



EL DORADO HILLS FIRE DEPARTMENT



Response to Grand Jury Report Case 19-06 Dated June 8, 2020

8.20.2020



EL DORADO HILLS FIRE DEPARTMENT

"Serving the Communities of El Dorado Hills, Rescue and Latrobe"

August 20, 2020

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

Dear Honorable Judge Suzanne N. Kingsbury:

Attached you will find the response from the Board of Directors of the El Dorado Hills County Water District ("Board") as requested in the El Dorado County Grand Jury's *West Slope Fire Protection Update* report (Case 19-06 dated June 8, 2020).

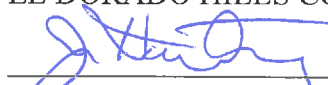
The Board and El Dorado Hills Fire Department (EDHFD) staff have been **leaders** in solving the challenges in delivering fire and emergency medical services on the West Slope of El Dorado County as evidenced by its prior actions, which include but are not limited to:

1. Annexation of the Latrobe Fire Protection District into the EDHFD in 2014.
2. Administrative Shared Services Agreement between the Rescue Fire Protection District (Rescue Fire) and the EDHFD since 2014.
3. Recent approval to file a "Notice of Intent" to annex Rescue Fire into the EDHFD, which will allow this matter to be explored further before a final determination.
4. Active participation in discussions to solve the challenges in delivering fire and emergency medical services on the West Slope of El Dorado County.

We appreciate the desire of the El Dorado County Grand Jury to continue to review and analyze these challenges and hope our attached response further contributes to finding a sustainable solution.

Sincerely,

EL DORADO HILLS COUNTY WATER DISTRICT BOARD OF DIRECTORS



Jim Hartley, President



Tim White, Vice-President



Greg Durante



John Giraud



Bobbi Bennett

TABLE OF CONTENTS

General Observations & Comments 1

Grand Jury Findings #F1 5

Grand Jury Findings #F2 7

Grand Jury Findings #F3 8

Grand Jury Findings #F4 9

Grand Jury Findings #F5 10

Grand Jury Findings #F6 11

Grand Jury Recommendations #R1 12

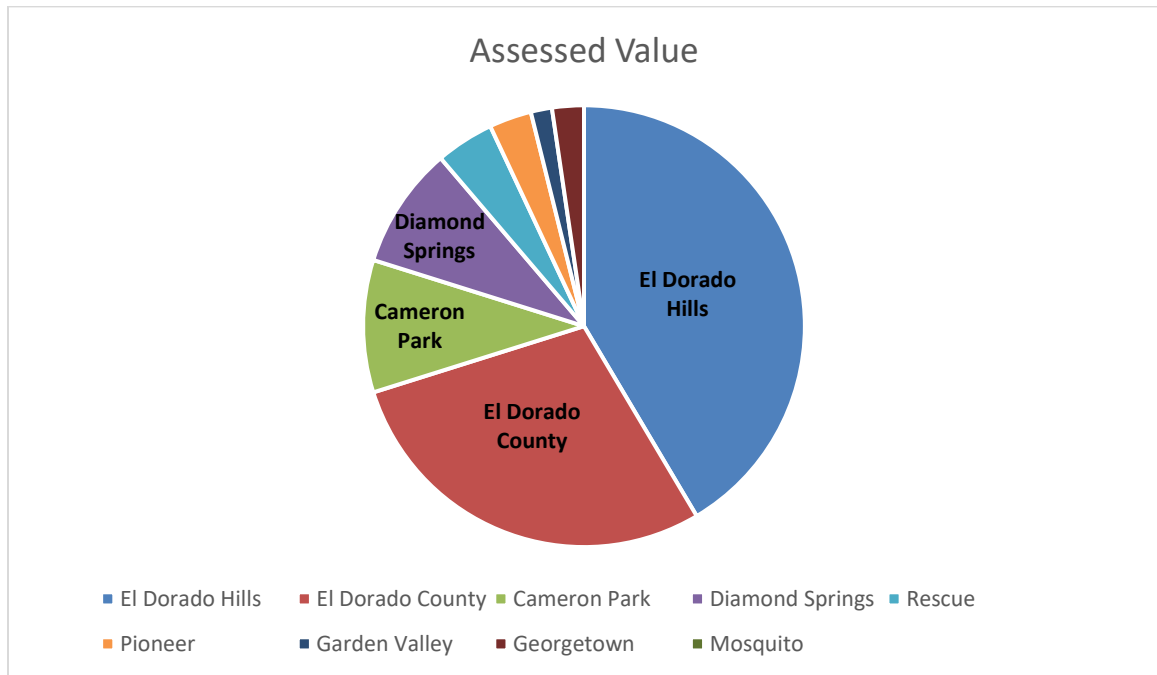
Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Report (Case 19-06)
General Observations & Comments

