

Calaveras County Civil Grand Jury

CENTRAL CALAVERAS FIRE AND RESCUE PROTECTION DISTRICT

December 31, 2020



SUMMARY

The 2019-2020 Calaveras County Grand Jury opened an investigation into the operations of the Central Calaveras Fire and Rescue Protection District, based on a citizen complaint. California Penal Code §925 authorizes civil grand juries to investigate and report on the operations, accounts and records of county and other public agencies, officers, departments, or functions.

Central Calaveras Fire and Rescue Protection District (District) is one of nine fire districts within Calaveras County. Formed in 1999 and spanning approximately 164 square miles, it roughly encompasses the communities of Glencoe, Mountain Ranch, and Sheep Ranch. This District was heavily impacted by the 2015 Butte Fire. In the years since the fire, the District has put forth two failed ballot measures aimed at increasing District funding.

The Calaveras County Grand Jury found numerous areas of concern regarding the financial transparency of the Central Calaveras Fire and Rescue Protection District, the relationship between the District and the Central Calaveras Fire Safety Elves, and opportunities for misuse of District property and resources. There is also a lack of familiarity by District Board of Directors with the Brown Act, and a general lack of an engagement by the Board of Directors which has resulted in little to no oversight of the administrative functions of the District.

Additionally, funding from the Butte Fire PG&E settlement, earmarked for fire recovery and preparedness, was used to purchase highly specialized equipment for uses not within the typical areas of responsibility as outlined in the mission statement of the Central Calaveras Fire and Rescue Protection District.

GLOSSARY

BOD	Central Calaveras Fire District Board of Directors
CCFRPD or District	Central Calaveras Fire and Rescue Protection
District CCGJ	Calaveras County Grand Jury
Elves	Central Calaveras Fire Safety Elves

METHODOLOGY

The Calaveras County Grand Jury conducted numerous interviews, reviewed internal and public documentation, documentation from affiliated entities, and researched information online. A tour of a fire station within the District was also completed.

BACKGROUND

There are about 3,400 special districts in California, governing a variety of functions such as water management, resource conservation, utilities, sanitation, cemeteries, and others, including fire protection. One of these is the Central Calaveras Fire and Rescue Protection District (CCFRPD or District). It is an independent district governed by a five-member Board of Directors (BOD) elected by the community it serves. The BOD is responsible for setting policy and for overseeing the District finances, purchasing, and personnel. The BOD hires the Chief who is accountable to them.

Since 1953, meetings of elected bodies in California have been governed by the Ralph M. Brown Act. This legislation spells out how meetings shall be noticed, publicized, conducted, and recorded, as well as how and which types of personal information must be disclosed by members of a board. All elected officials are expected to receive training in Brown Act provisions and to follow the requirements. Agendas must be published 72 hours before a meeting, in a public place (e.g. bulletin boards, website, etc.) Meeting minutes must be available in a publicly accessible location; board members may not gather informally where they would constitute a quorum.

While many of the larger districts, commissions, and the Calaveras County Board of Supervisors receive formal Brown Act training, many of the smaller special districts do not. Consequently, some boards must rely on staff or knowledgeable members for guidance.

Fire Districts rely heavily on public funding sources in order to operate. Funds are generated through property tax allotment via the County, parcel taxes, grants, reimbursements from services rendered by strike teams, and the fundraising efforts of the Central Calaveras Fire Fighters Association, a non-profit corporation created to support the District. Direct funding through taxes, is the most effective and consistent way to ensure the District is sufficiently staffed and equipped to function at its highest capacity.

CCFRPD relies largely on volunteer firefighters to carry out its mission to provide fire protection and emergency response to the communities in the northern central region of Calaveras County. There are no full-time employees. Part-time employees serve as Chief, Deputy Chief, Captains, Lieutenants, firefighters, and administrative personnel. Many of the positions receive a stipend for hours worked. There are strike teams which may travel outside the County to assist in fighting large fires. CCFRPD has five fire stations located in separate areas of the District. Only Station #1 on Jesus Maria Road is staffed on a 24/7 basis. The District owns about 20 vehicles, including engines, water tenders, and support vehicles.

In May 2019, the full-time administrative assistant position was eliminated. Duties such as recording BOD minutes, handling of payroll, finances, and office management were assigned to part-time staff, including the Chief. The distribution of responsibility resulted in the Chief having sole access to administrative and financial passwords. In May 2020, the Chief stepped down to fill the newly created position of Deputy Chief, and a new Chief was hired. At the same time, the Board of Directors agreed to review both position assignments in six months. The Deputy Chief maintained control of the responsibilities assumed a year earlier. The passwords and other means of access to financial information were not provided immediately to the new Chief.

