

January 8, 2021

Honorable Renee C. Day
Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642

Dear Judge Day,

As required by Penal Code section 933.05, enclosed is a copy of the Amador Fire Protection Authority's response to the 2019/2020 Amador County Grand Jury's findings and recommendations, dated October 21, 2020, regarding the Authority. As required, I have mailed a hard copy to Ms. Katerina Zapata, Amador County Grand Jury Foreperson, as well.

Regards,



Harold Gamble
Chairperson
Amador Fire Protection Authority
PO Box 497 Amador City, CA
95601

Grand Jury Findings and AFPA Responses:

F1.

* The AFPA Board failed to appoint an Executive Officer and other essential staff members. An Executive Officer is required to develop and prepare annual budgets, preliminary budgets, and work programs for the AFPA Board to review and approve. Because an Executive Officer was not appointed, these budgeting actions have not occurred. (JPA Sections 6.7(a) and (5), 6.8, 6.9, and 8.0)

Agree that the AFPA has not appointed an Executive Officer and other staff to work on budgets and work plans. However, the AFPA has no funds with which to create a budget and these positions and functions would be costly and are unnecessary. The JPA language referring to them needs to be removed from the JPA along with other language in the JPA that does not reflect how the AFPA operates or should be operating as an unfunded volunteer agency. The AFPA created a sub-committee in January of 2020 to review the JPA and to make recommendations about making changes to the language therein. This process has been slowed due to the COVID situation.

* The AFPA Board failed to perform planning functions including, but not limited to, developing operational and funding strategies to enhance fire protection coverage, consolidating AFPA member networks and department operations, and develop consistent and cost effective response plans. (JPA Section 7.1.)

Agree that the AFPA has not performed planning functions. However, planning is a function of, and is carried out by, each individual department. Consolidation has been discussed in the past, but currently, there are no consolidation discussions occurring. Consolidation discussions may occur in the future. Again, the language of the JPA needs to be changed.

* The AFPA Board is not holding regular monthly public meetings that comply with the Brown Act (JPA Section 6.5(a).)

Agree that the AFPA has not been holding monthly meetings. For a number of years, the AFPA did meet monthly, but meetings were often redundant because no new business was occurring so it was decided to meet quarterly with the ability to call a special or extra meeting if needed. The meetings that are held comply with the Brown Act. Again, the language of the JPA needs to be changed.

* The AFPA is not establishing and maintaining reports and accounts regarding funding sources and expenditures, and its members are not conducting required annual audits regarding the use of measure M funds. (JPASections 7.1(h) and 8.2)

Agree in part. The County currently tracks, for the AFPA, incoming Measure M funds and the distribution of said funds to the various departments. Individual departments perform their own financial audits which include the receipt and expenditure of Measure M funds. The AFPA must develop a system for reviewing the departmental audits, and must develop a funding source for doing so. Again, the language of the JPA needs to be changed.

F2. Measure M and Ordinance 1676 are confusing and overly restrictive, and do not allow sufficient flexibility in the use of Measure M funds by the districts for "Fire Protection and Emergency Response Safety." The Board of Supervisors does not have sufficient flexibility to modify the allowable uses for the funds.

Agree that Measure M and Ordinance 1676 are confusing and overly restrictive. The use of Measure M funds is clearly delineated in Ordinance 1676 which added Chapter 3.14 to the Amador County C, specifically, Section 1C,3.14040, parts A & B. Any change to this language would require a ballot amendment.

F3. The Amador dispatching process is inefficient and not fully supported by all Amador Fire Leadership. The protocol has several steps before actual dispatching through Camino takes place. The intermediate steps can add delays in deploying resources.

Agree.

F4. Changes AFPD made to response areas in 2019 caused confusion in response responsibilities. The changes were not sufficiently communicated or coordinated with other districts. It was believed "Area 118" was created to reclaim response areas by AFPD from other districts so the Measure M funds would follow. The response maps returned to the previous configuration partly as a result of an unwritten "temporary" 3 year" agreement between the affected districts.

Agree.

F5. New fire stations are being planned and built near existing stations, near the boundaries of districts, or in areas already well-served. Martell is an example of this occurring.

Agree.

F6. A Fire Chief routinely self-dispatches to incidents, and therefore violates protocol.

Disagree. this is a vague accusation. No specifics or context is provided No "protocol" is cited. A Fire Chief self dispatching, may be positive and warranted when a Chief hears a dispatch and feels that more resources or supervision are required. Specific complaints about a Chief self dispatching and the appropriateness thereof, should be directed to the overseeing authority of said Chief, such as the City Council or the District Board of Directors, for investigation. The AFPA has no investigative authority or resources.

F7. On multiple occasions, a Fire Chief canceled responding resources who would have been first to arrive in order to allow another department to respond, thereby unnecessarily adding to the response time. Not using the first-arriving engine resource is a public safety issue.

