risk-based approach for scheduling inspections

We recognize that each of the factors listed above have contributed to the Bureau's inability to inspect all its state-mandated properties. However, the Bureau has not established a risk-based approach for prioritizing and scheduling its work, even after the Mayor, in her 2017 Executive Order, directed that the City determine the number of inspections that needed to be completed annually and prioritize them based

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on risk. The Bureau reported to us that understaffing has contributed to the Bureau's inability to complete its state-mandated inspections. However, when understaffing is an issue it is even more important that an organization use a risk-based approach for prioritizing and scheduling its work. In other words, the Bureau needs to focus its attention on those inspections that pose the greatest risk to Oakland residents.

As previously discussed, 51 percent of mandated properties have not been inspected in over three years, while other properties were inspected annually. Specifically, 438 properties of the 4,727 state-mandated properties, or 9 percent, had been inspected in each year of the three-year period of our review. This finding suggests that during a time when the Bureau was unable to perform all the annually mandated inspections because of understaffing and its focus on other duties, the Bureau could have stretched its limited resources further and inspected a greater percentage of properties by not repeating inspections of the same properties every year. Below are other organizational shortcomings that the Bureau needs to correct to complete all mandated inspections of properties:

- Develop a formalized scheduling system for assigning work to its inspectors and holding them accountable.
- Revise its productivity report to track the total time inspectors spend doing their inspections and compare such time to the expectations for each inspector.
- Develop a workload and staffing analysis to determine the Bureau's staffing needs and establish a baseline of productivity to use in assessing individual inspectors and the Bureau as a whole.

Since we met with the Interim Fire Chief, the Fire Marshal and his management team in May 2020 to discuss our audit findings, the Fire Marshal established a plan to address their backlog of the City's high-rises that our analysis shows had not been inspected between September 2018 and 2019. Between May 26th and July 31st, 2020, the Fire Marshal's goal is to have inspected all 121 of the City's state-mandated high-rise properties, bringing the high-rise state-mandated inspections into compliance for 2020. The remaining state-mandated inspections identified in the audit will be addressed as the COVID-19 related shelter in place restrictions are lifted.

The Bureau needs to develop a workload and staffing analysis

The Bureau needs to develop a formal workload and staffing analysis to provide a basis for determining the Bureau's staffing needs and for assessing the productivity of the individual inspectors, as well as the Bureau. The Bureau's capability to perform a workload and staffing analysis has been limited by the lack of reliable information in its One Step database. However, as its database improves, and it eventually implements the Accela database, the Bureau needs to perform a detailed workload and staffing analysis.

This workload and staffing analysis should provide a reasonable estimate of the amount of work that individual inspectors and the Bureau should be able to complete in a given time period, such as a month or a year. This analysis should factor in the number of facilities that need to be inspected, the average time it takes to inspect these facilities, re-inspection time, travel time, and the available staff hours to conduct inspections.

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The Bureau has not established inspection goals for its inspectors

An additional limitation on the Bureau's ability to complete more inspections is that the inspectors have not been held individually accountable for their productivity. According to one of the Bureau's senior inspectors, the Bureau has not established for each inspector "an expectation" of the number of inspections to be completed in a given time frame. While the Bureau's inspectors log the amount of time that it takes to complete each inspection, the Bureau has not compiled this data to learn the average time that inspectors are devoting to doing inspections and how many inspections an inspector can be expected to accomplish in a month or in a year.

The Bureau's inspection workload for cannabis facilities continues to grow

In Spring 2017, the City began permitting cannabis facilities to regulate all categories of cannabis operators, including distribution, cultivation, distillation, and transport. The inspection of cannabis operations can be a complex process since cannabis facilities present a variety of safety risks depending on the type of facility being inspected. In growing and processing operations, for example, inspectors must consider a variety of hazards unique to these operations, such as the presence of fertilizers in the building, the high electrical loads needed for major growing operations and the presence of highly flammable materials used during the extraction process. Also, the tarps that are often used to separate various parts of the building can be flammable and must be inspected. All of this is in addition to the basic fire safety factors that are inspected in all facilities, such as the presence of proper egress, fire alarms, sprinkler systems, and illuminated exit signs.

As of January 2020, the City had 738 operators, including 127 operators that were fully permitted and 611 provisionally permitted. In addition, the City had another 295 potential operators that had completed their applications and provided an address where they would operate if permitted. Each of these groups of operators or applicants require one or more inspections by the Bureau and the Planning & Building Department to retain their permit or obtain a new permit. To become fully permitted, cannabis operators are required to obtain an initial fire safety inspection. Once permitted, the operators are required to be inspected annually. For facilities that have completed a new application and provide an address where they intend to operate, the Planning & Building Department and the Bureau conduct inspections to ensure the suitability of the building and the location of the building in which the cannabis operation is to be housed.

In March 2018, the Bureau appointed a fire code inspector to specialize in inspecting the rapidly growing number of cannabis facilities in the City. This inspector and the Bureau's hazardous materials inspector are responsible for inspecting all the City's cannabis operators. In 2016, the City Council provided one-time funding of \$400,000 to cover the cost of a fire code inspector to conduct inspections of cannabis operators, as well as a part-time office assistant to support cannabis inspection. However, this one-time funding expired in March 2019. The cannabis inspector is now funded as part of the Bureau's 2019-21 budget and the Bureau no longer has a part-time office assistant dedicated to supporting cannabis inspections.

Audit Results

The Bureau cannot fully address its cannabis workload with its current staffing. In 2019, the Bureau was able to complete only 191 inspections of cannabis operators or new applicants. With only one inspector fully assigned to conducting these inspections and another inspector who does these inspections in addition to her responsibilities as a hazardous materials inspector, the Bureau's staffing for cannabis inspections is not sufficient. Moreover, not only do cannabis inspectors inspect fully or provisionally permitted cannabis facilities, they also spend about 1/3 of their time addressing non-permitted cannabis operations. In one case, an inspector discovered a building in which cannabis was being grown near an overloaded set of electrical circuits in the building, creating a serious fire hazard.

