

# EL DORADO COUNTY GRAND JURY 2018-2019

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## MOVING FORWARD IN EL DORADO COUNTY FIRE SERVICE SUSTAINABILITY

CASE 18-01 • APRIL 16, 2019

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Public Release

APRIL 19, 2019

# EL DORADO COUNTY 2018-2019 GRAND JURY

## *MOVING FORWARD IN COUNTY FIRE SERVICES SUSTAINABILITY*

Case 18-01 • April 19, 2019

Sustainability of El Dorado County fire services has been a crucial concern for many years. Short-term discussions of problems with fire service sustainability have taken place from time to time, but no long-term solutions have been identified. Renewed interest has led to a recent surge in discussions to identify pathways leading to resolution of this complex issue.

### **BACKGROUND**

The passage of Proposition 13 in 1978 limited property taxes to one percent of property value. Since then, local governments have experienced a significant decrease in revenue. Local fire protection districts have felt the impact of that revenue shortfall more than most other government agencies. Legislation to implement Proposition 13 provided permanent block grants to local agencies, but continuing apportionment was based on the then-current budget of each agency. Under Assembly Bill 8 (1979), (AB 8), allocations can only be changed by the County Board of Supervisors when one district is dissolved, and another assumes responsibility for its territory through annexation. When Proposition 13 was passed, local fire protection districts, particularly in rural areas, were heavily staffed by volunteer firefighters, having significantly smaller budgets than departments that were staffed with full time paid personnel. Changes in state law setting standards for the training of volunteer firefighters caused County fire protection districts to move away from volunteer staffing. Adding to the problem has been a decrease in the availability of volunteers. The result has been a substantial increase in fire protection district operating costs with little increase in revenue.

In 2010, the El Dorado Local Agency Formation Commission (LAFCO) and El Dorado County commissioned Citigate Associates, LLC to review County fire services. The May 13, 2010, Fire and Emergency Service Study documented the challenges for the continuation of relatively poor rural fire districts.

Previous El Dorado County Grand Juries have recommended consolidation of fire protection services to save money. The 2007-2008 Grand Jury found that consolidation could provide an annual cost saving of more than \$1.2 million. The same Grand Jury recommended in a separate report that the Garden Valley Fire Protection District consider consolidation. Similarly, the 2015-2016 Grand Jury recommended that the Mosquito Fire Protection District pursue consolidation of services with other fire agencies. These concerns resulted in short-term discussions about fire service sustainability problems, but no long-term solutions were identified.

The El Dorado County 2017-2018 Grand Jury again addressed the issues of fire services sustainability and effectiveness. The El Dorado County Fire Protection Consolidation report found "The Board of Supervisors in conjunction with LAFCO is best positioned to champion fire agency consolidation." The Board agreed with the finding in its response. The same report also outlined why the search for a long-term solution has been difficult. Fire protection district boards are uneasy about losing local control. Lack of support from unions and citizens, and inadequate funding to support consolidation have also contributed to making solutions elusive.

Whether this renewed call of concern will once again result in inconsequential short-term discussions or will lead to tangible long-term solutions is a matter of interest to this Grand Jury.

## **METHODOLOGY**

- Reviewed prior El Dorado County Grand Jury reports about fire protection districts.
- Reviewed the Citigate Associates, LLC, May 13, 2010, Fire and Emergency Service Study for El Dorado LAFCO.
- Interviewed El Dorado County elected officials.
- Interviewed El Dorado County appointed personnel.
- Interviewed 12 El Dorado County fire protection district board members.
- Interviewed a representative from the CAL FIRE Amador-El Dorado County Unit.
- Interviewed a representative from the El Dorado Local Agency Formation Commission (LAFCO).
- Attended the September 26, 2018, LAFCO study session on the state of fire districts in the County including options for finances and alternative governance models.
- Attended the January 23, 2019, LAFCO study session on options for alternative governance models for fire service.
- Attended the December 14, 2018, El Dorado Hills Fire Department Strategic Planning Committee meeting on LAFCO and County-initiated consolidation(s) of fire districts and the need for added State funding to increase overall revenue and long-term sustainability.
- Received a briefing from an appointed El Dorado County representative regarding a closed January 16, 2019, County fire service sustainability meeting.
- Interviewed a community services district appointed representative.
- Attended a March 2019 Strategic Planning Workshop.

## DISCUSSION

Interviews of fire protection district board members from across El Dorado County provided perspectives on the question of pursuing consolidation in one form or another.

- *Administrative consolidation*, whereby districts remain legally separate but consolidate administrative or staff functions such as sharing a fire chief
- *Functional consolidations*, whereby one district performs special functions for another such as training
- *Operational consolidations*, a combination of both administrative and functional consolidations
- *Full consolidation*, in which one agency dissolves and the geographic area served by that agency is then annexed by another, effectively making one agency from two

The Grand Jury learned two districts had no interest in any type of consolidation. Several districts reported that some form of consolidation was an absolute necessity in order to provide continued service to their constituents. One district indicated they would not pursue full consolidation unless it had minimal financial impact or if it were to diminish existing services. The remaining districts were already involved in some type of consolidation or exploring that possibility.

All reported that funding inequities among Districts was the major obstacle to full consolidation. The majority of board members interviewed considered consolidation as a viable option if funding issues could be resolved. However, more than once we heard, "We have been talking about this for years without any action."

We were surprised to learn 58 percent of El Dorado County fire stations are closed for a variety of reasons, including the lack of qualified staff and reduced revenue. A representative from CAL FIRE advised the Grand Jury that while the closure of some stations is appropriate because of proximity to other stations, closure of others is problematic. Station closures increase response times in many areas of the County and negatively impact the availability of required resources. This situation is not unique to El Dorado County; it is common to many rural counties in the State.

