

LAKEPORT FIRE PROTECTION DISTRICT - GOVERNING MISSTEPS



SUMMARY

The Grand Jury began this investigation to ensure that Measure M income and expenses were being recorded with integrity and transparency. As the Grand Jury reviewed numerous Lakeport Fire Protection District (LFPD) documents, attended Board meetings, visited station locations, and conducted many interviews, it learned that the District was not adhering to the Measure M accountability requirements, was inconsistently following the Brown Act open-meeting procedures, and did not have clear and updated policies and procedures for Board governance. For several years, the firefighters had not had regular physical exams, including cancer screenings, nor had the firefighting equipment and fire stations undergone regularly scheduled maintenance. Financial shortfalls had led to firefighter layoffs and other cutbacks. Administrative, Board, and Fire Chief turnovers have further left the District unsettled.

METHODOLOGY

The Grand Jury interviewed numerous LFPD administrative, governing, and fire-fighting personnel; reviewed available Board minutes (10 months of which are missing), budgets, and District incident statistics; perused relevant online research documents, reviewed relevant California Codes, and attended

several monthly Board meetings. The Grand Jury also toured the District's buildings in Lakeport, North Lakeport, and Finley and its empty lot in Lakeport.

BACKGROUND

The Department

The Lakeport Fire Department was formed in 1894 to provide fire suppression services within the City of Lakeport proper. The LFPD, an independent special district, was originally created in 1956 to protect the unincorporated areas of Lakeport. In 1999, LFPD annexed the Lakeport Fire Department. The District occupies two stations, the main building (Station 50) in downtown Lakeport that is staffed with 4 personnel at all times and an auxiliary station (Station 52) on Hill Road East, where the water tender and other equipment are housed.

The District's 1914 fire truck (which is owned by the Firefighters Association) is housed in Lakeport [see below]. Station 50 is leased from the City of Lakeport for one dollar per year. This building is in need of major upgrades to make it seismically and electrically sound and leak-proof. The District owns Station 52 and a small building (Station 51) in Finley that is leased by the Gleaners for \$338/month (as of April 2019), as well as a vacant lot on Larrecou Lane in Lakeport, on which a new station and/or training center could be built.

The 2020 population of the City was 5,026. The District serves approximately 10,000 residents within 45 square miles.

The Department is comprised of both paid and volunteer staff and is "all risk," meaning that it provides both fire protection and related services and full medical care and ambulance transport. Paid staff currently consists of one Interim Chief, three Captains, and nine firefighters, in addition to one full-time and one part-time administrative assistant. There are two volunteer Lieutenants and 12 volunteer firefighters. The professional firefighters are represented by Teamsters Local 856. The Department has no Battalion Chief, Safety Officer, or Fire Marshall.

Its Mission Statement is:

The Mission of the Lakeport Fire Protection District is to be a leader in Emergency Services delivery by:

- Meeting the needs of our community by providing: Fire Prevention and Educational Outreach and All Hazards Response including Fire Suppression, Advanced Life Support Emergency Medical Services, Emergency & Non-Emergency Ambulance Transports, Hazardous Materials Response, and Technical Rescue
- Utilizing the dedication, skills, and talents of our members and continuously assisting them with improvement
- Constantly seeking ways to improve our services and increase our efficiencies In Carrying out this Mission, the District will:
- Giving top priority to the safety of our members
- Encouraging and supporting the continuous professional and personal development of our members
- Working efficiently as a team to maximize the utilizations of our skills, knowledge and abilities
- Communicating openly and honestly with the community and our members

The District has had four chiefs in the last 12 years, and the then-current Chief suddenly submitted his resignation in May 2022 and thereafter left the Department. The Board immediately named an Interim Chief, a retired annuitant who had earlier been the Chief at the Ukiah Valley Fire District (1995-2012) and then in Scott's Valley (Santa Cruz County).

