

**Restructuring the Fire Plan Review  
and Fire Construction Inspection  
Process for the City of Las Vegas**

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## Executive Summary

The Las Vegas development community and the economic well-being of the entire community will benefit by having the Building and Safety Department (BSD) and the Fire and Rescue Department (FRD) better coordinate and deliver fire plan review and fire construction inspection services. To accomplish this Kirchhoff & Associates makes sixteen specific recommendations. They are:

1. Designate the Fire Chief as the authority for the interpretation of the International Fire Code.
2. Restructure the BSD and FRD so that the day-to-day operational management of the fire plan review and fire construction inspection process is under the authority and responsibility of the Building and Safety Director.
3. Fill the open Fire Marshal position with a collaborative fire service expert who can implement the changes necessary to improve fire plan review and fire construction inspections recommendations identified in this report, as well as other necessary changes.
4. Allocate the newly appointed Fire Marshal sufficient time to review the existing fire plan review and fire construction inspections process before the BSD and FRD jointly implement the necessary re-structuring.
5. Physically relocate the Fire Marshal to the Development Services Center to oversee the re-structuring; better supervision of fire plan reviewers and fire construction inspectors; and to provide timely decisions when customers disagree with the application of fire code requirements or circumstances. The past Fire Marshal's absence from the Development Services Center because of his office location in the FRD's Headquarters was a serious impediment to the timely resolution of code interpretation and appropriate code application.
6. Support the fire plan reviewers and fire construction inspectors with FRD administrative support staff to handle front counter services.

7. Provide that the fire plan reviewers and fire construction inspectors are allowed to work under the conditions of their existing collective bargaining agreements to the extent that the operations and practices of the BSD are not impeded.
8. House FRD fire plan reviewers and fire construction inspectors together under the “same roof” at the Development Services Center with BSD plan reviewers and inspectors.
9. Take the steps necessary for the FRD to participate in the City’s Express Plan Check process.
10. Install appropriate GPS vehicle management systems (equipment and software) to assist field staffs of both departments in conducting their services safer and more effectively.
11. Transfer all of the FRD’s construction-related plan check and inspection services and activities to the Development Enterprise Fund in order to off-load more than \$2 million annually from the FRD’s General Fund Budget.
12. Develop meaningful, realistic and measurable performance metrics that are specific to the re-structuring effort in both.
13. Set fees for fire plan review and fire construction services at the level necessary for full cost recovery.
14. Request assistance from the Human Resources Department with respect to addressing the inevitable issue of differing pay ranges for the BSD and FRD plan reviewers and inspectors.
15. Provide the BSD with the technology needed to accept and process electronic plan review; develop a single searchable data base that provides the permit history on each property in the City.
16. Use a professional facilitator who understands the difference between the FRD and BSD cultures to assist with the re-structuring implementation effort.

There are at least 6 compelling reasons to put this package of recommendations into operation. They are:

1. It will result in the construction of safer buildings in the City of Las Vegas;
2. Over a 5 year period it will shift the \$10 million plus cost of fire plan review and fire construction inspection services from the general taxpayer to the development community user;

3. Affected FRD civilian plan review and inspection personnel remain as FRD employees, retaining their current work privileges, collective bargaining rights, promotional and transfer rights;
4. Integrating the fire plan review and fire construction inspection with the BSD will result in workplace efficiencies and a more timely and consistent customer response;
5. Merging fire plan review and inspections with building and safety plan review and inspections has been done successfully by leading local governments across the country, including Clark County and the Cities of Henderson and North Las Vegas; and,
6. This form of operational merging is acceptable to the International Building Code Association, the International Fire Code Association and the fire industry's standards and best practices organization, Fire Accreditation International.

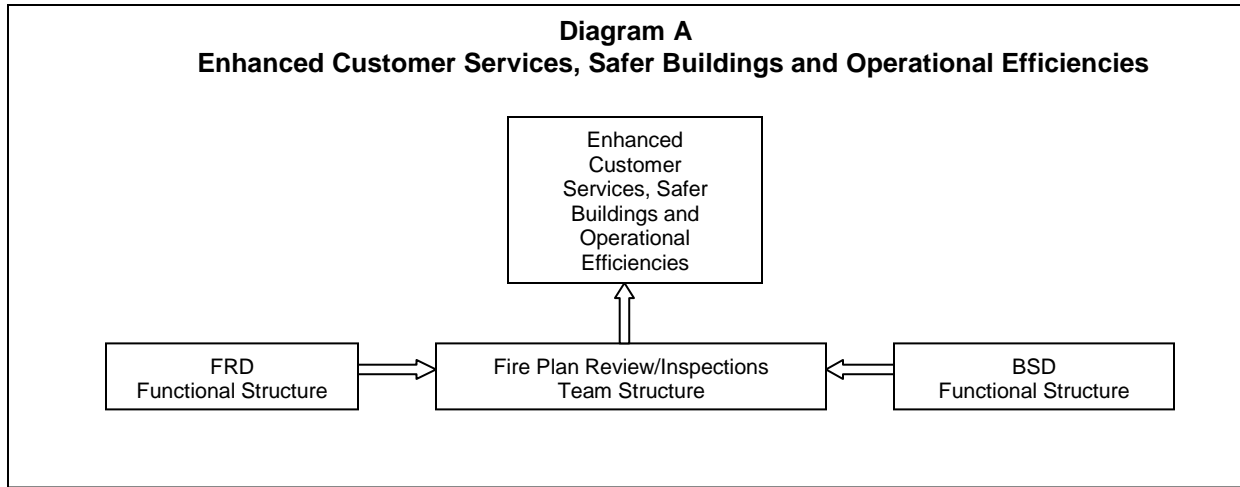
There are also cautionary considerations associated with the of recommendations.

Among them are:

1. The modification of the FRD's traditional chain-of-command process with respect to those fire plan reviewers and fire construction inspectors who are assigned to the BSD;
2. Challenges associated with organizational disruption resulting from the work assimilation of recalcitrant employees;
3. Fire Union push-back;
4. Compensation differentials between FRD and BSD staff that may limit the Development Enterprise Fund's goal of functioning at a cost-neutral, level; and,
5. The untended consequences of trying to shift a regulatory culture to a "get to yes" customer service culture.

*Diagram A, Enhanced Customer Services, Safer Buildings and Operational Efficiencies* on the following page summarizes the intended outcome of the 16 recommendations – Improved customer services for the attainment of economic

development, safer buildings, and organizational modifications that provide the City with a greater return on investment (ROI).





# Chapter I

## Introduction

### Background

The City of Las Vegas retained Kirchhoff & Associates to perform a feasibility analysis regarding ways in which the City might assist the development community with a more expeditious, efficient and customer focused way of processing its fire plan review and fire construction inspection services. Systemic and persistent complaints since before 2009 from the development community members who use the City's Building and Safety Department (BSD) and Fire and Rescue Department (FRD) services, is the primary reason for this analysis. The City is currently organized so that the BSD and FRD conduct plan review and construction inspection independently.

The consultants were asked to evaluate the four options identified below:

1. Continue to operate as is currently being done, with both departments conducting plan review and inspections independently;
2. Transfer fire plan review and fire construction inspections to the BSD; and,
3. Transfer fire plan review to the BSD with fire construction inspection remaining the responsibility of the FRD.
4. Transfer the BSD plan review and construction inspection responsibilities to the FRD (**During the course of study the Fire Chief requested that this option be removed from the study**).

The information in this report does not address any FRD or BSD changes which may have been implemented after this study project was initiated. With the new Fire Marshal on-board, some of the report's findings may have been addressed.

## **Consultant's Relevant Experience**

The Kirchhoff & Associates' project team has more than forty years experience with the implementation and management of building and fire codes. The team's project manager has served as the city manager for five cities wherein both building and fire codes have been the singular responsibility of either the building or fire departments; and, where code responsibility has been separated as is the case with the City of Las Vegas. Other team members have substantial hands-on municipal experience with architectural, zoning, building and code administration matters. The firm has provided consulting services to a wide range of City of Las Vegas, Clark County, City of Henderson and City of North Las Vegas departments.

## **Findings from the 2009 Development Review Process Study**

Having previously studied the City's development review process, the project team is familiar with BSD and the FRD's plan review and inspection processes, which are discussed in the *City of Las Vegas Development Review Process Efficiency Analysis December 2009*, so the readers might draw their own conclusions. Among the report's 95 findings relative to City departments involved in the development review process, 5 related to the FRD. They are:

Finding No. 23 - It is the policy of the Fire and Rescue Department not to send out inspectors if any building has only a partial pass or is not approved - even though the work for the Fire and Rescue Department's inspection is ready.

Finding No. 81 -The almost universal belief by mid-managers that "when things

return to normal we will need more staff' is a drag against the need to change the way things are done internally. For example, the Fire and Rescue Department attributed most of the friction points (delays and bottlenecks) in the DRP being caused by a "reduced staff." This mind-set defeats the critical need for the development related departments to minimize future personnel costs by considering new ways of doing things without additional staff.

Finding No. 84 - There is compelling anecdotal input from the development community that some of the Fire Engineering staff lack professionalism with respect to customer service.

Finding No. 85 - The sometimes "we-they" friction between the plan check staffs in Fire Engineering and the Building and Safety Department impedes the work effort and customer service. This is an outcome of two competing organizational cultures that view their missions and responsibilities differently. It is costly to both departments and the customers they serve.

Finding No. 89 - Locating fire inspection personnel in fire stations may widen the mission-understanding gap and organizational culture differences between the Fire and Rescue Department and the other elements of the DRP.

## **Project Management**

Instead of assigning the project management tasks for this effort to their staffs, as is the usual case with projects such as this one, both the Fire Chief and Building and Safety Director were actively involved as the project's co-managers. At a June 10, 2015 meeting with the Fire Chief and BSD Director, it was the understanding of the consultants and the BSD Director that the Fire Chief agreed to proceed with a restructuring plan wherein the Fire Chief would be the fire code authority (Recommendation 1); and the BSD Director would be responsible for the day-to-day operational management of the fire plan review and fire construction inspection process (Recommendation No. 2). On August 19, 2015 the Fire Chief advised the consultant that he did not support Recommendation No. 2, requesting that the consultant provide him with an explanation for origin of the misunderstanding.

