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Ronny J. Coleman

The Final Sale; Selling Your Ordinance to the Council

It has often been said that the number one fear in our society is the fear of public speaking. There have been a lot of people who have made a considerable amount of money teaching people how to overcome their fear of making public presentations. In some cases that fear is justified because an individual has not invested in themselves thoroughly enough to be able to rest their life's reputation by standing in front of another group of individuals and asking them for something.

The development of ordinances in the fire service use to be based upon an incremental acceptance of new ideas as being nothing more than extensions of the old ones. We seldom had to sell fire code adoption in communities. It was not uncommon for some fire marshals to go through many years of adopting fire codes without ever having to make a public presentation other than to write a short staff report, submit it to the authority having jurisdiction and be at the council meeting long enough to watch it pass with very brief conversations on the part of either the council or staff members. That is not true when it comes to passing avant-garde or innovative code amendments. It is absolutely untrue when it comes to passing sprinkler ordinances. Almost every sprinkler ordinance that has been put on the books has required an effective public presentation in a public hearing in which there is a combination of an adversarial relationship with opponents and the political reality that the council may adopt the code amendment by a split vote.

In order for us to become more effective in making these presentations fire marshals and fire chiefs should look at the public presentation of a sprinkler ordinance as being a salesmanship opportunity. Salesmen have very specific techniques for getting you to buy their products. When we are going to try and sell a concept such as sprinklers, we have got to use similar techniques or there is a possibility that the idea won't be "bought."

Over the last 15 years, I have testified on probably 100 to 125 separate sprinkler ordinances in different parts of the United States. I have noticed there are some common threads that run through successful ordinance adoptions and there are some pitfalls that some organizations have fallen into that have caused them to fail to succeed. In the interest of trying to make sure we have more successes than we do failures in the future, this column will address a couple of concepts that should be incorporated in your presentation adoption and will identify a couple of things you should never do.

There are several four-letter words you need to add to your vocabulary in preparing for sprinkler code adoption. They are fact, plan, goal and work. These four-letter words are absolutely essential to the development of a successful code adoption process. First we have facts. While sprinkler systems have theoretical application they don't make much sense to local politicians unless they are discussed in the context of local conditions. The facts that are absolutely essential to code adoption are not the fact that



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sprinkler heads operate in a certain way or that only one of 16 million sprinkler heads is ever going to activate prematurely. What is important is the fire record of your community and the success of fires in commercial operations involving sprinkler systems. I am absolutely amazed at the number of people who have had fairly good successes with commercial sprinkler systems who failed to resurrect that information for use in their code adoption process.

The second term is plan. We use to joke in many communities that had sprinkler ordinances that it took them several years to become overnight successes. The most successful code adoption processes are ones in which there was a plan of action that was laid out usually over a multiple year basis. This plan includes the involvement of all the special interest groups and the power elite in a community that may have something to say with the ultimate adoption of an ordinance.

The term goal applies in planning in that the most successful of ordinances are aimed at a goal instead of at an occupancy. It is easy to criticize a sprinkler ordinance if it is based on a simple premise that we are going to “reduce the loss of life and property.” That really does not say much in many communities. It is not uncommon for communities to have relatively limited loss of life during any one calendar year or even during the tenure of some of the elected officials. However, if the goal is to reduce fire loss in certain occupancies by a certain percentage over a 10 year period or even a 20 year period and it is linked with such things as the community’s general plan and its strategic plan it stands a far better chance of surviving scrutiny. The concept of goal orientation also includes the sprinkler ordinance being based upon dealing with specific goals for specific classes of occupancies. The City of Fresno, which has been studied by many communities as part of preparation for sprinkler ordinances, has an outstanding track record in this area. In the event an ordinance can be structured around a redevelopment agency or an industrial park or a clearly defined aspect of a community, it has a far greater chance of succeeding.

The last four-letter word is work. And, the successful adoption of an ordinance is work. It cannot be something that is a collateral duty for someone or it cannot merely be considered as an add-on for other kinds of discussions, such as the budget hearing or for the overall discussion of fire department operations. The more successful sprinkler ordinances are ones that have been linked to discussions regarding the strategic planning for the community or ones that have been related to growth or economic stability.

The interesting thing about the work aspect is that the harder most communities have worked on the sprinkler ordinance itself the simpler the process actually becomes at the final adoption stage. There have been examples of communities that have attempted to pass an ordinance by merely copying a process or even a document from another community and going through a rather superficial planning process of agendizing it and preparing it for public hearing, and then overwhelming the council with large amounts of information, pamphlets, brochures, etc. More often than not this type of approach is unsuccessful. One of the most comprehensive sprinkler programs in the United States was experienced



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in Cobb County, Georgia. Fire Chief Dave Hilton spent years working out all the problems with all the role players before the material was actually brought before the authority having jurisdiction. In that case, the document and its adoption process were both relatively simplified.

