

15. Discussion and possible action on matters from the Executive Director.

- A. Report on decisions of the Executive Director in contested cases and consent orders.**

**Texas Commission on Fire Protection
Results of Informal Conferences
2012**

RESULTS	NAME	DATE	ADMINISTRATIVE VIOLATION	SUMMARY
TCFP-ACO-12-001	Emergency Management Training & Services	1/9/2012	Respondent was cited for the following violations: failure to provide indicated amount of training hours; failure to provide qualified instructors; and failure to provide notification of course deviation to TCFP. <i>[Violation of Texas Government Code, 419.028 and Commission Rules §427.1(g), §427.307(b) and §427.303(d)].</i>	\$900 administrative penalty probated for two years. Respondent has agreed to develop a program for evaluating instructors and provide a plan for ensuring any course deviations are reported to TCFP as required.
TCFP-ACO-12-002	City of Whitney	8/21/2012	Respondent was cited for the following violations: failure to certify paid firefighter; appointment of an ineligible fire chief; failure to retain a certified paid fire chief; failure to certify fire inspectors; failure to file a correction plan for standard operating procedures (SOPs).	\$703,000.00 administrative penalty reduced to \$1,500.00 for only one type of each violation and probated for two years. Respondent has agreed to remain a regulated entity for the term of agreed consent order. Respondent agrees all pending violations will be brought into full compliance or will file an acceptable corrective action plan within 30 days of the execution of agreed consent order. Respondent also agrees it will not violate any provision of Chapter 419 or the Texas Administrative Code, Title 37, Part 13 which the agreed consent order is based during terms of agreement.

15. Discussion and possible action on matters from the Executive Director.

B. Status of division functions.

Update Report: July 2012 to October 2012

Executive Offices

The following is a summary of activities for the Executive Offices of the Texas Commission on Fire Protection. The Executive Offices summary includes the activities involving Executive Director Don Wilson and Standards Division Director Mike Baker. Staff for these offices also includes Ms. Deborah Cowan, Ms. Mary Hunt (Finance), Mr. Mark Roughton (PIO and IT Supervisor) and Ms. Alma Craig (Human Resources).

For the reporting period of July 2012 to October 2012, the following activities occurred:

- ❖ The Executive Offices in conjunction with the staff from the Education and Professional Development Section conducted educational and information programs to various organizations throughout the State. These organizations included:
 - The Texas Fire Chiefs – regional meeting held in Pflugerville (Center Texas) and in Midland (West Texas). An update on the new FIDO as well as other TCFP news was provided. Executive Director also presented an update to the Tri-County Fire Chiefs in Coppell. This meeting consisted of chief officers from the counties of Dallas, Denton, and Tarrant counties with approximately 85 in attendance.
 - The Texas Fire Chiefs' Academy – a presentation of the overall function and duties of TCFP was provided to the students attending the Texas Fire Chiefs' Academy in Garland.
 - Executive Staff along with other members of the agency attended the SAFE-D workshop in Arlington. The commission had a booth during the vendor's programs (staffed by Tim Rutland and Mike Baker) as well as participated in a workshop session where the staff discussed the overall mission of the agency and how this relates to volunteer and combination departments. Discussion also included the injury reporting system and the valuable resources available to all fire service personnel from the Ernest Emerson Library. A question and answer period was also provided.
 - TEEEX / Texas Forest Service and SFFMA – Rural Fire Advisory Committee meeting was attended by the Executive Director and discussion centered on the issues facing rural fire service providers. An update on TCFP was provided including the new Wildland certifications, access to the Ernest A. Emerson Fire Protection Resource Library, and other news from TCFP covered on the website.
 - Executive staff visited the TEEEX annual summer fire school to discuss and see changes in the annual school.
 - Executive staff attended a security update seminar covering criminal history checks conducted by Texas DPS. This meeting was held at the DPS headquarters in Austin.
 - Executive staff attended the Senate Committee on State Affairs hearing in Austin. Executive Director testified on what is the definition of volunteer fire protection personnel.
 - Executive staff attended the hearing held by the Senate Finance Committee to gain insight into the upcoming legislative process and focus points.
 - Meeting with TEEEX to discuss ProBoard and joint participation in this program. Presented agreement for consideration and comment to TEEEX staff.
 - Executive staff attended the Legislative Communication Conference in Austin at the University of Texas J.J. Pickle Center. Updates and information about the upcoming legislative session were discussed.
 - Executive staff presented an update and informational program to the State Fire Marshal's conference here in Austin including a question and answer session.