Appendix A, *Chronology of Events Pertaining to Recommendation No. 2* addresses this request.

It is a fact that independently both the FRD and the BSD are high quality service delivery organizations with very competent and well regarded department directors. Both departments are nationally recognized, innovative and on the cutting edge of their disciplines. But it is also fact the fire plan review and fire plan construction inspection process has been flawed for many years because the silo syndrome that continues as a drag on internal efficiency and external customer services.

## **Systems Analysis**

The feasibility of restructuring to improve customer service and operational efficiencies, in terms of fire plan review and fire construction inspections is best accomplished using a *systems* approach. The City's plan review and inspection process is a system of interrelated procedures that are joined together to accomplish a specific outcome – making buildings safer for the citizens of Las Vegas in the most cost-effective way possible.

As is the case with the systems analysis of any two separate work units that must function together on an integrated basis for attainment of a common objective, particularly the *closed* systems (silos) that large bureaucracies almost always produce, the systems analysis process involves the determination of five simple elements. They are:

1. *What* is to be done?

*Response: The City of Las Vegas' fire plan review and fire construction inspection process needs to be operationally integrated under the BSD in order to provide a higher level of customer service in a more cost-effective manner.*

2. *Who* will do it?

*Response: The BSD and the FRD.*

3. *When* will it be done?

*Response: Within the time frame established by the City Manager.*

4. *How will it be done?*

*Response: Through a re-structuring effort that will create a new business system based on an integrated team approach.*

5. *Who will be responsible and accountable for achieving the desired outcome?*

*Response: The City of Las Vegas Building and Safety Director and the Fire Chief.*

This approach is commonly used when evaluating the tasks of different work units which must function as one to produce a common output – dispatching centers and police departments; police investigators prosecutors; emergency management individuals from different city departments; first responders, transport and emergency room personnel; city managers and city attorneys.

The purpose of the systems analysis approach is to identify all influences and constraints in terms of their impact on the various “decision points” in the system. A decision point is that point in a system at which some person or automatic mechanism must react to input data and make a decision. Within the system there are a number of decision points at which one action or some other action is taken as the information flows through the system. For example, currently the BSD cannot proceed with the process of a permit *until* the FRD plans examiners complete their input to the Hansen System. This inefficient procedural entanglement places a financial hardship on both the development community and the taxpayer in general.

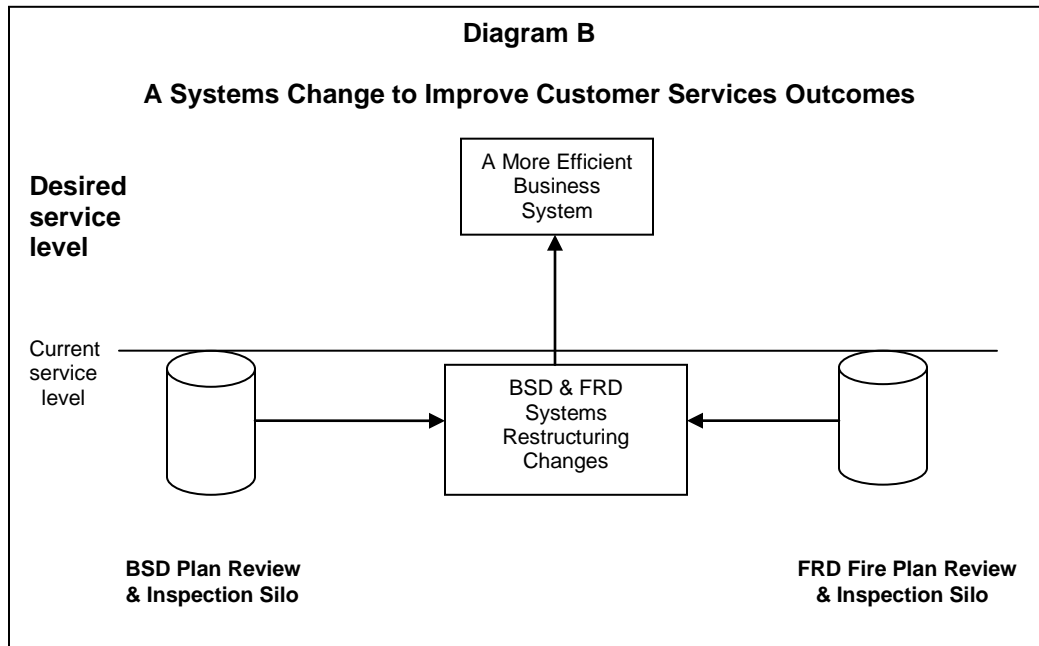
## **Systems Change Outcomes**

Managed correctly, the merging of BSD and FRD duties and responsibilities into a unified fire building plan review and fire building construction inspection process will:

1. Reduce approximately \$2 million from the FRD’s General Fund annual

- expenditures (viewed through the optics of a five-year planning budget, the FRD's General Fund liability will be reduced by \$10-12 million);
2. Upgrade the City's customer services for its development community; and,
  3. Help advance the City's economic development mission.

By re-structuring the two independent systems into a consolidated service delivery organization, many of the operational barriers that currently exist, and frustrate the Las Vegas development community, can be eliminated. This team approach, managed successfully, will produce the cost-effective efficiencies that the City's policy-makers deem important. *Diagram B, A Systems Change to Improve Customer Services Outcomes* illustrates the merging of the two systems (BSD and FRD) into a more efficient way to deliver City of Las Vegas services.



## Chapter 2

# Industry Overview

### Information Gathering

How things are being done, especially where there is demonstrable success is a pillar of change consideration. Industry standards and best practices continue to play a pivotal role in “how things are done” by both the BSD and the FRD. At the local level, we have contacted numerous Nevada fire chiefs, building officials and city and county management officials regarding more efficient ways to provide fire plan review and inspectional services. Despite reported resistance from the fire chiefs for Clark County and the Cities of Henderson and North Las Vegas, these local governments have transferred their fire plan review and fire construction inspection process to their building and safety departments with positive results. In addition to the discussions with city management officials, we have studied the work metrics used in order to objectively measure the effects of the change. These metrics validate the contemporary practice of merging fire plan review and fire construction inspection with building and safety departments.

At the national level we have had information exchanges with numerous fire service leaders regarding this issue. We have also contacted the International Fire Code and International Building Code Associations, asking this specific question – “Are there any code provisions that preclude a building and safety department from administering fire plan review and fire construction inspection services?” As far as we have been able to ascertain, there is nothing in any of the building and fire safety codes used by the City of Las Vegas that prevent the BSD from being responsible for fire plan review and fire construction inspections.

Through information exchanges with Fire Accreditation International, the accreditation organization to which the FRD belongs, the consultants sought to determine if any of their standards prevent such a merger. There is nothing in the FAI's standards, which are best practices for fire departments, that rules out the administration of fire plan review and fire construction inspections by a building and safety department. Thus, it is fair to conclude that if the official position of these professional associations does not officially object to merging fire plan review and fire construction inspections under a building and safety department's operational management, then counter-argument is not sustainable unless there are unusual and extenuating circumstances.

We have also submitted lengthy questionnaires to the FRD and BSD so that their employees were aware, to the extent possible, as to how we were proceeding with this effort, and have had the opportunity to address specific questions through their respective chains of command.

On two three-hour occasions the consultants met with representatives from the Las Vegas development community, the purpose of which was to understand their customer service concerns, issues and complaints. These groups, consisting of developers, association representatives, general contractors and trades contractors, were asked the same questions we asked of the development community in 2009: (A) What concerns and issues do you have regarding building plan review/inspection and fire plan review/ inspection; and (B) What suggestions do you have to remedy any which are problematic?

The overwhelming consensus was that the non-integration of fire plan review and fire construction with the BSD has not served the community well. One veteran development community representative stated, "We would rather build almost anywhere else in the valley because the regulatory inconsistencies and delays between the fire and building departments are pricing us out of the City of Las Vegas market." While those present were complimentary of the primary services delivered



by both the BSD and the FRD, they were critical of the fire plan review and fire construction inspection process which creates certain unnecessary costs and inefficiencies.

In addition to listening to the development community's concerns, and putting these comments in written form, we have made call-backs to some for a better understanding of what they are telling us. This has led to referrals to other development community members who also expressed their opinions.

## **The Essentials of a Team Approach to Plan Review and Inspections**

Among the essentials of the intra-departmental team approach necessary to ensure that the departments perform equally well regarding the development review, pre-development submittals and inspections are performed collaboratively and seamlessly to the maximum extent possible are:

- Consolidate under one roof to achieve the one stop shopping experience for the customer.
- Participate equally in standing meetings with the development community..
- Issue a single correction letter.
- Require staff to identify code citations for all corrections listed.
- Establish time frame or goals for plan review turnaround and measure by metrics.
- Use the electronic equivalent of a status board for each project.
- Map out the joint process that involve FRD and BSD employees.
- Provide customer service feedback kiosks or similar technology.
- Maximize information technology use.
- Implement a system for flexible staffing and address collective bargaining unit's differences.
- Engage all reviewers, inspectors and stakeholders early in the process.
- Return phone calls and emails as a business would do, and be willing to explain the reasons in writing or in person as a government should do.
- Ensure that the Las Vegas City Council members understand the how and why of the BSD and FRD team permit and inspection process.

- Require the Fire Marshal to meet with the development community on a regular basis.

## Overcoming Friction Points

Re-structuring how the BSD and FRD development review and inspections team should operate is not without significant challenge. Among the friction points, known and perceived, that the Fire Chief and BSD Director wish to resolved are the:

- Conflict between the BSD's technical code and the Fire Code ( 3-story residential sprinklers, Photovoltaic plan review and Med. Gas plan review, permitting and inspections are examples).
- Lack of coordination in plan review and inspection services.
- Lack of common service goals.
- Lack of common customer service philosophy and culture.

