

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING  
RESOLUTION 1626, THE CLASSIFICATION PLAN**

**WHEREAS**, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges.

**NOW THEREFORE**, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Resolution No. 1626, as amended, is hereby further amended to:
  - A. Establish the new classification titled "Chief Fire Enforcement Officer" within the Fire Department with a salary range of \$126,208.88 - \$152,733.28 per year.
  - B. Approve and adopt the job description for the classification of "Chief Fire Enforcement Officer" as provided in Exhibit A, attached hereto.

Passed and adopted this \_\_\_\_\_, day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

**EXHIBIT A**  
**Job Description**



## **CHIEF FIRE ENFORCEMENT OFFICER**

### **City of Milpitas**

Effective: September 2016  
EEOC: Protective Services  
FLSA: Exempt  
Unit: Unrepresented  
Physical: 3

### **DEFINITION**

To perform and supervise criminal and non-criminal investigations that fall under the authority of the Fire Marshal (Deputy Fire Chief), including conducting investigations to determine origin and cause of fires, arson, explosions, environmental crimes, acts of terrorism involving arson/explosion, Fire/Municipal Code non-compliance, and Fire Marshal order compliance; conduct Professional Standards Investigations as directed by the Fire Chief; seek compliance on life safety, hazardous materials and environmental protection violations; develop policy; oversee public relations and education programs as related to Juvenile Firesetter Intervention; and other related duties assigned by the Fire Marshal's Office.

### **SUPERVISION RECEIVED AND EXERCISED**

Under the direction of the Fire Marshal, the Chief Fire Enforcement Officer provides functional supervision and training to Fire Captains, Engineers, and Firefighters engaged in fire, arson, explosion and hazardous materials investigations.

### **EXAMPLES OF DUTIES** - Duties may include, but are not limited to, the following:

- Directs and conducts fire investigations (scene examination, documentation of the scene, evidence collection and preservation, interview, post-incident investigation) to determine origin and cause of structure and vehicular equipment fires.
- Directs and conducts both preliminary and follow-up criminal investigations in arson and explosion cases.
- Directs and conducts both preliminary and follow-up investigations on complaints of fire hazards, environmental crimes, and hazardous materials violations.
- Enforces applicable local, state, and federal fire and safety codes to ensure that fires are investigated and resolved in compliance with legal mandates.
- Makes arrests as necessary; interviews victims, complainants and witnesses; interrogates suspects; gathers and preserves evidence; documents fire/crime scenes; testifies as an expert witness and presents evidence in court.
- Contacts and cooperates with other fire departments, law enforcement agencies and the District Attorney in matters relating to the apprehension of offenders, investigation of offenses, and the prosecution of offenders.
- Submits reports on complaints and performs other work related to the processing of misdemeanor and felony complaints.

- Prepares and serves search warrants for criminal investigations: Prepares and serves administrative warrants to conduct fire investigations or to gain code compliance, as needed.
- Follows up on compliance with Fire Marshal orders and enforces violations.
- Maintains complete and accurate records of time spent on investigations or inspections, which may result in cost recovery.
- Prepares and presents written reports regarding activities, significant actions, decisions, and conclusions related to fire investigations.
- Writes correction notices, issues citations and performs other duties necessary to prevent the reoccurrence of safety related violations or crimes; prepares reports, completes forms and maintains various conventional and computerized inspection records and investigative reports; appears in court as necessary.
- Plans, directs and participates in departmental fire prevention and public education activities, including Juvenile Firesetter Intervention.
- Liaison with the police department on policy and training opportunities in areas of mutual responsibility that will be of benefit to the two departments.
- Enforces violations of the City weed abatement and urban run-off programs.
- Responds to the Emergency Operations Center for operational assistance upon request.
- Plans, assigns, supervises, evaluates and participates in the activities of the Fire Department investigative unit; performs the most difficult and complex investigative work.
- Assists in developing and conducting training programs for fire and police personnel in the various phases of fire origin and cause, arson, explosions, environmental crimes investigation activities.
- Assists in coordinating investigative activities with other City departments and divisions, and with outside agencies.
- Conducts investigations of employee misconduct, including fact-finding interviews, in compliance with the Fire Fighter Procedural Bill of Rights, at the direction of the Fire Chief.
- Responds to and provides necessary coordination and direction at the scenes of major incidents.
- Submits investigations unit budget proposals for purchase of equipment necessary to provide services and successfully meet program goals.
- Provides expert testimony based on determination of the origin and causes for arson-caused and accident-caused fires and relates findings in a clear and concise manner in depositions and court proceedings.
- Attends fire investigation conferences/training to ensure that the Department's fire/arson investigation services are in compliance with county, state, and federal regulations/standards.
- Requests and manages local, state and federal grants awarded to the investigations program.
- Perform other duties as assigned by the Fire Marshal's Office.