Board of Directors

The District Board is comprised of five members, of whom three are appointed by the Lake County Board of Supervisors and two by the Lakeport City Council. Appointed members must reside in the area, City or County, and be a registered voter. Each board member is to serve a four-year period, and their terms are staggered. If a vacancy becomes available on the Board, the County or the City of Lakeport appoints a new member, but not the Board itself. The current Chairman has been on the Board for 16 years – and has been the Chair for many of those years - after having earlier served as a Director for 10-years before taking a break. Board members currently receive

no stipend, although they did receive \$100/month until September 2018. The photos of the two last-appointed members were not posted on the LFPD website as of April 2022, and one of the new Board members resigned in June, 2022. The Chairman position was passed to another Director by vote in June, 2022.

The Directors have specific responsibilities. The following list is contained in a Lexipol policy-template software package that was purchased for approximately \$12,000 by the Board but which was never voted on as their official policy.

1. Represent the interests of the district.
2. Oversee district expenditures.
3. Adopt an annual operating budget.
4. Hire the Fire Chief.
5. Be familiar with the Fire District's operational philosophy, personnel, services, programs, and resources.
6. Ensure that district staff comply with applicable Local, State and Federal laws and mandates.
7. Ensure that the district policies, which define responsibilities and eliminate ambiguities, give appropriate authority to staff members, and provide organizational direction and guidance.
8. Define critical issues.
9. Develop a Mission Statement, goals, and measurable objectives.
10. Consistent with Gov. Code Section 54963, maintain confidentiality of closed session discussions.

In addition to the above, according to the policy template, individual directors should also:

1. Understand the nature of the fire and medical services.
2. Be familiar with district financing.
3. Be familiar with the policies governing the operation of the district.
4. Understand that as individual members they have no authority to encumber district funds or enter the district into any contract or arrangement without express consent of the full Board.
5. Understand that individual directors do not have the authority to direct, assign, order, or otherwise supervise district staff without the express consent of the full Board.

DISCUSSION

Deficit Finances

The District passed Ordinance 9697-1 in 1997 for a parcel tax of \$1 per-benefit-unit [see Measure M below] for properties within the District and, at a later date, \$1.96 for properties within the City. The income from this parcel tax could have been increased annually from 1-3% by Board Resolution, but no increase was passed until 2018.

A backdrop issue has been the approximately \$720,000 in unfunded liability the District owes to the California Public Employee Retirement System (PERS).

That unfunded accrued liability represents the shortfall or gap between what is needed to pay retiree benefits versus how much in current assets the District actually has in its accounts with CalPERS. The Board has been exploring the issuance of bonds to lower this debt and also increasing the periodic payment amounts. The last Chief arranged for consultants to discuss how best to assist the Board in making the best financial arrangement, but the Board has made no decision on the way forward.

The District's finances worsened in 2018. In April 2018, the Board was informed that its contractor for ambulance transport service billing, the Novato Fire Department (NFD), would cease accepting new billing from LFPD on 6/30/18, but would continue working on the account until the end of October. The Board voted to transfer its ambulance billing to Systems Design West (SDW). In January 2019, the Board learned from SDW that some of the billing was uncollectable due to its having been billed too late. The total amount of unbilled transports from NFD was \$912,125. Whether any of these funds were subsequently recovered is unknown to the Grand Jury, but their ambulance billing problems continued. In October 2019, the Board was informed that SDW itself was not billing for against-medical-advice or treat-and-release patients, thereby being unable to collect even the low Medicare or MediCal payments.

These shortfalls resulted in the layoffs in September-October 2018 of three full-time and three part-time firefighters, less than two months after the City

had been evacuated due to the River Fire branch of the Mendocino Complex. The LFPD was then staffed with one-half the number of personnel, or two firefighters/shift. The emotional impact on those laid off and those retained was substantial. Emergency response times were also delayed by this lack of staff. The Board approved a number of budget transfers from its reserves to meet payroll and benefit obligations.

In addition, the Board in September 2018 voted to reduce their \$100 monthly stipend to zero. The then-Chief and then-administrative assistant agreed both to a pay cut of 7% of their base salary and to a monthly cap on their medical insurance paid by the District.