The reader is referred to *Appendix B, Joint Building and Safety and Fire Department Meeting* for additional insights. As stated in this document that was developed by the BSD Director, with input from the Fire Chief, the shared goal is: “*To identify permanent sustainable solutions to address all known and perceived conflicts and issues that are impeding collaboration between Building and Safety and Fire, and to create a shared culture of collaboration in Fire and Building Safety in providing high quality customer services.*”

# Chapter 3

## Development Community Input

### Introduction

Assisted by the City, the consultants conducted two meetings with members of the Las Vegas development community. Approximately two dozen individuals attended these meetings, representing trade associations, fire prevention engineers, builders, developers; plumbing, electrical and fire systems contractors, small and large. So that the participants felt free to openly express their opinions, no staff from either the BSD or FRD were in attendance.

The meetings were structured around two basic questions pertaining to the way in which the BSD and FRD conducted their independent plan review and inspections.

The participants were asked:

1. How might the current fire plan review and fire construction inspection process be improved to better serve you?
2. Are you better served if fire plan review and fire construction inspection process remain under the authority of the Fire Department or transferred to the Building and Safety department?

With respect to question No. 1, this chapter contains many of the exact comments made by the participants. These comments are included so that the reader might better understand more specifically how the BSD and FRD's customers see the fire plan review and fire construction inspection process from their side of the equation.

As it pertains to question No. 2, almost all of the attendees who addressed the questions felt that the tasks of fire plan review and fire construction inspections should be merged under the operational authority of the BSD. No one in attendance at the development community meetings advocated that the fire plan review and fire construction inspection process should remain in the FRD. While it is clear that the development community has high regard for the FRD's core functions of prevention, suppression and rescue, their frustration with the performance of the fire plan review and fire construction inspection process is prominent.

## **A 2009 Look Back**

When gathering information for the 2009 development process study conducted by Kirchhoff & Associates, meetings as described in the previous section were held with the development community. The tenor of input at those meetings could be characterized as *hostile* criticism, which was much different than the *constructive* criticism that was forthcoming from the development community this time. While it still finds that changes are necessary, it is evident that the development community recognizes the positive changes made by the BSD, particularly with respect to customer service. Credit for this, in the eyes of the development community, is attributed to the BSD's current director's roll-up-the-sleeves work approach and commitment to both safety and customer service.

This improved way of getting things done by the BSD Director, combined with a well regarded chief at the helm of the FRD, is the reason for the development community's current constructive criticism that the fire plan review and fire construction inspection services will now shift to a better way of insuring that buildings and facilities in Las Vegas might be made safer in a more efficient way. Because of this, the development community has shifted dramatically from finger-pointing and direct employee accusations to focusing on *system* improvements. As one senior executive for a developer said, "We can work out personality differences, honest mistakes and

code interpretation disparities if we have the right system to do it in. But unfortunately the right system does not exist.”

The development community is also optimistic that when the vacated Fire Marshal position is filled, it will be occupied by a man or woman dedicated to making the changes in the Fire Marshal’s Office necessary to provide more effective fire plan review and fire construction inspections. The in-coming Fire Marshal must have the capacity to make the changes necessary to upgrade the outcomes of the fire plan review and the fire construction inspections process, and immediately address the concerns of the development community. It was also strongly argued that the Fire Marshal’s office should be located at the Development Review Center, as are the City’s other development review key players.

## **Development Community Comments**

In the two sessions on the mornings of June 9th and 10<sup>th</sup>, more than two dozen various customers clients of the Las Vegas Development Review process talked openly about system improvements. The purpose of this interaction was to discuss ways to improve the development review and inspection process. As a way to initiate conversation and stimulate discussion, the consultant provided four scenarios in which development review for the City of Las Vegas might be done. They were:

- Option 1.** Continue the fire plan review and building inspection as is currently being done;
- Option 2.** Transfer fire plan review and fire building inspection to the Building and Safety Department (BSD);
- Option 3.** Transfer fire plan review to the BSD, with fire construction inspection remaining the responsibility of the FRD; and,
- Option 4.** Transfer the BSD plan review and construction inspection responsibilities to the FRD.

It was the consensus that some form of Option 2 should be put in place. The following are some of the unaltered comments received during the workshops that more or less reflect the meeting's *groupspeak*:

*"We have no complaints of the Building Department other than they are short staffed."*

*"Fire is not customer service oriented."*

*"No one feels any pressure if the process is not under one helm."*

*"There is confusion of where to submit certain plans for review."*

*"There are only 2 fire reviewers."*

*"There are delays due to personality, staffing, etc."*

*"If Option B is chosen, we would gladly fund the enterprise fund for additional staff."*

*"Fire is not part of staff meetings."*

*"Fire Marshal is position is now vacant and he was in charge."*

*"We want to be able to submit plans for fire review over the counter like in Building."*

*"Fire is non-negotiable – no appeals process, no boards."*

*"Fire is budget driven."*

*"Fire should be in the enterprise fund."*

*"Fire doesn't send plans outside for review if they need help."*

*"The client does most of plan review for fire; they deflect the work."*

*"Option B has virtually no learning curve."*

*"We do not have access to the Fire Chief like we do with Chris. There are too many management layers in the Fire Department."*

*"We mostly use Express plan check."*

*"Inspections are a huge problem. There are big delays in the field. Building and Fire are not talking together and they won't."*

*"Bonds are released on projects that are finished and then we have been required to go back and update items because of fire, even after the City Manager approved it. Fire doesn't follow procedures."*

*“Communications between Building and Fire are horrible. It even caused a homeowner to file a lawsuit against a builder.”*

*“The City of Las Vegas doesn’t attend code meetings. We want to see Chris there.”*

*“It is so difficult that one sprinkler guy stopped bidding on City of Las Vegas projects.”*

*“Sprinkler bidders charge more than other area local governments if they have to work a project in the City of Las Vegas.”*

*“Fire has NO process documented.”*

*“Only ‘Field Verified’ for solar inspection.”*

*“Inspectors need to be trained in solar plan check. Inspectors don’t go on the roof to see if there is clearance.”*

*“The cities are competing among themselves for business – Maybe plans check doesn’t care, but City officials do. “*

*“I’ve given up with fire inspectors going beyond the code. Now I just ask them to tell me what to do so I don’t have to back to square one.”*

*“The City should trust the design industry.”*

*“The turf battle between the departments is killing us. The building official and fire chief both need to attend development community meetings.”*

*“On closeout, there is no check box for fire. They don’t even know.”*

*“Fire has come back and overturned the building official.”*

*“Alternate means and methods is OK in the code.”*

*“It is easier to schedule fire inspections if it is all under one helm.”*

*“Maybe staging a move (to be under one helm) like Henderson did would work better.”*

*“The non-communication is bad for public safety sometimes.”*

*“The City Manager’s Office supports fire.”*

*“Whose crazy idea was option D?”*

*“Fire doesn’t feel any pressure (to perform) in the process.”*

*“There is a funnel effect due to low staffing.”*

*“We want a smoother process.”*

*“Installation of more than 200 lbs of Co2 at restaurants has been in the code since 2012. Why are they enforcing something they have never enforced before? Plan check didn’t find it and signed off. We couldn’t get a final. No vendors are licensed to do it. It is owner driven. I am finishing 3 restaurants and can’t get a CO.”*

*“Walk-in coolers and roof structures must be seismically strapped. Why are they suddenly enforcing it now?”*

*“I am nervous of how Chris would be able to absorb fire with all the work he has now.”*

*“The nickel and dime issue is getting out of hand.”*

*“Do the fire review folks have ‘the right stuff’ for Chris?”*

*“Fire sprinkler inspectors are on time. With Building inspectors, it is sometimes the next day.”*

*“Building inspections need to be on time. They schedule between 8-5. I don’t want fire to follow the building and safety process.”*

*“I have to pay a specialist hourly to wait on building inspectors. I like fire inspectors better; they are more efficient. They call and come when they say.”*

*“If my inspection is rolled over to the next day, I have to pay an additional \$125. I can’t get anything done until I pay again.”*

*“There are 16 retiring in the next 5 years in the Fire inspection area.”*

*“The process needs a form for the general fire final clearance checklist. Out of state contractors really need this.”*

*“Southern Nevada Fire Code group made amendments, then the City amended it further.”*

*“Clark County has merged their services. It works much better. Ron Lin has statistics to prove it.”*

*“Why do fire personnel wear badges? Badges telegraph authority, not customer service. The codes are plenty of authority.”*

*“Being in the same building (Clark County) has made all the difference in the world.”*

*“The City of Las Vegas is more expensive, more time consuming and less efficient than area agencies. A year ago, they were more efficient, probably due to insufficient staffing now.”*

*“Clark County is more efficient because if there is a conflict, both the big bosses’ offices are right there. We get quick decisions.”*

*“Sitting and waiting costs me money. I consistently wait at the city.”*

*“At Clark County, all building related employees use a swipe-in system for accountability. Fire didn’t like it.”*



*“Las Vegas employees don’t seem to optimize their time. When I am waiting, it seems that they are gossiping and chatting.”*

*“Henderson Fire is the worst.”*

*“Las Vegas Building and Safety don’t set a limit on the number of inspections per day. If they have too many to do, they roll them over to the next day without notifying us. Then they charge me again. Please set a limit on the number of inspections you will take in a day.”*

*“They need to do an inspection the same day they say. If they can’t, they need to call. When I asked them to do this, they said they don’t have time to call. Yet, they have time to come back the next day...it doesn’t make sense.”*

*“Clark County has more inspectors and has assigned a point system that works well.”*

*“The City has 1.5 electrical checkers. If they are involved in a big job, you can’t get seen.”*

*“The City doesn’t stagger lunches, so you might come in and have to wait until they have returned from lunch.”*

*“Go back to working 5 days a week.”*

*“We are frustrated with the ‘that’s the way it has always been done in fire’ excuse. Sometimes, they can’t find a code or regulation to support their decisions.”*

*“No matter who is in charge, all the plan reviewers and inspectors should be housed at the Development Center.”*

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# Chapter 4

## Financial Considerations

### Introduction

The long-standing bureaucratic barriers that have prevented the fire plan review and fire construction inspection process from operating efficiently has resulted in unnecessary cost to the City and the community it serves. The intent of this chapter is to discuss what the financial impact will be if the fire plan review and fire construction inspection activities are merged with the BSD's; and financed through the BSD Enterprise Fund. Essentially, this relates to ways in which the cost burden of providing fire plan review and fire construction inspections, from the City's taxpayers to the development community using the enterprise fund process. The other element of understanding relative to the re-structuring focuses on why it is important that the City of Las Vegas must continue to encourage the construction and use of buildings as a critical element in the City's revenue generation needs.