Disagree. This is a serious but vague accusation. Specific complaints about a Chief improperly cancelling resources should be directed to the overseeing authority of said Chief, such as the City Council or the District Board of Directors for investigation. The AFPA has no investigative authority or resources.

F8. A Fire Chief slowed down an engine arrival by intentionally driving their district/department's vehicle in front of the responding engine of another district or department. Slowing down a responding engine is a public safety issue.

Disagree. This is a serious but vague accusation. The accusation contains no specifics or context. Specific complaints of this nature should be directed to the overseeing authority of said Chief, such as the City Council or District Board of Directors for investigation. The AFPA has no investigative authority or resources.

F9. Amador County Fire Departments have been prevented from participating in training with other local departments.

Disagree. This is a vague accusation. Specific accusations of this nature should be directed to the overseeing authority of the Chief being accused, such as the City Council or District Board of Directors for investigation. The AFPA has no investigative authority or resources.

Grand Jury Recommendations and AFPA Responses:

R1. The AFPA should comply with the JPA for budgeting and staffing necessary to complete its required functions by February 1, 2021. Paid staff should be utilized to meet compliance standards of the Brown Act, and an Executive Officer needs to be hired to achieve many of the required functions of the AFPA. (F1)

AFPA Response: This recommendation will not be implemented because it is not warranted and is not reasonable. The explanation is given in the response to Grand Jury Finding #1.

R2. The AFPA should perform oversight and planning functions throughout the covered area including consolidation. In addition, monthly meetings need to be reconvened as required by the JPA by February 1, 2021. (F1)

AFPA Response: This recommendation will not be implemented because it is not warranted and is not feasible. The explanation is given in the response to Grand Jury Finding #1.

R3. The AFPA should immediately comply with the Brown Act. Complete meeting schedules, agenda packets, meeting minutes, and sub-committee minutes and reports should be promptly and publicly posted. (F1)

AFPA Response: The AFPA believes that this recommendation has been implemented and that the AFPA has been in compliance with the Brown Act.

R4. Once the above referenced recommendations have been completed, the AFPA should develop a system of checks and balances to enhance accountability and ensure it is meeting all responsibilities and duties as outlines in the JPA by April 1, 2021. (F1)

AFPA Response: The recommendation has been implemented with respect to the Brown Act as stated in response to R3. With respect to checks and balances and accountability, the AFPA will establish a system for auditing use of Measure funds by the AFPA fire agencies during calendar year 2021.

R6. The AFPA should investigate the County's current call dispatching system for fire and EMS and explore options to improve the process or locate a new solution. Recommendations should be made by February 1, 2021. (F3)

AFPA Response: The recommendation will be implemented in that the AFPA will continue to discuss and explore other possible options for dispatching systems, however, it is the Board of Supervisors who contract for and who are responsible for, the current dispatch system.

R7. The AFPA should immediately ensure any changes to response area maps be communicated, well-understood, and publicly documented with district and department input prior to implementation. (F4)

AFPA Response: The recommendation has been implemented. There is no confusion regarding dispatching when it is performed using the previous configuration as agreed to in the "3 year" agreement.

R8. The AFPA's county-wide planning of fire stations should include locations in areas of greatest need, where fire protection coverage can be maximized and response times reduced. Opportunities to reduce costs by co-locating or consolidating, utilizing the Amador Plan should be considered. This should be considered by February 1, 2021. (F5)

AFPA Response: The recommendation will be implemented by the AFPA, but not by February 1, 2021. Consolidation is not currently on the table but will be considered in the future. It should be clear that the AFPA has no authority to mandate where any of the fire agencies locate fire stations, nor do any of the agencies have the authority to mandate where another agency may or may not locate a station.

R9. The AFPA should immediately ensure routine, intentional self-dispatching comes to an end as it violates established dispatching protocols and endangers public safety. (F6)

AFPA Response: The recommendation will not be implemented. The explanation is given in the response to Grand Jury Finding #6.

R10. The AFPA should enforce established protocol and immediately ensure the first arriving dispatched responders and/or engines should be utilized, and reprimand any Chief who is reported as intentionally slowing down a responding engine. (F7, F8)

AFPA Response: The recommendation will not be implemented. The explanation is given in the responses to Grand Jury Findings #' 6&7.

R11. Consistent with the JPA' spirit of cooperation, the AFPA should ensure all Amador County Fire Departments and Districts collaborate and cooperate to allow training opportunities among firefighters to the greatest extent possible. This should be implemented by January 1, 2021. (F9)

AFPA Response: This has always been implemented. The accusation contained in F9 contains no specifics and no context. The response as to the accusation is given in the response to Grand Jury Finding #11. The AFPA

has always supported collaborative and cooperative training opportunities among the departments and districts.