Thus, with the number of operators significantly increasing in the next few years, the City will need to ensure that the Bureau has sufficient resources to conduct inspections of permitted and non-permitted cannabis operators in the City.

In addition to staffing issues related to inspecting cannabis facilities, the City also needs to address the enforcement of Fire Code requirements for provisionally permitted cannabis facilities. As noted earlier, provisionally permitted cannabis facilities are also required to receive fire safety inspections as a part of their "run-up" to becoming fully-permitted cannabis operators. To ensure many of the provisionally permitted facilities continue to progress through the permitting process, the City has added time-sensitive milestones into the City's cannabis regulations, such as fire safety inspections before they progress to being granted their full permit.

During the audit, Bureau staff reported that the City was not putting an expiration date on provisional cannabis permits and provisional cannabis permit holders were not complying with Fire Code requirements because they believed they had unlimited time to install fire and life safety equipment. As noted above, cannabis facilities pose significant fire safety risks due to the equipment and materials used in their operations. Consequently, allowing these facilities to operate indefinitely without meeting fire and life safety requirements jeopardizes the safety of the operators, surrounding buildings, neighbors, and firefighters.

This issue needs to be addressed by the City Administrator's Office, in consultation with the Fire Department, to ensure that cannabis facilities are not allowed to operate indefinitely without meeting Fire Code requirements.

Additionally, discussions surfaced during the audit regarding the City's need to ensure that a comprehensive interdepartmental approach to the regulation of cannabis facilities is in place. For example, in addition to fire safety inspections, the Code Enforcement Division, and the Police Department conduct separate inspections of cannabis facilities while the City Administrator's Office manages the permitting process. The City's efforts need to be aligned and coordinated.

Audit Results

Conclusion

The Bureau has not identified or completed all the required state-mandated inspections. The Bureau's personnel have been stretched thin from meeting its annual state-mandated inspections by other work, such as inspections required by the City's building boom, addressing safety issues at the many homeless encampments throughout the City, and the hiring and training of new inspection staff. The Bureau's practice to repeatedly re-inspect properties to bring them into compliance has also diverted significant time away from conducting mandated inspections. Moreover, the competing priorities has hindered the Bureau's progress in meeting its state-mandated inspection requirements. The lack of a risk-based approach and a formal mechanism for scheduling and assigning inspections has hindered the Bureau's accomplishment of its workload. Also, without performance measures that set forth the specific goals of the Bureau and expectations for each of its inspectors, the Bureau cannot adequately assess its productivity. Lastly, the City needs to address the growth in its workload created by the growing cannabis industry and address the specific demands placed upon the Bureau as well as other City departments.

Recommendations

To improve its inspection efforts, the Bureau needs to:

17. Continue to develop and update a master list of all properties that need to be inspected.
18. Establish data integrity controls with the implementation of the new Accela database.
19. Adopt a risk-based approach for scheduling state-mandated inspections as recommended by the Mayor's Task Force in 2017. Risk factors would include the type of facility, time elapsed since the facility was last inspected, the age of the facility, the compliance history of the facility, the number of occupants using the facility, and whether the facility is used 24 hours a day or only during the work-day.
20. Immediately complete a risk assessment and schedule its inspections for the 2,400 properties not inspected in the last three years, based on the risks presented by each property.
21. Develop a workload and staffing analysis to provide a basis for evaluating the productivity of the inspectors and the Bureau. At a minimum, this analysis should include the number of facilities needing inspection, the average time it takes to inspect these facilities, time needed to re-inspect facilities, travel time, and the available staff to conduct inspections.
22. Create a set of performance measures that will enable supervisors to assign inspections and hold each of its inspectors accountable by monitoring their contribution to accomplishing the Bureau's inspection workload.
23. Enhance its monthly report to add a component to track the total time that inspectors spend doing their inspections against a pre-established goal for each inspector.
24. Re-evaluate the number of inspection staff and administrative support it has assigned to inspecting cannabis facilities.

Audit Results

To ensure cannabis facilities are not allowed to operate indefinitely without meeting Fire Code requirements, the City Administrator's Office, in consultation with the Fire Department, should:

25. Establish expiration dates for provisionally permitted cannabis facilities.

To ensure a comprehensive interdepartmental approach to the regulation of cannabis facilities, the City Administrator should:

26. Identify all City departments involved in cannabis facilities regulation and develop an Interdepartmental Agreement to clarify each department's role and responsibilities, ensure interdepartmental coordination, information sharing, and possible shared training opportunities.

Audit Results

Finding 3: The Bureau's Current Enforcement of Fire Safety Laws is Often Ineffective

The Bureau needs to take stronger enforcement actions to compel property owners to correct fire safety violations

The Bureau has an array of tools at its disposal to compel property owners to correct the safety violations found on their properties following issuance of the initial notices of violations/citations. Depending on the stage of enforcement and the severity of the code violations, this includes such things as imposing administrative fines or placing a property on fire watch, which is triggered when the property owners does not have a code compliant fire alarm system and/or sprinkler system, in which case, the property owners, at their own expense, must hire a trained fire security guard to patrol the property and notify the Department of fires. The Bureau can also, in some cases, hire contractors to perform necessary corrections and place a lien on the property to recover costs. Moreover, it can red tag a property requiring an owner to vacate the property or cease commercial or other activities at the property, or with the assistance of the City Attorney, the Bureau can seek an injunction or other legal order limiting or prohibiting occupancy until serious violations are addressed.