### Enterprise Fund Use

Enterprise fund accounting is used by governments because it is the full accrual basis of accounting and a measurement focus on the flow of economic resources. Among the most compelling reasons that municipal governments such as the City of Las Vegas use enterprise funds, such as the City's Development Enterprise Fund are:

- *Measurement focus.* The City of Las Vegas' management of its development activities should be managed and accounted for similar to its private sector counterpart.

- *Effectiveness.* The enterprise fund works better than a governmental fund type when conducting intra-departmental activities.
- *Governmental Accounting Standards Board (GASB).* GASB recommends its use because enterprise fund accounting focuses on fiscal accountability and reports the flows and balance of current financial resources.

Just as important as the above, and as it relates specifically to restructuring the way the fire plan review and fire construction inspectional services are provided and monitored for effectiveness and efficiency are two positive facts:

1. The City's Finance Department is very experienced with this accounting practice; and,
2. The BSD has successfully utilized enterprise accounting and management practices for years, and currently maintains a 72% cost recovery rate from fees.\*

**\*According to a 2012 study the FRD's cost recovery for plan review and inspections is 35%.**

There is substantial evidence that Las Vegas' development community will pay higher fees in return for better customer service and faster turn-around times. This came across "loud and clear" at the meetings Kirchhoff & Associates held with the development community. Placing the fire plan review and fire construction inspections process in the Development Enterprise Fund will shift the FRD's operating expenses related to development from the taxpayers to the development community users. As compared to the current funding practice, this policy change will allow the FRD the opportunity of shifting some \$10 million over time from the general taxpaying public to the development community users. As important, it allows the City to re-allocate these monies to other General Fund uses. Rarely does a local government have the fiduciary opportunity to grow its General Fund to the magnitude discussed in the above.

## **Economic Growth and Sustainability**

In recent years the City of Las Vegas became a victim of an inverted development bubble, the cost of which was stalled economic growth, employee layoffs and a diminishment of service capacity. As such, no one can argue against well-managed building and construction activities because they are the underpinnings of both sustainability and quality of life.

Delays in the building plan review and inspection are costly and ultimately born by the property owner – residential or commercial. The discussion below serves to illustrate the impact of excessively long reviews and inconsistencies, the most common of which is when a BSD approval is contested by FRD, or visa versa. To monetize this, the City uses the following data.

*Since about 2004 the City has added \$4.6 billion dollars in taxable value to the Redevelopment Agency's tax rolls. Assuming that this was all financed with construction loans at an average of 6%, and assuming that only an average of 50% of the total value incurred interest through a gradual takedown of loans, the annual cost of the amount of interest is \$138 million. This works out to \$378,000 per day or \$11.3 million per month. These interest costs occurred gradually over the years, but it nevertheless gives one a perspective as to why the development community is so exasperated about delays caused by inefficiencies in the fire plan review and fire construction planning process.*

Bringing this down to the project level, using the Molasky Corporate Center as an example of a \$100 million project, this works out to an annual interest cost of \$3 million, or \$8,219 per day, or \$247,000 for 30 days. This means that if 10 days were lost in the start-to-finish plan review and construction cycle because of unnecessary plan review and fire inspection delays, the developer would lose \$82,190, a cost that would be passed on to the eventual owner or user. This loss does not include the required costs of modifying the plans or having field personnel to assist with re-inspections.

## **Code Creep and “Beyond Code” Costs**

A major grievance voiced at the meetings held with the development community is the assertion that the FRD over-amends the International Fire Code. For example, the most recent version of the International Fire Code was amended 424 times by the Southern Nevada Fire Code Committee, which was then amended an additional 101 times by the FRD. This creates customer service difficulties, especially when the BSD does not receive timely notice of the amendments. In addition, the fire code amendments enforced by the FRD, which conflict with the International Building Code as enforced by the BSD, result in confusion to plan review staff and customers as to which code provision prevails. Those developers, builders and sub-contractors caught up in such snafus pay the price associated with a lack of coordination between departments. On occasion, fire code amendments adopted by the FRD have not been transmitted to the BSD in a timely manner, further confusing the development community with respect to code applicability.

Another declaration from the development community is what they refer to as the practice of the FRD going “beyond code” requirements. It is alleged that some fire plan review and fire construction inspections are made without code authority. From their point of view this occurs when plan reviewers contest a submittal, but do not reference a specific code citation as the reason. Venting at one of the development community meetings, a fire systems contractor said, “We are sometimes told by the fire people that what we are doing doesn’t meet code; but they won’t tell us what that limiting code is. When we ask what we should do to meet code, they tell us to submit a revised plan. How do you do that when you don’t know what the code in question is?”

# Chapter 5

## Code Conflict Resolution Processes

### Introduction

A robust consternation of the development community is that the resolution of contentious code issues within the fire plan review and fire inspection process is the unnecessarily bureaucratic and contrary to contemporary custom service practices.

The process used to resolve code issues with the customer, and between the BSD and FRD, is weighed down by two distinct chains-of-command and disparate decision-making locations. *Diagram C, BSD and FRD's Chains of Command Dissimilarities and Office Location Differences as Related to the Plan Review Process* illustrates how the differing chains-of-command, and respective office locations of the decision-maker affect customer service.

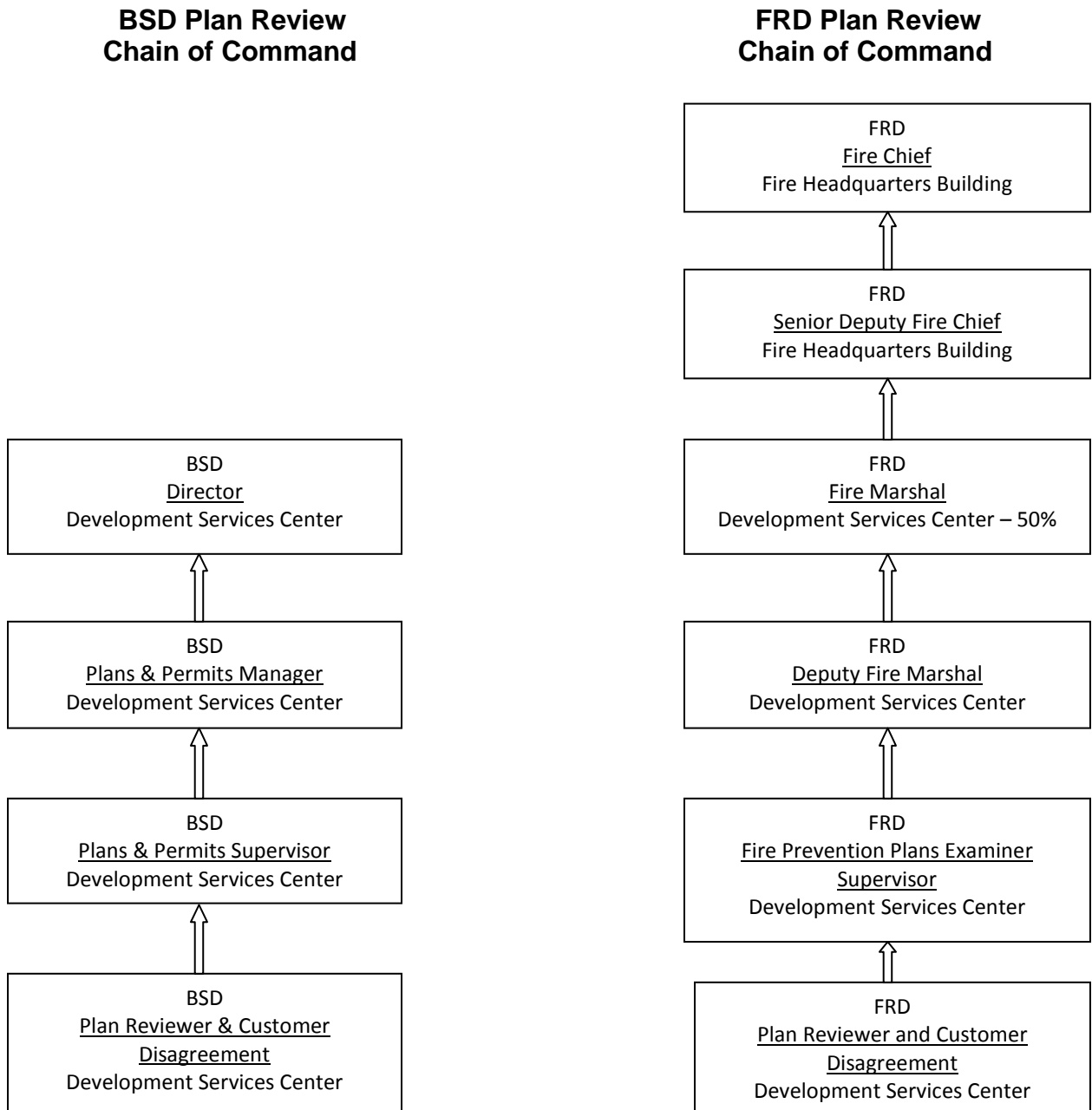
### Chains-of-Command Dissimilarities and Facility Location Barriers

Within the BSD, code conflict resolution between a customer and plan reviewer has 3 levels of supervisory review between the plan reviewer and the position of final authority at the departmental level – the BSD Director. As important, is the managerial style of the BSD Director which allows the customer and plan review staff “walk in” opportunities to settle contested code interpretations. All of this occurs at the Development Services Center.

