

Industrial Fire District

Administered by the JPA Modesto-Ceres Fire Protection Agency

c/o Modesto Fire Department
600 Eleventh Street
Modesto CA 95354

July 30, 2018

The Honorable Ricardo Cordova
Presiding Judge of the Superior Court – Stanislaus Count
PO Box 3488
Modesto, CA 95353

Dear Judge Cordova,

In June 2018, the Stanislaus County Civil Grand Jury forwarded their report on #18-15GJ detailing their findings and recommendations following the review of Independent Special Fire Districts. Thank you for the opportunity to respond to the comments and recommendations of the 2017-2018 Civil Grand Jury.

The following are the responses to findings and recommendations for Special Fire Districts specific to the Industrial Fire District.

RESPONSE TO FINDINGS 18-15 GJ – Independent Special Fire Districts

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

Response: The respondent disagrees with this finding to the extent it concludes that the Industrial Fire District is not in full compliance. The Industrial Fire District is in full compliance with state laws in transparency, accountability and governance. A single audit is performed each year by independent auditors and is accepted by the Board indicating compliance with state laws in transparency, accountability and governance. In addition, board members are under the governance of the respective agencies that provide service to the district, which are in full compliance of state law. Although all required ethics training documents were not available at the time of this inquiry, the individual whose documentation was missing completed this training within one months' time.

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

Response: The respondent disagrees with this finding. Board members of the Industrial Fire District are public servants of the agencies which provide service to the district and are adequately prepared to assume office. Although Stanislaus County may lack a standardized governance training program, board members complete training each year in compliance with local, state and federal requirements.

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

Response: The respondent cannot address the finding regarding board members appointed by the SCBOS, since Industrial Board members are not appointed by the SCBOS.

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: The respondent cannot address the finding regarding board members appointed by the SCBOS, since Industrial Board members are not appointed by the SCBOS.

F5. Citizen participation is lacking at board meetings.

Response: The respondent disagrees with this finding. Although citizen attendance at board meetings may be low, the Industrial Fire board meetings are publicly advertised 72 hours in advance and are held in a comfortable conference room, open to the public.

F6. Most board meetings are not welcoming to citizens.

Response: The respondent disagrees with this finding. All Board meetings are advertised 72 hours prior to the meeting. Meetings are held in a comfortable conference room, open to the public.

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

Response: The respondent cannot address this finding since the Industrial Fire District does not currently have a district website. All required governance and finances are currently available upon request. Staff has initiated the startup of a district website and amended the current fiscal to budget for these expenses. Staff expects this to be completed within the next six months.

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

Response: The respondent disagrees with this finding. The Industrial Fire District is reviewing ways to increase citizen participation including, but not limited to: creating a District website, providing directional signs at the entrances of the building in which board meetings will be held, and utilizing different avenues of social media intended to engage the public.

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

Response: The respondent cannot address this finding to the extent it refers to other fire districts, but does disagree with this finding to the extent it applies to respondent. A single audit is performed each year by independent auditors and is accepted by Board, as well as included

in the public review of all audits that are accepted by the Council of at least one the agencies that is providing service to the district.

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: The respondent cannot address this finding.

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: The recommendation will be implemented in the future. The Industrial Fire District adheres to California Law, and currently has separate policies regarding nepotism, check signing and generally accepted governance policies and procedures. These items will be consolidated into one item.

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: The Industrial Fire District will not be implementing this recommendation. Board members of the Industrial Fire District are public servants of the agencies that are contracted to provide service to the district and are adequately prepared to assume office. The training provided by their respective agencies more than equips the board members for the responsibilities of serving on the board.

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: The recommendation has been implemented. These documents are currently on file with the secretary for a minimum of five years and have been sent to the Stanislaus County Elections Office.

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

Response: This recommendation has not yet been implemented. The District is researching the cost and information necessary to setup a website in order to post meeting times and locations. LAFCO has also been contacted to see what information is needed to post meeting times and locations on their website. Currently, meeting times and locations have been posted consistently and accurately in a public location, in accordance with the Brown Act.

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

Response: The Industrial Fire District will not be implementing this recommendation. Board members of the Industrial Fire District are public servants of the agencies that are contracted to provide service to the district and are adequately prepared to assume office. The training provided by their respective agencies more than equips the board members for the responsibilities of serving on the board.

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

Response: The respondent does not have a response for this item; since it is not directed to the Industrial Fire District.

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: The recommendation has already been implemented. Currently, meeting times and locations have been posted consistently and accurately in a public location, in accordance with the Brown Act.

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: This recommendation has not yet been implemented. The District is in the process to setup a website in order to post meeting times and locations. LAFCO has also been contacted to see what information is needed to post meeting times and locations on their website. Currently, meeting times and locations have been posted consistently and accurately in a public location, in accordance with the Brown Act.

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: The recommendation has not yet been implemented.

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: The recommendation has already been implemented. All board meetings currently take place in the described fashion.

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: This recommendation will not be implemented based on the contractual agreement the district has with the City of Modesto and City of Ceres designating the agencies to provide the members of the commission.

Sincerely,

Industrial Fire District

A handwritten signature in blue ink, appearing to read "Toby Wells", enclosed within a blue oval scribble.

Toby Wells
Acting President
Industrial Fire District Board Member