



Stanislaus Consolidated Fire Protection District
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July 12, 2018

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
PO Box 3488
Modesto, CA 95353

Re: Comments of the Stanislaus Consolidated Fire Protection District to the Presiding Judge of the Superior in response to the 2017-2018 Stanislaus County Civil Grand Jury Report: Independent Special Fire Districts Relics of the Past or Resources for the Future? Case #18-15GJ

Dear Judge Cordova:

The Stanislaus Consolidated Fire Protection District (“SCFPD”) is in receipt of the 2017-2018 Civil Grand Jury report titled “Independent Special Fire Districts Relics of the Past or Resources for the Future? (Case #18-15GJ). Per your request, and that of the Grand Jury, and in compliance with section 933 of the California Penal Code, please find the response of the Stanislaus Consolidated Fire Protection District. Overall, the SCFPD thanks the Grand Jury for its efforts at making the District a better fire district and it welcomes the efforts, findings, and recommendations of the Grand Jury.

The 2017-2018 Stanislaus County Civil Grand Jury issued a report on fourteen (14) Independent Special Fire Districts within the County, including SCFPD. The Grand Jury summarized its report as follows:

“District accountability is confusing because the majority of boards are appointed by the Stanislaus County Board of Supervisors (SCBOS), not elected by the voters. Most boards do reasonably well in managing operations, but many board members are not adequately trained for effective governance. Few districts are in full compliance with state laws requiring transparency, accountability, and ethics training. Board meetings are often difficult to locate and are not welcoming to citizens. Websites lack required financial reports and contain inaccurate information. Public participation is absent at most meetings. Many board meetings lack the structure and formality expected when conducting the people’s business.” (P. 1.)

PC

Notably, with respect to the District, the Grand Jury found: “Of the meetings attended, Denair and Stanislaus Consolidated fire districts were an exception [to the critiques of the board meeting processes of the fire districts]. The structure and formality of the meetings were excellent.” (P. 4.)

Under the category of “Effective Governance,” the Grand Jury found that SCFPD met all benchmarks, as having on file: an organization chart, board member list and responsibility, credit card use policy, check signing policy, district bylaws or policies and nepotism policy. (P. 5.)

Under the category of “Compliance with California Law,” the Grand Jury found SCFPD met benchmarks for the Brown Act, Political Reform Act and Financial Reporting and was “incomplete” for Ethics Training. (P. 6.)

Under the category of “Documents Available on Websites,” the Grand Jury found SCFPD maintains a website, containing an audit on 6/30/15, a posted budget for 2017, and Board meeting schedules and agendas. (P. 7.)

Under the category “Board Member Training,” the Grand Jury reported: “The investigation disclosed no organized governance training for board members. The Director’s Policy Manual for SCFPD mentioned ‘Board development and excellence of performance’. However, no specific curriculum was mentioned.” (P. 8.)

SCFPD’s comments on the Findings and Recommendations of the Grand Jury report are as to SCFPD alone, and not the other thirteen (13) districts or the County, unless otherwise specified.

FINDINGS

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

Response: The SCFPD agrees partially with this finding to the extent that the Grand Jury report did not note specific deficiencies for SCFPD except with regard to ethics training compliance. With regard to SCFPD, the District strives to ensure transparency and accountability to its constituents on an everyday basis. However, SCFPD acknowledges that some issues were noted for the District and we have either addressed those issues in the last few months or will do so in the very near future.

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

Response: The SCFPD partially agrees with this finding at least with regard to SCFPD. The SCFPD District Counsel does sit down with every new board member to conduct a mini-ethics training upon assuming office. This mini-ethics training covers such topics as the Brown Act, Public Records Act, conflicts of interest and other relevant topics to ensure good

governance. In fact, the SCFPD recently held a mini-ethics training in front of the Board at its regular meetings over the course of a few months from January 2018 through May 2018.

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

Response: The SCFPD partially agrees with this finding as some of the board members of SCFPD are appointed by the respective cities in the District's boundaries.

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 SCFPD disagrees with this finding. The SCFPD board members are fully aware that they are accountable to the constituents in the District along with the cities within the District. The SCFPD Board strives to include the cities within its District boundaries when making critical decisions and did include a representative from each city in its prior selection of a Fire Chief.

F5. Citizen participation is lacking at board meetings.

Response: The SCFPD partially agrees with this finding. While this might be true for some of the agencies reviewed, citizen participation is encouraged and welcomed at SCFPD meetings. Although citizen participation can be low at certain SCFPD board meetings, at other meetings, citizen participation has been quite high and the SCFPD welcomes all participation at its board meetings.

