

**Report to the 24th Legislature
Requested by Senate Resolution 30 and
Senate Concurrent Resolution 49,
Session Laws of Hawaii 2006
Requesting the Department of Labor and Industrial Relations to
Conduct a Study of the State Fire Council**

Senate Resolution 30 and Senate Concurrent Resolution 49, S.D. 1, of the Twenty-Third Legislature, State of Hawaii, requested that the Department of Labor and Industrial Relations (“DLIR”) conduct a study of the State Fire Council (“SFC”) to determine the need, if any, for the SFC to employ administrative staff. Additionally, if a need for staff is determined, the DLIR must ascertain the amount of staff and resources that the SFC will require and develop a proposed budget request for the Legislature.

According to the resolution, the current law does not provide for an SFC administrator, and as a result, the SFC has difficulty performing its functions, which have been assumed by the individual county fire departments. This has caused the county fire departments to lose the use of their personnel to perform the functions of the SFC rather than their normal responsibilities.

Background

On July 1, 1979, Chapter 132, HRS, established the SFC as an administratively attached agency to the DLIR. The SFC was created to replace the State Fire Marshall’s Office, which was a fully funded state agency. However, Chapter 132, HRS, does not allow for the SFC to hire staff. For seventeen years since its inception, the Honolulu Fire Department, as the largest fire department in the state, assumed the major portion of the expenses incurred to carry out the activities and functions of the SFC.

A full time officer of the Honolulu Fire Department temporarily served as the administrator of the SFC. However, in July 1996, burdened by not meeting their own goals and expectations at the Honolulu Fire Department, the officer returned to his assigned position, and the responsibilities of the SFC were relegated to and shared by the Fire Prevention Bureau and Training and Fire Communication Center Bureau. The bureau chief of the Fire Prevention Bureau assumed the responsibilities of the SFC administrator.

Functions of the State Fire Council

Section 132-3, Hawaii Revised Statutes (“HRS”), states that the SFC shall, after public hearings pursuant to chapter 91, adopt prior to July 1, 1979, a state fire code setting forth minimum requirements relative to the protection of persons and property from fire loss including without limitation:

1. The storage, handling and use of hazardous substances, materials and devices; and

Senate Resolution 30 and Senate Concurrent Resolution 46
Session Laws of Hawaii 2006
Report of the Department of Labor and Industrial Relations

2. The control of conditions hazardous to life or property in the design, use or occupancy of buildings and premises.

This state model fire code insofar as is practicable, is to complement, augment and be consistent in form and language with the building and other codes of the respective counties. The SFC meets annually to review and amend the state fire code.

In addition to adopting a state fire code, Section 132-16 of the HRS states that the SFC shall serve as a focal point through which all applications to the federal government for federal grant assistance for fire-related projects is to be conducted. Additionally, the SCF also:

1. Advises and assists the county fire departments, where appropriate;
2. Prescribes standard procedures and forms relating to inspections, investigations, and reporting of fires;
3. Approves plans for cooperation among the county fire departments; and
4. Advises the Governor and Legislature with respect to fire prevention and protection, life safety, and other functions or activities for which the various county fire departments are generally responsible.

Council Organizational Structure

Section 132-16, HRS, states that the SFC shall consist of the fire chiefs of the counties. The SFC may appoint an advisory committee to assist in carrying out its functions. This advisory committee may include the heads of the various county building departments, a licensed architect recommended by the Hawaii Society of the American Institute of Architects, a licensed electrical engineer and a licensed mechanical engineer recommended by the Consulting Engineers Council of Hawaii, a representative of the Hawaii Rating Bureau, a representative of the Hawaii Firefighters Association, representatives of the county fire departments, and members of the public whom the SFC believes can best assist in carrying out its duties. The SFC elects its chairperson from among its members.