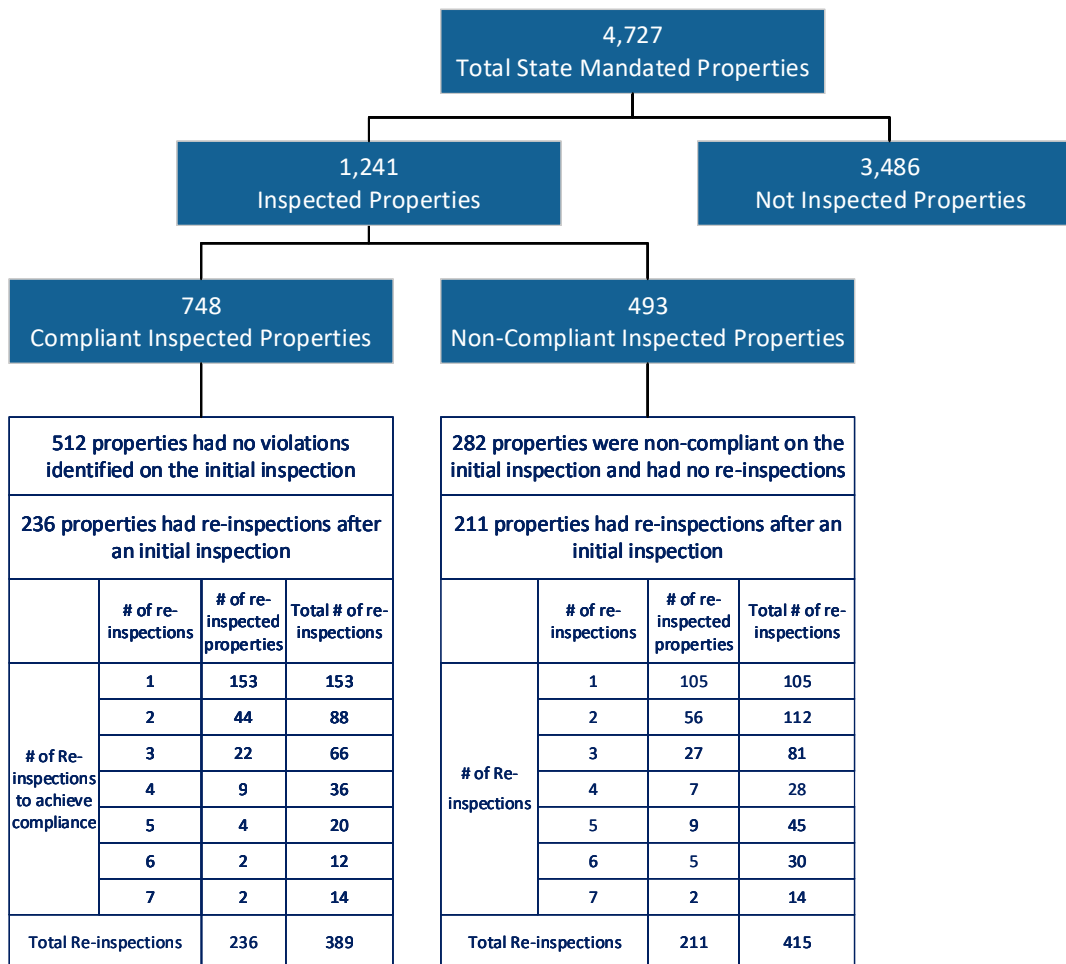
As discussed in the prior section, the Bureau can place a property on "fire watch" and has currently placed a dozen properties on fire watch. In one case, the City discovered that people were illegally residing in a commercial building not permitted for residential use. The Bureau discovered these violations in January 2017, undertook administrative enforcement action issuing a notice of violation in February 2017 and an "order to abate" (correct violations) in November 2017. Over a year's time the building owner was able to modify the building so that it was suitable for residential occupancy. The Bureau then conducted an inspection in November 2018 and another in January 2019 to confirm the building was safe for residential occupancy.

The Bureau does not routinely use these available enforcement options. Instead, the Bureau inspectors generally try to coax property owners to correct fire safety violations by repeatedly re-inspecting the properties. Typically, when inspectors identify fire safety violations, the inspectors provide the property owners with a corrective action plan and schedule for correcting the violations. After allowing the property owner a reasonable period of time to correct the violations (usually 30 days), Bureau inspectors conduct a follow-up inspection to verify that the property owner has corrected the violations. If the follow-up inspection finds uncorrected deficiencies, the inspectors conduct another follow-up inspection 15 days from the first follow-up inspection.

The Bureau's inspectors frequently conduct multiple re-inspections without getting the property owner to correct the violations. Exhibit 8 below shows the results of the Bureau's inspection efforts. Specifically, Exhibit 8 below shows the number of state-mandated facilities inspected from September 2018 through September 2019 (1,241) to the total number of state-mandated facilities needing inspections (4,727).

Audit Results

Exhibit 8
Inspection Results - September 2018 to September 2019



As Exhibit 8 above shows, the Bureau inspected 1,241 of 4,727, or 26 percent of state-mandated properties, between September 2018 and September 2019. Of those inspected, the Bureau did not identify any violations on 512 properties, or 41 percent of the facilities inspected. The Bureau performed 389 re-inspections to compel 236 property owners to correct their safety violations. But the remaining 493 properties continued to be non-compliant even after a total of 415 re-inspections. The number of re-inspections on these non-compliant properties ranged from one to seven re-inspections.

Thus, of 1,241 state-mandated inspected properties between September 2018 through September 2019, the Bureau was unable to obtain compliance on 493 properties, or 40 percent of the total state-mandated properties it inspected and re-inspected from September 2018 through September 2019.

The Bureau's practice to continually re-inspect properties to get corrective action is an inefficient use of inspectors' time and diverts time from inspecting additional state-mandated and other properties. In total, the Bureau conducted 804 re-inspections of state-mandated properties between September 2018 through September 2019. Although follow up is important, the number of re-inspections diverts time away from

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inspectors conducting inspections of other state-mandated properties. Moreover, a more aggressive approach is sometimes necessary to bring properties into compliance.