In April 2019, the District applied for a FEMA grant and also sought funding from Cal Fire, the Lake Area Rotary Association, and The Lake County Wine Alliance. Sale of the Finley building, valued at \$250K-\$275K, was also considered. In May 2019, prior to certification of the Measure M vote tally, the Board passed a resolution to authorize appropriating as much as \$200K from a reserve fund in order to close out the fiscal year on June 30th. The anticipated expenditures included overtime and staffing, as well as paying the dispatch contract with CalFire, which was running about \$15K per-quarter.

Measure M

In response to these financial issues, the District in early 2019 proposed in Ordinance 1819-1 an increased parcel tax via Measure M, to be voted on by mail in May and take effect in July 2019. The tax rate proposed was \$6.14 per-benefit-unit annually on each parcel of property within the District. Benefit units are used to "rate" the "benefit" in terms of firefighters, equipment, and water that a particular parcel receives from having fire protection and emergency medical services provided by the District. As such, developed property receives more benefit, and thus has more units assigned, than undeveloped property. For residential owners, the tax would be raised from about \$60 to \$184.20. The tax rate was highest for commercial buildings and ranged from \$307 to \$921 annually. The maximal annual rate of increase was 3%, but only if approved by the Directors. There was no sunset clause for the tax increase.

The District's Ordinance No 1819-1 included in Section 7 –
Accountability Provisions: (a) the specific purposes of the parcel tax must be those purposes identified herein; and (b) an **annual written report must be**

made to the Board of Directors showing (i) the amount of funds collected and expended from the proceeds of the parcel taxes and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the parcel taxes, as identified above. This is guided by the California Government Codes 50075.1 to 50077.5. [emphasis added]

CA Gov. Code Section 50075.1 states:

On or after January 1, 2001, any local special tax measure that is subject to voter approval that would provide for the imposition of a special tax by a local agency shall provide accountability measures that include, but are not limited to, all of the following:

- a. A statement indicating the specific purposes of the special tax.
- b. A requirement that the proceeds be applied only to the specific purposes identified pursuant to subdivision a.
- c. The **creation of an account into which the proceeds shall be deposited.** [emphasis added]
- d. An **annual report** pursuant to Section 50075.3. [emphasis added]

The annual report shall contain both of the following:

- i. The amount of funds collected and expended.
- ii. The status of any project required or authorized to be funded as identified in subdivision (a) of Section 50075.1.

The “purpose” for the tax was stated as follows:

This measure authorizes the imposition of a special tax on parcels of real property located wholly or partly in the Lakeport County Fire Protection District to be used to provide funding to decrease response times and increase fire protection and emergency medical services, including funding for the operation of local fire stations, and the maintenance and replacement of outdated firefighting equipment. State law requires that the **proceeds of a special tax may be used only for the purposes specified and for no other purpose.** [emphasis added]

The measure was estimated to bring in \$1.2M during the first year after approval. The District expected to be able to hire back the six laid-off firefighters, maintain and upgrade its equipment, and rebuild its reserves. The

District projected replacing two fire engines and still having \$200,000 in reserves.

The Measure passed in May 2019 with 74% approval, well above the required 2/3rds super-majority.

The Grand Jury was informed that the requisite separate account for Measure M funds was never created, nor had annual reports been issued. The revenue from Measure M was comingled with the property tax income from the County. Upon inquiry, the new Chief and new Administrative Assistant set about trying to generate the reports, which the Grand Jury received in April, 2022. The problem is that, without separating out income from Measure M funds, those expenditures could not be separately tracked and thus reported upon. The Report given to the Grand Jury is attached as Exhibit I.

During one Board meeting when the reports were in the process of being prepared, the question was raised as to whether the Grand Jury had the authority to request Measure M compliance documentation. In fact, the Grand Jury's authority to investigate special districts is found in Penal Code § 933.5: A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county ... and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district....

With Measure M funds, the laid-off firefighters were rehired, and the District purchased a new fire truck, a pumper engine, in December 2020 that cost about \$900,000.

Additional Financial Pressures

Other revenue issues came to light during the Grand Jury investigation, such as discovering that not all parcels within the District were being taxed, with some 289 parcels having received exemptions. On at least two occasions, as noted in the Board Minutes, the then-Chief was authorized to declare certain equipment "surplus" and to sell it at what he thought was a reasonable price.