As it relates to the FRD and code conflict resolution between a customer and the fire plan reviewer, there are 5 levels of supervisory review between the fire plan reviewer and the position of final authority at the departmental level – the Fire Chief. This

customer service obstacle is further compounded by the fact that other than the Fire Marshal being located at the Development Services Center on a part-time basis, none of his superiors are at the Development Services for regular extended periods of time. Diagram C, BSD and FRD Chain of Command Dissimilarities and Facility Location Barriers illustrates this.

**Diagram C**  
**BSD and FRD Chain of Command Dissimilarities and Facility Location Barriers**





Given the many other demanding duties and responsibilities of the Senior Deputy Fire Chief and Fire Chief which require them to be located at the Fire Headquarters Building, and the necessary elongated chain-of-command for the core services of fire suppression, urban rescue and hazardous materials management, the most practical solution to this is to locate the Fire Marshal at the Development Services Center, with final departmental authority on contested fire code issues.

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# Chapter 6

## Organizational Culture Considerations

### Introduction

Culture is an inherent part of an organization and an organization's success depends greatly on its culture. Every organization has a distinctive organization culture which will affect almost everything in an organization:

- How decisions are made;
- Who gets promoted;
- How employees dress;
- Who is really "in charge;"
- What time work "starts";
- Quality of work; and,
- How customers are treated and receive services.

The real challenge to producing a more effective level of fire plan review and fire construction inspection service will be the successful integration of two profoundly independent cultures as it pertains to the BSD and FRD.

### Organizational Culture and Values

Organizational culture is "the way things get done." Culture is a strong lever for guiding organizational behavior because it spells out how employees and supervisors, managers and department leaders behave and conduct their business. Generally speaking, the most productive organizations are those that operate as a learning organization. A learning organization is one that has developed the continuous capacity to adapt to change. Some characteristics of a learning organization are the existence of a shared vision which everyone agrees on; where employees disregard their old-way of thinking and standard routines they use for problem-solving or in doing their jobs; when employees think of all organizational processes, achievements, functions and interactions with the environment as a part of a system of

interrelationships; where people openly communicate with each other (across vertical and horizontal boundaries) without fear of criticism or punishment; and where people sublimate their personal self-interest and fragmental division/section interest together to achieve the department's shared vision.

A positive value system exists when "success" is defined in concrete terms and standards of achievement are established within the organization. Honesty, exceptional technical skills, a willingness to help others, cooperation, teamwork, a capacity for work, and teamwork are the values that produce added value for the public served. Since the end-product most public service organizations create requires a substantial number of different tasks by a variety of employees, as is the case with the City's development review process, the importance of a positive value system cannot be overstated.

Changing institutionalized culture is never easy. Old habits are difficult to abandon and change is resisted both openly and passively. High performance standards, an elevation of pride in work, genuine teamwork among supervisors, increased professionalism and the recruitment of qualified and motivated employees are among the changes needed to improve the City's fire plan review and fire construction inspections culture that has been in place for many years.

## **Restructuring Influences**

While one would think that the restructuring (consolidation of activities and merging of functions) of any public organization would be made on the basis of a rational thought process guided by the need for optimum efficiency, experience and fact tell us otherwise. The restructuring choices made by management are often influenced by the need for:

- Power and control;
- Relationships;
- Opportunities;
- Work interest;
- Work ethic;

- Promotion and pay;
- Career gain;
- Political positioning;
- Retirement and resignations;
- Office space;
- Educational background;
- Organizational culture;
- Budgetary considerations;
- Workload; and,
- Scores of other “impactors.”

And even if we can successfully shield the restructuring decision from these impactors, we are almost always faced with the personalities of the players. This often leads to restructuring around the differing *personalities* and *competency levels of supervisors* rather than the *business* it produces.

## **Municipal Safety Positions**

Caution must be exercised against allowing either the FRD or BSD from claiming *safety superiority* over the other. Whether overt or subliminal, the assumption of departmental supremacy will seriously diminish the effort to create a better way to provide fire plan review and inspection services by the City of Las Vegas.

While police, fire and emergency response departments pridefully lay claim that they are *the* guardians of the community’s public safety, the fact is that many other employees within a municipal government are directly, and hands-on responsible for the life-safety of others. Some examples are:

- Call-takers who must rapidly sort out life-safety risks before dispatching a single unit or a package of multiple units and a supervisor calls;
- State registered engineers who sign off on high-rise building plans;
- Water treatment plant operators responsible for potable water chemicals;
- Air traffic controller who must sort out take-offs, landings and pilot errors;
- Trash handlers who routinely handle IV needles, toxic materials, etc.
- Health inspectors whose professional judgment determines the safe processing of food ;
- Traffic engineers who evaluate the risk-reward of increasing vehicular speed;
- Detention facility classification personnel;

- Heavy and industrial equipment supervisors responsible for the safety of their operators;
- Vector control specialists who make decisions about transmittable diseases;
- Flag persons responsible for driver and construction workers' safety;
- Bus drivers transporting children to and from recreational activities; and,
- Aquatics personnel who are responsible for water safety.

While these positions, or positions like them are of long-standing commonplace within city governments, there is nevertheless often the assertion that one department is more *important* than the other when working on a mutual task(s) with safety outcomes. When this barrier exists, service delivery is diminished.

Regardless of the parochial argument often made by government employees that “*only we*” can provide the necessary level of service, the origins of such an argument are more self-serving than community serving. It is the level of education, training, knowledge, commitment, introspection, ability to change, and quality of supervision, management and department leadership that is more relevant than assignment to one particular work unit than another. For example, in the past it was thought that only commissioned police officers could handle the duties of dispatching, and fire inspectors were always certified firefighters. Today, it is a commonly accepted best practice that well-trained and adequately supervised civilians are capable of dispatching police and fire units, as well as performing fire plan review and fire construction inspections.

# Chapter 7

## Findings and Recommendations

### Introduction

The intent of this study is to determine if there is a better and more cost-effective way that the FRD might be restructured for the purpose of providing optimum customer services with respect to fire plan review and fire construction inspections. Using the systems analysis methodology, we believe there is an attainable way for both the BSD and FRD to become more efficient with respect to fire plan review and fire construction inspection.

We also find that the vast majority of concerns expressed by the development community are not related to any lack of technical expertise, quality of staff, competency or mission commitment. It appears that the primary causative factors are in the areas of differing workplace cultures, appeal opportunities, communication and coordination, timeliness, consistency, work flow practices, conflicting requirements in the building and fire codes and differing views as to the concept of customer service.

### Findings Relevant to Current Practices

No. 1: The development community, as was the case in 2009, continues to express frustration with the lack of “communications, coordination, consistency and timeliness” between the bifurcated plan review and inspection, and the fire plan review and fire construction inspection processes that are independently managed. The development community asserts that this results in unnecessary design/construction costs that are passed on to structures’ owners.

- No. 2: Independently, the BSD and FRD are well-managed City departments that have the leadership and knowledge capacities to restructure in order to achieve a higher level of service delivery.
- No. 3: None of the professional associations that sanction the building, safety and fire codes used by the City of Las Vegas have policies that require that fire code management must be done by a city's fire department.
- No. 4: The physical separation of FRD fire plan reviewers from FRD fire construction inspectors, and the separation of FRD fire plan review from the BSD plan reviewers and inspectors, minimizes the synergism necessary to optimize the working relations between plan reviewers and inspectors.
- No. 5: The past Fire Marshal's absence, because of other FRD duties, from the Development Services Center was a serious impediment to the resolution of code conflicts and customer service concerns.
- No.6: The geographical dispersion of FRD inspectors in different fire stations throughout the community is not conducive for a cost-effective integrated fire plan review and fire construction inspection program.
- No 7: The FRD's cost recovery for fire plan review and fire construction inspection services is substantially less than what is achieved by the BSD.
- No. 8: There is well-documented empirical evidence, both locally and nationally, that combination fire department/building department plan review and inspections results in safety enhancements, efficiencies and better customer services. Other city/county organizations, including the Clark County Building and Fire Safety Department, Henderson Building and Fire Safety Department and the City of North Las Vegas in the Las Vegas urban area have shifted the responsibility of fire plan review and fire constructions inspections to the Chief Building Official with success despite objection from fire officials.
- No. 9: The BSD does not have the technology for electronic plan review and a single permit search database.
- No. 10: The FRD's plan review and inspection unit's culture is different than the BSD's culture of facilitation and "getting to yes."



- No.11: FRD staff has by-passed the chain of command, using the Fire Union for code advocacy to override operational needs and management rights decisions.
- No. 12: There is no evidence that the FRD put into place the necessary mechanisms of change in response to the recommendations (No. 84, 85, 89 and 92).
- No. 13: Access to the FRD's Fire Protection Engineer (FPE) by BSD plan review staff is difficult, sometimes requiring permission from the FPE's supervisor.
- No. 14: The BSD practice of carrying inspections over to the next day is costly to the customer.
- No. 15: The development community asserts that accessibility to the FRD's senior commanders responsible for fire plan review and fire construction inspections is difficult.

## **Recommendations**

At a meeting on June 10, 2015 it was understood that the Fire Chief and the BSD Director mutually agreed to Recommendations No. 2. On August 18, 2015 the Fire Chief advised the consultant that he had not agreed to support Recommendation No. 2. Nevertheless, Recommendation No. 2 remains for all of the reasons cited in this report.

Based on the City's desire to produce a more customer friendly and cost-efficient plan review and construction process as it pertains to the overall mission of building and fire safety, the following interrelated recommendations are made:

1. Designate the Fire Chief as the authority for the interpretation of the International Fire Code.
2. Restructure the BSD and FRD so that the day-to-day operational management of the fire plan review and fire construction inspection process is the responsibility of the BSD Director.

