



French Camp McKinley Fire District



"It is the Mission of the French Camp McKinley Fire District to protect life, property and the environment through professional and efficient emergent and non-emergent services"

Proudly Serving French Camp McKinley & Mountain House CSD Communities

Bobbie Pico
Board Chair

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Vice Chair

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September 19, 2019

Honorable Linda L. Lofthus, Presiding Judge
Superior Court of California, County of San Joaquin
180 East Weber Avenue, Suite 1306J
Stockton, CA 95202

Dear Judge, Lofthus:

Response to 2018-2019 Civil Grand Jury Report – Case #0518

Pursuant to Sections 933 and 933.05 of the California Penal Code, the following is the French Camp McKinley's response to the 20182019 Civil Grand Jury Report "French Camp McKinley Fire District: A District in Disarray 2018-2019 Case #0518" follows.

French Camp McKinley: Mission - Vision - Values

MISSION: It is the Mission of the French Camp McKinley Fire District to protect life, property and the environment through professional and efficient emergent and non-emergent services.

VISION: The Vision of the French Camp McKinley Fire District is to become the exemplary All-Risk Agency; providing excellent customer service while promoting training and excellence for our personnel.

VALUES: The French Camp McKinley Fire District has identified these core values: Honor, Integrity, Honesty, Dedication Pride, Compassion, Responsibility, Self-Discipline, Self-Motivation and Professionalism.

French Camp response to Grand Jury's Report Summary:

We strongly believe the complaints prompting the Grand Jury inquiry in to French Camp McKinley Fire District arise from aggrieved current employees, and or former employees, to disparage the District and its hard-working members due to the Board of Directors decision to investigate and evaluate the leadership's administrative and operations processes to implement positive changes.

Grand Jury: Areas of Concern

1. **Consolidation:** Currently the Board of Director's position is to continue as the French Camp McKinley Fire District. This is based on the ability to provide quality fire and life safety services to the French Camp and Mountain House communities. "Mutually beneficial" service agreements and or consolidation are considerations.

Mailing Address P.O. Box 790 French Camp, CA 95231
Station 11: 310 French Camp Road, French Camp, CA
Station 16: 911 Tradition, Mountain House, CA

2. SJC Assets Protection: Concern regarding French Camp McKinley Fire District providing fire protection services for San Joaquin County facilities; please refer to Attachment 1. The Office of the County Administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District.
3. District's Policy Manual in order to ensure grievances and employee complaints are appropriately resolved and firefighter's rights are protected: Although the policy manual has not received "timely" updates to reflect changes in organizational processes or practices, Lexopol's "off the shelf" Policy Manual is extremely good foundational framework and is utilized by approximately 130 fire departments and 500 law agencies.

Policy administrative and operational "gaps" exist that can be "taken out of context" by a disgruntled person, a layperson or observer unfamiliar with FRC administrative and operational practices. Additionally, the "excessive" number of grievances have resulted from the past "leadership" not executing the policies, rather than policies themselves.

Program managers, project managers and workgroups are being assembled to assess the Grand Jury's finding to identify and develop recommendations to improve administrative processes or emergency operations.

The following is an overview of the focus areas:

- Administration: Personnel, Budgeting, Planning, Policy Manual, etc.
- Operations: Training, Emergency Medical Services, Personal Protective Equipment, etc.
- Fire Prevention / Community Risk Reduction: Fire Inspection, Public Education Relations.
- Apparatus, Tools and Equipment: Apparatus (fire engines/truck), fire hose, nozzles, fire axe, etc.
- Information and Technology: Emergency Communications, Software Programs, Computer Hardware etc.

As the District continues to self-assess, updates will occur as deemed necessary. This model is a common practice; inline the Districts /Departments identified in the Grand Jury Report Comparison Survey outlined in Table 1 "Survey Results from Responding Fire Districts/Departments."

4. The French Camp McKinley Board of Directors adopt and follow the San Joaquin County Best Practices for Accounting and Reporting for Locally Governed Special Districts to ensure sound fiscal management: The former Clerk for District utilized the "Best Practices for Accounting and Reporting for Locally Governed Special Districts."

