

EL DORADO COUNTY GRAND JURY 2019-2020



WEST SLOPE FIRE PROTECTION UPDATE

CASE 19-06 • JUNE 8, 2020

Public Release

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BACKGROUND

Fire protection on the West Slope of El Dorado County is provided by nine special fire protection districts and California Department of Forestry and Fire Protection (Cal Fire). A special fire protection district is an independent political entity having a defined geographic boundary, set revenue base and an elected board of directors. The relatively large number of fire protection entities provide an inconsistent level of services that is unique to most rural California counties.

For many years there have been ongoing conversations about methods to improve County fire protection. Stakeholders in these ongoing discussions include El Dorado County Board of Supervisors (BOS), County staff, El Dorado County Local Agency Formation Commission (LAFCO), the staffs and boards of directors of the fire districts, Cal Fire and previous Grand Juries.

The 2017-2018 Grand Jury Report, *El Dorado County Fire Protection Consolidation* addressed many of the key components of the problem. In summary the report stated:

"Proposition 13 significantly reduced revenues for local governments including fire protection districts. Many El Dorado County (EDC) fire protection districts have struggled to survive while continuing to provide service to their districts. Compelling reasons to consolidate fire agencies in El Dorado County exist, from cost savings to operational efficiency." and "Total or partial consolidation of fire protection agencies will take time."

The report explained the funding limitations within which fire districts must operate. The report noted benefits of consolidation include cost savings, increased operational efficiency and firefighter safety along with standardization of training, equipment and practices. The report also noted obstacles to consolidation including a disparity in tax revenue, fear of losing local control and labor union resistance.

The 2018-2019 Grand Jury report, *Moving Forward in County Fire Services Sustainability* continued in the same vein as the 2017-2018 Grand Jury report. The 2018-2019 Grand Jury found varied interest in consolidation by fire districts:

from *"...no interest in any type of consolidation."*
to *"...already involved in some type of consolidation or exploring that possibility."*
and *"All reported that funding inequities among Districts was the major obstacle to full consolidation."*

The Grand Jury reported on a series of meetings with LAFCO, El Dorado County Chief Administrative Officer and El Dorado Hills Fire that discussed consolidation and long-term sustainability of County fire services. There was no mention of formal movement toward consolidation in any form.

This Grand Jury report will describe any movement in consolidation and quantify the differences among the nine fire protection districts on the West Slope.

METHODOLOGY

DOCUMENTS REVIEWED

- 2017-2018 and 2018-2019 Grand Jury reports
- Citigate Associates, LLC, May 13, 2010, Fire and Emergency Service Study for El Dorado LAFCO

Interviewed

- El Dorado County elected officials
- El Dorado County appointed personnel
- West Slope fire protection district board members
- West Slope fire protection district employees
- Representative from the Cal Fire Amador-El Dorado County Unit
- Representative from LAFCO

Meetings Attended

- August 28, 2019, LAFCO with agenda item *Consider and provide direction to staff on LAFCO initiating the consolidation of Garden Valley, Georgetown and Mosquito Fire Protection Districts*
- February 5, 2020 Garden Valley Fire Protection District Special Board of Director meeting held to discuss different operation options

DISCUSSION

Ambulance service in the County is managed by a Joint Powers Authority, reporting to the County Board of Supervisors. Ambulances are operated by individual fire districts under fixed price contracts. Most service requests to the districts are for medical assistance. On medical calls, a fire engine responds with an ambulance. In many instances, the fire engine arrives at the scene first. The medical capabilities of engine personnel vary widely by responding district, from basic Emergency Medical Technician (EMT) to Paramedic certification. The level of treatment available to a citizen before an ambulance arrives depends on their location in the County.