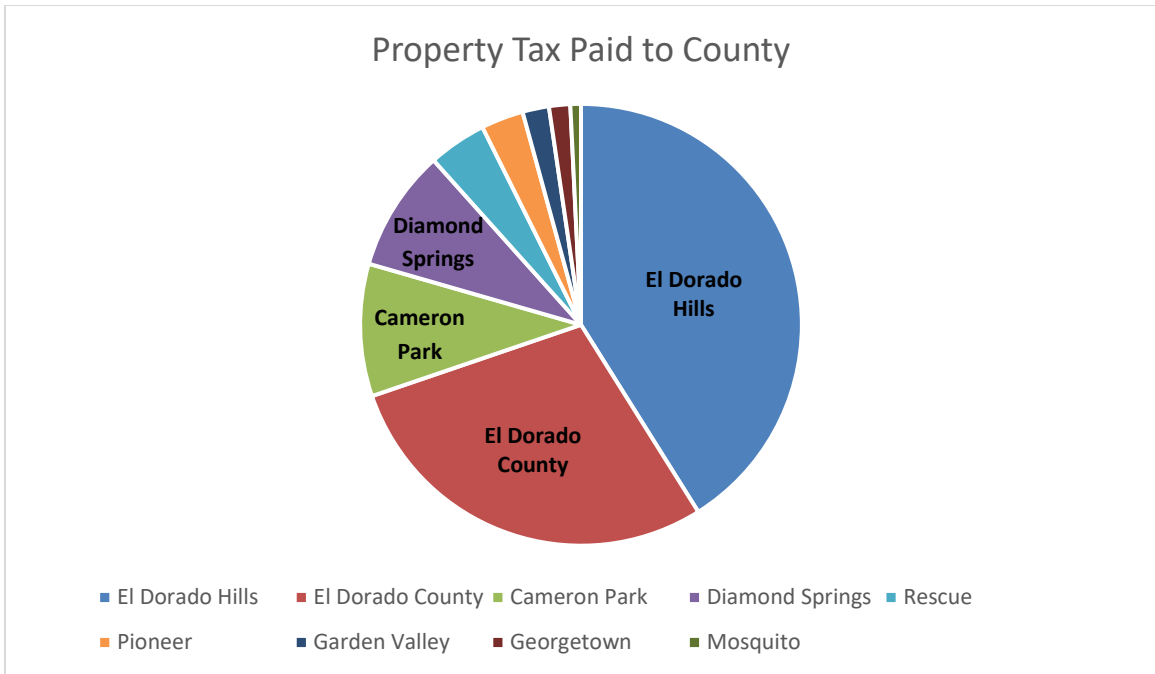
The Board would like to provide some general observations and comments to certain statements in the El Dorado County Grand Jury's *West Slope Fire Protection Update* report (Case 19-06). They are as follows:

1. Page one (1) of the report states, "The relatively large number of fire protection entities provide an inconsistent level of services that is unique to most rural California counties." We disagree with the use of the wording "unique" since inconsistent or various levels of fire services in rural areas is common.
2. Page two (2) of the report references the ambulance service that is operated in El Dorado County by the fire protection districts under a Joint Powers Authority. The Board believes that some of the solutions to the County-wide fire protection district funding problems could be improved by a change to a true fire service managed and operated ambulance delivery model.
3. Page two (2) of the report incorrectly states that El Dorado Hills Fire Department has three (3) paid employees per engine. El Dorado Hills Fire Engine 91 (7660 South Shingle Road, Latrobe, CA) is staffed with only two (2) employees each day.
4. Page two (2) of the report incorrectly states that El Dorado County Fire, Diamond Springs/El Dorado Fire and Rescue Fire, all have two (2) paid employees per engine. El Dorado County Fire and Diamond Springs/El Dorado Fire operate some engines with three (3) employees and some with two (2) employees.
5. Page two (2) of the report incorrectly states that the "Nationwide standard practice is to have at least three firefighters on scene before entering a burning structure." This statement is not accurate. Firefighters may enter a burning structure when a known life safety hazard exists with a minimum of two (2) firefighters on scene (it is an exemption to OSHA's Respiratory Protection Standard, 29 CFR 1910.134 which is commonly known as OSHA's 2 in 2 out regulation). Absent a known rescue, even with three (3) firefighters on scene, firefighters may NOT enter a burning structure until at least two (2) firefighters are positioned outside the burning structure as a "two out team". Without a known rescue, entry is not made until a minimum of four (4) firefighters are on scene.
6. Page three (3) of the report provides a table that illustrates the number of dollars spent per person on fire services. The Board believes that this table does not accurately represent why funding is so different between the agencies. The Board recommends including the assessed value protected, population, District square mileage, amount of property tax paid by the community, and density of the District population in the table. These factors dramatically differentiate rural from suburban fire service delivery expectations. The assessed value column is listed first since it directly correlates