3. Fill the open Fire Marshal position with a collaborative fire service expert who can implement the changes necessary to improve fire plan review and fire construction inspections identified in this report, as well as other necessary changes.
4. Allocate the newly appointed Fire Marshal sufficient time to review the existing fire plan review and fire construction inspections process before the BSD and FRD jointly implement the necessary re-structuring. At the earliest possible time the incoming Fire Marshal should meet with the development community in order to obtain unfiltered input.
5. Relocate the Fire Marshal to the Development Services Center to oversee the re-structuring; better supervision of fire plan reviewers and fire construction inspectors; and to provide timely decisions where customers disagree with the application of fire code requirements. The Fire Marshal's absence from the Development Services Center because of his office location in the FRD's Headquarters, and other FRD responsibilities, was a serious impediment to the timely resolution of code interpretation and appropriate code application.
6. Support the fire plan reviewers and fire construction inspectors with the necessary FRD administrative support personnel to handle the related front-counter service requirements.
7. Provide that the fire plan reviewers and fire construction inspectors are allowed to work under the existing conditions of their collective bargaining agreement to the extent that the operations and practices of the BSD are not impeded.
8. House FRD fire plan reviewers and fire construction inspectors together under the "same roof" at the Development Services with BSD plan reviewers and inspectors.
9. Take the steps necessary for the FRD to participate in the City's Express Plan Review program.
10. Install appropriate GPS vehicle management systems (equipment and software) to assist the field staff of both departments to conduct their services more safely and more efficiently.
11. Transfer all of the FRD's construction-related plan check and inspection services and activities to the Development Enterprise Fund with the goal of fire plan review and fire construction inspection services becoming cost-neutral to the City.
12. Develop meaningful, realistic and easy to measure performance metrics that are specific to the re-structuring effort by the BSD and FRD.

13. Set fees for fire plan review and fire construction services at the level necessary for full cost recovery.
14. Assign the Human Resources Department with the task of addressing the inevitable issue of differing pay ranges between BSD and FRD plan review and inspections staff.
15. Provide the BSD with the technology needed to accept and process electronic plan review; and to develop a single searchable database that provides the permit history on each property in the City.
16. Use a professional facilitator who understands the difference between the FRD and BSD cultures to assist with the re-structuring implementation effort.

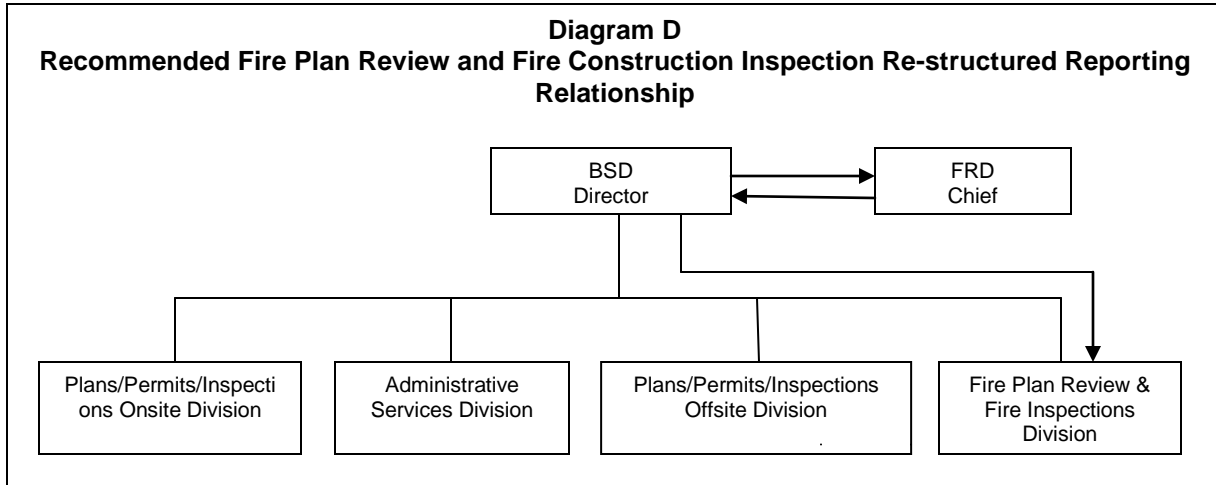
## **Restructured Reporting Relationships**

*Diagram D Recommended, Fire Plan Review and Fire Construction Inspection Restructured Reporting Relationships* on the following page illustrates the reporting relationships as determined by Recommendations No. 1 and 2 that were discussed by the Fire Chief and BSD Director on June 10, 2015.

The day-to-day operational management of the fire plan reviewers and fire construction inspectors, and their supervisors, should be the responsibility of the BSD Director. FDR personnel assigned to the BSD would perform their duties in accordance with BSD work practices and procedures under their collective bargaining rights are complied with. Absent this critical work arrangement, the problems that have plagued the City's ability to provide efficient fire plan review and fire construction inspection services will continue. Just as the operational activities necessary for effective fire suppression protocol and practice require a single incident command position, so do the day-to-day activities for delivering the City's combination building and fire plan review and construction inspection services.

This re-structuring provides that the Fire Chief continues to be the authority for the interpretation of the International Fire Code. Unresolved differences of the Fire Code between the BSD Director and the Fire Marshal will be referred to the Fire Chief by the

BSD Director for resolution. A similar arrangement between the BSD and Public Works Department has been in place for nearly five years and has produced positive results with respect to the City's development review process, including safety related matters.



# Chapter 8

## Implementation

### A Better Business System

The goal of the recommended re-structuring is that the City will be able to construct a better *business system* to deliver its fire plan review and fire construction inspection services. While the concept of any business system is simple (input, processing and output), building one that really works is difficult. The common characteristics of a quality system is that it provides consistent and meaningful information in a timely, economically feasible and relevant manner. Other characteristics of a good system that apply to the FRD's re-structuring effort are that it:

- Establishes standards;
- Specifies each area's responsibility;
- Delineates actions and decisions;
- Is easily understandable;
- Provides criteria with which to judge its performance; and,
- Identifies the decision points.

A business system is complex, difficult to master, and even harder to inject into the organization and its culture. The design, deployment and operation of a better way to provide fire plan review and fire construction inspection services will be an undertaking of considerable dimension that requires at a minimum:

- Development of clear, complete and accurate user requirements;
- Management of the analysis process from defining the project scope to delivering an accurate and complete requirements package;
- A tightly "scoped" systems development plan to avoid or manage project creep;

- The identification and mapping of key processes that drive the success of the restructuring;
- Understanding the data models as a representation of data-oriented business rules that are necessary to support a restructured fire plan review and fire construction inspection process; and,
- Defined user interface prototypes of the business requirements, clarify expectations, and surface hidden requirements to identify and analyze business rules and how they impact service delivery requirements.

The City's implementation process begins *after* the City Manager has made a decision as to the acceptance of the new system, which in this case is the restructuring of the way fire plan review and fire construction services are to be carried out. The implementation phase requires that *one central control person* is in charge, a decision that should be made jointly by the Fire Chief and Building and Safety Director. This central control person is responsible for making a permanent record of change; needs the authority to make system changes; sets the schedule for implementation; and, approve any changes that may affect more than one group of users.

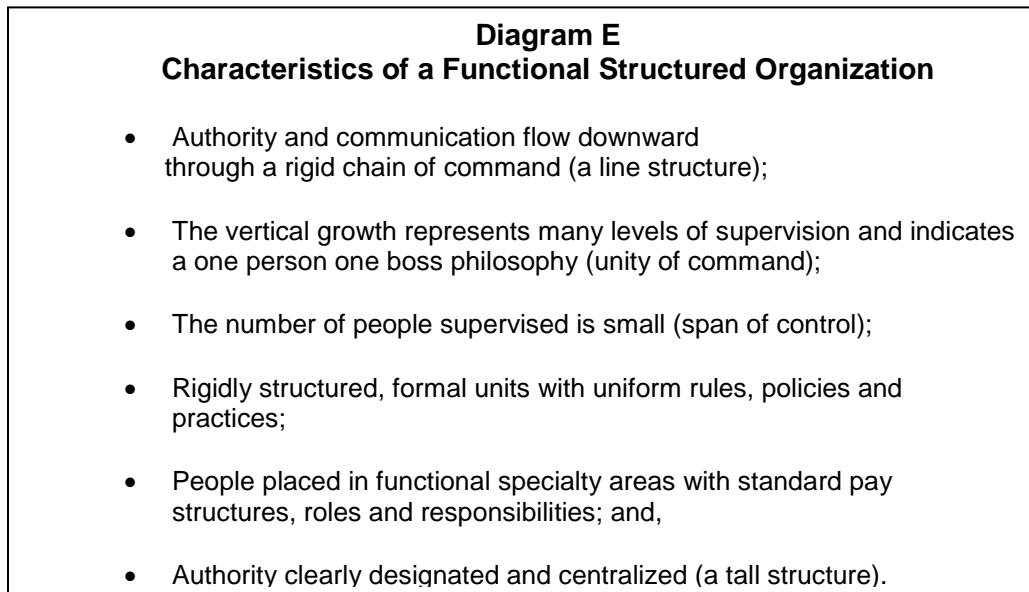
## Change Management

Change management deals with how changes to the system are managed so they don't degrade system performance and availability. In effective change management, all changes should be identified and planned for prior to implementation. The steps in this implementation effort should be:

1. Define the change management process and practices – Both the BSD and FRD, with respect to fire plan review and fire construction inspections, will need to identify the *procedures* they intend to use to accomplish the desired changes; the roles and responsibilities of the staffs; measurements for change management (what will be tracked to monitor the efficiency of the change(s); assignment of priority methodology; and, and back-out procedures in the event the applied change(s) does not perform as expected.
2. Identify the needed changes.