## QUALIFICATIONS

### Knowledge of:

- Fire Science; Fire Chemistry; Thermodynamics; Thermometry; Fire Dynamics; Explosion dynamics; Computer fire modeling; Fire Investigations; Fire analysis; Fire investigation methodology; Fire investigation technology; Hazardous materials; Failure analysis and analytical tools; Fire protection systems; Evidence documentation, collection, and preservation, and Electricity and electrical systems.
- National Fire Protection Association order NFPA 921.
- Principles, practices, methods and techniques of fire prevention.
- Pertinent Federal, State and local laws and ordinances, particularly with reference to fire prevention, fire inspection, arson, explosive devices, apprehension, arrest, search and seizure, and rules pertaining to the seizure and preservation of evidence.
- Recognized standards for fire inspections, fire investigations, fireworks, and other fire and life safety hazards.
- Fire protection devices and systems.
- Residential and commercial building and material construction.
- Fuel and vehicle features.
- Computerized systems for maintaining data and preparing reports and correspondence.
- Criminal law and criminal procedure with particular reference to the apprehension, arrest, and custody of persons committing misdemeanor and felonies.
- Recent court decisions and how they affect departmental and divisional operations.
- Principles, practices, and procedures to supervise, train, and evaluate staff.
- The Fire Fighters Procedural Bill of Rights, including related case decisions.
- Interview and interrogation techniques.

### Ability to:

- Analyze situations quickly and objectively and determine proper course of action.
- Identify life safety and fire hazards: gather, analyze and evaluate facts and draw logical conclusions relative to the interpretation and enforcement of laws, ordinances and regulations regarding life safety and prevention of fires; and implement corrective measures necessary to abate hazards.
- Properly interpret and make decisions in accordance with laws, regulations, and policies.
- Identify existing and potential problems, secure relevant information from various sources, determine probable cause(s), and effect appropriate solution(s).
- Communicate requirements, policies and decisions to the public in a courteous and effective manner.
- Prepare clear, concise and accurate written reports and correspondence.
- Communicate clearly and concisely, orally and in writing.
- Establish and maintain effective working relationships with public officials, departmental employees and the general public.
- Willingness to work irregular hours and perform call back work as required.

- Establish and evaluate policies, procedures, and controls related to the Department fire investigations program.
- Perform heavy and hazardous physical labor, stoop, bend, crawl, climb, and lift; wear protective clothing and breathing apparatus as required to perform inspection and investigations.
- Use and care of firearms.

## **EXPERIENCE AND EDUCATION**

Any combination of experience and education that would likely provide the required knowledge and ability is qualifying. A typical way to obtain the knowledge and abilities would be:

- Completion of a Bachelor's degree from an accredited college or university in Fire Science, Fire Technology, Criminal Justice, Public Administration, or related field, with a minimum of four (4) years of experience in a paid full-time position in the fire prevention bureau of a Fire Department or in a Police Department investigating fire origin and cause, arson and environmental crimes.

OR

- Completion of an Associate's degree from an accredited college or university in Fire Science, Fire Technology, Criminal Justice, Public Administration, or related field with a minimum of seven (7) years of related experience.

## **LICENSE AND CERTIFICATES**

- Possession of, or ability to obtain and maintain an appropriate, valid California Driver's License.
- Possession and ability to maintain the professional designation of Certified Fire Investigator (CFI) from an accredited state, national, or international fire/arson investigations association.
- Must meet and maintain NFPA and Milpitas Fire Department physical standards.
- Completion of a POST-qualified California Penal Code Section 832 Arrest and Firearms training course and certification as a Peace Officer with limited peace officer powers.
- Completion of National Fire Academy courses and Fire and/or Arson Investigation certifications are highly desirable.
- Possession of a professional "Basic Certificate" from the California Commission on Peace Officers Standards and Training is highly desirable.

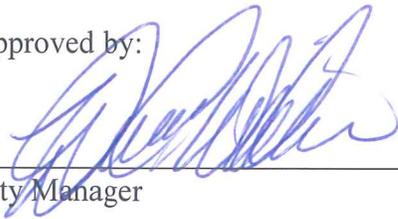
## **SPECIAL REQUIREMENTS:**

*Essential duties require the following physical abilities and work environment:*

Ability to work in a standard office environment; repetitive keyboarding; ability to work nights and weekends; able to travel to various locations within and outside the City of Milpitas; exposure to outdoor elements; extensive use of the telephone and radio; ability to walk on uneven ground; sit

for extended periods; maintain concentration and focus for extended periods; ability to work safely in a hazardous zone; exposure to hazardous chemicals and products; ability to wear a respirator.

Approved by:

  
\_\_\_\_\_  
City Manager

9/27/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Human Resources Director

9/19/2016  
\_\_\_\_\_  
Date