



EL DORADO COUNTY GRAND JURY 2010-2011

PIONEER FIRE PROTECTION DISTRICT

Case Number GJ010-014

REASON FOR REPORT

The El Dorado County (EDC) Grand Jury received three citizen complaints regarding the conduct of a member of the Pioneer Fire Protection District Board of Directors (BOD). All of these incidents occurred during 2010 while this member served on the BOD.

BACKGROUND

The Pioneer Fire Protection District (PFPD) was formed in 1999, replacing the all-volunteer fire department. The PFPD covers 296 square miles, and serves the communities of Somerset, Fairplay, Mt. Aukum, Grizzly Flat, and Outingdale. The mission of the PFPD is to respond to citizens of the District during emergency situations by providing cost effective, professional, quality emergency response for the protection of life, property, and the environment. There are six fulltime paid firefighters in the District, a fire chief, and one administrative staff member. The PFPD Board of Directors is comprised of five elected members who serve a four-year term.

METHODOLOGY

The Grand Jury interviewed the following persons:

- PFPD Board Members
- PFPD Chief
- PFPD Firefighters
- PFPD Support Staff

The Grand Jury reviewed the following documents:

- Chief's Settlement Agreement with the PFPD dated 11/17/2010
- Fire Chief's Policy and Management Controls
- Letters and E-Mails dated 11/2010 and 3/2011
- Memorandum of Understanding between Pioneer Fire Protection District and Pioneer Union International Association of Fire Fighters Local #4586 dated December 11, 2007
- PFD Board of Directors Policy Manual
- PFPD Standard Operating Guideline Manual

FINDINGS

1. All witnesses interviewed confirm that during 2010 the conduct of business by the PFPD BOD was dysfunctional, plagued by disharmony, conflict, and tension. One member of the Board characterized the conduct of business as a "convoluted mess".
2. The actions of the BOD resulted in a lawsuit by the Chief of PFPD against the BOD. This lawsuit was settled and ultimately cost the District \$122,500. The lawsuit and settlement may have been contributing factors in the resignation of three of five BOD members resigning in August 2010, including the individual involved in the multiple complaints.
3. The Fire Chief is seen by all parties interviewed to be competent in managing the day-to-day operations of PFPD.
4. A grievance procedure is not readily available for use by employees. There is no grievance form. A grievance procedure exists, but is referenced only in the BOD's Policy Manual Section 4.2 (Personnel - Grievance & Appeal).

5. There are no written bylaws to govern the District. There are several policy manuals which overlap, and are not directed to the proper areas of authority and responsibility. The BOD is using policies and procedures in lieu of bylaws.

RECOMMENDATIONS

1. The urgent need for bylaws demands the immediate attention of the District. LAFCO should be consulted for assistance. The bylaws should include a process for the removal of a Board Member from office.
2. A grievance procedure and grievance form should be developed without delay and be made available to all employees.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

Report provided to PFPD BOD Chairperson for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.