



**2006-2007 Yuba County Grand Jury
Final Report**

Smartsville Fire Protection District

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Subject of Investigation

Smartsville Fire Protection District

Reason for Investigation

Continuing investigation of the Smartsville Fire Protection District was recommended by the 2005-2006 Grand Jury. Three citizen complaints had been received in 2005 alleging improper Board activity, improper financial controls, and various violations of the Brown Act. A major Brown Act concern was in regard to efforts to either consolidate the District with another or to form a joint powers agreement with the Olivehurst Public Utility District for administration and operational assistance.

Background

The Smartsville Fire Protection District was formed in 1952 for the fire protection of 70 square miles of Yuba County, including the unincorporated communities of Smartsville, Browns Valley, and Gold Village. The District has since grown in experience and capacity to provide first response protection for fire, accident, and medical aid incidents. Much of its assistance today is for vehicle accidents on Highway 20 and calls for medical aid.

Incident responses in 2006 included:

Structural fires	7
Smoke investigation ...	7
Wildland Fires	37
Emergency Medical	89
Vehicle accidents	50
Public assistance	11
Strike team	1
Other	5
Mutual aid	60

The District operates out of a modern, well-equipped office and fire station located in Smartsville. A three member elected board directs District policy and governance. The Board meets monthly on the second Thursday at 7:00 p.m. in the Smartsville Fire Protection District fire station.

Services of a Board Clerk are contracted at \$250 per month for up to 15 hours of work. Board minutes include expenditure detail for the previous month.

There are four paid part-time and seven volunteer firefighters. The station is staffed 9:00 a.m. to 5:00 p.m. seven days a week by paid firefighters. Weekend and evening response is also handled by volunteer firefighters. Volunteers are paid five dollars per call and per training drill. The Assistant Fire Chief, currently an acting position, works in the area and is available for most responses. The Fire Chief position, which was vacant for over six months, was filled by Board action on February 8, 2007.

The District operated with a budget of \$91,000 in 2006. Of that, \$70,000 was from tax revenue and the balance from reserves. A Station Log, Run Reports, and Medical Aid reports are kept for each incident. A Weekly Work Schedule and a Daily Shift Routine are posted to guide station operation and attention to all maintenance tasks. Vehicle and emergency equipment maintenance is checked periodically by either the station Captain or the Assistant Chief.

Firefighter training is conducted each Monday at the Smartsville fire station. Smartsville fire personnel also participate in additional training with adjacent fire protection districts. All volunteer fire personnel are currently working toward certification in the State Fire Marshal's curriculum for Fire Fighter I. The training plan is to have all volunteer personnel certified as Fire Fighter II. Paid personnel have varied and extensive certification in fire and emergency medical areas. All personnel are CPR certified.

Dispatch for all emergency response is through 911 calls to the Yuba County Sheriff's Office. Foothill incidents that need additional aid are relayed to the California Department of Forestry (CDF) station in Grass Valley for Automatic Aid dispatch. The Smartsville Fire Protection District is a participant in Automatic Aid, has a Mutual Aid agreement with Beale Air Force Base, and Automatic Dispatch Agreements with Penn Valley, Browns Valley and Loma Rica Fire Protection Districts.

Fire District personnel are also involved in community service projects, such as repair of the Red School House, including administration of its repair fund. Another area of District responsibility is providing fire safety input in the Yuba County tentative plan approval process for parcel development.

Method of Investigation

Members of the Grand Jury went to the Smartsville Fire Protection District station in Smartsville on five occasions to interview board members and paid firefighters, to review

records, and to observe a Board meeting. Follow-up interviews with Board members were conducted by phone. Administrative staff at the Linda Fire Protection District were interviewed regarding interdepartmental communication. Yuba County Department of Public Works staff were interviewed regarding tentative parcel map review process as concerns Fire District input. A telephone interview was conducted with Yuba County Counsel. Yuba County administrative personnel were interviewed by phone. A dispatch agreement document was requested from California Department of Forestry.

Facts and Observations

The Smartsville Fire Protection District operates at the direction of a three-member board. Meetings are announced by posting the upcoming agenda on the front of the office/station building and by public meeting notice in the *Appeal-Democrat* and *Grass Valley/Nevada City Union* newspapers. Board meetings are conducted allowing for public comment and in accord with the Brown Act. The current Board has a vision of “improved service to the community” as its primary goal.

Earlier Board inquiry into District consolidation or joint powers operation has been abandoned. The District has successfully increased staffing with the addition of paid firefighters and new volunteers, and until recently, lacked a Fire Chief. Fire operations during the interim have been generally under the command of the Assistant Fire Chief. Training is conducted regularly on site, and also in cooperation with adjacent fire departments.

The Smartsville Fire Protection District office/station is in good condition and has been recently upgraded with remodel projects. All fire and medical equipment is well maintained and organized for effective response to fire, vehicle accident and medical aid incidents. Volunteer firefighters have contributed to accomplishing the upgrade and maintenance work, as well as to community projects.

Operational and financial records are current. Earlier Run Reports and Medical Aid Reports were incomplete. A switch to newer Run Report and Medical Aid Report forms has resulted in better incident information.

Addition of paid part-time firefighters has improved service, particularly in response availability for daytime incidents. Regular daytime staffing also makes District personnel available to community residents for information and for response to new volunteer interest.

