

August 8, 2018

Via U.S. Mail and Email

Honorable Ricardo Cordova, Presiding Judge
Superior Court of California, County of Stanislaus
P.O. Box 3488
Modesto, California 95353
Email: Jeanette.Betteridge@stanct.org

Re: *Stanislaus County Grand Jury 2017-2018 Report – Case No.18-15GJ
Independent Special Fire Districts, Relics of the Past or Resources for the Future?*

Dear Judge Cordova:

In answer to the Stanislaus County Grand Jury Case No. 18-15GJ Final Report, the Board of Directors of the Hughson Fire Protection District (“District”) is submitting responses to each of the findings and recommendations. While the District can neither agree, nor disagree, with the findings and recommendations as they relate to other agencies in general, each of the District’s individualized responses are as follows:

FINDINGS:

F1: Few districts are in full compliance with state laws in transparency, accountability, and governance.

Response to F1: The District takes all necessary efforts to comply with state laws requiring transparency, accountability, and governance. The District conducts all meetings in accordance with the Ralph M. Brown Act, provides access to District records in compliance with the California Public Records Act (Gov. Code §6250, *et seq.*), and the District Board members receive required Ethics and Sexual Harassment Prevention training (collectively “Trainings”) (Gov. Code §53234, *et seq.*). Further, the District complies with all state requirements for: audits (Gov.Code §§ 26909, 8546.10), official offices (Gov.Code §1125, *et seq.*), conflicts of interest (Gov. Code §§ 1090 *et seq.*, 81000 *et seq.*), public contracting (Public Contract Code §§ 1100-9203, 20100, *et seq.*), as well as all other applicable state laws.

F2: Many board members are not adequately prepared to assume office. Stanislaus County lacks a standardized governance training program.



Response to F2: The District agrees that Stanislaus County does not have a standardized governance training program. However, the District disagrees that Board members are not adequately prepared to assume office. The District requires new Board members to complete the required Trainings shortly after taking office, so that they are properly trained to serve as Board members for their terms.

F3: Most district board members are appointed by the SCBOS.

Response to F3: The District's Board members are elected by a vote of the people, or in the case of a short-term vacancy, appointed by the District Board pursuant to Government Code section 1780.

F4: The SCCGJ observed that some fire districts perceive that they are accountable to the SCBOS. Conversely the SCBOS has no responsibility beyond appointment of board members.

Response to F4: The District agrees that the SCBOS does not have responsibility for District Board members. The District does not engage in any actions to contribute to the perception that they are not an independent body separate from the County Board of Supervisors.

F5: Citizen participation is lacking at board meetings.

Response to F5: The District agrees with the finding that very few citizens attend District Board meetings. To remedy this issue, the District has taken efforts to ensure that the meeting room is comfortable and inviting to members of the public, and that meeting notices are posted on the District's website and at multiple locations throughout town.

F6: Most board meetings are not welcoming to citizens.

Response to F6: The District disagrees with the finding. The District has taken efforts to ensure that the public is welcome at Board meetings by ensuring that the meeting room is comfortable and inviting to members of the public. The Board meetings are held in an easily accessible conference room, the room has climate controls, and seating space available for many members of the public. Meeting notices are posted both electronically to the District website and hard copies around town.

F7: Many of the district websites lack required information about governance and finances.

Response to F7: The District agrees with the finding and is currently in the process of updating its website to make more District information available to the public. The District anticipates that the website update will be complete by the end of October 2018.

F8: No apparent effort exists to increase citizen participation and involvement.

Response to F8: The District disagrees with the finding. As stated above, the District takes several actions to make meetings comfortable and inviting to the public, as well as advising the public of meeting times and discussion topics in advance of meetings.

F9: The fire districts spend \$26 million yearly with little public scrutiny.

Response to F9: The District disagrees with the finding. All District action is subject to public scrutiny in compliance with the Ralph M. Brown Act and the Public Records Act and other transparency laws.

F10: While the SCCGJ focused its investigation on independent special fire districts, our findings and recommendations should be of interest to all special districts in Stanislaus County.

Response to F10: The District can neither agree, nor disagree, with the finding as it broadly relates to other special districts.

RECOMMENDATIONS:

R1: All Stanislaus County fire districts boards should adhere to California law. All districts should have a written manual of generally accepted governance policies and procedures. The manual should include policies for nepotism, credit card control, and check signing. The manual should be completed by December 31, 2018 (see appendix).

Response to R1: The District agrees with the recommendation that all fire districts should adhere to California law. The District has rules and regulations that address the District's governance policies and procedures, including check signing. However, there is no state law requirement that a district have a comprehensive manual of policies. The District does not currently possess

a comprehensive manual of policies, nor does it currently have a nepotism policy. The District will take efforts to prepare a comprehensive manual that contains copies of all current District's policies and will prepare a nepotism policy for adoption by December 31, 2018.

R2: All fire districts should establish a training requirement for board members in addition to that required by law. The curriculum is to be established no later than December 31, 2018 and shall include at least good governance, parliamentary procedure, Brown Act, nepotism, and conflict of interest (see appendix).