Competence does not account for all the factors of "sound fiscal management." Honesty, transparency and ethical accountability of individuals or officials charged with a fiduciary responsibility are crucial to avoid theft or misappropriation of funds placed in their trust.

The following addresses the Findings (GF) and Recommendations (GR) identified by Grand Jury and the French Camp McKinley's Response (FR) and Action Plan (AP) to address areas identified.

SECTION 1.0: Procedures, Policies, and Documentation - Policy Manual, Policies and Procedures, Comparison Survey

- GF 1.1** The District's Policy Manual requires significant customization in order to adequately meet the needs of the District.
- FR 1.1** With the implementation of Program Management Charters, the process of monitoring and updated the Policies and Procedures has been adopted. Additionally, the term "significantly" over states the issue. The policies and procedures need cleaning up to reflect some of the District's internal organization administrative and organizational practices.

- GF 1.2** The District does not review and regularly update the Policy Manual, placing the District at risk for financial liability.
- FR 1.2** "As Needed" describes the model FRC utilizes as listed in the "Chief's Preface" page of the Policies Manual (See R1.1). The conclusion drawn from the Grand Jury survey of other agencies indicated there is not one universal method or model for policies and procedures revision/updating that applies for all agencies.
- GF 1.3** The lack of access to an electronic Policy Manual makes it more difficult for staff and Board members to receive, review, and implement policy updates.
- FR 1.3** Electronic access to the policy manual is available for via Lexipol online now that Administrative staff has completed the online webinar training.
Authorized personnel and member have always had access to the Policy Manual and additional information via the District's secured internet access.
- GF 1.4** Not having procurement policies and procedures for disposing of surplus equipment, the District risks excess spending without accountability, and financial loss when the sale of surplus is not maximized.
- FR 1.4** A policy has been drafted for the Directors approval. The policy includes a status tracking process to accurately inventory and maintained district property and equipment.
Additionally, this increased oversight will occur via Program / Project Managers, in consultation with the Fire Chief and the BOD.
- GF 1.5** Not requiring the Board to approve policy updates leaves them without the ability to provide appropriate policy oversight for the District.
- FR 1.5** The Fire Chief is responsible for the execution of "day-to-day" operational oversight of fire and life safety activities, i.e. emergency responses, fire prevention, etc.
The Board of the Directors' oversight exist in the form of checks and balances relative to outcomes based on expected goals to ensure that sound fiscal policy exists, and that practices and controls are in place so that the district employees are accountability to the communities it serves.
The Fire Chief and Board of Directors shared responsibility exist in the form of approval of the annual budget, establishing financial goals, reviewing district finances, developing capital improvement plans, being involved in setting the direction of the district and, most importantly, working in the best interests of the community and the constituents the district serves.
- GF 1.6** Without clearly defined testing procedures, firefighters are deprived of the opportunity for promotions based upon their training, experience, and qualifications.
- FR 1.6** Policy 1000: Recruiting and Retention and Policy 1004: Promotions and Transfers.
The present leadership is committed to fair and transparent promotional practices based upon training, experience, and qualifications.

Entry Level Examinations

- Employment opportunity posting with qualifications and study reference;
- Written examination, constructed by an outside testing firm based on modern / latest fire service knowledge and training;
- Interview Panel with Internal French Camp Members and external Fire Service Members;
- Comprehensive background check by an experienced investigator;

- Interview with the Fire Chief;
- Medical examination.

Promotional Examinations:

- Based on the promotional position being tested; a list of qualifications and study reference for the written examination will be sent to members and or open posting for external candidates;
- In conjunction with an outside testing firm the written examination will be constructed;
- Abilities Assessment and or Interview Panel with internal French Camp Members and or external Fire Service Members; demonstration of the Candidate's ability to perform duties and responsibilities for the position being tested;
- Comprehensive background check by an experienced investigator, an interview with the Fire Chief;
- Medical examination; if necessary.