Current Staffing

The City and County of Honolulu funds the current administrator. He is the chief of the Fire Prevention Bureau and an ex officio member of the SFC. He splits his duties between those of his position as bureau chief and those of the SFC administrator. A part-time administrative assistant, who is funded by state general funds through the DLIR on a Fee-for-Service basis, provides assistance. The part-time administrative assistant

Senate Resolution 30 and Senate Concurrent Resolution 46
Session Laws of Hawaii 2006
Report of the Department of Labor and Industrial Relations

provides services through a Memorandum of Agreement between the SFC, DLIR, and Honolulu Fire Department.

Duties Performed

Detailed descriptions of the duties performed by the administrator and administrative assistant are provided in Attachment 1.

Workload of the Council

The workload of the administrator and administrative assistant for the SFC has been heavy. Examples of the types of projects conducted include:

1. Coordinating federal grant applications for fire-related projects and home security concerns;
2. Administering and coordinating the National Fire Academy (NFA) Outreach Field Training Program and Train-the-Trainer Program¹;
3. Conducting annual reviews of the State Fire Code and updating it as needed to ensure uniformity in application and enforcement among the counties;
4. Managing the National Fire Incident Reporting System;
5. Providing statewide coordination for the following state programs:
 - a. Land Fire Protection Law relating to forestry.
 - b. State Underground Storage Tank Program mandated by the Federal Environmental Agency (EPA) and administered by the State Department of Health.
 - c. State Hazardous Material Program mandated by the Federal Superfund Amendment and Reauthorization Act (SARA) and administered by the State Department of Health.
 - d. State licensing program for health related care facilities administered by the State Department of Health.
6. Promote public awareness and fire safety throughout the State.

¹ During fiscal year 2005 (September 15, 2005 to September 14, 2006), the SCF administered and coordinated nine NFA courses. Training was conducted for the Hawaii County Fire Department (Arson Detection for the First Responder, Command and Control of Wild Land/Urban Interface Operations for the Structural Chief Officer); Honolulu Fire Department (Arson Detection for the First Responder, Fire Cause Determination for the Company Officer, Incident Command System for High-Rise Operations, Command and Control of Wild Land/Urban Interface Operations for the Structural Chief Officer); Kauai Fire Department (Leadership III: Strategies for Supervisory Success, Arson Detection for the First Responder); and Maui Fire Department (Arson Detection for the First Responder).

Senate Resolution 30 and Senate Concurrent Resolution 46
Session Laws of Hawaii 2006
Report of the Department of Labor and Industrial Relations

Available Resources

Presently, the DLIR receives \$47,000 to support the activities of the SFC. Thirty-five thousand dollars (\$35,000) is paid to the Honolulu Fire Department to staff the SFC on a part-time basis. The additional \$12,000 is used by the SFC for operating costs. Attachment 2 reflects these appropriations (see lines 064 and 070). Attachment 3 is an invoice received from the Honolulu Fire Department for services provided by the part-time administrative assistant. Attachment 4 is the Memorandum of Agreement between the SFC, DLIR, and Honolulu Fire Department for the services of the part-time administrative assistant.

Conclusion

Under the present organization and minimal state funding, the SFC has had difficulty in executing its mandated requirements as the work had to be performed by county fire department personnel, thus depriving the county fire department of the services of its members. As such, the SFC needs the ability to employ an administrator and an administrative assistant to enable the SFC to more effectively meet its statutory responsibilities as identified in chapter 132, HRS.

Below is a proposed budget request to add two full-time staff positions to administer and devote their full attention to functions of the SFC. The administrator's salary is equivalent to an SR-30 rate and the administrative assistant is an SR-26 equivalency. Attachment 1 describes the duties to be performed by the administrator and the administrative assistant on a full time basis.

Estimated Budget

Administrator (SR-30), Salary	\$82,000.00
Administrative Assistant (SR-26), Salary	<u>69,000.00</u>
Total Salaries	\$151,000.00
Employee Fringe Benefits (50.96%)	<u>\$76,950.00</u>
Total Salaries & Benefits	\$227,950.00
Operating Costs	<u>\$12,000.00</u>
Total Budget	\$239,950.00

**DUTIES AND RESPONSIBILITIES
STATE FIRE COUNCIL (SFC) ADMINISTRATOR**

The SFC Administrator, under the general direction of the Chairman of the State Fire Council, performs the duties required of the office in accordance with applicable general administrative and fire protection laws, codes rules and regulations.