- Executive staff has conducted several meetings with stakeholders and their governing bodies to discuss certification and compliance issues as well as to educate them on TCFP's role in the adoption and enforcement of adopted NFPA standards.
 - Executive staff has worked with the Texas Guarantee Student Loan Program to see that those in default of their student loans come into compliance with state rules. The lack of action by those in default and uncorrected prior to October 31, 2012 will result in revoking of their certifications according to state law. This has been a time consuming process for TCFP staff.
- ❖ TCFP has had several follow-up meetings / conference calls with Texas.gov and Comptroller's Office to discuss on-line payments and where this needs to go in order to improve the system as well as make it more flexible for entities to access. Meetings will continue throughout the year.
 - ❖ TCFP has had several meetings and discussions with our on-line testing provider including both technical and operational topics. Training for staff on the proctor process was conducted.

The original deadline of December 1, 2012 to begin on-line testing has been delayed due to technical issues (vendor's IT contractor) not being able to 100% satisfy TCFP requirements for all current test – the vendor could do basic firefighter but not all test. This delay will cause on-line testing to begin in January 2013.

The Executive Offices has continued to have several meetings with our LBB and Governor's Office Representatives concerning performance measures and proposed budget. TCFP had its initial budget hearing with the budget request being presented to our LBB analyst and Governor's Office representative. Several questions were asked and answers provided which mainly centered on Rider 4, perceptual items, and what TCFP is doing and has done to meet the requirements of Rider 4. Also in attendance was the Presiding Officer, Mr. Steve Tull. Ongoing discussions with these groups will continue as the year progresses.
 - ❖ The Executive Offices has been heavily involved in the development of new certifications. The Executive Offices participated in the Firefighters' Advisory Committee meeting as well as the Curriculum and Testing Committee's meeting to discuss possible new certifications as well as the continuation of those in development that have companion certifications, i.e. Fire Officer III and IV, Hazardous Materials – Incident Command, and potential revisions to Head of Department.
 - ❖ As for the Firefighters' Advisory Committee meeting, discussion also included the tracking and requirements for continuing education. Proposed language and rule changes were discussed – including 2 in / 2 out and modification of Chapter 435 with portions being moved to create a new Chapter 411 which mainly would focus on Injury Reporting and other related safety issues versus the operational (NFPA adopted standards) in the current Chapter 435.
 - ❖ Of major importance, staff has worked on closing out the fiscal year – ending August 31. The reconciliation of the budget, closing balances for all accounts, and reports to LBB, has made this a very busy time for Finance Manager, Ms. Mary Hunt and her staff. Also, there are requirements placed on the inventory of equipment and reports due from Human Resources and Risk Management.
 - ❖ The Executive Staff has continued in its attempt to reach out to the various stakeholder groups in an attempt to discuss the various topics of concern. Staff has met independently with the SFFMA, Texas Fire Chiefs Association, the Texas State Association of Firefighters, TEEX, SAFE-D, and the Texas Forest Service.

Executive staff has also had meetings to discuss hot topics and other fire service issues with the staff of legislators. These discussions have centered on educating legislative staff about the agency, what services the agency provides, and why these services are provided. Discussion on the budget, and in particular Rider 4, is always discussed. These meetings included meeting with the Chief of Staff for the Speaker of the House.

In addition to the meetings with the various legislators, staff met with representatives from the offices of Senator Carona and Senator Watson as well as Representative Naishtat to discuss issues with the Inspector certification being required under HB 3866. In attendance at this meeting was also members from the City of Garland, Texas Fire Chiefs', State Fire Marshal's Office, and State Firemen's and Fire Marshals' Association. This meeting was generated by Senator Carona's office in response to several conference calls with the City of Garland. The suggestion from this meeting is that TCFP form an ad hoc committee to review and discuss the issues associated with inspectors and inspections required by HB 33866.

Executive staff attended the House Committee on County Affairs meetings in Austin and Houston. Discussion at this meeting of interest was funding for ESDs and the impact on funding limits to deliver fire protection services.

The executive director testified before TCFP's oversight committee, the House Committee on Urban Affairs. This testimony centered around the common issues discussed with all legislators – Rider 4, language and issues in Chapter 419 that conflict with each other or are creating issues for TCFP (i.e. the "for profit" statement in Chapter 419.087), and the need to update definitions. Questions from the members included:

- What involvement has TCFP played in the recent Wildland fires?
- What are issues with ESDs and how does TCFP address these?
- What is the issue with Rider 4, what is being done to address the issue and what are the potential remedies?