Fire Chief Hiring:

- Discretion of the Board of Director's;
- Consideration given to the Individual's experience, and qualifications and training.

Administrative Staff:

- Discretion of the Board of Director's; in consultation with the Fire Chief.
- Consideration given to the Individual's experience, and qualifications and training.

GF 1.7 Public safety may be compromised when department promotions are not based on the results of objective testing procedures.

FR 1.7 Refer to FRC Response 1.6.

SECTION 1.0: Grand Jury Recommendations / FRC Action Plan:

GR 1.1 The French Camp McKinley Board of Directors customize and approve its Policy Manual to reflect the needs of the District by December 31, 2019:

AP 1.1 Implementing an artificial time frame before a complete assessment of the district processes, practices and needs would not be beneficial to the District or it's members. An assessment of the Policy Manual was underway prior to the Grand Jury investigation and continues today.

Additionally, we are re-evaluating all computer based records management, staffing and training platforms in order to streamline and optimize Fire Department business processes.

GR 1.2 The French Camp McKinley Board of Directors develop and follow a written policy to systematically review and update their Policy Manual on a regular schedule by December 31, 2019:

AP 2.2 SEE AP 1.1

SECTION 2.0: Personnel Issues - Toxic Work Environment, Personnel Investigations, Lawsuits

GF 2.1 Public safety may be put at risk when testing procedures allow less qualified candidates to be promoted into positions that require them to make critical decisions based on qualifications, training, and experience.

FR 2.1 "Less Qualified" member **have not** been placed into positions that would create a risk to the public.

A new leadership team is being assembled, which is committed to conduct transparent testing. Current and future hiring and promotions practices will follow commonly utilized fire service practices to ensure the best candidates are hired and promoted based upon their training, experience, and qualifications.

GF 2.2 By not following their grievance procedures, the District's Fire Chief and Board left their employees without recourse to resolve problems other than litigation.

FR 2.2 The "excessive" number of grievances resulted from previous leadership team(s) not following the established policies; the policies themselves are adequate.

GF 2.3 The District's leadership failed to address grievances and complaints of a toxic work environment, requiring the District to settle three employment-related lawsuits totaling over \$400,000.

FR 2.3 Refer to FRC Response 2.2.

GF 2.4 The District's failure to conduct an annual grievance audit may have resulted in unnecessary financial liability.

FR 2.4 Refer to FRC Response 2.2.

SECTION 2.0: Grand Jury Recommendations / FRC Action Plan:

GR 2.1 The French Camp McKinley Board of Directors develop a clear and concise grievance policy and form by December 31, 2019.

AP 2.1 The Board and the Interim Fire Chief have reviewed the policy and are working to implement a process to address member's concerns in a transparent and timely manner. Fire Administration policy adherence and execution are required to resolving any grievance.

GR 2.2 The French Camp McKinley Board of Directors revise the District Policy Manual to require that an annual grievance audit be sent to the Board of Directors no later than February each calendar year by March 1, 2020.

AP 2.2 The Board concurs. Ongoing communication between the Board of Directors and the Fire Chief should eliminate any grievance related surprises.

GR 2.3 By December 31, 2019, the French Camp McKinley Board of Directors develop a policy that requires the Board receive a copy of all internal investigative reports within 10 days of completion.

AP 2.3 Currently the Interim Fire Chief advises the Board of Directors monthly on the status of all grievances. The Board also receives a summary of any investigative report upon it's conclusion or with their monthly meeting packet.

SECTION 3.0: Board Oversight: Roles and Responsibilities, Evaluating the Fire Chief, Inadequate Financial Reporting, Financial Misconduct

GF 3.1 Board responsibilities are not clearly understood by all board members, which has contributed to ineffective leadership of French Camp McKinley Fire District.

FR 3.1 The lack of clear communication by previous fire leadership and onboarding of new directors contributed to the perception that role and responsibilities of some members are not clearly understood.

GF 3.2 Without a formalized annual review process, the Board is unable to measure the Fire Chief's performance.

FR 3.2 The Board concurs. A review process is in place and has been utilized to determine goals and objectives and compensation. An evaluation of the past Chief was underway when his occupational leave occurred.