- I. Plans, coordinates and administers programs and activities of the Council and supervises its day-to-day operations.
 - A. Drafts for Council adoption, all policies, rules, practices and procedures of the Council as authorized by law.
 - B. Prepares and administers Council budget.
 - C. Develops office practices and procedures and supervises Council staff in all administrative functions of the Council office.
 - D. Coordinates all Council meetings as directed by the Chairman.
 1. Prepares meeting agendas and reports.
 2. Arranges for meeting rooms, taking of minutes and other staff support requirements.
 3. Attends and participates in all meetings.
 - E. Conducts studies, surveys and other research on statewide fire problems and prepares reports and provides information on all statewide fire matters upon request.
 - F. Develops mutual aid agreements between county fire departments to effectuate mutual fire fighting assistance between counties.
 - G. Completes surveys and reports and provides information on all statewide fire matters upon request.
 - H. With the Assistant Administrator prepares proposals for all federal grant assistance related to fire projects. Finalizes justification for grant awards for submittal to the agency grantor.
 - I. Prepares standard procedures, reports and forms for statewide implementation.

- J. Serves as National Fire Incident Reporting System (NFIRS) State Project Manager.
 - 1. Coordinates receipt of all fire reports from each county fire department and their input into City Computers.
 - 2. Directs HFD staff in preparing quarterly statistical reports for submission to National Fire Data Center and in the retrieval of national fire statistics.
 - 3. Reviews reporting forms, makes revisions and coordinates training on form preparation for all counties.
 - 4. Responsible for all administrative matters related to NFIRS.
 - 5. Attends NFIRS conferences and seminars.

- K. Coordinates a State Arson Information Management System (AIMS) to communicate national and state information on arson to county fire departments.

- II. Directs and coordinates the annual review and amendment to the State Fire Code.
 - A. Conducts meetings with county representatives to discuss code changes.
 - B. Works with assigned legal counsel in finalizing amendments and submits for Council approval, public hearing and submission to Governor's Office.
 - C. Assists county fire departments in finalizing codes and their adoption by respective county councils.
 - D. Reviews requests from counties for waivers from the State Fire Code and prepares a recommendation report to the Council for action.

- III. Develops and coordinates statewide certification and licensing programs.
 - A. Develops licensing system for individuals and companies engaged in the installation, testing and servicing of fire extinguishers, sprinklers, alarm and detection systems and the installation of flammable and combustible storage tanks.
 - B. Serves as liaison with agencies responsible for control of hazardous materials.
 - C. Develops and coordinates a statewide fire safety education program.

- IV. Develops and administers statewide fire training and certification programs.
 - A. Coordinates National Fire Academy outreach and train-the-trainer programs for all state fire organizations.
 - B. Develops and administers state fire fighter training and certification programs.
 - C. Drafts proposals for the development of a State Fire Fighter Training Academy.

- V. Reviews legislation and rules proposed by federal, state, county and other organizations relative to fire safety, prevention, and control and prepares comments, recommendations and testimony as required. Monitors legislative proposals and lobbies for passage.
 - A. Prepares reports on behalf of Council to the Governor and Legislature on fire related matters.
 - B. Prepares proposals to the legislature on fire prevention and control matters.
- VI. Other duties.
 - A. Attends meetings, conferences, seminars and other functions as a representative of the State Fire Council.
 - B. May respond to greater alarms as directed by the Fire Chief.
- VII. Reviews and Approves all official SFC Travel Requests

DUTIES AND RESPONSIBILITIES
State Fire Council (SFC) Administrative Assistant

Under the general supervision of the State Fire Council Administrator, provides administrative support for the office, executes assignments with minimum supervision and uses a wide latitude of discretion in accomplishing the following:

