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***Ronny J. Coleman***

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## Getting Engaged; The Prenuptial Agreement

Let's face it. Relationships are important. When things are going well we tend to feel pretty good about it. When things turn bad in our relationship with others we can be depressed, angry, and even fearful at times.

Generally speaking, most of us like our relationships to be relatively controllable, amenable, predictable, and comfortable. When they aren't we often spend great amounts of energy trying to stabilize them.

In the field of fire sprinklers we also have relationships. Among the most obvious one is the one between the building department and the fire department. After all, the majority of the sprinkler ordinances in effect are actually contained within elements of the building code. The fire department's ability to adopt ordinance and to adequately enforce them is directly related to the working relationship between the fire and building departments. Not unlike our personal relationships, they can be good, bad or indifferent. The primary role of the fire chief is to do everything possible to make sure that relationship is operating at peak efficiency at all times.

This is not just a theory. In examining the problems, policies, practices and solutions of large numbers of departments involved in sprinkler system enforcement, I have discovered a significant trend; the stronger the relationship between the fire authority and the building authority the stronger the fire protection program. They may also sound like a truism but there is a corollary. The weaker the relationship between the fire and building authority, the more vulnerable the fire protection program.

One tool you may wish to consider to evaluate this relationship is called a Memorandum of Understanding. In effect, it is an agreement between the building and fire authorities over what should be done, how it's going to be done, and who has the responsibility to carry out various aspects of a good fire protection program. The Memorandum of Understanding we are suggesting doesn't happen automatically. As a matter of fact, many organizations have conducted practices for many years without the benefit of even going through this exercise.

There are some folks who believe this is not needed merely because there is a section in the code regarding authority and responsibility. I don't happen to agree with that. I think the code sections basically spell out how things ought to be but, in effect, the actual working relationship determines our level of efficiency and effectiveness. Moreover, there are many situations where the fire authority and building authority don't have the same facility and, in some cases, don't even have the same jurisdictional areas. The Memorandum of Understanding helps bring focus to all these issues by putting it all down in black and white.



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There are three things we need to discuss regarding this concept: When you should develop a Memorandum of Understanding, how should you go about developing it, and what it should contain. These three steps are separate and distinct from one another. They also require that the fire authority provide the leadership in order for them to be accomplished. As we stated earlier, they will not happen by accident.

The first thing we need to address is when should you do it? If you think back on your life, you will probably notice that most of the time you got people to go along with you was when you were enjoying one another's company. We generally don't invite people to come to our house for a party unless they are our friends. In general, we don't ask people to marry us unless we're getting along with them pretty good. The best time you strike an agreement between two organizations is when they are getting along well.

Among the best times to contemplate the creation of a Memorandum of Understanding is when you are going through the research process of writing a sprinkler ordinance. It is during the stage of development where all the cards are laid on the table that we can be objective about our needs, concerns, and recommended practices. When two organizations are contemplating making a joint action they most likely have similar philosophies at that time.

This leads us to our next element which is how to write the Memorandum of Understanding. What should it look like? In my opinion, the best way of approaching this is to use a committee-like structure that consists of the respective department heads of fire and building agreeing that a written memorandum outlining policies and procedures is desirable. However, I don't believe the department head should be the one to actually fabricate it. Instead I would strongly suggest that it be drafted by the fire marshal, plan checker, operational member of the building department with plan check responsibilities, and people who fall in that particular level. They should be empowered to prepare a draft policy for submission to the respective department heads.

The draft policy, once reviewed by the respective department heads, should be taken to the policy making body, such as a board or city council. There, an endorsement can be given to the memorandum that gives it a certain degree of status in the day to day practices of the organization. Once it has been adopted by the policy board, it should be taken back to the respective departments and either incorporated into their standard operating procedure or posted in a conspicuous fashion as a constant reminder of the agreement.

Our third element, what an agreement should contain, is a little more complicated. I visualize the memorandum having three separate and distinct elements. The first of these is a rationale, the second is a series of findings or whereases, and the third element is a resolution statement.



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The rationale consists primarily of a brief explanation of why two respective departments have a reason to work together. For example, in the field of fire protection technology, there are several very good reasons for having good clear-cut policies and procedures. The first of these is to create an efficient and effective plan checking program for benefit of the public, the second is to reduce the number of errors and redundancies in the process, and the third is to produce a quality product.

The findings or whereases should consist of identifying those factors that are pertinent to why two organizations could or should work together. For example, the majority of the fire service operates out of a fire code. The building department operates out of a building code. They both have respective sections that reference the other. The purpose of the Memorandum of Understanding would be to recognize that building codes are for construction and fire codes are for maintenance and that they are mutually reinforcing.

Among the findings might include such things as the fact that both departments have reason to review the plans of certain types of occupancies. There might be consideration for certain occupancies that would be exempted from this process. The fire department may be checking plans to look for one set of factors and the building department for another. These can be articulated in a statement of scope.

The findings might include definition of work places and information flow or an agreement regarding deadlines and processing time.

The purpose behind developing these findings is to find those things that the two departments share as both concerns and needs. The list should not be so exhaustive as to take on the proportion of a standard operating procedure manual. Nor should it be so brief as to merely be a salutation. The balance point may well be established by the needs and concerns of the respective agencies.

Our last element of the memorandum is a resolution. Essentially this is a paragraph that states the two organizations have resolved to follow a process, policy, and procedure that will result in high level of code compliance, reduced difficulties in interfacing with the public, and as a cost effective utilization of human resources. Perhaps the resolution may have two separate paragraphs where the fire department agrees to do certain things in conjunction with the building department, and the next paragraph would be those things that the building department agrees to do with the fire department.

By the very nature of this type of concept there can be disagreements. Many people get engaged but they don't end up getting married. What you need to avoid in the development of this Memorandum of Understanding is the staking out of territorial positions without regard for the other organization's needs. If the focus is on agreement and understanding of each other's perspective it is possible that you will unearth concerns on either part that can be dealt with at this time. Failure to unearth these concerns may well result in a problem further downstream. That's what the memorandum is designed



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to eliminate. Therefore, disagreement in the process of developing a Memorandum of Understanding is not necessarily a negative experience.

When the document is finally developed and the ink has dried on the pages your organization can be assured of one thing: You have gone a long ways toward reducing the number of booby traps that can exist in a working relationship between fire and building authorities. It is a contract of sorts. And, because it is made by human beings it can be modified by them also. A good memorandum is one that should be taken out of the closet and dusted off once in awhile to see if you are accomplishing the goals and objectives that are inherent in the various elements.

If developed at the right time with the right people and with the right element, the Memorandum of Understanding between a fire and building department can be one of the most powerful tools for influencing the future of fire protection in your community.