The Bureau has acknowledged that simply re-inspecting a property multiple times to gain corrective action, particularly with uncooperative owners, has been an ineffective approach. Several of the fire code inspectors mentioned that they need a stronger enforcement authority to address property owners that are not cooperative in correcting fire safety deficiencies on their properties. To more aggressively deal with uncooperative property owners, the Bureau intends to begin more aggressive enforcement action as described above in cases when a property owner fails to correct the deficiencies found in the initial inspection.

For a different perspective on enforcement, we contacted a neighboring City to learn how they approach enforcement of the Fire Code. After hearing of the Ghost Ship Fire, the City of Milpitas appointed a dedicated enforcement officer to support their fire code inspectors. In Milpitas, if a property owner does not correct the violations after a reasonable time, the enforcement officer issues the property owner a notice of violation. Then, if the property owner still does not correct the safety violations, the enforcement officer can levy an administrative fine against the property owner. State law provides that fire inspectors can be authorized to issue misdemeanor criminal citations (similar to a traffic ticket) to property owners with serious fire safety deficiencies that have not been corrected. We recommend the Bureau evaluate the enforcement approaches of the City of Milpitas and other cities and undertake actions necessary to improve enforcement and dramatically free up inspectors for other inspections.

Oakland Unified School District has not been responsive in correcting fire safety violations

The Oakland Unified School District (District) has not been responsive in correcting fire safety violations. The District has not corrected the deficiencies that Bureau inspectors found during their inspections at 17 of 20 schools sampled. Twelve of these schools had been inspected two or more times and continued to fail their inspections. The deficiencies found include missing fire extinguishers and non-functioning fire alarms. Unfortunately, this has been a long-standing issue between the District and the Fire Department.

The Fire Marshal is aware of this circumstance and acknowledged that he needs to schedule a meeting with the District's Director of Maintenance and Safety to develop a plan to bring the district's schools into compliance with the State and Municipal Fire Code. Because this is a life safety issue involving schools and children and has not been rectified, this matter also needs to be elevated to the City Administrator and the Superintendent of the District to urgently bring the schools into compliance with the Fire Code.

The Bureau has not operationalized its appeals process to provide property owners with an opportunity to dispute bureau findings of violation

The Oakland Municipal Code sets forth a process for property owners to appeal orders, decisions, or determinations of violations made by the Bureau. Oakland Municipal Code Chapter 15.12 provides timelines for property owners to request an appeal hearing and for the City to provide a hearing date. It

Audit Results

further provides that appeals may be heard before a hearing officer who is not an employee of the City. The way this works is that a hearing officer convenes an evidentiary hearing, reviews the evidence (documentary and testimony) presented by the City and property owner, and establishes a record of evidence for review by an independent City-appointed board or by the City Council. The City has not established an appeals board; therefore, appeals must be heard by the City Council.

During our audit, we met with the Assistant to the City Administrator regarding the City Administrator's established appeals process. He informed us that the Fire Department could use this appeals process. Accordingly, we informed the Bureau that they could use this process to remedy the delay in convening appeal hearings. The Interim Fire Chief recently informed us that to remedy the delay in operationalizing the appeals hearings, the Fire Marshal recently entered into an agreement with the City Administrator's Office to use the independent hearing officers that have been contracted by the City Administrator's Office.

The delay in operationalizing the appeals process has in turn delayed the enforcement of fire safety issues in the City's wildlife interface area. To address the fire risk in Oakland's wildlife interface area, the Bureau inspects properties, including vacant lots in the five wildlife zones. The inspection includes a checklist that notes such data as clear property addresses that are visible from the street and trees located at least ten feet from the dwelling. Daily, during the inspection period, about 40 inspectors from 11 of the City's engine companies inspect the properties. Inspectors document the results of each inspection they conduct while still on site, including uploading photographs of the property. If violations are identified, the Bureau schedules a follow-up inspection by the engine company, which includes a "failed items" checklist, which is used to verify the violations have been corrected. If after one follow-up inspection, the property owner still has not corrected the violation, then the matter is referred to the Bureau for further enforcement action.

Because the Bureau has held appeals in abeyance, homeowners cited for violations have not been able to contest citations. The Bureau has over 700 homeowners who have uncorrected violations from the 2018 fire inspection season. Furthermore, the Bureau has not assessed an inspection fee even though the Department and the Bureau have inspected these homes at least two or more times during the 2018 fire season, roughly May through October each year. The Fire Marshal previously told us that the City would not charge these homeowners an inspection fee until the appeal process was operational. Also, the Bureau has not yet assessed a fee to homeowners with uncorrected violations for the 2019 season, even though these properties have been inspected multiple times. The estimated 2018 fees the City has suspended by this practice and the absence of appeals process is over \$300,000.

Conclusion

The Bureau's practice to continually re-inspect properties to get corrective action is an inefficient use of inspectors' time and takes away time from inspecting additional state-mandated and other properties. We also found Oakland Unified School District has not been responsive in correcting noted fire safety violations. This matter needs to be rectified immediately. Furthermore, the City has not operationalized its

Audit Results

appeals process to provide property owners with a process to dispute the Bureau's findings.

Recommendations

To strengthen its enforcement efforts, the Bureau should:

28. Employ more aggressive administrative and judicial actions to compel property owners to correct fire safety violations.
29. Immediately schedule a meeting with officials from the Oakland Unified School District to adopt a plan to bring its schools into compliance with fire safety regulations.
30. Elevate Oakland Unified School District's lack of compliance with fire safety requirements to the City Administrator and the Superintendent of the District.
31. Continue using the established appeals process in the City Administrator's Office for appeals related to the Bureau's inspection programs and begin assessing homeowners for past and current inspections fees.

Appendix A

Monthly Inspection Report

Since Summer 2019, the Bureau has been sending the following monthly report to the Fire Chief on the number of inspections conducted by the fire code inspectors and building plans reviewed by the fire protection engineers.

