



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

MANUEL NEVAREZ
DAVID ROGERS
RICK FARINELLI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

September 10, 2013

The Honorable D. Lynn Jones
Presiding Judge
Madera, County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2012-13 Grand Jury Report entitled "Madera County Volunteer Fire Department."

Honorable Judge Jones:

Pursuant to California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2012-13 Madera county Grand Jury Report on "Madera County Volunteer Fire Department." (See Attachment #1)

The following are the Grand Jury's findings and recommendations, and the Board of Supervisors' responses:

Finding 1:

The Grand Jury found that PCFs are essential to the overall fire services to the county.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 2:

The Grand Jury found that the BoS is not overseeing the on-going application of ordinances and resolutions already in effect pertaining to the MCFD.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1), however; The Board of Supervisors does not directly supervise the Madera County Fire Department, or any other department. The expectation is that departments will adhere to ordinances and resolutions already in effect.

Finding 7:

The Grand Jury found that the total number of PCF's throughout the county has significantly decreased over the past few years. The 10 "PCF only" staffed fire stations, which have an authorized allocation of 200, currently have approximately 44 active PCFs."

Response:

Disagree in part with the finding per California Penal Code 933.05 (a) (2). The Board agrees generally with the finding that the total number of PCFs have decreased over time, however; the accuracy of the numbers cited in the finding cannot be verified because the actual number of PCFs tends to fluctuate. At the time of this response the actual number of active PCFs is reported to be 76.

Finding 10:

The Grand Jury found that the change of job classification for PCFs to "Extra Help" has caused the reduction in PCF benefits and rights which conflict with policies, ordinances and resolutions adopted by the BoS.

Response:

Partially disagree with the finding per California Penal Code 933.05 (a) (2). The response of the County Director of Human Resources to the above finding is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #3)

Finding 11:

The Grand Jury found that a contentious work environment for PCFs regarding numerous forms of discrimination exists.

Response:

Disagree with the finding per California Penal Code 933.05 (a) (2). The response of the County Director of Human Resources to the above finding is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #3)

Finding 12:

The Grand Jury found that neither the BoS nor the Fire Chief has sought funding for PCF's through the SAFER or other programs/grants.

Response:

Disagree with the finding per California Penal Code 933.05 (a) (2). The response of the County Fire Chief to the above Finding is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #2)

Recommendation 1:

The Grand Jury recommends that the BoS direct the County Fire Chief to work cooperatively and transparently with PCFs on updating the operating policies that were adopted by the Board of Supervisors in February, 1994. This manual, at a minimum, should cover the following:

- chain of command
- complaint and grievance process
- work place issues, bias, racial, sexual harassment

- training; including fire and EMS, basic requirements, advanced and academy levels, plus day to day drills to enhance incident performance
- safety
- administration
- rules of conduct
- accountability

Response:

The recommendation has been implemented. In her response to the Grand Jury report, the Fire Chief stated,

“The fire department has been working on this “recommendation” long before the Grand Jury report. The updated Policy and Procedure manual is currently in draft form and will be presented to the PCF’s, Board of Supervisors, County Administrative Officer, Human Resources office and finally, County Counsel prior to implementation. We anticipate this process to begin on or about July 1, 2013.”

Additionally, these topics are scheduled for discussion at the Executive Committee meeting to be held August 15, 2013.

Recommendation 2:

The Grand Jury recommends the BoS direct the County Fire Chief to adhere to the Madera County Ordinances #515 adopted and codified April 19, 1988 entitled “Madera County Fire Department” and Resolution No. 88-187, “Policy Statement/Madera County Fire Chief” dated June 14, 1988.

Response:

The recommendation has been implemented. The Board of Supervisors has consulted with the Fire Chief on the matter.

Recommendation 3:

The Grand Jury recommends that the BoS direct the County Fire Chief to include PCF representation in the Madera County Fire Department’s Executive Committee. Document all meetings with copies of minutes sent to the Clerk of the Board of Supervisors and County Administrative Officer.

Response:

This recommendation has been implemented and also requires further analysis. The Board understands that PCF representation is, and has been, a part of all Executive Committee meetings. In addition, minutes from all meetings are available at the Fire Department headquarters. The Board and Administrative staff will evaluate the need for distribution of minutes as part of the department’s ongoing revision of policies and procedures.

Recommendation 4:

The Grand Jury recommends that the BoS direct the Madera County Fire Chief to insure each volunteer fire company have and adhere to a set of bylaws which has been reviewed and approved by the Madera County Fire Chief and the Executive Committee.

Response:

This recommendation has been implemented. The Fire Chief stated in her response to the Grand Jury report,

"...There are currently a number of bylaws with no standardization and they fail to meet all the aspects of a legal set of bylaws. The fire department is currently reviewing a template for the bylaws in order to ensure consistency, applicability and legality. We anticipate this rewrite to be completed on or about September 1, 2013."

Recommendation 5:

The Grand Jury recommends that the BoS direct the Madera County Fire Chief to assist and advise PCF fire companies and auxiliaries to obtain tax-exempt status under IRS Rule 501(c).

Response:

The recommendation requires further analysis. The Board is generally supportive of the recommendation, however; the Board is uncertain that the Fire Chief is qualified to "assist and advise" companies and auxiliaries with regard to the intricacies involved in obtaining tax-exempt status. Further analysis is necessary to ensure that appropriate advice and assistance is provided. Necessary analysis will be completed by October 15, 2013.

Recommendation 6:

The Grand Jury recommends that the BoS direct the Madera County Fire Chief to immediately establish a recruitment and retention program to increase PCF staffing.

Response:

The recommendation has been implemented. The response of the County Fire Chief to the above recommendation is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #2)

Recommendation 7:

The Grand Jury recommends that the BoS direct the Madera County Fire Chief to explore local training possibilities to reduce travel time and inconvenience to volunteers.

Response:

The recommendation has been implemented and also requires further analysis. The Fire Chief stated in her response to the Grand Jury report that,

"...The "Basic Operation" academy was combined with Merced County Fire Department one time. That was done as a cost savings measure to the County. We plan to, not only, hold a minimum of one basic operations academy each year but also plan to rotate the sessions within the academy around the county to different fire stations to reduce travel time and inconvenience."

The extent to which training can be expanded within the County depends largely on funding. Fiscal analysis will be conducted during the course of the current fiscal year in order to determine if the expansion of training is financially viable.

Recommendation 8:

The Grand Jury recommends that PCFs be reimbursed when required training is out of the county.

Response:

The recommendation requires further analysis. Fiscal analysis will be conducted during the course of the current fiscal year in order to determine if the recommendation is financially viable.

Recommendation 9:

The Grand Jury recommends that the BoS direct that County Administration, Human Resources and the County Fire Chief work together to establish a new classification for PCFs. The new classification should include volunteer/paid call firefighters, driver operators, station company captains, rights and pay rates.

Response:

The recommendation has been implemented. The response of the County Director of Human Resources to the above recommendation is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #3)

Recommendation 10:

The Grand Jury recommends that Human Resources investigate the concerns of the PCFs relating to the contentious work environment.

Response:

The recommendation has been implemented. The response of the County Director of Human Resources to the above recommendation is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #3)

Recommendation 11:

The Grand Jury recommends that the BoS seek funding for additional PCF compensation through the SAFER or other programs/grants.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. The Board itself does not pursue grant funding opportunities.

Sincerely,



Max Rodriguez, Chairman
Madera County Board of Supervisors
Attachments