The Central Calaveras Fire Safety Elves (Elves), a non-profit corporation, was formed in August 2017 to address numerous issues in the aftermath of the Butte Fire. Many trees which burned in the fire and remained on private property presented safety issues. Additionally, individuals financially affected by the fire or unable to procure their own firewood could benefit from a fuel reduction and distribution program. This would simultaneously address fire fuel concerns and keep homes warm through winter with no cost to the firewood recipients.

In September 2017, the BOD adopted a policy that would permit the Elves to use the District

name and allow the District to obtain grants for use by the Elves program. However, the District is required to maintain the responsibility for financial management of any funds received for the Elves via the District.

The Elves program was modeled after successful programs that operate in Arnold and in Amador County. The program was initially grant-funded. However, the grant funds were actually awarded to the CCFRPD. Additional funds were provided to the District from the PG&E Butte Fire settlement and a portion was designated to fund Elves program equipment. The Elves program was never designed to operate independently of the CCFRPD.

DISCUSSION

The District has had trouble recruiting candidates for BOD positions and two BOD members whose terms were up for election in November 2020 did not file for reelection. All five members are rarely in attendance at the same time at monthly meetings. Members of the BOD do not currently receive formal training in Brown Act requirements, although they do complete the required Form 700, a disclosure form regarding property ownership and business interests.

BOD minutes were formerly recorded and published by the administrative assistant. Since the elimination of the administrative assistant position, the Chief, or Deputy Chief, is responsible for recording and publishing the minutes. Minutes were not published to the website from May 2019, when the administrative assistant left, to mid-2020. Most, but not all, minutes are now available on the website. The portion of the website related to the BOD includes an outdated photo of the Board members and does not list current members. Although there is a link to the Policy and Procedure Manual on the website, it does not link to a copy of the Manual.

Financial support from the community for the CCFRPD is mixed. Residents participate in fundraising events sponsored by the Central Calaveras Fire Fighters Association, and make donations to that group, but have yet to sufficiently support ballot measures that would increase the parcel tax to ensure increased funding for the District. In 2016 and 2018, CCFRPD put on the ballot a proposed parcel tax. In 2016, the proposed tax was \$75 per year per parcel. In 2018, the proposed tax was \$150 per year per parcel. Both measures were defeated by small margins. The 2016 measure lost by 6.27% (about 50 votes); the 2018 measure lost by 2.14% (about 30 votes).

In 2018, the District sent out informational postcards and staffed tables in community centers in order to inform the public about the importance of supporting the ballot measure. Voter support for a parcel tax did increase from 2016 to 2018 even when the proposed tax was doubled. An article in the November 3, 2019 Sacramento Bee indicates that fire districts successful at passing ballot measures are those with strong community engagement.

In recent years, fluctuations in CCFRPD personnel positions have frequently been the result of budgetary constraints and grant funds expiring. From 2017 to the present, there are several examples of Chief, Captain, and Lieutenant positions being reduced to part-time without benefits, to volunteer status without benefits, or eliminated in an effort to stretch all available funding and maintain as many personnel as possible. There is only one other fire district in the County with a Deputy Chief position.

In August 2017, the Central Calaveras Fire Safety Elves was formed to remove fire-damaged trees on private property and to provide firewood to seniors, veterans, disabled, and low-income people in Calaveras County. They subsequently obtained non-profit 501(c)3 status. The Elves was designed to operate in partnership with the CCFRPD in line with the District mission of fire prevention. However, the Elves would perform services outside of regular CCFRPD activities. The Elves rely upon the District for insurance, vehicles, and other resources. The BOD made this partnership possible in September 2017 by adopting a policy which enabled the District to support the Elves and obtain funding for the Elves program.

Private non-profit corporations are normally outside of civil Grand Jury purview. Because of the relationship between the CCFRPD and the Elves program, the Calaveras County Grand Jury (CCGJ) examined the elements of the Elves program that directly affected the operations of the CCFRPD. Current District procedures regarding the use of resources such as fuel, vehicles, and staff time make it extremely challenging to track use for the Elves separate from other District use. This makes it impossible to completely quantify the cost of the Elves program to CCFRPD.