GF 3.3 Board members have not held the Fire Chief accountable for failing to communicate critical personnel issues, which has led to significant employee turnover and expensive investigations and lawsuits.

FR 3.4 The previous leadership's lack of honesty and transparency, coupled with the creation of a culture of intimidation of members, concealed serious personnel issues from the board. Upon becoming aware of the seriousness of several personnel issues, the Board initiated action to hold the responsible members accountable.

GF 3.4 The Board is failing in their fiduciary responsibilities as evidenced by the District's delinquency in filing.

FR 3.4 A lack of honesty and transparency lead the board to infer the required filings were taking place. (See Plan of Action 3.2)

SECTION 3.0: Grand Jury Recommendations / FRC Action Plan:

GR 3.1 French Camp McKinley Board members perform an annual review of the Fire Chief no later than July of each calendar year, beginning July 2020.

AP 3.1 The Board concurs. A review of the chief performance is generally coupled with annual budget and planning sessions or hire date.

GR 3.2 French Camp McKinley Board members file annual audits with the County Auditor for 2015-2016, 2016-2017, and 2017-2018, with copies sent to the Grand Jury by December 31, 2019.

AP 3.2 The District is working with a Certified Public Account to reconcile 2015-2016, 2016-2017, and 2017-2018 records.

GR 3.3 French Camp McKinley Board members adopt and follow the financial guidance provided in the document "San Joaquin County Best Practices for Accounting and Reporting for Locally Governed Special Districts" by December 31, 2019

AP 3.3 The Board concurs. The Board and the Interim Fire Chief have received a copy of the "San Joaquin County Best Practices for Accounting and Reporting for Locally Governed Special Districts. Additionally, the Board and Staff plans to utilize the California Special District Association vast training resources which includes online webinars to conference to assist special districts.

SECTION 4.0: The Future of French Camp McKinley Fire District: Consolidation

GF 4.1 Considering the history of failed leadership from French Camp McKinley's Board of Directors, excessive turnover of the District's Fire Chiefs, profound personnel problems, lawsuits, and investigations, the ability of French Camp McKinley Fire District to effectively provide fire protection services to its constituents, including the critical County facilities within its jurisdiction is questionable.

FR 4.1 The Board of Director's position is to continue as the French Camp McKinley Fire District.

The Board's decision is based on providing fire and life safety to the residents and business communities of French Camp and Mountain House Community Service District.

Refer to Attachment 1. "The Office of the County administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District."

GF 4.2 The District's Board has failed to follow-up on repeated recommendations to explore consolidation.

FR 4.2 This is not accurate. The board will respectfully consider any mutually beneficial agreements and or consolidation.

SECTION 4.0: Grand Jury Recommendations / FRC Action Plan:

GR 4.1 The Board of Directors of French Camp McKinley Fire District initiate the process, including an analysis, for consolidating with another fire district by October 31, 2019.

AP 4.3 Refer to Responses 4.1 and 4.2.

GR 4.2 The San Joaquin County Board of Supervisors conduct an independent review to ascertain whether French Camp McKinley Fire District is the most viable option for providing fire protection services for critical County facilities by March 31, 2020.

AP 4.2 Not Applicable: Refer to Attachment 1. "The Office of the County administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District."



BOBBIE PICO,
BOARD PRESIDENT

Supplemental References:

1. ***Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District.***

2. ***Program/Program Management**
 - **Sample Community Risk Reduction Charter**

3. ***Policy Manual**
 - **Chapter 1 - Fire Service Role and Authority,**
 - **Chapter 4 - Fire Prevention**
 - **Chapter 10 – Personnel**
 - i. 1000 - Recruiting and Retention,
 - ii. 1002 Performance Evaluations,
 - iii. 1004 - Promotions and Transfers
 - iv. 1040 - Grievance Procedure
 - **Chapter 11 - Facility**
 - i. 1116 – FRC Property: Inventories, Transfers and Disposal Process (pending electronic update)

* On portable storage drive