



Serving Oakland With Integrity

NEW REPORT RELEASED

Performance Audit on the Oakland Fire Department's Fire Prevention Bureau

Today, my Office released a performance audit of the Oakland Fire Department's Fire Prevention Bureau. The impetus for this audit was to assess whether the City is on target in implementing vital fire prevention reforms and whether the City is doing all it can to protect residents.

Oaklanders know all too well that the 1991 Oakland Hills Fire and the 2016 Ghost Ship Fire are two of the most disastrous fires in American history. Following both fires, the City of Oakland 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.

The audit objectives 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 audit found that more than three years after the City launched a major reform effort to improve fire and life safety throughout the City of Oakland, the City has made only limited progress in fully implementing the reforms set forth by the Mayor's Task Force. The report includes 30 recommendations to address the deficiencies identified in the audit.

To read the full report, click [here](#).

NOVEMBER 2020 BALLOT MEASURE ANALYSES

Municipal Code Section 3.08.210, requires the Office of the City Auditor to prepare impartial financial analyses of all measures on the ballot. Our analyses are published in the official Alameda County Voter's Guide. As November 3rd approaches, we thought it might be useful to share our financial analyses:

1) Measure RR - Proposed Amendment to City Charter Section 217 to Remove the \$1,000 Limit on Fines. Currently, the Oakland City Charter, Article II, Section 217, Penalty for Violation Ordinances,

places a \$1,000 cap on fines the City may impose for violations of ordinances of the Oakland Municipal Code. This Measure, if approved, merely removes the \$1,000 current cap on fines the City may impose for violations of ordinances in the Oakland Municipal Code. The Oakland City Council may approve any new fine limits by ordinance after a public hearing. Thus, we are unable to quantify the fiscal impact of this since the Measure, by itself, does not establish new limits on fines. It is reasonable to assume, however, that the City's fine revenue may be impacted if City Council adopts new limits by ordinance. It is important to note that the impetus for removing the \$1,000 limit is not to increase fine revenue, but to strengthen the City's enforcement tools to obtain corrective action on code violations in a meaningful way that addresses and deters the underlying behavior.

Read the full analysis [here](#).

2) Measure S1 - Proposed Ballot Measure Amending the Powers of the Police Commission. This Measure, if passed by more than 50 percent of the voters, amends Section 604 of the City Charter, which established the Police Commission (Commission) and the Community Police Review Agency (Agency). The Measure requires the City to budget two attorneys and one administrative position for the Agency. It adds the Office of the Inspector General (OIG) to the Charter and authorizes the Commission to hire legal counsel. Many of these costs are currently budgeted by the City, and some additional costs will be incurred. We estimate the Measure will add \$266,000 to \$316,000 in annual costs and an additional \$100,000 to \$150,000 every three years. The OIG will require office space, but we are unable to estimate this cost because it is project-specific. Future personnel costs may increase due to cost of living adjustments and future union negotiations.

Read the full analysis [here](#).

3) Measure QQ - Youth Voting Ballot Measure. Currently, persons under the age of 18 cannot vote in Oakland school board elections. This measure, if approved by more than 50 percent of the voters, would give the Oakland City Council the authority to lower the voting age for Oakland school board elections from 18 to 16. Since this measure merely authorizes the City Council to adopt an ordinance allowing persons aged 16 and 17 to vote for the Office of School Director, the measure, by itself, does not have a direct fiscal impact. If the measure passes, and if the City Council adopts such an ordinance in the future, the City would incur minor costs associated with allowing persons aged 16 and 17 to vote for the Office of School Board Director. We estimate the City would incur additional costs of approximately \$7,000 - \$10,000, in years in which Oakland school board elections are held.

Read the full analysis [here](#).



A LOOK AHEAD

In the next several months, my office will release the following audits:

- **Homeless Services:** This performance audit will 1) assess the dimensions and characteristic of Oakland's homeless encampments, including assessing data around the City's encampment program, and 2) evaluate Oakland's current policies, goals and objectives for serving the unsheltered population, including an assessment of the City's responsiveness to complaints.
- **Measures Q (Library Services Retention and Enhancement Act) and D (2018 Oakland Public Library Preservation Act):** These are mandated audits. Measures D and Q are two voter-approved parcel taxes to supplement the City's funding for the Library. The audit objectives are to determine whether the Library was in compliance with the respective Measure's objectives, including assessing whether expenditures were in accordance with the requirements of these Measures. The scope of the audit includes Measures D and Q funds spent in Fiscal Years 2017-18 and 2018-19.
- **Measure D: Kids First! Oakland Fund for Children and Youth Act Fiscal Years 2016-17 and 2017-18:** This is a voter approved measure, that directs the City to dedicate a portion of its annual budget, through the City's unrestricted General Purpose Fund, to programs benefiting children and youth. The Measure requires the City Auditor to perform audits of Measure D monies, which includes verifying that the correct 'set aside' amount was



NEWS RELEASE

Office of the City Auditor
City of Oakland

FOR IMMEDIATE RELEASE:

September 30, 2020

AUDIT REVEALS THREE YEARS AFTER GHOST SHIP, FIRE PREVENTION REFORMS STILL NOT IMPLEMENTED

***Even after identifying specific needed reforms and adding inspection staff,
51% of all known properties requiring an annual inspection have not been
inspected in the last 3 years***

OAKLAND, Calif. (September 30, 2020): Today, Oakland City Auditor Courtney Ruby released a performance audit of the Fire Prevention Bureau (Bureau), a division of the Oakland Fire Department (OFD). This report examines whether the Bureau implemented the 2017 recommendations from the Mayor’s Task Force established after the tragic Ghost Ship Fire in 2016 and whether the Bureau has established adequate controls to ensure all state mandated inspections are completed and fire safety laws are adequately enforced.

The mission of Oakland’s Fire Prevention Bureau is to reduce the risk of fire throughout the City. The Bureau conducts fire safety inspections of the City’s buildings, structures, and vacant lots and performs “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 of smaller apartment buildings and retail businesses, inspects cannabis operations, and reviews building and tenant improvement plans to ensure new construction includes all required fire safety components. Furthermore, they are responsible for fire safety in the high danger zone of the Oakland hills.

The audit found that more than three years after the City launched a major reform effort to improve fire and life safety throughout the City of Oakland, the City has made only limited progress in fully implementing the reforms set forth by the Mayor’s Task Force. The Fire Department implemented processes to identify and address high risk properties and improve communication between the Bureau and the engine companies to report potentially unsafe properties for further investigation.

The Fire Department, however, has yet to fully implement critical organizational improvements such as filling staff vacancies, creating permanent supervisor positions, implementing more robust quality control processes, establishing performance measures for inspectors, and developing operating procedures for inspections.

The audit found the Bureau inspected only 26 percent of all state-mandated facilities between September 2018 and September 2019, even though the Bureau’s staffing for fire inspectors has increased significantly. Furthermore, the audit revealed the Bureau had not inspected 51 percent of the state-mandated facilities in the last three years we reviewed. The audit also noted the Bureau lacks sufficient staffing to inspect the growing number of cannabis operations in the City. The nature of cannabis operations poses significant fire risks to the operators, neighboring properties, firefighters, and the community.

Additionally, the Bureau’s enforcement efforts are often ineffective. The Bureau’s practice has been to try and coax property owners to correct fire safety violations by re-inspecting properties. Between September 2018 and September 2019, the Bureau conducted over 800 re-

inspections of state-mandated properties to ensure property owners corrected various fire safety violations. Although 236 properties implemented the appropriate corrective action, inspectors re-inspected these properties up to seven times to obtain corrective action. On the other hand, the Bureau was unable to obtain corrective action on another 493 properties, even though inspectors re-inspected these properties up to seven times.

The audit also found the Oakland Unified School District has not been responsive in correcting fire safety violations such as missing fire extinguishers and non-functioning fire alarm systems. Also, the Bureau has not operationalized its appeal process to provide property owners an opportunity to dispute the Bureau's findings of violations in the City's wildlife interface areas. Not operationalizing the appeals process delayed the assessment of approximately \$300,000 in inspection fees in 2018 and 2019 has yet to be assessed as a result.

In response to the audit results, Auditor Ruby noted, "Two of the deadliest fires in US history have been in Oakland: The 1991 Oakland Hills Fire and 2016 Ghost Ship Fire. Collectively these fires killed 61 of our residents. Completing this audit has been of the utmost importance to me to ensure the City is doing all it can to protect our residents—unfortunately, the audit found OFD has been slow to learn from the past and critical work remains to be done—a sense of urgency and accountability must be ignited in OFD—there is no excuse for the lack of progress."

During this time, 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. Additionally, the Bureau's practice to repeatedly re-inspect properties to bring them into compliance has also diverted significant time away from conducting mandated inspections.

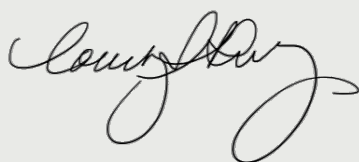
While the lack of progress can be partly attributed to high turnover in the Fire Department's leadership (since 2017, the City has had three Fire Chiefs and three Fire Marshals), Auditor Ruby, stated, "In 2013, I released an audit reviewing the Department's vegetation management inspection practices and some of these very same problems were identified, such as the need for consistent training, stronger supervision, quality control measures and clear policies and procedures to ensure the accuracy and completeness of inspections. Almost 10 years later, the current audit shows these same issues persist with building inspections."

On a positive note, the Department has agreed to implement 29 of the 30 recommendations in the audit report. Moreover, the Department and the Bureau have begun employing a more strategic focus on implementing management and accountability systems called for by the Mayor's Task Force and the Bureau is in the process of converting to a more advanced database, which will improve the efficiency and effectiveness of the Bureau's inspection efforts.

To read the full report please click [here](#).

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Committed to serving you with the utmost integrity,



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