Individual West Slope fire protection districts vary greatly in population and density of flammable structures. Each district is varied in the services it provides and is unique in the level of staffing and hours of operation. District staffing includes full-time employee firefighters and volunteers. Volunteers are sometimes paid a small stipend when on duty, depending on the district. El Dorado Hills has three paid employees per engine and operates twenty-four hours per day, 7 days a week (24/7). El Dorado County, Diamond Springs and Rescue, all have two paid employees per engine and also operate 24/7. Cameron Park is operated under contract with Cal Fire and is also 24/7 with two paid employees per engine. The remaining, more rural districts, Georgetown, Garden Valley, Mosquito and Pioneer, have minimal employee staffing and rely on volunteers. These rural districts depend on volunteers in an attempt to stay staffed 24/7. However, there are times when there is nobody on duty. It is not considered safe to respond on a call with less than two firefighters. Nationwide standard practice is to have at least three firefighters on scene before entering a burning structure. Volunteers are required to have the same certification as an employee firefighter. The ability to recruit, train and retain volunteers remains a challenge for these districts.

All fire districts participate in an Automatic Aid (Mutual Assistance) program. Using a single 911 dispatch office for the West Slope, response to a call is from the closest available fire station regardless of fire district borders. It is not uncommon for multiple fire districts to respond to a call. Automatic Aid provides better coverage than any single fire district can provide but in more rural areas Automatic Aid can take as much as 30-45 minutes to arrive at an incident. Automatic Aid is a voluntary agreement between the fire districts. Should a fire district find that they are responding to an inordinate number of calls in another district that is unable to provide adequate service to its own district, the responding district may opt out of Automatic Aid with that district, leaving it under-protected. Citizens, especially those in rural and small districts, need to be more aware of their fire district's financial and operational condition before the district reaches a breaking point.

Previous Grand Jury reports detailed the financing of our County's fire districts. The primary source of revenue is a percentage of the property tax collected in the fire district. However, that percentage differs by district. Rural districts with little property tax growth must cover increasing costs another way or reduce service. Individual districts can put ballot measures to the voters for special assessments. The last three ballot measures by El Dorado County, Garden Valley and Lake Valley Fire Protection Districts were defeated. The citizens of these districts are not willing to pay for better fire service. Unfortunately, Automatic Aid may artificially mask the need for additional funding. Long-term fiscal sustainability of current fire protection on the West Slope is highly problematic. Districts also generate revenue by providing strike teams of firefighters and/or equipment to the State or Federal government during major fires. Strike Team revenue is not guaranteed, and it cannot be used in setting an annual budget. Also, the Federal government has changed its procedure to pay districts, requiring districts to pay strike team costs prior to being eligible for reimbursement. That hinders poorer districts from offering strike team service.

The table to the right illustrates money available for fire services by district and per citizen. Population numbers are best current estimates. Revenue amounts are taken from the districts published 2019-2020 budgets and include property taxes, special assessments and basic service fees. The revenue does not include money from ambulance contracts or potential strike team revenue. This revenue amount must support cost of operations as well as reserves for equipment purchases, facility upgrades and emergencies.

District	Revenue (\$)	Population	(\$ Per Person
Cameron Park	2,898,809	21,000	138
Diamond Springs/El Dorado	4,444,359	24,000	185
El Dorado County	12,129,345	71,000	171
El Dorado Hills	19,671,938	47,000	419
Garden Valley	672,749	8,000	84
Georgetown	772,437	3,000	257
Mosquito	356,600	3,500	102
Pioneer	1,111,357	7,000	159
Rescue	1,585,661	5,000	317
Unincorporated West Slope	43,643,255	189,500	230

The operation of nine separate fire districts is inefficient, both financially and operationally. With some limited exceptions, each district has its own training regimen, equipment requirements, administrative costs, supply purchase, insurance policies and salary & benefit schedule. The State has set minimum requirements for training, equipment and hiring standards. However, operations exceeding those standards can vary widely between districts. In interviews with fire district employees and directors there was wide agreement that a single County fire department could function more efficiently financially and operationally.

While there is general acknowledgement that a single fire district is the best option, tremendous obstacles prohibit the County from getting to a single fire district or authority. There have been many recent discussions among fire districts about limited consolidation. The last two consolidations in the County were Coloma/Lotus Fire District consolidating into El Dorado County Fire District, and Latrobe into El Dorado Hills County Water District (the name of the El Dorado Hills Fire Department).