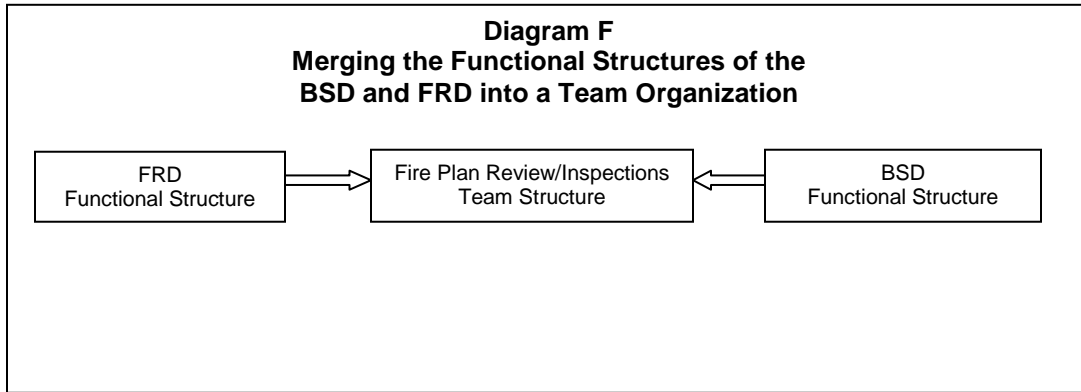
3. Plan for the implementation of the changes – This involves a determination of change prioritization; resources requirements for implementing the change(s); impact to the system; and, the schedule of implementation.
4. Implement changes and monitor the results – This stage involves the application of the change and determination of results; if the desired outcome is not achieved, back-out the changes.
5. Evaluate and report on changes implemented.
6. Modify the change management plan if necessary. Re-examine the plan if changes are not being applied on time; when not enough changes are being processed; and, when too many changes are being backed-out

While both the FRD and BSD are *functional* organizations with vertical, hierarchical structures, the advantages include efficiency and clear lines of authority, communication and accountability within the two departments. Unfortunately, a departmental focus causes interdepartmental communication and coordination to suffer. Hierarchical layers mean ideas for change must brave a bureaucratic chain of command. Functional structures are the most controlled and mechanized but also the least nimble and adaptive to changes in their environments. *Diagram E, Characteristics of a Functional Structured Organization.*



It is recommended that for the purpose of improving fire plan review and fire construction inspections, the re-structuring should be committed to developing a *team*

organization, which is different than the current “competing relationship” between the two departments. *Diagram F, Merging the Functional Structures of the BSD and FRD into a Team Organization* illustrates this.



In this setting the employee team responsible for the administration and efficiency of the fire plan review and fire construction inspection process as it pertains to the larger development plan review and construction inspection activity, is empowered to meet its goal, taking responsibility for the results. Team participants hold the power and the reduced management layers result in a more horizontal rather than vertical structure. Without depending on rigid chains of command, day-to-day operational decisions can be made more quickly and efficiently as the team becomes adaptable and able to move nimbly within the parameters of the governing building, safety and fire codes. The risk of the team structure lies in employee control, and employees must be trained to take on challenges and their outcomes.

The model developed by the BSD and FRD coordinating team is an excellent starting point for the implementation process. See *Appendix C, Draft Building-Fire Departments Coordinating Team Charter*.



## Chapter 8

# Summary and Conclusions

The Las Vegas' development community is adamant that there is a better way to conduct the fire plan review and fire construction inspection process, repeatedly citing how things are done by Clark County and other area municipalities. They are politically frustrated with the fact that from their perspective, the City has made no consequential changes to ameliorate the long-standing dysfunctional relationship between the FRD and BSD as it relates to fire code matters. On occasion, the FRD's regulatory role collides with the BSD's "get to yes according to the codes" doctrine. The consultants agree. In the 2009 study of the City's development review process it was determined that "This limiting aspect of the Development Review Process needs the management attention sufficient to merge the two work units into a compatible and cooperative element of the land development process."

To produce a better *business system* for the City's fire plan review and fire construction inspection process, one which will better facilitate the development review process, 16 re-structuring recommendations were proposed in *Chapter 6, Findings and Recommendations*. Of these, Recommendations No 2 and No. 11 deserve additional discussion because of their relationship with each other in the development services process. They are:

Recommendation No. 2 – Restructure the BSD and FRD so that the day-to-day operational management of the fire plan review and fire construction inspection process is the responsibility of the BSD Director.

Recommendation No. 11 – Transfer all of the FRD's construction-related plan check and inspection services and activities to the BSD Enterprise Fund with

the goal of fire plan review and fire construction inspection services being cost-neutral to the City.

Recommendation No. 2 gives the BSD Director the tools to manage the fire plan review and fire construction inspection activities as an integrated work unit under common goals and practices. For example, the Fire Marshal's Office has been unwilling to participate in to the City's Express Plan Check process; a service the development community feels essential to community development. Under the operational supervision of the BSD, this deficiency could be corrected.

With the Fire Chief's August 19, 2015 declaration that Recommendation No. 2 is unacceptable; saddling the BSD Director with responsibility for the absorption of the FRD's fire plan reviewers and fire construction inspectors into the City's Development Enterprise Fund is highly questionable. Holding the BSD Director accountable for the fund's performance, without the necessary management rights over the positions supported by the fund, would not be consistent with best practices.

The recommended restructuring plan will allow for more timely and effective decision-making that the development community has been requesting for a significant number of years. In the consultants' opinion there is absolutely no reason that the BSD and FRD cannot be re-structured as defined in Recommendations No. 1 and 2. Without this restructuring, it is unlikely that the historical confliction between BSD and FDR fire and building code administration will be sufficiently mitigated and the business school axiom – *If you always do what you've always done, you will always get what you've always got* – will prevail.

# APPENDICIES

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# **Appendix A**

## **Chronology of Events Pertaining to Recommendation No. 2**

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MEMO TO: Chief McDonald

MEMO FROM: Bill Kirchhoff

DATE: September 11, 2015

Subject: Chronology of Events Pertaining to Recommendation No. 2

This chronology is in response to our August 19, 2015 discussion regarding Recommendation No. 2 of the *Restructuring the Fire Plan Review and Fire Construction Inspection Process for the City of Las Vegas*, which involves placing fire plan review and fire construction inspections under the day-to-day operational management of the BSD Director.

You have now advised me that the consultants and the BSD Director misunderstood you at the June 10, 2015 project initiation meeting wherein we collectively understood you to endorse Recommendation No. 2, which reads in the Final Draft Report:

*Restructure the BSD and FRD so that the day-to-day operational management for the fire plan review and fire construction inspections process is under the authority and responsibility of the Building and Safety Director.*

You have also requested that I explain why I understood you to be in support of Recommendation No. 2. Below is a chronological discussion regarding the collective reasons why I wrote the Final Draft Report on the basis of what I and the meeting attendees understood you to say and mean on June 10, 2015.

#### June 10, 2015

At a meeting on June 10, 2015 with you, the BSD Director, myself and another Kirchhoff & Associates consultant, we discussed the basis on which we would proceed with the re-structuring analysis. It was our understanding, and I have confirmed this with BSD Director, that you supported Recommendation No. 2 wherein the *BSD Director would be responsible for managing the day-to-day operational activities of the fire plan reviewers and fire construction inspectors*, with the understanding that they would remain FRD employees and be allowed to work in accordance with their collective bargaining agreement.

Shortly after this discussion I advised the Deputy City Manager and Executive Director of Community Services what was understood to be the agreement between you and the BSD Director.

#### June 20, 2015

In my email to you and the BSD Director I wrote, *“Based on your input I will proceed with writing a report that recommends this win-win concept: Fire plan review/inspections will be merged with BSD under the fire chain of command. In other words the BSD director will be responsible for the daily operations of fire plan/inspections, working through the fire command that encompasses the operational aspects of the of the fire plans/inspections unit.”*

Chief, since there was no response from you even though I ask for direction in the same email

*("Please let me know if I got anything wrong.")*, I continued to assume, as did the BSD Director, that the arrangement we understood you had agreed to on June 10, 2015 regarding Recommendation No. 2 remained firm.

July 23, 2015

My July 23, 2015 email to you specifically states, *"I'm getting close to finishing a draft report that I will send you and Chris, and have a question for you. I want to give you as much credit as possible for working out the agreement between you and Chris with respect to the Fire Chief having the Fire Code authority, even though the fire plan review and inspection personnel will be merged operationally with the BSD. I would like to say that this arrangement is the outcome of you and Chris working to solve a workflow problem that is driven by differences in culture. Can you give me guidance on this?"*

Chief, not receiving any input or guidance from you, I went ahead and wrote the Final Draft Report which was sent to you and the BSD Director on August 6, 2015.

August 6, 2015

On August 6, 2015 I transmitted the Final Draft Report to you and the BSD Director for review. Recommendation No. 2 reflects the original agreement as it was understood by the BSD Director and myself.

August 19, 2015

On August 19, 2015, in a phone call conversation you advised me that you did not support Recommendation No. 2

Chief, this was the first time either I or the BSD Director was aware that you were opposed to Recommendation No. 2.

August 29, 2015

Based on your input I modified the report to replicate your position and advised you accordingly in my August 29, 2015 email to you and the BSD Director, writing *"The viewpoint narrative (of the report) changes with the Fire Chief no longer supporting Recommendation No. 2."*

Chief, the purpose of this email was to let you and the BSD Director know that the Final Report would reflect that you were not in agreement with Recommendation No. 2.

August 30, 2015

Chief, your August 30, 2015 response email to me states in part, *"Bill, if you believe that I agreed to integrating Fire Engineering into Building as stated in the email you are sending, I am personally concerned with either your memory, and/or integrity. Your call which is the case. Willie"*

Summary Comments

Based on the information you provided me with on August 19, 2015, I revised the Final Report to reflect your position as I now understand it.



