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Ronny J. Coleman

Does the Authority *Have* the Jurisdiction?

How long did you study to become an Architect? Most likely you spent years learning your chosen profession before you were allowed to set down at a table and create a design. I am a firefighter. Today I have 39 years in the fire service and most recently served as the State Fire Marshal for the State of California. How much time do you think I have in preparing for that job? Well, I have a Master's degree, a Bachelor's degree and an Associate of Arts degree, but I will readily admit to you that I do not have a great deal of specialty training in either code enforcement or fire prevention. Yet, I was the person responsible to oversee the implementation of statewide fire and life safety codes. It's not that I don't know a great deal about these codes and regulations, it's just that today a fire marshal has to become familiar with such a wide array of information that each specialty suffers a little in the preparation phase. As a local government fire officer I have to be competent in such diverse topics as incident command, emergency medical services, hazardous materials, wildland fire behavior, state and federal mandates. I suspect many of my peers have similar profiles.

Yet, when I swore my oath to every city I worked for and when I became the State Fire Marshal for Governor Wilson I agreed to enforce the laws, codes and regulations without reservation. Once a person becomes the "Authority Having Jurisdiction" their training becomes secondary to their obligation to protect the entity they are sworn to serve.

Therein lie the seeds of a dilemma. I am not sure all of my contemporaries will agree with this contention, but I have ample evidence to support my thesis.

It is simple this; authorities having jurisdiction often are rigid in the enforcement that authority under the premise that their responsibility is greater than the responsibility of those that design and build buildings. They see themselves as the AUTHORITY having JURISDICTION. Often this results in an adversarial relationship in the process of resolving conflict over how codes and ordinances are enforced. If you have not experienced that phenomenon, you are among the lucky few.

While the knowledge bases of both the public and private sector are different, the overall goal is the same when it comes to building safe buildings: To do so in manner that will protect the occupants in the future. Granted, the perspectives of the two entities are different. The person that is building a structure wants to construct it in a manner that is financially feasible. The AHJ wants the building to perform when a crisis, like a fire occurs. They want it to comply with some rule. Are these two goals incompatible?

I don't think so, or I wouldn't be here today. I am of the opinion that a considerable amount of work needs to be done in improving upon the working relationships between fire authorities and architects to



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achieve our mutual goals. The process I would like to speak to today is called “Partnering for Protection.” My colleague Fred Hummel, the State Architect, has already spoken to the situation that drew us together to work on a common problem. In that situation the construction of schools to meet both classroom reduction and to deal with rapidly expanding student populations created some conflict between the various parties, specifically fire officials at the local level. This conflict was the incentive to start the process. The results of that process were very successful, and the documents that resulted from that effort lengthy. If you are interested we can make them available to you.

I would like to take my time to talk about the process, not the results. Because partnering is not an intuitive process, it does not happen unless both parties want it to happen and it will not happen unless the process is facilitated. My goal here today is to try and convince you that one of the things that can be done to create better schools in the next century is to establish a different way of doing business between the two big “A’s”; The Authority having Jurisdiction and the Architect having the Vision. Partnering is not a theory, it is a practice. Partnering is a verb that implies action that can be taken.

Our time is limited; therefore I would like to spend it on only a few things. The first is to provide you with the reasons why fire authorities have their perspective on demanding certain features in schools and to give you an overview on what the partnering process is all about.

The Fire Services Perspective

The fire service perspective in protecting buildings is really very simple. When a fire occurs they want to be able to get people out of the building and then be able to get into the structure to limit the spread of the fire before it destroys the contents and the structure. They want to be able to do so safely. That is it. They want to be able to protect life and property. For the most part, fire officials believe that they can accomplish these objectives by enforcing laws, codes and regulations when the building is under construction. They believe that if they do not obtain the necessary features during the construction phase, they will never get them. And they, for the most part are right. The problem begins when the law, the regulation or the code requires some interpretation. The fire service does not want to relinquish any authority over the decision that is made as to the acceptability of any variation or alternative that is selected. Their reason is that if it doesn’t work ten years from now that someone is the loser. It is the building owner, the occupant, or the fire service. In a nutshell, that’s what is going on in the minds of just about every fire prevention person that sets down to check a set of plans or conduct an inspection.