F6. Most board meetings are not welcoming to citizens.

Response: The SCFPD partially agrees with this finding. While this might be true for some of the agencies reviewed, the SCFPD welcomes all participation at its board meetings. Further, as noted by the Grand Jury in its report, the structure and formality of the SCFPD meetings were excellent.

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

Response: The SCFPD partially agrees with this finding. As noted in the Grand Jury report, the Grand Jury found SCFPD maintains a website, containing an audit on 6/30/15, a posted budget for 2017, and Board meeting schedules and agendas. SCFPD has recently embarked on an update to its website, and concurs with the Grand Jury report that items, such as public documents, agendas, minutes, etc. should be easy to locate and readily available. SCFPD will work to update its website by the end of 2018.

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

Response: The SCFPD partially agrees with this finding. The SCFPD routinely ensures public notice is provided regarding controversial items above and beyond what state law requires. The SCFPD acknowledges it can always do more and will explore ways of ensuring further citizen participation and involvement.

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

Response: The SCFPD agrees with this finding to the extent the amount noted is accurate. SCFPD makes a great effort to provide the public with access to all public information and strives to ensure that any questions asked are answered timely and accurately. SCFPD is committed to ensuring that the public's trust is earned and valued.

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 SCFPD agrees with 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 has been implemented as noted by the Grand Jury in its report. Specifically, the Grand Jury noted that SCFPD met all benchmarks, as having on file: an organization chart, board member list and responsibility, credit card use policy, check signing policy, district bylaws or policies and nepotism policy. (P. 5.)

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 recommendation has been partially implemented. As noted in the response to F2 above, all new board members to the SCFPD Board are provided a mini-ethics overview by District Counsel. Further, the SCFPD recently undertook a mini-ethics overview at its regular board meetings from January 2018 through May 2018. The SCFPD will seek to continue this practice with potential expansion of topics to include nepotism and parliamentary procedure.

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 partially implemented as originals of the Form 700s are kept for 7 years. However, the SCFPD does not currently file the Form 700s with the Stanislaus County Elections Office. The SCFPD will explore making this a new requirement next year when Form 700s are filed.

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

Response: The recommendation has been implemented. The SCFPD does post its agendas with meeting locations and times consistently on its website and sends those agendas by email to LAFCO.

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

Response: The SCFPD defers to the SCBOS as to whether it wants to exert oversight of governance training is at its discretion. The SCFPD has taken consistent action to ensure that its actions are compliant with the law, and continues to strive for improvement in all areas.

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 SCFPD defers to the SCBOS as whether it wants to advise the forty-two specials districts in Stanislaus County to obtain a copy of this report from the SCCGJ website for informational purposes.

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. The SCFPD regularly posts meeting notices, agendas, and publishes its minutes in its Board agenda. Further, the SCFPD has financial documents, including its most recent budget, on its website and will continue to update the website to ensure compliance with this recommendation.

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: The recommendation has been partially implemented. The SCFPD regularly posts agenda, minutes in its Board agenda, and various financial statements on its website. Further, the SCFPD has some financial documents, including its most recent budget, on the website. SCFPD has recently embarked on an update to its website, and concurs with the Grand Jury report that items, such as public documents, agendas, minutes, etc. should be easy to locate and readily available. SCFPD will work to update its website by the end of 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: The recommendation has been partially implemented. The SCFPD agenda clearly details the time and location of its meetings. The agenda is posted at the front of the SCFPD headquarters. Although not specifically identified as an item for SCFPD action, SCFPD will work to place a sign at the front street location, which would direct citizens to the meeting location which is at the rear of SCFPD headquarters. The SCFPD does provide a well-lighted meeting room with adequate seating void of any fumes.

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.

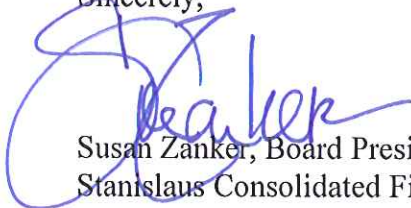
Response: The recommendation has already been implemented. As noted in the Grand Jury's report, the structure and formality of the SCFPD meetings were excellent.

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: The recommendation has not yet been implemented, but will be implemented when a future vacancy arises on the Board of Directors.

If you have any questions, please contact District Counsel, Christopher Diaz at 925-977-3309.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Zanker", is written over the typed name and title.

Susan Zanker, Board President
Stanislaus Consolidated Fire Protection District