It is not usually a good idea to try to teach something by giving negative examples. Yet, these negative examples are, in many cases, very valuable lessons. Some of the more unsuccessful attempts at getting sprinklers adopted have centered around the fire department's unwillingness to expose themselves to a question and answer period and do all the data collection before they propose any ordinance. As a matter of fact, in one example, there was an individual who actually attempted to pass a sprinkler ordinance by putting it on the consent calendar and not informing anyone of its implications.

Another serious weakness in preparing for sprinkler code adoption is to do what I call the "snapshot method." That is taking a look at the success of some other organization by going to their council hearing and witnessing the final act of adoption and then assuming that the same thing is going to apply when that ordinance is taken back to another organization. The most important thing an organization can do in preparing for an ordinance is to go serve a form of internship with a community that has been successful in adopting one. The networking that goes on between the technical and policy people in those communities is valuable for your overall accomplishment.

Lastly, one of the worst things you can do is to try to get a sprinkler ordinance passed on the heels of a major catastrophe. I know this flies in the face of the so-called catastrophic theory of reform which has been discussed in the fire service for decades. The reason that a major fire loss is often counterproductive for a sprinkler code adoption is that you may become entangled in other political aspects that have nothing to do with built-in fire protection. For example, there may be litigation involved and councils may be unwilling to take action for fear of finding themselves in the middle of that discussion. And, the activities shortly after a major emergency tend to be one of fault finding rather than problem solving. Instead, it is a good idea to continually monitor a series of events, especially those that have occurred in similar locations in other communities and use them to build your case for your ordinance.

One of the most serious errors made in attempting to adopt an ordinance is to try to use the "me too" syndrome. This essentially involves trying to adopt an ordinance merely because neighboring communities have done something similar. If you go back to the first paragraph where we talk about facts, goals, plans, and work, it follows that if you don't have the same facts, have not developed a plan, and don't have the same goals then you're probably going to be unsuccessful in getting your council to support a concept that is this complicated.

Now that we have explored some of the dos and don'ts, let's take a look at some of the nuts and bolts of presenting an ordinance. The average city council member does not like to have to wade through a mile



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of paper to find the one pertinent fact that will help them make a decision. The majority of the justifications of sprinkler ordinances that are successful are contained within staff reports that are less than five pages in length. We don't get extra credit for bulk. Generally speaking, councils would rather have the recommendation given to them in such a way that they can vote for it as opposed to having to vote against it.

Therefore, when a report is prepared for council adoption it should be succinct and as accurate as possible. In the event you wish to give additional information to support your argument, it is far better to create them as attachments and treat them independent of the staff report. If the opportunity is available for an advocate to ask for a study session before a public hearing, many of the facts and figures that are often buried in a justification can be eliminated. The use of these attachments also allows them to be discarded as one works through the various types of public hearing processes so that in the final analysis what is dealt with at the council level is a very comprehensive but brief staff report.

It is all right to use visual aids such as overhead transparencies, videotapes, 35-millimeter slides, and other forms of visual representation as long as they are done in a powerful and straight-forward fashion. Whenever you turn off the lights in the city council chamber there is a tendency for people's eyes to shut. Therefore, visual aids should be designed to be as powerful as possible and should be used as quickly as possible to move from one point to another. It is deadly to turn off the lights in a city council meeting and give a one-hour dissertation on the operation of sprinkler systems in anticipation of gaining public acceptance.

Lastly, we must remember one thing from the repertoire of salesmen. Sales people always have what is called a "close." Essentially it means asking for the customer to buy. The most successful of code adoptions have consisted of providing information and detail in a balanced fashion but placing the majority of the emphasis on the council's commitment to bringing closure to the goal, i.e., buying the system to solve a problem.

Advocates should not be timid in asking council to support adoption. What is equally important is to acknowledge the council's courage and commitment if that decision is made.

There really isn't a very accurate record right now of the number of communities that have sprinkler ordinances that are more stringent than the uniform codes. It is probably fair to say that the number of fire chiefs who are taking on this responsibility is increasing every day. The number of fire marshals engaged in fact finding and developing technical expertise to expand the role of built-in fire protection is increasing rapidly also.

What this means is that ultimately it will be easier to pass some of these sprinkler ordinances into code requirements and the battle will be less strenuous. However, until that day arrives it is important that



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success be built upon success and that fire officers serve in an advocacy role for the sprinkler concept to be successful when they take their case to the public and policy makers in our communities.