to the amount of property taxes paid by each District's residents for fire protection. The Board recommends use of the following table:

Fire District Name	Total Value Protected (2020) Land & Structure	Revenue Per GJ Report	2010 Census Population Per GJ Report	Value of 1% Property Tax Paid by Citizens	Percentage of Property Tax paid	Square Mileage Per LAFCO	Population per Square Miles	(\$ Per Person Per GJ Report
El Dorado Hills	\$10,665,210,149	\$19,671,938	47,000	106,652,101	41%	49	959	419
El Dorado County Fire	\$ 7,363,857,030	\$12,129,345	71,000	73,638,570	28%	281	253	171
Cameron Park	\$ 2,520,661,704	\$2,898,809	21,000	25,206,617	10%	11	1909	138
Diamond Springs	\$ 2,333,774,759	\$4,444,359	24,000	23,337,748	9%	93	258	185
Rescue	\$ 1,057,281,859	\$1,585,661	5,000	10,572,819	4%	34	147	317
Pioneer	\$ 819,122,077	\$1,111,357	7,000	8,191,221	3%	296	24	159
Garden Valley	\$ 529,390,168	\$672,749	8,000	5,293,902	2%	60	133	84
Georgetown	\$415,385,791	\$772,437	3,000	4,153,858	2%	96	31	257
Mosquito	\$154,076,813	\$356,600	3,500	1,540,768	1%	13	269	102





- Page four (4) of the report states that "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."

The Board presented the Rescue Fire Board of Directors with a full annexation proposal that included a permanent solution to fire protection in Rescue. This included all costs associated with staffing, all debt obligations, facility maintenance/improvement, apparatus, equipment, fire prevention, training, and administrative services.

It is the Board's belief that the proposal from CAL FIRE only included the cost of staffing, training, and administrative services. CAL FIRE's proposal did not include the facilities, apparatus, all Rescue Fire debt obligations, and equipment costs that the Rescue Fire would still be responsible to pay year after year. These costs are significant.

Further, CAL FIRE's proposal did not include future labor costs that CAL FIRE's employee bargaining units will negotiate. Any agency that contracts for service with CAL FIRE is responsible to pay for the employee raises and other negotiated benefits. Many CAL FIRE contract agencies have had to reduce services to pay for CAL FIRE employee raises in the last five (5) years. Any agency with a CAL FIRE contract has no control over these costs. For Rescue Fire, this unknown financial threat could destabilize their financial condition further if they contracted with CAL FIRE.

It should also be recognized that CAL FIRE employees are underpaid when compared to local government firefighters across California, and CAL FIRE has a well-known employee retention problem. It is almost certain that CAL FIRE will successfully negotiate pay raises to reach parity with other local government firefighters to help resolve the employee retention problem. CAL FIRE's labor union Local 2881 openly posts about this pay and employee retention problem. In

their Facebook post from June 11, 2020, Union President Tim Edwards stated, "We have become a training ground for higher-paying local fire departments."

Any increased CAL FIRE employee costs will impact already struggling fire protection districts in El Dorado County that enter into a contract for service with them.

8. Page five (5) of the report states, "...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 Board believes that the Automatic Aid program in El Dorado County allows for the closest engine(s) to be dispatched to an emergency regardless of who has the jurisdictional responsibility for that emergency. This Automatic Aid program works very well and is not a tenuous program.

When a citizen needs help, they are not concerned with whose jurisdiction responds. They just want help to arrive. The benefit from the Automatic Aid agreement is recognized by all fire protection districts regardless of their financial condition. However, the Board agrees that when a financially struggling department reduces staffing and does not cover a response area, the automatic aid agreement will result in the next closest fire engine covering an emergency call for service in that area.