Response to R2: The District disagrees with the recommendation. State law currently requires that board members receive Trainings. These requirements already cover good governance, the Brown Act, nepotism, and conflicts of interest. The District also advises Board members that the District utilizes Roberts Rules of Order for parliamentary procedure. Thus, the District currently meets requirements. However, to provide additional information to the Board members the District will prepare handouts with information on parliamentary procedure, Brown Act, nepotism, and conflicts of interest.

R3. Certificates of ethics training and Financial Disclosure, Form 700 must be on file in each fire district office for five years and at the Stanislaus County Elections Office.

Response to R3: The District agrees with the recommendation of Form 700s being held by the District office. However, the District disagrees with the requirement to submit the forms to the Stanislaus County Registrar of Voters ("Registrar"). The Political Reform Act (Gov. Code § 81000 et. seq.) requires agency officials to file a Statement of Economic Interest ("Form 700") each year. Any requirement of submission of the Form 700 to the Registrar is in excess of state law, unnecessarily duplicative, and should not be required.

R4. Fire districts are to ensure that meeting times and locations are posted consistently and accurately on district websites and with LAFCO.

Response to R4: The District agrees with the recommendation that meeting times and locations are to be posted consistently and accurately on district websites. The District will continue to post meeting times and locations on its website and the District's updated website will make that information even more easily accessible by the public.

However, the District disagrees with the requirement that meeting times and locations should be posted with LAFCo. LAFCo is a specialized organization that was created by state law to regulate the boundaries of cities and special districts. The Cortese-Knox-Hertzberg Local Government Reorganization Act (*Government Code §56000, et seq.*), directs LAFCOs to discourage urban sprawl, encourage orderly governmental boundaries, and preserve open-space and prime agricultural lands. LAFCo has not been directed by the California legislature to manage each district's individual meeting information. This additional requirement would cause an unnecessary burden on an agency that already has limited resources for specified tasks; thus, the District disagrees with this recommendation.

R5. The fire districts and the community at large would benefit if the SCBOS would exert oversight of governance training.

Response to R5: The District disagrees with the recommendation. The District is an independent special district that does not receive oversight from the County Board of Supervisors. Adding this requirement is an improper interference with the authority that is granted to the District under Health and Safety Code section 32000 *et. seq.*

R6. The SCBOS should advise the forty-two special districts in Stanislaus County to obtain a copy of this report from the SCCGJ website for informational purposes.

Response to R6: The District disagrees with the recommendation. As stated above, the District is an independent special district that does not receive oversight from the County Board of Supervisors. Even requiring the SCBOS to advise the districts of this report for informational purposes may be seen as interference with the fire districts independent authority.

R7. All fire district boards must comply immediately with the requirements for meeting notices, posting of meeting agendas, publishing of minutes, and financial statements as required by California law.

Response to R7: The District agrees with the recommendation and currently meets all requirements for meeting notices, posting of meeting agendas, publishing of minutes, and financial statements as required by California law.

R8. Websites should be effectively maintained to abide by California law. The priority of websites should be to provide information and transparency about governance and finances. Current and prior agendas, minutes, financial statements, and audits should be posted (see appendix).

Response to R8: The District agrees with the finding and while it currently meets requirements, the District is in the process of updating its website to make more information available to the public. The District anticipates that the website update will be complete by the end of October 2018.

R9. Board meeting locations and times should be boldly identified. Signage visible from the street should announce meeting dates and times. Signage should be in place to direct citizens to the meeting room. Meeting rooms should be well-lighted, provide adequate seating, and free of exhaust fumes.

Response to R9: The District agrees with the recommendation. District Board meeting locations and times are clearly and boldly listed on the District website and posted in multiple locations, including at the street front of the District office where meetings are held. The District Board meetings are conducted in an easily accessible conference room, which has climate controls, adequate lighting, appropriate ventilation and seating space available for many members of the public.

R10. Board meeting structure should routinely reflect the basic elements of accepted rules of order while conducting the people's business. They should start on time with a gavel or announcement. Board members and officers should be identified by roll call. Names of board members should be visible. Topics and guest speakers should be clearly identified, and sidebars eliminated.

Response to R10: The District agrees with the recommendation. The District utilizes Robert's Rules of Order to conduct meetings, which is a general accepted standard for parliamentary procedure. The District has a gavel to start meetings and name plates to identify each Board member. All topics to be discussed at the District Board meetings are identified in the agenda and the District Board and administrative staff will take action to prevent any sidebar conversations during meetings.

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R11. The districts should utilize local print media to seek candidates for the boards of directors. For example, the Modesto Bee's "Lend a Hand" section announces volunteer opportunities.

Response to R11: The District agrees with the finding and currently posts vacancies in the local newspaper as required by state law.

If there are questions or concerns regarding any aspect of this Response, please feel free to contact Assistant District Counsel, Katie Lucchesi, or send correspondence to 578 N. Wilma Avenue, Suite A, Ripon, California, 95366.

Sincerely,



David Absher
Chairman, Board of Directors
Hughson Fire Protection District