The CCFRPD received a Calaveras Community Foundation Butte Fire Cleanup grant of \$49,982.01 in November 2017 to start the Elves program. Since the Elves had just formed and were working in coordination with the District, and it was unlikely the foundation would award such a large sum to a newly formed organization, the District applied for the grant. As the recipient of the grant, the District was ultimately responsible for tracking expenses associated with the grant and keeping them separate from other District expenses.

During the one-year term of the grant, the activities and progress of the Elves program, and the expenses associated with it, were never discussed at BOD meetings. The BOD approved all monthly District expense transmittals, which included the grant expenses, without discussion. Over the course of a year, about \$35,000 was spent on log removal and property preparation; about \$15,000 was spent to purchase a number of tools and equipment to carry out the terms of the grant. Because the grant funds were awarded to the District, these items are the property of CCFRPD.

Two Elves program project sites were identified in this Calaveras Community Foundation grant proposal to establish the Elves program. These sites accommodated the equipment and processing activities undertaken by the program and were specifically included in District liability insurance coverage. Over the past three years, assets purchased by the District for use by the Elves program were primarily housed at these two locations. The lease for one location was revoked and the District has the obligation to remove all equipment and materials from the site. At the time of this writing, equipment and materials remain on the site. Equipment belonging to the CCFRPD is currently being kept at the remaining project site, which is a private residence.

In April 2019, the District received a subsequent grant of \$8,000 from the Calaveras Community Foundation for the Senior Fire Safe Homes project. This grant was for chimney cleaning and the purchase and installation of smoke detectors and reflective address signs for senior citizens within the District. Per District policy, the District was obligated to maintain control of and account for this grant money. However, the Chief at the time authorized that the check for this

grant be deposited into the bank account of the Elves, rather than into the CCFRPD bank account. This reduced the ability of the District to adequately track the expenses.

Per the terms of the grant, the Elves purchased necessary materials, including the smoke detectors and some reflective signs. However, due to a lack of public interest, as well as a lack of professionals, and volunteer assistance, and the onset of the COVID-19 pandemic, the project was halted. In August and December of 2019, the Elves returned the unspent grant money to the District. The District reported to the grantor that only a portion of the Senior Fire Safe Homes grant was able to be spent. The District then returned the unspent funds to the Calaveras Community Foundation in 2020, along with a report about how the used portion of the funds was spent.

In June 2019, the BOD passed Resolution 2019-008 titled "PG&E Butte Fire Recovery and Preparedness Program." The resolution requested that Calaveras County provide \$150,000 from the PG&E settlement money for equipment and personnel to equip and staff the Elves program for one year with the intention to gear up fuel reduction projects and produce more firewood for citizens within the County. The request included \$54,890 for a firewood processor and \$41,500 for a grapple trailer, as well as funding for small engine tools and maintenance. Additionally, about \$50,000 would fund a volunteer coordinator and stipends for volunteers.

The County Administrative Office countered that this PG&E money could be used to purchase equipment but not fund staffing or volunteer stipends, and an amended resolution was passed by the BOD in August 2019 that requested \$101,120 for the purchase of equipment and its maintenance. The County Administrative Office agreed to provide the funding for these purchases in September 2019 and the District subsequently purchased the items as outlined in the resolution. Over the one-year term of the Butte Fire Recovery and Preparedness Program, the Elves increased firewood production three-fold and facilitated the work of an AmeriCorp group that undertook fuel reduction projects until COVID-19 precautions and a state-wide lockdown ended their service term early.

Due to current District procedures for obtaining fuel, both diesel and unleaded gasoline, it is impossible to differentiate the fuel costs of the Elves program with the CCFRPD fuel costs. The previous Chief allowed the Elves to use the CCFRPD gasoline account at a local fueling station. Additionally, the diesel pump at Station #1 does not have a mechanism to ensure that all diesel used is logged and therefore accounted for.

The Elves reported delivering a total of 256 cords of firewood, clearing 7 properties, and clearing 88,044 cubic feet of flammable materials from private property. While the Elves' efforts benefited these individual properties and homeowners, the majority of the District did not experience a direct benefit. The Elves plan to dissolve at the end of 2020. It is unclear what will happen to the equipment that was purchased for them and if it can be used by the District. Lot clearing and firewood production are not currently within the scope of official District activity.

FINDINGS, RECOMMENDATIONS, AND RESPONDENTS

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses within 60 days from elected county officials, and within 90 days from governing bodies. In order to be included and published in the next Grand Jury report, invited responses must be received within 90 days.

After conducting interviews, reviewing reference documents, and conducting facility tours, the Grand Jury findings and recommendations are as follows:

F1. Members of the Board of Directors of Central Calaveras Fire and Rescue Protection District have expressed unfamiliarity with Brown Act requirements, which limits the ability of the BOD to ensure members are adhering to the Act.