The use of Automatic Aid is an industry best practice which benefits all the citizens and all the fire protection districts in the County.

9. The total unincorporated West Slope population cited on page 3 and utilized throughout the document does not appear to be accurate.

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Findings
F1**

Long term fiscal sustainability of fire protection on the West Slope of the County is highly questionable.

BOARD RESPONSE: RESPONDENT DISAGREES PARTIALLY WITH FINDING

REASON FOR RESPONSE:

Multiple Grand Juries have studied the fiscal sustainability of fire protection on the West Slope of El Dorado County. It is well known that multiple issues have impacted fire service funding. These impacts include:

1. Proposition 13 which caused a significant reduction in revenues for fire protection districts;
2. The 1992 ERAF shift;
3. The fact that absolutely none of the 1993 Prop 172 funds were shared by the County with the fire protection districts;
4. The Board of Supervisor's termination of the El Dorado County "Aid to Fire" funds; and
5. Payments in Lieu of Taxes ("PILT") funds are payments made to help local governments carry out vital services such as fire protection. El Dorado County receives these funds and does **not** distribute any of these funds to fire protection districts.

The Board agrees that rural fire protection districts with little property tax growth must cover increasing costs another way or reduce services. We agree that many rural fire protection districts attempted to give their citizens a choice to have better fire protection services by placing ballot measures before the voters for special assessments. We understand that the citizens who live in these rural communities failed to vote to approve these special assessments. This failure to approve a special assessment reinforces the point made by the Grand Jury in their report that states, "Living in remote areas comes with the understanding that fire protection service will be only as good as limited revenue can provide."

However, we disagree with the statement that long term fiscal sustainability of fire protection on the West Slope of the County is highly questionable for all fire protection districts. If you look at Latrobe Fire Protection District, it took action to secure its long-term sustainability by approving an annexation into EDHFD. Rescue Fire is also taking action to secure its long-term sustainability by seeking an annexation into the EDHFD. Therefore, the approach to secure sustainability is not to demand more of or take money away from the more financially secure fire districts as this would potentially result in all districts being underfunded.

This finding would be better stated as:

"Fiscal sustainability of fire protection on the West Slope of the County is highly questionable if smaller fire protection districts do not annex, merge or consolidate with other fire protection districts or if their citizens do not vote to approve special assessments to enhance their level of service."

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Findings
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.

DISTRICT RESPONSE: RESPONDENT AGREES WITH FINDING

REASON FOR RESPONSE:

The Board agrees that 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. The current Automatic Aid agreements provide a great benefit to all El Dorado County citizens in that the closest fire engine(s) respond to an emergency regardless of what jurisdiction has the responsibility to deliver service to the resident requesting assistance.

A good example of the use of the Automatic Aid agreement masking a service delivery issue involves (Rescue Fire) Station 83. Rescue Fire Station 83 out of district response to incidents account for almost half of their call volume. In this example, almost half of the time, Rescue Fire Station 83 is assisting other fire protection districts. However, the Automatic Aid agreements also allow for Rescue Fire to receive assistance when Rescue needs additional resources.

We would characterize the implementation of Automatic Aid Agreements to be mutually beneficial and highly efficient for EVERY fire protection district and EVERY resident on the West Slope of El Dorado County.

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Findings
F3**

Efforts to improve fire protection on the West Slope of the County have been ongoing for many years with limited success.

DISTRICT RESPONSE: RESPONDENT DISAGREES PARTIALLY WITH FINDING

REASON FOR RESPONSE:

The Board disagrees partially with this finding because of the words "limited success." We believe that there have been several examples of successfully improving fire protection services on the West Slope of the County. We provided the example of the Latrobe Fire Protection District taking action to secure its long-term sustainability by approving an annexation into the EDHFD.

One threat to the financial sustainability of the annexation of Latrobe into the EDHFD is because of the requirement for the Board of Supervisors to approve the annually agreed-upon property tax allocation. This allocation, which has been identified by the Board of Supervisors as discretionary, could potentially not be approved by a future Board and would result in a financial impact to the EDHFD. This decision by the County should concerns any fire districts considering merger or annexation and will potentially contribute to fire districts choosing not to take action due to the potential unreliability of the County.

Additionally, Rescue Fire is also taking action to address sustainability. Rescue Fire and EDHFD entered into a shared service agreement in 2014. Although the fee paid by Rescue Fire may not cover all the cost associated with the support EDHFD staff provides, it has been an effective interim mechanism to enhance sustained quality service. Additionally, both Districts are considering long-term sustainability by seeking a proposed annexation of Rescue Fire into the EDHFD.