- I. Assists in the management of the day-to-day operations of the State Fire Council office; provides assistance to the Council Administrator as required.
 - A. Resource for Hawaii State Fire Code Questions concerning interpretations and variances to such code.
 - B. Screens and answers or refers all Fire Code related questions from the public, private fire or other organizations and other government entities.
- II. Assists in coordinating all Council meetings as directed by the Administrator.
 - A. Prepares, edits, reviews, compiles, prints, collates and proofreads all agenda and related material in the Quarterly Meeting Handout.
 - B. Records the minutes of all meetings.
 - i. Prepares and edits Drafts of Quarterly Meeting Minutes for review and finalization by the SFC Administrator, and submittal to the State Fire Council members.
 - ii. Maintains and files records of all finalized quarterly meetings minutes
- III. Receives and assembles all incoming materials for review and action by the State Fire Council Administrator. Screens and checks all outgoing materials for accuracy and proper distribution including all correspondence that require research of information and various reports to governmental and private agencies.
- IV. Provides information to various agencies and individuals, or directs to the proper source for appropriate action. Provides answers to technical questions. Receives and records complaints and requests from the general public, governmental and private agencies.
- V. When written documentation is required, assists the Administrator in drafting responses to inquiries pertinent to SFC concerns or responsibilities.
- VI. Develops, establishes and maintains systematic filing system of all correspondence, state-federal related programs, licensing-certification programs, fire fighter training and certification programs, State Fire Code revisions and waivers and fire related legislative bills. Revises filing system when necessary.
- VII. Maintains a separate filing system for council proceedings and hearings as required in the Council's Administrative Rules of Practice and Procedures.

- VIII. Makes appointments for the State Fire Council Administrator; arranges and attends meetings and conferences; takes notes of meetings and proceedings.
- IX. Sets up and maintains Council reference library and film library and delegated with the authority to lend films, books and related equipment to authorized representatives of county fire departments and various agencies. Responsible to maintain and follow up on all materials loaned out.
- X. Provides information to the public, governmental agencies and fire department personnel of the State Fire Council's functions, policies, and procedures. Searches through a variety of files, records, and publications to provide information regarding fire terminology for National Fire Protection Association pamphlets, State Fire Code, etc.
- XI. Transmits information, forms and other related materials to the county fire departments relative to the state fire fighter training and certification program.
- XII. Collects, compiles and records statistical information to assist the State Fire Council Administrator in the preparation of monthly, quarterly and annual reports.
- XIII. Responsible for adequate amounts of forms, certificates, etc., for the county fire departments. Submits requests for printing of various forms, brochures and pamphlets and distributes to the public and county fire departments.
- XIV. Arranges for the repair, maintenance and updating of office equipment.
- XV. Maintains Council's inventory.
- XVI. Keeps accurate account of payroll time and attendance of Council office personnel and certifies for payment.
- XVII. Processes and initiates parking requests, travel requests, payroll deductions, and other miscellaneous payroll and fiscal matters.
- XVIII. Processes and initiates travel requests and documents by submitting Travel Order Forms, Per Diem Calculation Requests, airline and ground transportation reservations and Statement of Completed Travel Documents for the following activities of the Council, Committee Members, Chair, or SFC Designee:
 - A. SFC Members
 - i. Quarterly meetings
 - ii. Special meetings
 - B. SFC Committees
 - i. SFC Communications
 - ii. SFC Operations
 - iii. SFC Training

- a. annual meetings
- b. special meetings
- iv. SFC Prevention
 - a. monthly code review meetings

C. Annual meetings

D. Special meetings

- i. SFC Chair or Other Designee Travel Request
 - a. National Fire Protection Association
 - b. National Association of State Fire Marshals
 - c. Western Fire Chiefs Association
 - 1) Annual meeting
 - 2) Code review conferences
 - 3) Seminars
 - d. Federal Emergency Management Agency/National Fire Academy
 - 1) Training Resources And Data Exchange (TRADE) Conference
 - 2) Prevention Advocacy Resources And Data Exchange (PARADE) Conference
 - e. Hawaii Fire Chiefs Association Annual Conference
 - f. NFA Grant Class Attendees Travel
 - g. National Fire Incident Reporting System Seminars

XIX. As the focal point through which all applications to the federal government grant assistance for fire-related projects are made, the assistant administrator drafts justifications and documentations of proposed fire related classes or acquisition of needed equipment or materials as gathered and requested by the county fire departments and submits the documents to the SFC Administrator's for review and finalization.

