



CHIEF'S FILE CABINET

Ronny J. Coleman

Who's Your Daddy?

Who's your daddy! That is a term that is often used when someone is trying to infer that they have a lot of power and that they can control and influence the fate of those that are not "the daddy". An analogy to this is the joke about 900 pound gorillas. The joke goes "where does a 900 pound gorilla sleep?" The answer is; "where ever he wants to."

We, at the local government level, for the most part are not the daddy. In fact in the context of this column The Authority Having Jurisdiction, no one at the local government level is ever the final authority. The subsets of government tower above local government ranges from the federal, state through regional and county jurisdictions. All are stacked up in a superior-subordinate fashion. Daddy is the federal government. The constitution of the United States of America is the document from which all power flows. If you don't think that that is important then you are failing to recognize one of the most critical elements of the use of authority.

There are lots of attorneys who make a living making sure that that relationship is recognized by everyone who does business in this country. To declare something unconstitutional is to paint it with a black brush. To determine that something is unconstitutional in the Supreme Court is to pretty much render it dead as an idea.

The reason that this phenomenon is important is that we also need to recognize that the federal government is an authority having jurisdiction in and of itself. Billions of dollars are being spent by the federal government to construct buildings that are used to house agencies, organizations, institutions, and processes that require some form of protection, but are rendered exempt from local control.

Therein lies the rub. The federal government can do almost anything it wants with its own buildings but it has absolutely no responsibility to provide protection once they put it on the ground. There is no federal fire department that is going to answer the 911 call and rush over to protect the post office in your community. There is unlikely to be a federal fire response to a health, education and welfare office. Granted, there might be some military installations in your locale that have their own fire department on site. But, it is probably more common that many of these federal buildings including buildings that are leased for federal purposes must be protected by you as the authority having jurisdiction.

Keeping with the graphic image of daddy's – one might also remember the admonition that "big brother" is a function of big government. George Orwell wrote in his novel 1984 about the idea that government would eventually become so intrusive that they would watch out for practically everything we did. There is a lot of debate about the significance of that concern today, but there is no debate



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about the fact that the federal government is a significant landlord that impacts many of our communities.

This then poses the question of what is the proper role of the federal government in putting sprinklers in those buildings to make sure they have a minimum impact on local government. According to the Government Services Administration (GSA) sprinklers had been adopted and adapted to fit many of the operations of the federal government but in fact the federal government remains silent on the mandating of automatic fire protection. There is probably a really good reason for that.

I am not an attorney but I would be willing to bet you that the federal government doesn't have the willpower to do that. The adoption of fire and building codes in my opinion is predominately a function of state government. No one focuses too much on the federal perspective

However that doesn't mean that the federal government does not have an influence. To the contrary federal government through its design specifications, its budgeting process and moreover, through its ability to affect public policy could become a much stronger advocate of built-in fire protection than it is today.

Some of you may recall a few years ago when the federal government passed a law that said that government employees cannot stay in hotels unless they are fully sprinklered. That is an example of a policy shift that moves in the right direction. What if they said that you couldn't have a federal employee working in a building unless it had sprinkler protection? What is the difference between those two policies in terms of outcomes? In both cases they result in people who are renting hotels or leasing property to the United States Government, have an almost identical criterion for being selected. One could make the argument that there are people who would chose not to do so and they would not be the recipient of federal funds to pay off their mortgages.

The challenge to the federal government is to become more knowledgeable about how they can be an advocate influencing the outcome of community fire protection without using a hammer. I have this vision someday of seeing a picture of Uncle Sam with his red, white and blue costume wearing a red, white and blue fire helmet saying "Uncle Sam wants you to be safe".

In the meantime the US Fire Administration is still carrying the banner. For example you can obtain an excellent brochure from the NFA publications center entitled New Home construction and Life Safety Sprinklers (FA-258) for free. They also have an excellent handout entitled Home Fire Protection; Residential Fire Sprinkler Systems (FA-43) and a Poster (FA-294). All of which can be added to your own public education efforts as an AHJ. Frankly, I would hope that there is such a demand on these brochures that the Publications Center would have to print them almost continuously to keep up with the demand.



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For those that have never accessed this resource they can be reached at;

Federal Emergency Management Agency

U.S. Fire Administration

16825 South Seton Avenue

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www.usfa.fema.gov

It is really hard to change the way that we govern, but it is fairly easy to change the way we distribute information. Big government is a topic of constant debate in our society. So, I do not expect the federal government to mandate sprinklers in the near future. Big Daddy may just remain above it all from a standpoint of providing leadership and public policy for states and local government. But, we can take a certain amount of pride in the fact that advocacy for this concept is supported by the development of materials that we, or more specifically you, can use to change the nature of community understanding at the local level.