In the summer of 2018, the El Dorado LAFCO Commissioners, two of whom are County Supervisors, requested that LAFCO conduct a study session on the state of fire districts in the County and to propose options for financing and alternative governance models. At this session, representatives from across the County reviewed the history of fire services in the County, the LAFCO process as it relates to consolidations or boundary changes, the current state of County fire services, funding of fire services in the County and a history of fire service reorganizations in the county. The session then went on to discuss different County fire service governance options.

LAFCO conducted a second study session about options for alternative governance models for fire services. Options were presented to the Commissioners, fire professionals and elected officials. The presentation led to significant audience comments. While no consensus was achieved, there appeared to be agreement that the current model is not sustainable, and that further study by the County is needed.

On December 14, 2018, the El Dorado Hills County Water District (Fire Department) held a Strategic Planning Committee meeting to discuss State funding and long-term sustainability for County fire services. In attendance at the meeting was State Assemblyman Kevin Kiley, who was asked to support State-level initiatives, such as the readjustments of AB 8 rates. The District stated a background paper on the subject would be prepared and delivered to the Assemblyman's office. As of the writing of this report, the Grand Jury was advised by an El Dorado Hills County Water District board member that the paper has not yet been prepared.

On January 16, 2019, the EDC Chief Administrative Officer held a fire service sustainability meeting of elected County fire protection district board members. The meeting consisted of a review of Proposition 13 and AB 8, and an overview of past fire service funding decisions and challenges. One proposal was to conduct follow-up meetings to discuss what the County role should be. Fire protection districts that have already been exploring options, such as reorganizations and shared service agreements, were encouraged to continue moving forward with those efforts. The Grand Jury learned after this meeting that a renewed effort to explore consolidation possibilities was proposed among three fire protection district boards. Lastly, it is envisioned that this group, organized as smaller, task-oriented working groups, continue to meet regularly to effect meaningful long-term change.

In March 2019, the EDC Chief Administrative Officer hosted a workshop to discuss updates to the County's Strategic Plan. In attendance were members of the Board of Supervisors, County staff and department heads, and representatives from fire, safety and water agencies. Representatives from the Grand Jury, LAFCO, the Office of Education and the general public were also in attendance. Five themes were identified as most important when discussing strategic planning goals. Fire district sustainability was identified as a top priority under public safety.

## **FINDINGS**

- F1. Fire service sustainability is an issue confronting many rural counties in California.
- F2. AB 8 did not account for future fire district demographic changes. It also did not account for the additional financial burden of using salaried firefighters in lieu of volunteers in rural fire districts.
- F3. There are significant on-going discussions regarding County fire services sustainability encouraged by the County Board of Supervisors and LAFCO.
- F4. There is significant interest among elected County Fire Protection District Board members to address and identify solutions to fire services sustainability in the County.
- F5. Meaningful change to fire service sustainability in the County is challenging and will require continued and open dialogue among fire professionals, elected fire board members, the Board of Supervisors and other County officials.

## **RECOMMENDATIONS**

- R1. The Board of Supervisors, in conjunction with LAFCO and elected fire protection district board members, should continue to explore options and models for County-wide fire service sustainability.
- R2. The Board of Supervisors should solicit assistance from the State to develop a solution to this issue.

## REQUEST FOR RESPONSES

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Responses are requested in accordance with California Penal Code §933 and §933.05.

- Response to all findings and recommendations from The El Dorado County Board of Supervisors.

The written response of each named respondent will be reprinted in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to review the Penal Code sections and carefully read the pertinent provisions included below before preparing your official response. Each respondent must use the formats below for each separate finding and recommendation identified above.

Please pay attention to required explanations and time frames. Incomplete or inadequate responses are likely to prompt further investigative inquiries by the grand jury and/or the court.

### Response to Findings

Finding F# *[Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.]*

Response: *[Review California Penal Code section 933.05 (a) (1) and (2). Respondents must specify one of three options – a) Respondent agrees with finding, b) Respondent disagrees wholly with finding or c) Respondent disagrees partially with finding. If respondent uses option b or c then the response shall specify the portion of the finding that is disputed and shall include an explanation.]*

#### **IMPORTANT NOTE ABOUT GRAND JURY FINDINGS**

*Grand Jury Findings are derived from testimony and evidence. All testimony and evidence given to the Grand Jury is confidential by law, and it is the Grand Jury's responsibility to maintain it. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.*

## **Response to Recommendations**

Response R# *[Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.]*

Response: *[Review California Penal Code section 933.05 (b) (1) - (4). Respondents must specify one of four options – a) recommendation has been implemented, b) recommendation has not been implemented but will be implementing noting a timeframe, or c) recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued or d) recommendation will not be implemented because it is not warranted or reasonable, with an explanation.]*

## **Response Times**

The California Penal Code specifies response times.

### *PUBLIC AGENCIES*

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.

### *ELECTIVE OFFICERS OR AGENCY HEADS*

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

## **Failure to Respond**

Failure to respond as required to a grand jury report is a violation of California Penal Code Section 933.05 and is subject to further action that may include further investigation on the subject matter of the report by the grand jury.

## **Where to Respond**

All responses must be addressed to the Presiding Judge of the El Dorado County Superior Court.

Honorable Suzanne N. Kingsbury  
Presiding Judge of the El Dorado County Superior Court  
1354 Johnson Blvd, Suite 2  
South Lake Tahoe CA 96150

Response via Email to [courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org) is preferred.

The Court requests that you respond electronically with a Word or PDF document file to facilitate economical and timely distribution.



## **California Penal Code Section 933**

### **933.**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

## **California Penal Code Section 933.05**

### **933.05**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.