



AUSTIN FIRE DEPARTMENT

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December 3, 2020

Sunset Advisory Commission
Robert E. Johnson Building
1501 N. Congress Avenue, 6th Floor
Austin, Texas 78701

To the members of the Commission:

As Fire Chief of the 14th largest fire department in the country and the fourth largest in the state, I respectfully request the Sunset Advisory Commission pursue the following items with regards to the Texas Commission on Fire Protection (TCFP):

- **Published Fiscal Notes on rules to be adopted by the TCFP.** Similar to those attached to bills in the Legislature, these should be configured for the TCFP based on the several different sizes of departments currently found across the state. The Fiscal Notes should be published so all departments governed by the TCFP could see any possible fiscal impact before a rule is adopted.
- **Transition Period for Enactment of New Mandates or Rules.** This would allow for fiscal and operational planning by the departments governed. In the current process, an immediate change is enacted and an immediate inspection is made on the new rule. In addition, in most cities, rules that are passed with a fiscal mandate must be addressed by the budgetary process of the municipality or governmental entity before funds can be approved to enact the new rule.
- **Length of Time to the Sunset Period.** If substantive changes were to be made to the TCFP, those would need to be in place for some period before their affect is noted. This period should not be so long that other changes which may arise could not be addressed in a timely fashion. Therefore, I believe six years would be an acceptable timeframe.
- **Adjust composition of the TCFP Board.** The Austin Fire Department suggests the following:
 - A 13-member governing board for TCFP would be retained but with more appropriate stakeholder representation. Appointments by the Governor would be based on the following:

Number of Members	Qualifications
Two	Chief officers holding a rank equivalent to that immediately below Fire Chief, and who are employed by municipalities/departments under the jurisdiction of the TCFP that serve more than 500,000.
Two	Chief officers holding a rank equivalent to that immediately below Fire Chief, and who are employed by municipalities/departments under the jurisdiction of the TCFP that serve 200,000 – 500,000.
Two	Chief officers holding a rank equivalent to that immediately below Fire Chief, and who are employed by municipalities/departments under the jurisdiction of the TCFP that serve less than 200,000.
One	The Texas State Association of Firefighters will submit a list of five previously agreed-upon names. Those individuals must be defined as "fire protection personnel" per Section 419.021, hold the rank of Battalion Chief or below, and be employed in good status in fire departments or other appropriate local authorities under the jurisdiction of the TCFP.
One	TCFP-certified Arson Investigator or Fire Protection Inspector.
One	Fire Protection Instructor from an institution of higher learning (per Section 61.003, Education Code).
Four	Public

Additional stipulations would include:

- No more than one individual employed by the same municipality/department/local authority appointed.

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- Terms would continue to be served in staggered, six-year blocks. During the November 2020 TCFP public hearing, more than 20 of the 25 largest fire departments in Texas publicly supported this proposal.

However, the Austin Fire Department is in support of the following Sunset Commission staff recommendations:

- Update the standard across-the-board requirement related to training for Commission members;
- Direct the TCFP to evaluate the continued usefulness and effectiveness of its advisory committees;
- Authorize TCFP to provide biennial renewal for certifications;
- Authorize TCFP to enter into reciprocity agreements with other state certification agencies related to Fire personnel requirements;
- Update TCFP's statute to reflect the requirements of the "person-first" respectful language initiative;
- Direct TCFP to create a standard complaint form and publish it in a prominent location on the agency's website;
- Direct TCFP to maintain documentation on complaints/resolutions;
- Direct TCFP to review rules covering how criminal convictions relate to eligibility for certification; and
- Direct TCFP to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law.

I understand the difficult work before you and the Sunset Advisory Commission as you prepare for the 2021 Legislative Session, and thank you in advance for your consideration of my request. Please don't hesitate to contact me personally if you have questions or would like to discuss these matters in greater detail.

I look forward to receiving your response.

Sincerely,



Fire Chief Joel G. Baker