In addition to these meetings concerning legislation and TCFP's rules, regulations, and authority, staff was invited to attend a meeting of the Channel Industries Mutual Aid (CIMA) group due to one of the topics on the agenda titled "Texas Fire Commission – Hostile takeover update." This discussion was lead by Mr. Peter Greco, Chairman of CIMA, Mr. Rick Deel, member of the leadership team for CIMA, and Mr. David Wade, liaison for CIMA from Harris County, the Deer Park Fire Department and current president of the SFFMA. TCFP was not contacted about this topic to verify the content nor was feedback presented. Request through members of CIMA to attend the meeting has been made as well as a letter is being drafted to address the misinformation presented.

Commission Quarterly Report Training Approval and Testing Program

- **International Fire Service Accreditation Congress (IFSAC) Update**
 - The IFSAC Committee and Board meetings were held in Louisville, Kentucky, September 21-22, 2012. The Council of Governors (COG) has directed the Business Continuity Committee, in conjunction with the Finance Committee, to develop a Needs Analysis to address fiscal concerns. In the future, the commission may see price increases either with the yearly membership fee and/or the cost of additional IFSAC seal requests depending on the findings of these committees. A \$50 registration fee increase was approved for the April 2013 conference.
 - The National Fire Protection Association (NFPA) will be addressing the agreement previous given to IFSAC for the use of their language in the correlation sheets IFSAC provides to accredited entities. Members are expecting, in the future, that correlations sheets will have to be obtained directly through NFPA.
 - Currently there are 68 entities that are members of the IFSAC Certificate Assembly, 51 accredited entities, and 944,461 records in the certification registry.
 - The next IFSAC conference is in Oklahoma City, Oklahoma, April 17-20, 2013.
 - Texas' IFSAC reaccreditation visit is still scheduled to occur in June 2013.
 - Mollie has been asked to participate in the Arizona Center for Fire Service Excellence's IFSAC self-study process that will take place December 12-15, 2012.

- **New Hire** – Amanda (Mandy) Ramos, Customer Service Representative II, started with the agency on September 7, 2012, and will be assisting in various areas within the program, specifically in entering applications to test, preparing tests for shipment, answering customer questions, and grading state examinations.

- **Test Administrations, Training Approvals Applications Processed, and Audits conducted Fourth Quarter, FY 2012**
 - 1757 exams were administrated during this quarter.
 - The average grade on the state examination was 83.5%.
 - Training Approvals - 385 Training Prior Approval applications were processed and finalized within 10.71 days of receipt.
 - Training and Skill Testing Audits – 6 audits were conducted during this quarter. On five audits no deficiencies were found and one audit remains open waiting on receipt of records requested.

- **Status of Online Training Approval Process and Testing**
 - The online system that is being developed is broken into three primary modules: a training module, a skill testing module, and a state examination module. Training providers will input their own course information and skill testing schedule and manage their own deviations and cancellations. In addition, they will enter their own students in the student and skill testing rosters. This will allow commission staff to monitor data electronically and conduct, on a more frequent basis, training and testing audits.

- Commission staff is currently Beta testing the online training approval and skill testing modules that will go live December 1, 2012 for courses starting on or after January 1, 2013. This system is in preparation for the testing module, which includes the online payment process and computer-based testing, that is scheduled to start January 2, 2013. Beta testing for the testing module will begin mid December 2012.
- **Activities for the Next Quarter and early 2013**
 - Continue to work on the online processes, guidelines, and Beta testing regarding training approval and testing programs with IT and other members of the agency.
 - In order to meet the June 2013 IFSAC reaccreditation visit, staff will continue to work toward conducting Texas' self-study process in January or February 2013. This is the final preparation stage before the agency submits our application to IFSAC Administration 90-days prior to the visit.