Type of Inspection	Inspector A	Inspector B	Inspector C	Inspector D	Monthly Totals
2way communication system					
Aboveground storage tank					
Cannabis					
Commercial					
Construction					
Consultation					
EBMUD Application					
Emergency Radio					
Enforcement					
Fire/Life/Safety					
Food Truck					
High -Rise					
Hospitals					
Investigations					
Meeting					
Occupancy					
Operational Permit					
Over the Counter Review					
Overtime					
Plan Review					
Residential Commercial					
Schools					
Underground Storage Tank					
Vegetation					
Monthly Totals					
Monthly Totals					



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CITY OF OAKLAND



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September 11, 2020

The Honorable Courtney A. Ruby
Oakland City Auditor
1 Frank Ogawa Plaza 4th Floor
Oakland, CA 94612

RE: Fire Prevention Performance Audit

Dear City Auditor Ruby,

I am pleased to provide you with the City Administration's response to the Oakland Fire Department Fire Prevention Performance Audit. The Administration and the Oakland Fire Department (OFD) thank the City Auditor and her staff for their diligent work in providing a balanced and accurate audit of OFD's fire prevention efforts as it relates to their State Mandated Inspections.

We welcome audits to improve efficiency, effectiveness, and the safeguarding of taxpayer dollars and recognize the many challenges faced within the department and Fire Prevention Bureau that will take time to rectify, and eventually resolve.

As mentioned in the audit report, OFD has made significant and meaningful improvements since the performance period ended in September of 2019. The recent improvements include increasing staffing with additional inspectors, creating new supervisor positions, and realigning the administrative duties for increased span of control and building better business flow processes and establishing transparent accountability systems and reports using validated data from the new inspection database.

Also mentioned in the audit report, were several areas where improvement is still needed and areas to refine and communicate to both internal and external stakeholders. The Administration is committed to working with OFD to improve business processes, workload disparity between personnel, scheduling and accountability systems and staff training.

Attached to this cover letter is the Administration's detailed response of the audit recommendations, including efforts that are already underway within OFD to address these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward D. Reiskin".

Edward D. Reiskin,
City Administrator



Finding	City Auditor's Recommendations	Management Action Plan	Responsible Party	Target Date to Complete
1	<p>To improve its inspection efforts, the Bureau needs to:</p> <ol style="list-style-type: none">1. Develop a scorecard of performance measures to clearly communicate what they are trying to accomplish, align and prioritize the day-to-day work, and monitor its progress toward its strategic targets. One example of a performance measure would be to set an expectation for the number of inspections that each inspector should be expected to accomplish in a given timeframe, such as a month or year. The Bureau should also ensure the recommendations from the Mayor's Task Force are appropriately incorporated into the performance measures until they are achieved.	<p>The Administration agrees with the recommendation.</p> <p>To improve inspection efforts, the Bureau is evaluating workload and establishing realistic performance measures based on calculation of production hours. Performance measures are communicated within the Bureau through meetings, draft policies and SOPs based on these measures. Performance appraisals and expectations of the next year will include number and type of state mandated and new construction inspections, other inspection assignments and tasks, and also billable hours. Managers and Supervisors will continue to communicate during annual performance appraisals, and check-in with each staff member at least quarterly during one-on-one meetings. Management will also provide a weekly activity report that is transparent to everyone to encourage growth of productivity and goals.</p>	Fire Prevention Bureau, Planning & Building	October 2021

		<p>Bureau will create lists to capture all state mandated activities and also develop supporting matrices to measure bureau performance including identifying and addressing unpermitted occupied buildings and spaces, and measuring activities relating to complaint driven properties and properties identified by the Bureau.</p> <p>The Planning and Building Department has been hosting bi-weekly meetings with the Fire Department to coordinate code enforcement activities on a case-by-case basis. At these meetings, specific actions are noted as part of progress updates, situation reports, and follow up action items. These meetings also provide a forum to identify any trends or patterns that may indicate the need to revise or adopt new operating procedures between or within the Fire/Planning & Building Departments. These meetings align with the Mayor's executive order post Ghost Ship Fire</p>		
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	2. Send out a reminder to all of Oakland's fire houses of the updated protocol for reporting unsafe properties to the Bureau and establish a formalized electronic system for tracking all properties until safety issues are resolved.	<p>The Administration agrees with the recommendation.</p> <p>The Bureau's generic email address is effectively being used for tracking properties that pose life safety hazards. An email reminder has been distributed, the Bureau is developing an electronic tracking system prior to the roll out of Accela.</p>	Fire Prevention Bureau	March 2021
	3. Continue its efforts to fill the vacancies on its organization chart.	<p>The Administration agrees with the recommendation.</p> <p>The Bureau has established new Supervisor positions to succeed into within the organization while working on a retention & succession plan. The Bureau is committed to creating a culture of willing participation, cross-training and filling vacancies with a thoughtful approach. Once the six (6) positions unfreeze, expected to occur July 2021, the Bureau will begin active recruitment and hiring.</p>	Fire Prevention Bureau & Human Resource Management	July 2021
	4. Ensure the backlog of inspection reports are addressed.	<p>The Administration agrees with the recommendation.</p> <p>Since September 2019, the Bureau began addressing the backlog of inspection reports and data entry. It is estimated that the Bureau currently has approximately 500 outstanding reports that need to be reconciled</p>	Fire Prevention Bureau	December 2022

		based on an internal audit of a recently retired employee. The Bureau is addressing hard copy inspections of this employee that need quality assurance prior to data entry. The reconciling and data entry task has been assigned at a Supervisory level to maintain integrity.		
	5. Permanently assign appointments to the supervising inspector positions.	<p>The Administration agrees with the recommendation.</p> <p>The Bureau has established Acting Supervisor roles within the organization while working on a retention & succession plan. 23 applications were submitted for the three (3) additional Supervisor positions and the Bureau is working with HRM on the promotion process.</p>	Fire Prevention Bureau & Human Resources Management	December 2020
	6. Develop a process to electronically input its inspection reports.	<p>The Administration agrees with the recommendation.</p> <p>Implementation of the Accela database will also incorporate the use of technology in the form of iPads. The Bureau will electronically capture inspection reports which were formerly captured on paper and sync them with Accela. The Bureau is eliminating hard copy paper in the field, implementing real time data entry and reconciling with the</p>	Fire Prevention Bureau, Planning & Building and Information Technology	June 2021