There have been discussions about consolidating the three Divide Fire Districts: Georgetown, Garden Valley and Mosquito. After interviews with all three districts, there is an acknowledgement that a consolidation has merit; however, consolidation is currently not under consideration by all three district boards. After losing their special assessment vote, Garden Valley announced it would be reducing staff from six firefighters to three in fiscal year 2020-2021. On February 5, 2020, the Garden Valley Board of Directors held a special meeting to discuss authorizing exploration of four to five operating alternatives to reducing staff. The board voted to not explore any of the alternatives.

There have been substantive talks about Rescue Fire District consolidating into El Dorado Hills Fire. To complete this consolidation, El Dorado Hills desires a significant annual payment from the County. It appears the County has no interest in providing money for this consolidation. Previously, Cal Fire proposed operating the Rescue department like it does for Cameron Park without requiring additional County funding. That should be a compelling reason to re-explore their proposal.

Cal Fire

Fire protection in California is divided into three areas: Federal, State and Local Responsibility Areas. Cal Fire provides full-service fire protection for State and Local Responsibility Areas in certain counties. Counties where Cal Fire provides most of the service include large counties like San Diego and Riverside, to small counties like Butte and Tehama. Cal Fire has the infrastructure, staffing and expertise to be a major component of a solution to the County's fire district disparities as it has in other California counties.

Cal Fire operates the 911 Emergency Command Center in Camino that dispatches local fire and ambulance responses for the West Slope. In addition, it plays an important part in County fire protection. It operates Cameron Park's fire department under contract with Cameron Park Community Service District. Cal Fire also operates five of its own stations in the County. They have historically been staffed only during fire season unless a fire district pays for year-around coverage. With an extended fire season, they are staffed for much longer periods. Cal Fire funding has increased so that one engine at the Camino station is now year-around. Diamond Springs had paid for a year-around engine at the El Dorado station; however, they no longer have the funds to continue.

Cal Fire has contracted to help fire districts needing interim assistance. For example, they provided an interim fire chief for Georgetown in 2019 while they recruited a new chief. Cal Fire has made proposals to operate Rescue and Lake Valley (Tahoe basin) fire departments. Rescue opted to try to merge with El Dorado Hills. Lake Valley talks are ongoing. Cal Fire also offered several preliminary options to assist Garden Valley. Garden Valley chose to not pursue the discussions.

Conclusion

El Dorado County is suffering from the legacy of many fire districts, locally created at a time when there was no other option. Some of the districts go back more than 100 years. There is strong loyalty to a local home district at the expense of the County as a whole. The citizens of the more rural districts take pride in their independence and isolation from the masses. Living in remote areas comes with the understanding that fire protection service will be only as good as limited revenue can provide. Districts with higher revenue provide a higher level of service and enjoy large financial reserves that insure the level of service and contingencies. Some question the fairness of asking those districts to share their revenues with other districts. Yet, it should be obvious that the level of service now enjoyed in the more rural districts is indirectly subsidized by the wealthier districts through the tenuous Automatic Aid program.

The County Sheriff's Department is a single entity that provides service in every unincorporated part of the County, including remote rural areas along with dense suburban neighborhoods. The consistent high level of service and professionalism we see from the Sheriff's Department is in striking contrast to the many existing fire protection districts, and also a striking example of what a unified County fire protection agency could look like. The men and women firefighters in our County are true professionals that we are proud of. Given a unified County fire agency, the firefighters could receive the support, safety and consistency they deserve.

FINDINGS

- F1. Long term fiscal sustainability of fire protection on the West Slope of the County is highly questionable.
- F2. County citizens on the West Slope experience a wide disparity in fire protection services often masked by Automatic Aid, based on their location and their specific fire district.
- F3. Efforts to improve fire protection on the West Slope of the County have been ongoing for many years with limited success.
- F4. Cal Fire has the infrastructure, staffing and expertise to be a major component of a solution to the County's fire district disparities.
- F5. Improvements in the existing fire protection model for the West Slope requires all fire protection districts to take a holistic view of fire protection and the political will to embrace change.
- F6. Fire protection districts on the West Slope have not displayed the ability to take a holistic view of fire protection or the political will to embrace change, to the detriment of all County citizens.