REPORT OB8808R1
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 123-456 7890 12 3
 LBR 902 AA J2 A

MOF FOR ALL ITEMS
 ON THIS PAGE
 GENERAL FUND

STATE OF HAWAII
 BUDGET WORKSHEET
 DETAILS OF OTHER CURRENT EXPENSES
 FY07 EXEC SUPPL BUDGET

PROG ID/ORG CODE LBR-902/AA
 TABLE BJ-2
 RUN DATE 01/25/06

TYPE OF COST: OPERATING

CURRENT PROGRAM

T R	LN NO	OTHER CURRENT EXPENSES - DESCRIPTION (MAXIMUM 50 CHARACTERS) (09)	OBJECT CODE (01)	LOCN (03)	NON REC (04)	PRECEDING FY2003-04 (05)	YEARS FY2004-05 (06)	CURRENT FY2005-06 (07)	YEARS FY2006-07 (08)
8	567								
---	063	STATE FIRE COUNCIL	7200			12000	12000	12000	12000
---	064	SERVICES ON A FEE BASIS	7100						
---	065	SERVICES ON A FEE BASIS	7102			45000	45000	45000	45000
---	066	PARKING	4800			8000	8000	8000	8000
---	068	OFFICE AUTOMATION EQPT MAINENANCE	5800						
---	069	CUSTODIAL SERVICES	7100			7300	7300	7300	7300
---	070	STATE FIRE COUNCIL	7100			35000	35000	35000	35000
---	077	EQUIPMENT	7700						

MOF SUBTOTAL	309385	273625	273625	273625
SUBTOTAL (CUMULATIVE) (DO NOT PUNCH)	309385	273625	273625	273625

LBR-902/AA
 TABLE BJ-2

INVOICE

April 27, 2006

TO: State of Hawaii
Department of Labor and Industrial Relations
830 Punchbowl Street, Room 309
Honolulu, Hawaii 96813

Attention: Administrative Services Office

Services provided by a part-time Administrative Assistant
in accordance with the Memorandum of Agreement between
the State Fire Council, the Department of Labor and Industrial
Relations, and the Honolulu Fire Department \$35,000

Please make the check payable to the City and County of Honolulu and mail it to the
following address:

Honolulu Fire Department
636 South Street
Honolulu, Hawaii 96813
Attention: _____

Should you have any questions, please call Lloyd Rogers at 723-7151.

MEMORANDUM OF AGREEMENT

Between the
Department of Labor and Industrial Relations,
State Fire Council,
and the Honolulu Fire Department

Purpose and Scope

This MEMORANDUM OF AGREEMENT is entered into this 30th day of June 2005, by and between the State Fire Council, hereafter the "SFC," the Department of Labor and Industrial Relations, hereafter the "DLIR," and the Honolulu Fire Department, hereafter the "HFD," of the City and County of Honolulu, hereafter the "City."

WHEREAS, this Memorandum of Agreement establishes a cooperative framework for the funding of a part-time position to provide administrative support to the SFC; and

WHEREAS, the SFC is funded by the DLIR; and

WHEREAS, the HFD will serve as a conduit whereby the SFC can perform its financial responsibilities utilizing the City's accounting, purchasing, and budgeting services.

Background/Authority

Section 132-16 of the Hawaii Revised Statutes establishes the SFC within the DLIR for administrative purposes. The SFC is comprised of the Fire Chiefs of the counties throughout the State of Hawaii, with its Chairperson being the Fire Chief of the HFD, and its Administrator being the Battalion Chief of the HFD's Fire Prevention Bureau.

