

MOSQUITO FIRE PROTECTION DISTRICT

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June 10, 2016

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

EL DORADO COUNTY 2015-2016 GRAND JURY CASE 15-01, MOSQUITO FIRE PROTECTION DISTRICT DYSFUNCTION

The El Dorado County Civil Grand Jury conducted an investigation of the functionality of the Mosquito Fire Protection District's elected leadership. Their final report was published on April 10, 2016. Pursuant to California Penal Code Section 933 and 933.05, the following four (4) pages along with MFPD Policy 1-02 also consisting of four (4) pages constitute the District's response to the findings and recommendations.

Theresa M Stuart

Theresa M. Stuart, President
Mosquito Fire Protection District

RESPONSE TO FINDINGS

F1. The MFPD Board of Directors was inexperienced and dysfunctional.

Response: The respondent agrees with this finding.

F2. There have been numerous Brown Act violations by the board. There is a propensity of calls for *emergency* board meetings when no true emergency exists. The Board goes into closed session inappropriately to discuss salaries.

Response: The respondent agrees with this finding.

F3. Board minutes had not been posted to the district web site in a timely manner.

Response: The respondent agrees with this finding.

F4. Turmoil and turnover in the chief's position since 2012 has led to board members directing day-to-day administration and operations.

Response: The respondent agrees with this finding.

F5. The current part time fire chief lives approximately 2.5 hours from the district.

Response: The respondent agrees with this finding.

RESPONSE TO RECOMMENDATIONS

R1. Newly appointed board members should successfully complete the Fair Political Practice Commission AB1234 Local Ethics Training.

Response: This recommendation has been implemented.

All current Board members have completed this course. The requirement that future Board Members complete this course is contained in revised Policy 1-02-08 (Board Members and Meetings) adopted at the Regular Board Meeting on June 9, 2016 and attached to this document.

R2. The MFPD Board of Directors should reach out to the county board of supervisors, California Special Districts Association, or others in county government for additional training and coaching on the Brown Act and effective governance.

Response: This recommendation has been implemented.

The Board solicited assistance from the El Dorado County Board of Supervisors and El Dorado County Counsel to no avail. MFPD Board President was then directed to schedule a workshop, through District's legal counsel, covering relevant portions of the Brown Act. The workshop will take place on July 6, 2016. The public as well as directors of other local community organizations will be invited to attend. Further, Policy 1-02-12, now requires that similar workshops be held in the first quarter of each odd calendar year.

R3. Agendas and minutes should both be posted on the MFPD website in a timely manner. Minutes should not refer only to an agenda item unless the agenda is also available.

Response: This recommendation has been implemented.

All approved minutes for calendar year 2016 have been added to the website. To ensure that this situation does not reoccur, the duties of the Board Clerk emphasize the need for clear and complete meeting minutes as well as the importance of maintaining this portion of the MFPD website.

R4. The MFPD administration and Board need to be more active in seeking annexation or consolidation of services with other fire protection districts. Alternatively, they need to secure additional funds by creating a ballot measure to increase parcel assessments.

Response: This recommendation requires further analysis.

The core issue is the fiscal viability of the MFPD. The Board gives the resolution of this matter its highest priority.

The possibility of annexation has been explored. However, at public meetings during the past two years, the public has soundly rejected the idea of annexation. The public places a very high value on receiving protection from a fire station that is located physically in the community. Also, the station is valued as a quasi-community center.

Consolidation of services has also been explored. In 2014 the District approached Garden Valley, Georgetown and El Dorado County with a proposal to "share" the Fire Chief's duties. The approach was rejected by all three Districts. The reported reasons for the rejections were (1) the remoteness of Mosquito, and (2) Mosquito's fiscal inability, in the long term, to sustain the arrangement without degrading the current level of service. Later in 2014, the District explored sharing some clerical and minor administrative duties with the neighboring districts. In preliminary discussions, MFPD learned that their costs associated with this form of "sharing" would approximately equal those of retaining the District employee to do the work. Currently, task sharing is not a viable option.

With this said, the Board is committed to exploring avenues to cause the MFPD to become fiscally viable. We feel that the answer may be found in a combination of three possibilities:

- Increase parcel fees in our district.
- Seeking and obtaining additional financial assistance from other sources.
- Balance the level of service with our fiscal resources.

A draft analysis and subsequent plan-of-action will be put in place on or before the October, 2016 Board meeting.

R5. The board members should support the fire chief taking control of the day-to-day administration and operations.

Response: This recommendation has been implemented.

The newly seated Board met with the Chief in April, 2016 to review and discuss both parties' expectations. The Chief's role and responsibilities are defined in his current contract. Less defined were the Board's role and responsibility. At the April, 14, 2016 regular board meeting, a committee was formed to examine the entire Policy Manual. Foremost was the committee's responsibility was the examination and updating Policy Manual Chapter 1 which deals with District administration. While this examination is on-going, the committee's submission of revised Policy 1-02 (Board Members and Meetings) does, in more specific terms, define the role of the Board and Board Members. That amended policy was adopted at the June Board Meeting and is attached for reference.

R6. The fire chief should likely reside closer to, if not actually in, the district to effectively maintain control.

Response: This recommendation will not be implemented at this time.

Sustainable funding is the core issue facing the District. While the Board is sympathetic to the concept of a "dual role" Chief – a firefighter/administrative Chief who lives locally – we believe that addressing the MFPD Chief's residency at this time is unwarranted. The District's future, including the level and type of staffing, will certainly be contingent upon the outcome of Recommendation R4. If a viable fiscal solution is implemented and the District continues to exist as an entity, then the Board will re-examine the expectations for the District Chief's position to determine if the "dual role" concept or the "part-time administrative Chief" concept best serves the community's needs.

R7. The bylaws and/or policies should be amended to provide a process to select officers, such as the president, if the office becomes vacant.

Response: This recommendation has been implemented

Policy 1-02, amended and adopted at the June, 2016 Board Meeting, specifies the succession of officers in sub-section 1-02-03 (attached).