Compliance Quarterly Report for Commissioner's Meeting Fourth Quarter FY 2012

- The agency continues to look for ways to reduce costs and improve efficiencies. We have discontinued phone-fax services to all of the compliance field offices and are now utilizing scanning and email services for sending and receiving all compliance documents. We have discontinued hard line phones services to three of six field offices. The three offices that remain with hard line phones is Lufkin in partnership with the Texas A&M Forest Service, Houston because the concrete walls are so thick that wireless phone is non functional in this building, and Allen where our total costs for phone and rent is \$10 per month. We have discontinued LAN-hard wire Internet services to three of six field offices (see above). Internet access for compliance work (ex: e-mailing, data entry, scheduling, etc) now via WIFI cell phone hot spot.
- The Region 2 (Lubbock) Compliance office is relocating due to lease termination. Termination was due to the building owner defaulting on the lease by failing to correct by October 4 all fire and life safety hazards identified by the State Fire Marshal (SFMO). Given that the leased building remained non-compliant with the SFMO fire inspection requirements the lease will terminate effective October 31. On November 1 the Region 2 Compliance officer's designated office headquarters will be his place of residence saving the agency over \$2300 annually in office lease expense.
- On September 16th the State Fire Marshal (SFMO) requested TCFP assistance with the LODD investigation of Atascocita Volunteer Firefighter. On September 20th Region 6 (Houston) and Region 7 (San Antonio) Compliance Officers inspected the PPE, SCBA, and collected records on the LODD. The TCFP investigation report has been handed over to the SFMO LODD investigator for use in the final LODD investigation report.
- Separate from the LODD investigation, the TCFP received a complaint and learned of injuries received by Fire fighters who attended a Smoke Diver School. The Smoke Diver Training School occurred at the Beaumont Emergency Services Training (BEST) facility. The BEST facility was leased to a non-profit group for the non-TCFP regulated training. The Smoke Diver Training is described as advanced SCBA training and survival course. Multiple Fire Departments had multiple fire fighters who received injuries at this training. As a result TCFP opened an investigation pursuant to TGC 419.048. The TCFP firefighter injury investigation is on-going. The compliance division is also working with the injury reporting program specialist as there were firefighter injuries reported at this same training incident.
- Compliance field officers continue to provide outreach and educational services to the fire service by attending and participating in regional fire chief meetings and other meetings when invited and as assigned by management.

QUARTERLY REPORT
Educational and Professional Development Section
Fourth Quarter, FY 2012

Curriculum Development

- Ad hoc committees
 - Fire Officer III & IV: Exam question banks under review for validation.
 - Wildland FF: Basic WFF curriculum finalized and forwarded to C&T Committee. Intermediate WFF curriculum under development.
 - Structural Fire Protection – Review and updating of Firefighter I and II skills continuing, with a projected effective date of 1/1/2013.
- Curriculum and Testing Committee
 - Wildland Firefighter: Basic Wildland Fire Protection curriculum reviewed/approved by committee and scheduled for presentation to Advisory Committee.
 - Fire Officer III & IV: Curricula reviewed/approved by committee and scheduled for presentation to Advisory Committee.
 - Head of Department: Proposed rule changes and curriculum developed and scheduled for presentation to Advisory Committee.
- **Review of all test questions are underway for IFSAC's upcoming summer 2013 site visit** – their compliance inspection of our testing program.
- We are currently advertising for persons interested in participating in the Investigator ad hoc committee. The committee will convene after the first of the year to update the curriculum to the new NFPA 921 standard.

Certification and Renewal

- 2,261 new certificates issued – 8,182 year to date
- 90 certificate holders renewed – 28,023 year to date
- 1,711 IFSAC seals issued – 6,171 year to date
- 248 training facilities holding 1,242 active certifications
- 17 training facility certificates issued to 10 entities

Other activities during quarter:

- Made final preparations to launch new certifications (Incident Safety Officer and Wildland Fire Protection).
- Finalized electronic payment program for departments to use during annual renewal period.
- The Texas Dept of Public Safety conducted an audit of the agency's criminal history records management program. TCFP's system was deemed to be very well run, with only one minor correction needed.
- Staff members met with two separate training providers to explore the possibility of approving and regulating training entities that would deliver programs outside of Texas. These entities are seeking to deliver training that would result in IFSAC credentialing of trained personnel.

- Ongoing review of TCFP rules as they pertain to certification.
- Manned booth at SFFMA conference in Houston and delivered presentation during the conference, June 9th – 12th.
- Manned booth and participated in SAFE-D conference in Arlington, Sept 27th – 29th.