# **Appendix B**

## **Joint Building and Safety Fire Department Meeting**

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## **JOINT BUILDING & SAFETY AND FIRE DEPARTMENT MEETING**

**Meeting Leaders:** Building & Safety Director Chris Knight  
Fire Chief Willie McDonald

**Attendees:** All Building & Safety Plans Examiners, Inspectors (including Supervisors)  
All Fire Examiners, Inspectors (including Supervisors)

**Location:** Great Basin Conference Room (5<sup>th</sup> Floor, DSC)

**Day of Week:** Tuesday, Wednesday or Thursday when all employees are at work

**Time of Meeting:** Earlier in the day, the better

### **Purpose of Meeting:**

1. Give a general overview of the history of friction between Building & Safety and Fire;
2. Discuss Purpose of Kirchoff Study;
3. Dispel rumors about the Kirchoff Study
  - a. "It' already been decided to merge Fire Prevention with Building & Safety, the Kirchoff is just providing management cover for that move";
  - b. "The Kirchoff Study is just window-dressing and nothing is going to come of it."
4. Discuss how staff input will be obtained prior the Fire Chief and Building & Safety Director implementing any actions to implement Kirchoff Study recommendations to improve the relationship between Building & Safety and Fire.

### **History of Building & Safety and Fire Department Friction**

1. While intensity has waxed and waned, there is a long history of friction between the Building & Safety Department and Fire;
2. Friction between Fire and Building & Safety predates the current Fire Chief and Building & Safety Director
3. Fiction has not been effectively addressed in the past, so problems, issues and concerns have never been adequately addressed

### **Known and Perceived Issues Creating Friction and Issues Between Building & Safety and Fire**

- I. Conflict between the Building's technical codes and the Fire Code
  - a. 3-Story Residential Sprinklers
  - b. Photovoltaic Plan Reviews
  - c. Med Gas Plan Review, Permitting and Inspection;
2. Lack of coordination in plan review and inspection services;
3. Lack of common service goals;
4. Lack of common customer service philosophy and culture;

### **Shared Goal of Fire Chief and Building & Safety Director**

To identify *permanent sustainable* solutions to address all known and perceived conflicts and issues that are impeding collaboration between Building & Safety and Fire, and to create *a shared culture of collaboration* in Fire and Building & Safety in providing *high quality customer service*.

### **Purpose of Kirchoff Study**

1. Collect data and interview staff and customers regarding known and perceived conflicts between Building & Safety and Fire;
2. Identify any additional conflicts (real or perceived) between Building & Safety and Fire;
3. Develop *recommendations for consideration by the Fire Chief and the Building & Safety Director* to address real and perceived conflicts and issues that are *effective and sustainable*

### **Process For Moving Forward**

1. Complete Kirchoff Study = *First opportunity for staff input* is responding to Kirchoff questionnaire and requests for information, opinions, insights, etc.;
2. Building & Safety Director and Fire Chief to meet with respective staffs regarding Kirchoff Study recommendations = *second opportunity for staff input*;
3. Fire Chief and Building & Safety Director to *collaboratively* agree on how best to move forward based upon Kirchoff recommendations and staff input;
4. Building & Safety Director and Fire Chief to present *consensus* recommendations for moving forward to respective staffs = *third opportunity for employee feedback*;
5. Fire Chief and Building & Safety Director to finalize steps for moving forward and implement same.

### **How Will This Be Different From Passed Failed Efforts to Resolve Conflicts Between Fire and Building & Safety?**

1. This time, opportunities for *staff input* throughout the process is being provided;
2. This time, an administrative infrastructure will be put in *place to track how well the Fire Chief's and Building & Safety Director's shared solutions are being implemented*;
3. This time, the Building & Safety Director and the Fire Chief are *committed* to working *collaboratively* to finding and implementing *permanent, sustainable solutions* to the ongoing issues, conflicts and concerns.

### **Questions from Attendees**

# Appendices C

## Draft Building-Fire Departments Coordinating Team Charter

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***D R A F T***

***COMMITTEE CHARTER***

**BUILDING-FIRE DEPARTMENTS COORDINATING TEAM**

**MISSION STATEMENT**

The mission of the Building-Fire Departments Coordinating Team is to develop recommendations regarding adoption of coordinated building and fire technical codes and policies and procedures that will ensure that adopted building and fire codes are coordinated, do not contain conflicting or unnecessarily duplicative technical provisions, and are administered and enforced by the Building & Safety Department and the Fire Department in a collaborative and consistent matter.

**TEAM SPONSORS**

The Team Sponsors are the Director of Building & Safety and the Fire Chief.

**PURPOSE**

The purpose of the Building-Fire Department Coordinating Team is to review:

1. Review the currently adopted and enforced City of Las Vegas (CLV) building code, fire code, and referenced standards to:
  - a. identify any conflicts that exist between the codes and referenced standards and develop recommendations for approval of the Team Sponsors to eliminate those conflicts;
  - b. identify any unnecessarily duplicative provisions in the codes and develop recommendations for approval of the Team Sponsors to eliminate identified unnecessarily duplicative provisions;
  - c. conduct a review of all current CLV amendments to the adopted building code and fire code and any referenced standards, and provide written justification for all such amendments for review and approval of the Team Sponsors that are not included in the Southern Nevada Building Officials' code amendment justifications;
  - d. develop recommendations for the consideration and approval of the Team Sponsors that clearly define the roles and responsibilities of Building & Safety Department and Fire Department staff for the administration and enforcement of any duplication provisions in the adopted building and fire codes;

- e. recommend a process for review and approval of the Team Sponsors by which input from architects, contractors, fire sprinkler and fire alarm contractors, and fire protection engineering professionals is obtained on proposals to adopt and/or amend CLV building and fire codes and referenced standards;
- f. develop recommended policies and procedures to ensure that the requirements of future adopted building and fire technical codes and referenced standards are coordinated, administered and enforced by the Building & Safety Department and the Fire Department in a collaborative and consistent manner;
- g. Identify and resolve any plan review, inspection or occupancy approval conflicts that may existing between the Building & Safety Department policies, procedures and practices and the Fire Department policies, procedures and practices.
- h. perform other duties and tasks as assigned by the Team Sponsors.

## ACTIVITIES

The activities of the Committee include, but are not limited to,:

1. Conduct reviews of the current building and fire codes and referenced standards within the time period(s) specified by the Team Sponsors to:
  - a. Identify any conflicts that may currently exist between the adopted building and fire codes and referenced standards and develop and present recommendations to the Team Sponsors to resolve all identified conflicts that may currently exist;
  - b. Identify any unnecessarily duplicative provisions in the adopted building and fire codes and develop and present recommendations to the Team Sponsors to eliminate unnecessarily duplicative provisions in the adopted building and fire codes;
2. Develop, obtain Team Sponsors approval, and implement policies and procedures that ensure the adopted building and fire codes and referenced standards are administered and enforced by the Building & Safety Department and the Fire Department in a collaborative and consistent manner;
3. Conduct joint reviews of building and fire codes and referenced standards proposed for adoption by the City to ensure that there are no conflicts or unnecessarily duplicative provisions in those codes and standards;
4. Identify roles and responsibilities for enforcement of duplicative provisions of the adopted building and fire codes and referenced standards;
5. Obtain input from Building & Safety Department and Fire Department plans examiners and inspectors and incorporate that input into the Team's recommendations as may be deemed appropriate by the Team;
6. Develop written policies and procedures that provides the structure to obtain input from affected contractors, designers and professional associations on proposed amendments to the building and fire codes and referenced standards and incorporate



that input into the proposed adopting ordinances for those codes as deemed appropriate;

## **MEMBERSHIP**

The membership of the Building-Fire Departments Coordinating Team shall be:

### Building & Safety Department Team Members

Building & Safety Manager (On-Site Plan Review, Permitting and Inspections) (1)  
Plans & Permits Supervisor (1)  
Combination Plans Examiner (1)  
Inspections Supervisors (2)

### Fire Department Team Members

Deputy Fire Chief/Fire Marshal (1)  
Deputy Fire Marshals (2)  
Fire Prevention Plans Examination Supervisor (1)  
Fire Prevention Inspection Supervisor (1)

## **ORGANIZATIONAL STRUCTURE**

The Team consists of five members from the Building & Safety Department and five members from the Fire Department. The Team Co-Leaders are the Building & Safety Manager and the Deputy Fire Chief/Fire Marshal. The Team Co-Leaders are empowered to add temporary Team members as the need may arise. The Team's first order of business is to establish written policies and/or procedures for consideration and approval of the Team Sponsors reflecting how the Team proposes to conduct its business.

## **COMMITTEE MEETINGS**

The Team is empowered to establish its own meeting schedule in order to complete its work by the specified completion dates established by the Team Sponsors. The Team's work is deemed to be part of the normal work duties of the Team's members. Accordingly, on days that the Team is scheduled to meet, tasks and duties scheduled for individual Team members will be reassigned to other staff so that Team members may attend and participate in Team meetings. Unless otherwise excused by the appropriate Team Sponsor, the Building & Safety Manager and the Deputy Fire Chief/Fire Marshal are expected to attend all regularly scheduled Team meetings. Should it be necessary to cancel a Team meeting, the Building & Safety Manager and the Deputy Fire Chief/Fire Marshall shall reschedule the meeting for the earliest available date.

## **RECOMMENDATIONS AND REPORTS**

The format, content and timing of written recommendations and reports will be determined by the Team Sponsors in consultation with the Team Co-Leaders. In addition, Team Co-Sponsors may request that the Team Co-Leaders make written and/or oral reports on its activities and progress to other City officials and industry representatives or organizations.

## **TEAM SPONSORS BRIEFINGS**

The Team Co-Leaders (and other Team members as deemed appropriate by the Team Co-Leaders) shall provide written and/or oral briefings to the Team Sponsors as may be required by the Team Sponsors regarding the Team's progress to date and any issues, concerns or other matters that the Team Co-Leaders would like to bring to the attention of the Team Sponsors.

## **AVAILABLE RESOURCES**

Limited funds are available to assist the Team in the performance of its work. All expenditures of funds for Team activities require prior approval of the Team Sponsors. In addition, other non-financial resources may be made available to the Team upon request of the Team Co-Leaders and approval of the Team Sponsors.