RECOMMENDATION

- R1. Fire Protection Districts, Cal Fire, BOS and LAFCO should continue discussing ways to improve County fire protection services.

REQUEST FOR RESPONSES

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review *How to Respond to an El Dorado County Grand Jury Report*, a separate document included with this report.

Responses are requested in accordance with California Penal Code §933 and §933.05.

- Responses to all findings and recommendations are required from the El Dorado County Board of Supervisors.
- Responses to all findings and recommendations are required from the Cameron Park Community Service District Board of Directors.
- Responses to all findings and recommendations are required from the Diamond Springs/El Dorado Fire Protection District Board of Directors.
- Responses to all findings and recommendations are required from the El Dorado County Fire Protection District Board of Directors.
- Responses to all findings and recommendations are required from the El Dorado Hills County Water District Board of Directors.
- Responses to all findings and recommendations are required from the Garden Valley Fire Protection District Board of Directors.
- Responses to all findings and recommendations are required from the Georgetown Fire Protection District Board of Directors.
- Responses to all findings and recommendations are required from the Mosquito Fire Protection District Board of Directors.
- Responses to all findings and recommendations are required from the Pioneer Fire Protection District Board of Directors.
- Responses to all findings and recommendations are required from the Rescue Fire Protection District Board of Directors.
- Responses to all findings and recommendations are invited from the Cal Fire Amador El Dorado Unit.
- Responses to all findings and recommendations are invited from the El Dorado County Local Agency Formation Commission.

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RESPONDING TO A GRAND JURY REPORT

The written response of each named respondent will appear in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. Before preparing an official response, carefully review the Penal Code and note the pertinent provisions outlined below. Each respondent must use the formats below for responses to each separate finding and recommendation identified above.

Please pay close attention to required explanations and time frames. Incomplete or inadequate responses will likely prompt further investigative inquiries by the grand jury and/or the court.

RESPONSE TO FINDINGS

Finding F#. *[Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.]*

Response: *Review California Penal Code section 933.05 (a) (1) and (2).*

Respondents must specify one of three options:

1. Respondent agrees with finding,
2. Respondent disagrees wholly with finding or
3. Respondent disagrees partially with finding.

If respondent uses option 2 or 3 then the response must specify the portion of the disputed finding along with a clear explanation.

IMPORTANT NOTE ABOUT GRAND JURY FINDINGS

The Grand Jury derives Findings from testimony and evidence. All testimony and evidence given to the Grand Jury remains confidential by law, and it is the Grand Jury's responsibility to maintain it. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.

RESPONSE TO RECOMMENDATIONS

Response R#. [*Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.*]

Response: *Review California Penal Code section 933.05 (b) (1) - (4).*

Respondents must specify one of four options:

1. Recommendation has been implemented
2. Recommendation has not been implemented but will be implementing noting a timeframe
3. Recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued
4. Recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

TIME TO RESPOND

The California Penal Code section 933(c) specifies response times.

PUBLIC AGENCIES

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.

ELECTIVE OFFICERS OR AGENCY HEADS

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

FAILURE TO RESPOND

Failure to respond as required to a grand jury report violates of California Penal Code Section 933.05 and is subject to further action that may include additional investigation on the subject matter of the report by the grand jury.

WHERE TO RESPOND

All responses must be addressed to the Presiding Judge of the El Dorado County Superior Court.

Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd, Suite 2
South Lake Tahoe, CA 96150

Response via Email to court-admin@eldoradocourt.org is preferred.

The Court requests that you respond electronically with a Word or PDF document file to facilitate economical and timely distribution.

CALIFORNIA PENAL CODE SECTION 933

933.

(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.

CALIFORNIA PENAL CODE SECTION 933.05

933.05

(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 decision making 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.