		database online saving time, reducing duplication of work and providing a common operating picture for all staff.		
	7. Establish a timeline for completing the Accela database system and train all staff once the Accela database is fully implemented.	<p>The Administration agrees with the recommendation.</p> <p>The Bureau is currently live in production with one of the three Battalions and will be validating the data sets and testing in the other two Battalions. Fire Prevention Bureau staff and suppression personnel have access and are using Accela for the Battalion that is fully operational. Timeline shall be established and updated.</p>	Fire Prevention Bureau, Planning & Building and Information Technology	June 2021
	8. To streamline the process for paying inspection fees, afford property owners the option of paying on-line for their fire safety inspections.	<p>The Administration agrees with the recommendation.</p> <p>The biggest challenge has been getting Accela populated with our occupancy and inspection data. The current payment process is to pay by check or credit card, via phone or in person. The ultimate goal and plan is to allow anyone to see or pay their inspections online on our website, or have the ability to pay via Accela, Point of Sale or other shopping carts.</p>	Fire Prevention Bureau, Treasury/Finance & Information Technology	October 2021

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	<p>9. Adopt a final version of a training plan and authorize the Fire Marshal to approve training for staff and establish a formal system for tracking staff's training and certifications. Managers should periodically review training records to ensure all staff are meeting their training requirements.</p>	<p>The Administration agrees with the recommendation. The Bureau continues to load certificates and training completion documentation into the City's Target Solutions database. Identifying training needs and assessing hours needed for training is also on-going. The State Fire Marshal Fire Inspector Task Book will be assigned to Fire Inspectors by classification and will serve as their guiding principal document. The Bureau will continue to utilize City-wide training for all staff for mandated modules and topics. New supervisors will attend the Supervisory Academy. The Bureau will explore the role of Field Training Officers and working with the appropriate unions to discuss the opportunity. Managers and Supervisors will review training records on a quarterly or as needed basis.</p>	<p>Fire Operations, Fire Prevention Bureau</p>	<p>May 2021</p>
	<p>10. Create a specialized training program for cannabis inspections.</p>	<p>The Administration agrees with the recommendation. The Bureau is working on identifying specialized training needs. A challenge is implementing a timely process supportive of providing Fire Inspectors with essential and more specialized training opportunities such as cannabis, hazardous materials</p>	<p>Fire Operations, Fire Prevention Bureau, City Administrator's Office, Planning & Building</p>	<p>September 2021</p>

		inspections, management principles, and Peace Officer (PO) credentialing. Ensuring succession and retention is a priority. The emphasis is the need of training; goal is to cross-train with other code inspectors. Building fire procedures, and build-out training programs that apply across the City. Looking at existing standards and working with other cities that already have programs in place.		
	11. Create a specialized training program for supervisory inspectors.	The Administration agrees with the recommendation. After basic training, the Fire Department will assess how to identify who needs additional or enhanced training and will ensure fair and consistent practices of opportunities.	Fire Operations, Fire Prevention Bureau, City Administrator's Office, Planning & Building	September 2021
	12. Immediately create a formal system for conducting and documenting quality assurance reviews of inspections.	The Administration agrees with the recommendation. The Fire Department has resumed its quality assurance process, which includes performing shadow inspections with inspectors, similar to Vegetation Inspections. The Bureau will audit a percentage of each inspection type that gets data inspection QA to ensure correct information is in database, then	Fire Prevention Bureau	November 2020

		determine a percentage that gets QA in the field.		
	13. Compile and adopt a set of standard operating procedures (SOPs) and establish a process to update the SOPs regularly.	<p>The Administration agrees with the recommendation.</p> <p>Various FPB SOPs, workflow processes and policies are in draft form and are currently implemented in a pilot phase to include fire inspections and plan review task assignments. The Bureau will meet and confer with Locals 21 & 1021 prior to the formal adoption of SOPs.</p>	Fire Prevention Bureau	September 2021
	14. Develop formal procedures for cannabis facilities to operate and to provide a basis for inspecting these facilities.	<p>The Administration agrees with the recommendation.</p> <p>FPB continues to work with the CAO and meet with cannabis industry stakeholders in developing formal procedures for cannabis facilities to obtain permits and operate and establish written guidelines for fire inspectors conducting inspections of various cannabis facilities.</p> <p>As part of formalization, determination must be made between which procedures may be administratively enacted and which will require code amendment.</p>	Fire Prevention Bureau, Planning & Building	September 2021

	15. Develop key performance measures.	<p>The Administration agrees with the recommendation.</p> <p>The Bureau has key templates in place which will be adopted as key performance measures to include: Weekly activity reports, monthly reports, performance index matrices, workflows and processes, strategic and work expectation plans. Annual appraisals, and periodic (quarterly) one-on-one meetings with staff will be conducted by Bureau Managers and Supervisors to evaluate and align realistic expectations of personnel with established and or modified performance objectives.</p>	Fire Prevention Bureau	October 2021
	<p>To ensure the Mayor and City Council can track the Bureau's reform efforts, the City Administrator should:</p> <p>16. Re-establish its periodic reports called for in the Mayor's 2017 Executive Order.</p>	<p>The Administration agrees with the recommendation.</p> <p>The City Administrator will work with the Fire and Planning & Building Departments and others as necessary to reestablish these reports.</p>	Fire Prevention Bureau, Planning & Building	November 2020
2	<p>To improve its inspection efforts, the Bureau needs to:</p> <p>17. Continue to develop and update a master list of all properties that need to be inspected.</p>	<p>The Administration agrees with the recommendation.</p> <p>The Bureau currently has a list that reflects all the state mandates for all the occupancies identified. The Bureau thoroughly cross references data lists between OneStep and Accela to ensure accuracy of information.</p>	Fire Prevention Bureau	June 2021