A relatively small “no man’s land” exists which is neither in the Smartsville nor the Linda Fire Protection Districts. Operational communications have broken down when both Districts respond to incidents within this area. The communications breakdown occurs as Smartsville is dispatched by California Department of Forestry, and Linda is dispatched by Yuba County Sheriff’s Office, each operating on different frequencies.

The tentative parcel map approval process in Yuba County requires public input and review by various agencies such as the Smartsville Fire Protection District. Events that might cause changes in design after the initial review are usually identified in the public hearing. For example, one tentative parcel map for the McGanny Road area involved a change not resubmitted to the Fire District for further input. This change involved a road closure at McGanny Road and Highway 20 in response to both California Department of Transportation and local resident concerns.

County staff have since adopted a new protocol for tentative parcel map approval that includes required signoff by the new Yuba County Fire Planner, a CDF employee working in conjunction with the county Planning Department and working out of the county Building Department office. The Fire Planner is responsible for assuring inclusion of Fire District input.

Separate accounting is made of Fire District and Red School House restoration funds though some blurring of fund use has occurred.

Findings and Recommendations

Finding 1

Board meetings are announced, conducted appropriately, and in accord with the Brown Act.

Recommendation

The Fire District explore the possibility of constructing and managing use of a community bulletin board in locally heavily used locations to improve communication with each community served.

Finding 2

New personnel, paid and volunteer, have been added and are participating in ongoing training.

Recommendation

None.

Finding 3

Facility and equipment are well maintained and are improved as opportunities appear.

Recommendation

None.

Finding 4

Recent records are complete and useful.

Recommendation

Establish a schedule of audits of all financial accounts handled by the District.

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Finding 5

There is a legal question pending as to whether or not refunds and miscellaneous other Fire District receipts can be deposited to the Red School House remodel fund. Red School House funds were used for some of the fire station remodel.

Recommendation

Establish procedures to assure strict separation of Red School House and Smartsville Fire Protection District funds and their use.

Finding 6

Reimbursement of a District insurance premium personally paid by a board member, though correctly done, is not clearly documented in the Board minutes.

Recommendation

Clarify expenditures in the Board minutes with clear description of the what and why of any District payment or reimbursement to a board member.

Finding 7

Credit card expenditure can be found in the accounting record but is not public in the Board minutes.

Recommendation

Itemize monthly credit card expenditures in the Board minutes, or as an attachment to the monthly Board minutes.

Finding 8

Direct communication breaks down between responding units of Linda Fire Protection District and Smartsville Fire Protection District when both are dispatched to incidents occurring in the “no man’s land” between district boundaries.

Recommendation A

Administration of both the Linda Fire Protection District and the Smartsville Fire Protection District collaborate in adopting procedures that assure on-incident communication within the “no man’s land” between districts.

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Recommendation B

Administration of both the Linda Fire Protection District and the Smartsville Fire Protection District work collaboratively to eliminate the “no man’s land” currently existing between districts.

Finding 9

Yuba County Department of Public Works may not resubmit tentative parcel map plans to any agency for additional input when plan changes have occurred.

Recommendation

Smartsville Fire Protection District administrative personnel develop a working relationship with the new county position of Yuba County Fire Planner to assure a desired level of input in the tentative parcel map approval process.

Finding 10

The California Department of Forestry notified Yuba County that it would no longer provide dispatch services for Smartsville Fire Protection District as of 5:00 p.m. on February 15, 2007. At Yuba County’s request that deadline was extended to March 15, 2007.

Recommendation

The Smartsville Fire Protection District Board act quickly to assure availability of adequate and continuous incident dispatching.

PASSED and ADOPTED by the Yuba County Grand Jury on the 6th day of March 2007.

Response Required

Penal Code sections 933 and 933.05 require that specific responses to both the finding and recommendations contained in this report be submitted to the Presiding Judge of the Yuba County Superior Court within 90 days from:

Smartsville Fire Protection District Board of Directors

California Penal Code

Part 2 of Criminal Procedure

Title 4. Grand Jury Proceedings

Chapter 3. Powers and Duties of Grand Jury

Article 2. Investigation of County, City, and District Affairs

§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

§933.05. Responses to findings

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

NOTE TO RESPONDENTS

The legal requirements affecting respondents and responses to grand jury findings and recommendations are contained in California Penal Code § 933.05. The full text of the law is included herein.

Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all respondents, California Penal Code § 933.05 is summarized as follows:

How to Respond to the Findings

The responding person or entity must respond in one of two ways:

1. That you agree with the finding.
2. That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

How to Report Action in Response to Recommendations

Recommendations by the grand jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a person or entity reports in this manner, the law requires that a detailed explanation of the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Budgetary or Personnel Recommendations

If either a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the grand jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings or recommendations.

Appearance Before the Grand Jury

Prior to the publication or release of the grand jury findings, the grand jury may request a personal appearance by the person or entity to discuss the proposed findings.

Time to Respond, Where and to Whom to Respond

Depending upon the type of respondent, California Penal Code § 933.05 sets forth the response times and to whom the response must be made:

1. **Public Agency.** The governing body of any public agency must respond within (90) days. The response must be addressed to the grand jury presiding judge. For fiscal year 2006/07, responses should be forward to:

The Honorable Debra L. Givens
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

2. **Elected Official or Agency Head.** All elected officers or heads of agencies which are required to respond must do so within sixty (60) days. The response must be address to the grand jury presiding judge, Debra L. Givens (address above), with a copy provided to the Board of Supervisors.