

"To Save Life & Property"

OAKDALE FIRE PROTECTION DISTRICT



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Board Members *Raymond Martin-Chairman Ryan Cope Vincent Victorine Richard Ardis Jane Lopes*

October 4, 2018

VIA U.S. MAIL

The Honorable Ricardo Cordova, Presiding Judge
Superior Court of California
County of Stanislaus
P.O. Box 3388
Modesto, CA 95353

Re: Stanislaus County Civil Grand Jury Report, Case # 18-15GJ

Dear Judge Cordova:

The following are the comments of the Oakdale Fire Protection District ("District") on the 2017–2018 Stanislaus County Civil Grand Jury Report ("SCCGJ") Entitled "Independent Special Fire District: Relics of the Past or Resource for the Future? Case #18-15GJ" (the "Report").

Initially, the District respectfully observes that the format of the Report is *general* in its description, except with respect to specified districts in the areas that it examines. In several sections, sweeping statements are made about fire protection districts generally when, in fact, they are only applicable to one or a few fire protection districts in the County of Stanislaus ("County"). There are sections that are inaccurate with respect to this District.

It is also respectfully observed that a critical document that was *not* reviewed by the SCCGJ was the July 27, 2016 Municipal Service Review and Sphere of Influence Update for the Fire Protection Districts in Stanislaus County (the "MSR"), accomplished by the Stanislaus Local Agency Formation Commission ("LAFCO"). See, Report Appendix.

The MSR is to be used to ensure orderly growth, prevent the premature inversion of prime agricultural land and governmental services are extended by the most efficient local agency provider.

Several portions of the MSR detail *specific* information that is only partially presented in the Report or omitted entirely. This information will be set forth in the balance

Re

of the District response. A *comprehensive* analysis of the District is set forth in MSR Section 5.8, p.86-93.

The Report's general statement about citizen involvement is incorrect. On several occasions members of the public and business owners have appeared before the District Board. *Any issue* dealing with the on-going existence of the District seems to also be the subject of public concern. This section of the Report is particularly inaccurate because it appears to be based on only reviewing seven (7) Board Meetings rather than a comprehensive review of District Board Minutes which reflect the participation just described.

The following are the District responses to the Report findings where applicable:

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

The District disagrees with this *general* finding as being applicable to the District and as being unsupported by evidence and contrary to the representations in the 2016 Fire District MSR of LAFCO.

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

The District disagrees with this finding as there is no evidence for its support with respect to the District and questions whether the County has the legal authority to formalize a standardized governance training program especially if the County takes no responsibility for adequately funding fire districts. Also, the fundamental "ethics" of government organization are presently covered in the state required AB 1234 training.

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

The District has no comment to this statement.

- 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 District Board members.

The District is *not* in this category. The District maintains that there is a County Board of Supervisors responsibility to allocate more equitably the “Less Than Countywide Tax” revenue stream to facilitate Fire District efficiency. The District clearly recognizes its independent special district status.

- F5. Citizen participation is lacking at board meetings.

The District disagrees with this finding for reasons stated above. Again, past District Minutes reflect *extensive* public and citizen involvement when there are matters of public/business/resident concern.

- F6. Most board meetings are not welcoming to citizens.
The District disagrees with this finding and would request that any Member of the Civil Grand Jury attend a future District Board Meeting and evaluate the Board meeting environment objectively.

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

The District partially disagrees with this finding noting that much of the information concerning the District is present with the Clerk of the County Board of Supervisors as well as contained in the Fire District MSR/SOI of the County LAFCO.

- F8. No apparent effort exists to increase citizen participation and involvement.
The District questions whether there is evidence to support this finding with respect to the District and why the finding is significant.

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

The District disagrees with this finding with respect to the District. The District Board, District Staff and District Counsel consistently and periodically review the District budget process to ensure compliance with the Fire Protection District Act of 1987, which sets up *different* budget approval times than are applicable to cities and the County. The District in addition to its share of the property tax,

has assessments (District-wide) which require separate notice, adoption and collection procedures, all in compliance with public notice and adoption procedures. The District authorizes audits as required by law. *All of these actions* are subject to public review.

- 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. Also, each type of special districts has its own governing statutes.

The District cannot comment on the investigation of SCCGJ but has noted how the Report is incomplete or inaccurate as to the District.

The following are the District recommendations to the findings of the Report where applicable:

- 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). The District also agrees that it should comply with California Law; maintains that it has, and that it has presented evidence for showing that compliance.
- 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).

The District *disagrees* with this recommendation as current District procedures and practice assure adequate District Board Director involvement with knowledge of what a fire protection district can do. Again, the District complies with the Brown Act, AB 1234 and Sexual Harassment in the Workplace training, among other well documented requirements.

- 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.

The District questions the need for this recommendation as it has accomplished those Ethics Training, and why those Certificates would be filed with the County Elections Office if Board Directors are appointed by the Board of Supervisors rather than being elected.

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

The District respectfully notes that the District is authorized under the Fire Protection District Law of 1987 to change Regularly Scheduled Meetings provided that the public is notified of those changes consistent with the Brown Act. The District *also* updates its information with the County. LAFCO is required under the Cortese-Knox-Hertzberg Local Government Reorganization Act to periodically update information on fire protection districts as evidenced by the MSR. The District has complied with such requests.

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

The District disagrees with this recommendation for the same reason that it disagrees with the Report's findings on this issue. The District also questions whether the County actually has the authority to oversee and independent district.

- 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.

The District has no position on this recommendation.

- 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.

The District has already responded concerning its compliance with the Brown Act requirements as well as complying with the California Public Records Act and disclosures required by the State Controller's Office and how its information and documents are made available to the County LAFCO, the Clerk of the Board of Supervisors and others.

- 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).

The District concurs with this recommendation and will take steps to implement this provision.

- 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.

The District has legally adequate meeting facilities where it is clear how access is obtained (including ADA access) and how emergency access can be accomplished.

- 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.

The District complies with all applicable State Law in conducting its Meetings.

- 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.

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The District disagrees with this recommendation as there are adequate bases on which to distribute information for membership on the District Board.

Thank you for the opportunity to comment on the Report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ray Martin". The signature is fluid and cursive, with the first name "Ray" and the last name "Martin" clearly distinguishable.

Ray Martin, Chairman

cc: District Board Members