R1. The Calaveras County Grand Jury recommends the Board of Directors receive formal training in Brown Act requirements by April 30, 2021.

Required Responses

- Central Calaveras Fire and Rescue Protection District Board of Directors

Invited Responses

- None

F2. The Central Calaveras Fire and Rescue Protection District website is out of date and has inaccurate and incomplete information with regards to Board of Directors membership, and the District Policy and Procedure Manual.

R2. The Calaveras County Grand Jury recommends the Board of Directors ensure that the Central Calaveras Fire and Rescue Protection District website is updated as Board of Directors membership changes, and that policies and procedures are modified by March 31, 2021.

Required Responses

- Central Calaveras Fire and Rescue Protection District Board of Directors

Invited Responses

- None

F3. The Chief and the Board of Directors Treasurer do not have the necessary access to financial information related to the District, which limits financial oversight and accountability.

R3. The Calaveras County Grand Jury recommends the Chief and Board Treasurer be provided full access to all District financial records and that financial records be stored and maintained at District Fire Station #1 by February 1, 2021.

Required Responses

- Central Calaveras Fire and Rescue Protection Board of Directors

Invited Responses

- None

F4. Considering the Central Calaveras Fire and Rescue Protection District budget constraints, the Deputy Chief position is unnecessary for such a fiscally strained district .

R4. The Calaveras County Grand Jury recommends the Board of Directors review the Deputy Chief position assignment to determine efficacy, by December 31, 2020.

Required Responses

- Central Calaveras Fire and Rescue Protection Board of Directors

Invited Responses

- None

F5. Central Calaveras Fire and Rescue Protection District funds were improperly transferred to the Central Calaveras Fire Safety Elves, a non-profit corporation, which prevented the Board of Directors from overseeing the management of those funds.

R5. The Calaveras County Grand Jury recommends the Central Calaveras Fire and Rescue Protection District Board of Directors immediately ensure District funds are managed directly by the District.

Required Responses

- Central Calaveras Fire and Rescue Protection District Board of Directors

Invited Responses

- None

F6. With no effective tracking system to differentiate the usage of Central Calaveras Fire and Rescue Protection District fuel and fuel credit accounts, there is no way to determine the true cost to the District of the Central Calaveras Fire Safety Elves use of fuel obtained through the District accounts.

R6. The Calaveras County Grand Jury recommends the Board of Directors direct the Chief to create a procedure to track all usage of Central Calaveras Fire and Rescue Protection fuel accounts, by March 31, 2021.

Required Responses

- Central Calaveras Fire and Rescue Protection District Board of Directors

Invited Responses

- Central Calaveras Fire and Rescue Protection District Chief

F7. The Central Calaveras Fire and Rescue Protection District purchased specialized equipment for the Central Calaveras Fire Safety Elves that is otherwise useless to a fire district in carrying out its mission.

R7. The Calaveras County Grand Jury recommends the Board of Directors review its priorities and ensure that spending and asset acquisition is in line with the Central Calaveras Fire and Rescue Protection District mission statement and capabilities, by June 30, 2021.

Required Responses

- Central Calaveras Fire and Rescue Protection District Board of Directors

Invited Responses

- None

F8. The inability to pass parcel tax measures is evidence that the Central Calaveras Fire and Rescue Protection District has not sufficiently engaged with the citizens of the community.

R8. The Calaveras County Grand Jury recommends the Central Calaveras Fire and Rescue Protection District:

- a) Increase community outreach and engagement about District Services
- b) Propose a new parcel tax measure, by the March 2022 primary election and increase public education about the need for support, beyond 2018 efforts.

Required Responses

- Central Calaveras Fire and Rescue Protection Board of Directors

Invited Responses

- None

REFERENCE RESOURCES

- CCFRPD Board of Directors Meeting minutes, January 2017 to October 2020 CCFRPD Transmittals and Ledger Reports
- 2020 CCFRPD Policies and Procedures Manual
- Calaveras County Auditor Controller records of CCFRPD Budget and Actuals by Budget Class
- Sacramento Bee Nov. 3, 2019, by Ryan Sabalow: "This California Firefighter Nearly Died. Then Voters Laid Him Off--in Fight for Lower Taxes"

- CentralCalaverasFire.org

DISCLAIMER

This report was issued by the Calaveras County Grand Jury with the exception of one Juror who recused themselves. This Grand Juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.