Your Perspective

It would be presumptuous on my part to even begin to state your perspective. Only you can speak for yourself. But, let me at least offer you the observation that architects design buildings so that the



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occupants can live, work and play safely too. You apply theory, principles and practices to achieve that goal.

Partnering

So, where is the problem? It begins when what you want to do is different from what has been done in the past, or when what you want to do is not specifically dealt with in past laws, regulations or codes. There can be conflict. I know this to be true, because I have witnessed it many times. There is a pressing need to engage in an open dialogue between the various parties in order to learn more about what each other means by what they say they want before this conflict results in either a winner or a loser. Partnering is the preferred process of obtaining insight into the other person's body of knowledge to avoid that scenario.

Now, before we go any further I have to admit that this process can be time consuming. But, please bear with me on this. Conflict is a time consumer too. Partnering requires that individuals that are using the process begin to work together before they are required to deal with each other. In short, this process begins before the first drawings appear on the drawing board. Conflict is often an ongoing consumer of time that goes unmeasured and ill defined, but costs nonetheless.

In the State of California, the partnering process received its original incentive from an initiative of the Governor's office called "California Competes." It was a plan for less bureaucracy and more results. The Governor advocated that we do more to create a public private partnership in responding to problems. As State Fire Marshal, I was asked to join forces with the private sector, whenever feasible, practical and effective to do so. It was assumed that when lawmakers pass laws to protect the public from harm, some real and some imagined, that they did so, with little consideration of the harm from over-regulation. Many of the rules have accumulated over decades and are at best redundant or overlapping and at the worst outright difficult to utilize without creating conflict. The balance that is needed in the regulated environment is between a healthy competitive environment and a safe environment.

Partnering is a process of overcoming barriers before they are created, and while it is a form of negotiation, it is a very specific type of negotiation, that uses criteria to make decisions. This criterion is made up after determining the concerns of the various parties before making decisions and the process looks at outcomes before making final decisions.

What are the steps to the process?

- Creating a Task group of Stakeholders
- Obtaining Stakeholders input
- Identifying all potential conflict up front



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- Having a facilitator
 - Avoiding the “rush to judgment” approach
 - Building consensus

How does it work?

- Agreeing on the goals and criteria to be achieved
- Discussing the facts before proposing solutions
- Focusing on outcomes instead of regulations
- Disagreeing without being disagreeable
- Seeking out commonalities instead of differences

Does it work?

- The Subterranean Occupancy “Wine-Cave” regulations
- The Motion Picture Industry regulations
- The Fixed Guideway Transit Station regulations
- The Designated Campus Fire Marshal program at the UC Campuses
- AND THE CREATION OF THE SCHOOL CONSTRUCTION PROCESS

The motivation to partner is the opportunity to achieve a common goal with a minimum of conflict. One of the best lessons we learned from our school construction task force was that one word often meant two different things to the parties around the table. We quickly learned that what we knew about each other’s realms and bodies of knowledge was totally inadequate and that an exchange of vocabularies was an essential part of working together. Assumptions gave way to understanding. Problems, perspectives and solutions became clearer as the parties exchanged information that had been previously overlooked by the other party. In summary, partnering resulted in a reconciliation of all the facts. Costs and benefits were explored as elements in achieving safety within economic restraints. It was found that these criteria were not mutually exclusive.

It is the spirit of working together towards a common goal that can become the new way of doing business. The process is a win-win versus lose-lose for the simple reason that the goal of safety is achieved with decreased time spent in resolving conflicts during construction. Costs go down, credibility goes up.

When I took on the job of State Fire Marshal I gave a speech one day to a group of individuals that were questioning my philosophy of fire protection. I would like to use a line here that I used in that speech. I did not come to Sacramento to work for the government. I came to Sacramento to make government work. Partnering is a process that makes government work. I would encourage all of the participants



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here to look into the process wherever you can find enlightened code officials, because they will both profit from the experience.