		New buildings and occupancies are added by the Fire Prevention Bureau's office. The Bureau is creating a fire record in Accela that runs in parallel but does not cross reference with Planning & Building. The Bureau maintains a master list in Excel, which will eventually be uploaded into Accela.		
	18. Establish data integrity controls with the implementation of the new Accela database.	The Administration agrees with the recommendation. The Fire Prevention Bureau will assign delegation of authority and set limitations of who can access data once established and uploaded in Accela including read only and editing credentials. The Bureau will also establish and enforce operational guidelines for users to follow in maintaining the integrity of Accela information and reports generated from the database. A consistent point of reference will be established.	Fire Prevention Bureau, Information Technology	June 2021
	19. Adopt a risk-based approach for scheduling state mandated inspections as recommended by the Mayor's taskforce in 2017. Risk factors would include the type of facility, period elapsed since the facility was last inspected, the age of the facility, the compliance history of the facility, the number of occupants using the	The Administration does not agree with the recommendation. The Fire Department states that this is a too narrow and restrictive risk-based approach for scheduling state mandated inspections. Staff will look at state regulatory agencies to see	Fire Prevention Bureau	Ongoing



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	facility and whether the facility is used 24 hours a day or only during the work-day.	<p>how they prioritize their work and will reach out to California State Fire Marshal for same information</p> <p><u>City Auditor's Response:</u> <i>The Fire Department states this recommendation is too narrow and a restrictive approach for scheduling state mandated inspections. Moreover, the Department states it will contact other regulatory agencies and the State Fire Marshall to learn how they prioritize their work. The risk factors mentioned in the recommendation are not considered to be all the factors the Department should consider in scheduling inspections. If the Department uses the information obtained from other agencies to develop their own risk-based approach for scheduling inspections, we would consider the recommendation fully implemented.</i></p>		
	20. Immediately complete a risk assessment and schedule its inspections for the 2,400 properties not inspected in the last three years, based on the risks presented by each property.	<p>The Administration agrees with the recommendation. The Bureau will evaluate its work capacity based on the recently developed Performance Index (PI) and determine the best course of action and task assignment alternatives for successfully completing fire</p>	Fire Prevention Bureau	March 2022

		inspections of all state mandated properties identified and inventoried. Furthermore, the FPB organizational structure will be internally revaluated in terms of improving accountability and efficiencies and consider assigning Fire Inspector Supervisors (FIS) to specific functions and programs as an alternative to the current assignment of Fire Inspector Supervisors primarily to geographical boundaries.		
	<p>21. Develop a workload and staffing analysis to provide a basis for evaluating the productivity of the inspectors and the Bureau. At a minimum, this analysis should include the number of facilities that need to be inspected, the average time it takes to inspect these facilities, time needed to re-inspect facilities, travel time, and the</p>	<p>The Administration agrees with the recommendation. The Bureau will evaluate its work capacity based on the recently developed Performance Index (PI) and determine the best course of action and task assignment alternatives for successfully completing all fire inspections. Furthermore, the FPB organizational structure may be internally reorganized in support of improving productivity by assigning Fire Inspector Supervisors (FIS) to specific functions and programs rather than assigning Fire Inspector Supervisors to geographical boundaries: The three functions/programs currently identified are:</p>	<p>Fire Prevention Bureau</p>	<p>October 2021</p>

		<ul style="list-style-type: none"> • State Mandated Inspections (A,E,I,Rs, and High-Rise) • New Construction Inspections • Hazardous Inspections (cannabis, haz-mat, and encampments) 		
	<p>22. Create a set of performance measures that will enable supervisors to assign inspections and hold each of its inspectors accountable by monitoring their contribution to accomplishing the Bureau's inspection workload.</p>	<p>The Administration agrees with the recommendation.</p> <p>The Bureau will evaluate its work capacity based on the recently developed Performance Index (PI) and develop expected and realistic performance measures. In addition to implementing best practices in records management and accountability technology (OneStep-Accela migration), the FPB organizational structure will be internally reevaluated in terms of improving accountability and efficiencies and may alternatively assign Fire Inspector Supervisors (FIS) to specific functions and programs rather than by traditional geographical boundaries.</p> <p>Implementing a protocol of Supervisors placing inspections on the Inspector's calendars for accountability and control of individual workload.</p>	<p>Fire Prevention Bureau</p>	<p>June 2021</p>

	<p>23. Enhance its monthly report to add a component to track the total time that inspectors spend doing their inspections against a pre-established goal for each inspector.</p>	<p>The Administration agrees with the recommendation. The Bureau's WAR report, while currently reflecting inspection activities primarily entered in OneStep, will eventually provide work activity perspectives based on Accela records and should then, either augment Accela generated reports or be redesigned to capture other defined Bureau activities not otherwise Accela centric. The Bureau is accounting for inspection time, but also inclusion of required documentation for that particular entity, i.e. operational permit, report of fire code violation and ensuring that all is accounted for in our records as it relates to staff time. The Bureau is developing a policy that includes this time.</p>	<p>Fire Prevention Bureau</p>	<p>June 2021</p>
	<p>24. Re-evaluate the number of inspection staff and administrative support it has assigned to inspecting cannabis facilities.</p>	<p>The Administration agrees with the recommendation. The Bureau will evaluate its work capacity based on the recently developed Performance Index (PI) and re-evaluate the number of inspection staff and administrative support it has assigned to inspecting cannabis facilities as identified and inventoried. Furthermore, the FPB organizational structure will be internally revaluated</p>	<p>Fire Prevention Bureau</p>	<p>April 2021</p>