These are two (2) examples of significant success, and one (1) proposed solution towards improving fire protection on the West Slope of the County.

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Findings
F4**

Cal Fire has the infrastructure, staffing, and expertise to be a major component of a solution to the County's fire district disparities.

DISTRICT RESPONSE: RESPONDENT DISAGREES PARTIALLY WITH FINDING

REASON FOR RESPONSE:

The El Dorado Hills Fire Department enjoys a collaborative relationship with CAL FIRE, the Board understands that they have a very large fire agency that spans throughout California. The Board believes that CAL FIRE can offer a "*limited*" solution for some of the very rural fire protection districts in El Dorado County. The Board disagrees with the Grand Jury report finding that states CAL FIRE can be a "*major*" component of a solution as it implies it is the only viable approach.

The Board believes that CAL FIRE is a wildland first focused fire department. Their actual name is California Department of Forestry and Fire Protection. Their mission is to prevent wildfires in the State Responsibility Area (SRA). Their mission, at times under special contracts, can extend to provide all risk, local government type emergency services.

The current fire station locations owned and operated by CAL FIRE are situated in some of the most financially challenged and rural fire protection districts jurisdictions.

The Board believes that this is where the *limited* solution for using CAL FIRE to solve fire protection challenges can be most beneficial.

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Findings
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.

DISTRICT RESPONSE: RESPONDENT DISAGREES PARTIALLY WITH FINDING

REASON FOR RESPONSE:

The Board acknowledges all fire protection districts must be willing to examine all aspects of this challenge. We find concern with, "all fire protection districts should take a holistic view of fire protection and the political will to embrace change" without the acknowledgment that the Board, EDHFD, and other fire protection districts have been actively exploring options. We strongly believe the Board and EDHFD have been actively engaged in exploring options not only for the geographic areas surrounding El Dorado Hills but for the West Slope of the County.

The Board, EDHFD staff, and El Dorado Hills Professional Firefighters have been **leaders** in taking a holistic view to solve the challenges in delivering fire and emergency medical services on the West Slope of El Dorado County as evident by our prior actions which include, but are not limited to the following:

1. Annexation of the Latrobe Fire Protection District into the EDHFD in 2014.
2. Administrative Shared Services Agreement between Rescue Fire and the EDHFD since 2014.
3. Recent approval to file a "Notice of Intent" to annex Rescue Fire into the EDHFD, which will allow this matter to be explored further before a final determination.
4. Active participation in solving the challenges in delivering fire and emergency medical services on the West Slope of El Dorado County.

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Findings
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.

DISTRICT RESPONSE: RESPONDENT DISAGREES PARTIALLY WITH FINDING

REASON FOR RESPONSE:

The Board mostly agrees with this finding. We only find concern with generalization that "*all*" fire protection districts have not displayed the ability to take a holistic view of fire protection and the political will to embrace change, to the detriment of all County citizens.

As we stated in our prior response, the Board, EDHFD staff, and El Dorado Hills Professional Firefighters have been **leaders** in taking a holistic view to solve the challenges in delivering fire and emergency medical services on the West Slope of El Dorado County as evident by our prior actions which include, but are not limited to the following:

1. Annexation of the Latrobe Fire Protection District into the EDHFD in 2014.
2. Administrative Shared Services Agreement between Rescue Fire and the EDHFD since 2014.
3. Recent approval to file a "Notice of Intent" to annex Rescue Fire into the EDHFD, which will allow this matter to be explored further before a final determination.
4. Active participation in solving the challenges in delivering fire and emergency medical services on the West Slope of El Dorado County.

**Board of Directors of the El Dorado Hills County Water District Response
To:
Grand Jury Recommendations
R1**

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

DISTRICT RESPONSE: RECOMMENDATION HAS BEEN IMPLEMENTED

REASON FOR RESPONSE:

We strongly agree with the statement made in the Grand Jury report on page one (1), which states, "The report noted benefits of consolidation include cost savings, increased operational efficiency, and firefighter safety along with standardization of training, equipment, and practices." These discussions are important to consider as we look to stabilize fire protection services in the County as a whole.

The Board and EDHFD staff are currently participating in discussions on ways to improve County fire protection services with other fire protection districts, CAL FIRE, the County Board of Supervisors, and LAFCO. We have identified in our response the many actions that we have implemented and some of the potential solutions we are considering.