Responsibilities and Guidelines

This Memorandum of Agreement will enable the SFC to fund a personal services contract for a part-time position to provide administrative support to the SFC Administrator, provided the parties agree to the following terms and conditions:

1. The total compensation of \$35,000 shall be paid by the DLIR, in advance, upon receipt of an invoice from the SFC. The check will be deposited into a special account maintained by the HFD.
2. The funding shall be used to pay for services of a part-time administrative position for the period July 1, 2005, to June 30, 2006.

Memorandum of Agreement
Department of Labor and Industrial Relations, State Fire Council,
and the Honolulu Fire Department
Page 2

3. Payment shall be made for services provided in accordance with the costs identified in the budget exhibit.
4. Reprogramming of the line-item budgets shall require prior written approval from the DLIR.
5. The SFC shall submit monthly expenditure reports fifteen (15) days after the end of each month to:

Administrative Services Office
State of Hawaii
Department of Labor and Industrial Relations
830 Punchbowl Street, Room 309
Honolulu, Hawaii 96813

6. The SFC shall also submit a final expenditure report no later than thirty (30) days after the end of the performance period to the DLIR at the above address.
7. Unspent/unobligated cash at the end of the performance period shall be returned to the DLIR along with the final expenditure report.
8. In the absence of a standard form to report the expenditures, the State of Hawaii form "Subgrantees Invoice and Expenditure Report" shall be used as a guide to format the expenditure reports.

Specific Responsibilities

1. The HFD shall be responsible to:
 - a. Select a qualified candidate for the part-time administrative position.
 - b. Provide oversight and ensure that the scope of services is being accomplished in accordance with this Memorandum of Agreement.
 - c. Create and maintain the special account.

Memorandum of Agreement
Department of Labor and Industrial Relations, State Fire Council,
and the Honolulu Fire Department
Page 3

- d. Provide payment to the part-time hire for services rendered.
 - e. Provide an invoice to the SFC for transmittal to the DLIR.
 - f. Provide the SFC with timely and accurate financial reports.
 - g. Comply with all applicable laws, policies, rules and regulations, and established procedures.
2. The SFC shall be responsible to:
- a. Assist the HFD in the selection of a qualified candidate for the part-time position.
 - b. Provide the invoice for advance payment by the DLIR.
 - c. Provide funds to the HFD to pay for contractual services.
 - d. Provide financial reports to the DLIR.
 - e. Establish a budget, approved by the DLIR, to receive and expend funds.
3. The DLIR shall be responsible to:

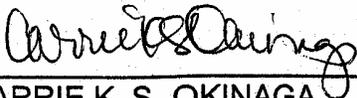
Provide \$35,000, in advance, to the SFC upon receipt of an invoice for part-time administrative services.

This Memorandum of Agreement shall remain in full force and effect until it is properly terminated or modified by mutual agreement by either party providing 30 days written notice of its intent.

Memorandum of Agreement
Department of Labor and Industrial Relations, State Fire Council,
and the Honolulu Fire Department
Page 4

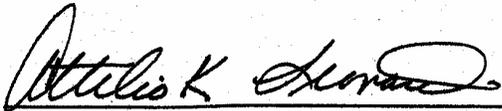
IN WITNESS WHEREOF, the parties hereto, by their authorized representatives, have executed this Memorandum of Agreement on the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:



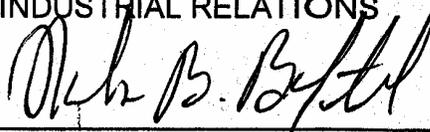
CARRIE K. S. OKINAGA
Corporation Counsel
Department of the Corporation Counsel

STATE FIRE COUNCIL



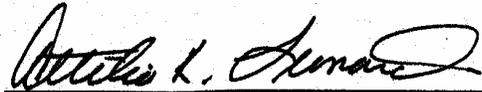
ATTILIO K. LEONARDI, Chair

DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS



NELSON BEFITEL, Director

HONOLULU FIRE DEPARTMENT



ATTILIO K. LEONARDI, Fire Chief