		in terms of improving accountability and efficiencies and consider dedicating and assigning a Fire Inspector Supervisor (FIS) to a specific function/programs (e.g. Hazardous Inspections (cannabis, haz-mat, and encampments)).		
	<p>To ensure that cannabis facilities are not allowed to operate indefinitely without meeting Fire Code requirements, the City Administrator's Office, in consultation with the Fire Department, should:</p> <p>25. Establish expiration dates for provisionally permitted cannabis facilities.</p>	<p>The Administration agrees with the recommendation. FPB continues to work with the CAO and meet with cannabis industry stakeholders in developing formal procedures for cannabis facilities to obtain permits and operate safely and successfully. As noted in the report, in 2019 the City Administrator's Operating Guidelines for Cannabis Operators already introduced building and fire permitting milestones as requirements for cannabis operators to continue operating on a provisional basis. Enforcement of these guidelines has been hampered by the COVID- 19 pandemic, which cancelled previously scheduled appeal hearings for non-compliance with these requirements. A recently approved City Administrator Emergency Order will allow virtual appeal hearings and enforcement of these fire permitting requirements.</p>	<p>Fire Prevention Bureau, City Administrator's Office, Planning & Building</p>	<p>January 2021</p>

		This effort will require meeting with City Council and Economic Workforce Development to establish a practical threshold for any expiration date as well as any criteria that must be met by the date of expiration and the work plan to meet those criteria		
	<p>To ensure a comprehensive interdepartmental approach to the regulation of cannabis facilities is in place, the City Administrator should:</p> <p>26. Identify all the City departments involved in the regulation of cannabis facilities and develop an Interdepartmental Agreement to clarify each department's role and responsibilities, ensure interdepartmental coordination, information sharing, and if applicable, shared training opportunities.</p>	<p>The Administration agrees with the recommendation.</p> <p>The Bureau continues to work with CAO in establishing interdepartmental agreements based on best practices such as SF-temporary permits to operate a Cannabis Cultivation and Distribution Facility, and Corrective Action Plans (120 days). Thus, providing the cannabis industry with practical and defined timelines to succeed in reaching compliance milestones. Current work process challenges include the Bureau's elongated plan review queue (minimum 12 weeks), EBMUD line installation (6-8 months) and PG&E power upgrade services (up to 1 year). Establishing 90-120-day extension timelines for compliance and phasing plans based on adopted CBC, and CFC timelines provides for establishing acceptable baselines and benchmarks when drafting local protocols and also</p>	Fire Prevention Bureau, City Administrator's Office, Planning & Building	January 2021

		<p>aligning scope of training between and among City departments.</p> <p>FPB continues to work with the CAO and meet with cannabis industry stakeholders and periodically coordinates with CAO in scheduling and participating in cannabis permitting workshops in the effort to inform and educate cannabis stakeholders on how to obtain permits and operate safely and successfully in Oakland. The City Administrator's Special Activity Permits Division already coordinates regular joint meetings with the Building Department and Fire Prevention Bureau to ensure information sharing and coordination. Further, the CAO is in constant communication with other City departments involved in the permitting of cannabis businesses, such as the Oakland Police Department and the Revenue Management Bureau. The CAO will continue these coordination efforts as it works to transition the cannabis industry into the regulated marketplace. As part of the bi-weekly coordination meetings between Fire and Building Departments, these projects can be identified, tracked and</p>		
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		acted on once the expiration dates are established.		
3	<p>To strengthen its enforcement efforts, the Bureau should:</p> <p>27. Employ more aggressive administrative and judicial actions to compel property owners to correct fire safety violations.</p>	<p>The Administration agrees with the recommendation.</p> <p>Currently, civil notice of violations issued to violators are referred to the CAO Code Compliance section for enforcement (Misdemeanor fines up to \$500 per infraction). To alleviate work overload, capacity drain and unnecessary redundancy from one department depending on another, the Bureau will pursue Peace officer credentialing (PO) and empowering staff (Fire Investigators, Fire Inspectors) to write citations for fire code violations and pursue casework through the muni Court, and or DA. The Bureau will explore best practices in code enforcement to include researching other City departments and other local/area Fire Prevention Bureau agencies and propose a code enforcement program geared toward providing a full spectrum of equitable services to the community regarding fire code education-engineering-compliance-and enforcement.</p>	Fire Prevention Bureau and City Attorney's Office	October 2021

	<p>28. Immediately schedule a meeting with officials from the Oakland Unified School District to adopt a plan to bring its schools into compliance with fire safety regulations.</p>	<p>The Administration agrees with the recommendation. The Fire Prevention Bureau convened a meeting with the Superintendent's Office in September 2020. The two agencies are working to identify appropriate counterparts from each agency who will establish a shared calendar to enable the mandated annual inspections to occur efficiently and predictably. Beginning on or before November 2020, Fire Prevention Bureau staff will begin meeting with an OUSD facility and maintenance supervisor to arrange for two (2) facility inspections per week in order to successfully complete the approximate 100 required inspections.</p> <p>Staff will continue to request this meeting and will elevate the issues we face with OUSD to their leadership.</p>	<p>Fire Operations, Fire Prevention Bureau, City Attorney's Office</p>	<p>December 2020</p>
	<p>29. Elevate Oakland Unified School District's lack of compliance with fire safety requirements to the City Administrator and the Superintendent of the District.</p>	<p>The Administration agrees with the recommendation. During the September 2020 meeting, OUSD agreed with the necessary collaboration it will take to ensure safety.</p>	<p>Fire Operations, Fire Prevention Bureau, City Attorney's Office</p>	<p>June 2021</p>



	<p>30. Continue using the established appeals process in the City Administrator's Office for appeals related to the Bureau's inspection programs and begin assessing homeowners for past and current inspections fees.</p>	<p>The Administration agrees with the recommendation. The Bureau will continue utilizing already established appeal officers within the city (CAO) and continue efforts to create a budgeted shared resource with the Treasury/Revenue Department.</p>	<p>Fire Prevention Bureau, City Attorney's Office</p>	<p>June 2021</p>
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