Information Resources

Existing data management system (FIDO/FARM)

- Re-coded applications to address agency reorganization, and permissions of employees based upon their areas of responsibility
- Created interim FY 2013 renewal sub-application. This system will be replaced by the permanent system to be launched next year
- ***FIDO: Created new user interface to make it easier for customers to use and navigate***
- ***Completed redesign of all TCFP-issued certificates.***
- ***Established new Master gold-seal certificate. This certificate is issued by TCFP staff with the initial issue of a Master certification, or by request from the customer for an existing Master certification.***

Online payments

- Final preparations completed to prepare for “online” payment system for this year’s entity renewal. All entities were notified in mid June via letters from the Executive Director and the State Comptroller’s Office regarding the system. Following the initial notification, email reminders were sent to all FIDO account administrators bi-weekly through August 1st, then weekly through September 1st.

Online testing

- Business analysis complete.
- Systems analysis ongoing.
- Actual programming ongoing (95% complete). Projected launch is January 2013.

Data Management System Redesign (Version B of FIDO/FARM, projected launch 2013)

- Approximately 25 percent complete.
- Business and systems analysis is ongoing, including reviews of statutes and rules.
- Core data tables have been migrated. Secondary data tables approximately 10 percent migrated

Network and e-mail

- Redesign of Citrix so as to enhance connectivity
- Replaced user work stations and upgraded all users to Windows 7
- Migrated all production servers to new hardware
- Replaced main switches on the network
- Testing and adjusting of new system continues
- Established scanning capability for agency users at headquarters via network printers

Public Information and Outreach Activities

FY 2012 Injury Reporting Program

	1Q	2Q	3Q	4Q	Total
Reported Injuries	1079	827	918	1167	3991
Burns	39	32	28	32	131
SOP-related*	3	4	0	9	16
Environmental-related*				43	43

*Injuries involving SOP violations

<i>Publications/postings</i>					
Avoid Injury! blog posts	11	8	10	9	38

Injury program outreach activities (4Q)

Programs/meetings attended.

- Attended/presented at SFFMA Conference in Houston, 6/11-12.
- Vendor booth at TEEEX in College Station, 7/22.
- Safety Committee meetings via conference calls.

Avoid Injury! Blog posts

- [2011 injury report now available](#), 8/20.
- [Heat Related Injuries](#), 7/26.
- [NSC Safety Month – Use Down Time to Practice General Safety](#), 7/19.
- [Be Safe During Training](#), 7/16.
- [Injuries Occurring During Training](#), 7/5.
- [Learn the Value of Accountability Through Near Misses](#), 6/25.
- [Accountability – Guest Post by Eric Thompson, Chief, Red Oak Fire Department](#), 6/18.
- PASS Devices, 6/11.
- Why Accountability is important, 6/4.

Other activities/accomplishments

- Injury reporting rule re-write begun.
- User group brought in to discuss and update injury reporting program, 6/7.

Public Information and Outreach Activities

FY 2012 Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	169	174	134	105	582
Print items	153	164	9	12	338
<i>Research and reference requests</i>					
Internal	7	7	11	5	30
External	29	84	60	46	219
New library borrowers	23	16	5	6	50
Responses to borrower follow-up surveys	14	14	6	0	34
<i>Items cataloged</i>					
AV items	31	3	8	0	42
Print items	56	5	35	6	102
Desk copy items ordered and processed	0	26	0	0	26
<i>Publications/postings</i>					
Facebook posts	32	28	40	0	100
Library newsletter	4	3	1	0	8

Library program outreach activities (4Q)

Activities/accomplishments

- We have hired Sylvia Miller as our new library program specialist; we anticipate that Ms. Miller will make the transition after Nov. 1, 2012.

FY 2012 Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Total
Fire department job postings	-	-	66	60	126*
Number of departments requesting postings	-	-	58	78	99**
Website home page articles	7	2	8	8	25
Open records requests	2	3	3	8	16

*Second and third quarters only.

**Second and third quarters only; unique entities.

Public Information program outreach activities (3Q)

Website - home page articles.

- Changes in the works for fiscal year 2013, 8/23.
- 2011 injury report now available, 8/20.
- TDEM offers hazardous material emergency preparedness training, 8/1.
- Highlights from the July 2012 commission meeting, 7/18.
- New online payment program for departmental renewals, 6/22.
- Fire Officer I skills update published, 6/22.
- New website page: 'Director's corner', 6/8.
- New 'no injuries' reporting feature in FIDO, 6/4.

Other activities/accomplishments

- Edited/contributed to:
 - Legislative Appropriations Request
 - LAR – Information Technology Detail
 - Texas.gov Customer Agreement.