The preferred course of action would have been to determine the value of the items and solicit bids to purchase them. While the anticipated revenue might

have been low, the District needed all dollars it could raise. As well, in July 2019, The Board was informed that the District was not billing for certain mitigation fees that all the other districts had been charging.

In April 2022, the Board learned that the State Department of Healthcare Services had audited the District's ambulance transportation billings for 2010-2017 and required repayment of \$33,502 in overpayments. The cause of the overpayments and whether additional repayments would be necessary is currently unknown to the Grand Jury. At this same Board meeting, the Directors were informed that the District would have to repay \$23,267 in COVID grant money to the Human Resources Services Administration due to the lack of a Period 1 report in September 2021 on how the money had been spent. The Board decided to attempt to submit the overdue report at the time the 2nd report, if any, was required.

Additional potential financial stressors became apparent this year. Three developments in particular likely will affect District resources:

One, in April 2022, the Board was informed that a new State law would force cities to change their zoning and building codes to permit the addition of "accessory dwelling units," for which permits would be mandatory. Additional residences within Lakeport would clearly impact fire risk.

Two, the City has been in the process of annexing an area of South Main Street that has a number of businesses, including propane tank farms and the Cinema, but which has inadequate water lines and hydrants. The National Fire Protection Association recommends, for structure fires, the availability of an uninterrupted water supply for 30 minutes with sufficient pressure to generate at least 400 gallons/minute. Due to formal objections, however, the proposed annexation will need to be voted on by the residents. The District and the City will need to plan for increased water availability in the annexed area if the proposal is approved.

Three, SB 1205, passed in 2018 but not implemented by the LFPD, requires the District to formally inspect multi-unit residences, such as apartment blocks and skilled nursing facilities, and report annually on the District's compliance with the inspection requirements. The District does not have a Fire Marshall or Safety Officer who could organize and direct such a program. Expecting on-shift firefighters to also do inspections is unrealistic. In preparation, a Fee

Schedule would need to be created, as well as an agreement on sanctions for non-compliance.

Staff Turnover

The District's long-term financial assistant retired in April 2019, and a new person was hired. The new assistant, the Grand Jury was informed, conflicted with the new Chief, who was hired in April, 2021, and the assistant resigned unexpectedly in the Fall of 2021 without communicating certain computer codes permitting access to payroll records. The new Chief and Board were left scrambling to pay the firefighters. The Chief sought IT consultation and was finally able to open the payroll records, as well as hire a new admin/financial assistant, with whom he was able to work closely. That there were no formal office procedures in place to allow redundant computer access was a hindrance.

Brown Act Violations

That the District Board was not adhering to Brown Act requirements regarding consistent posting of Agendas and having Agendas with their supporting documents available to all attendees was immediately evident to the Grand Jury. Upon request, the new Administrative Assistant immediately complied. The Board still does not comply entirely with the "Closed Session" specifications in regard to communicating prior to the closed session the general subject of the discussion or publicly announcing after the closed session what action or vote was taken, if any.

This "Open Meeting Law" is officially known as the Ralph M. Brown Act and is found in the California Government Code §54950 et seq. The Brown Act was enacted in 1953 both to guarantee the public's right to attend and participate in meetings of local legislative bodies and also as a response to growing concerns about local government officials' practice of holding secret meetings that were not in compliance with advance public-notice requirements. In addition, all meetings are required to be open to the public, including the disabled, but, at several meetings, the Grand Jury found all exterior doors locked prior to the beginning of Board Meetings.

The Brown Act governs local agencies, legislative bodies of local government agencies created by state or federal law, and any standing committee of a

covered board or legislative body. Governing bodies of non-profit corporations formed by a public agency are also covered. Examples of these would be city council, county board of supervisors, special districts, school boards, standing committees, and even some types of Home Owners Associations (if they were created by a public entity and constituted as some sort of public district, such as, for example, in Hidden Valley.)

For clarification and educational purposes, the Brown Act is summarized in Exhibit 2, attached, and excerpted from: The Brown Act. Open Meetings for Local Legislative Bodies. Bill Lockyer, California Attorney General's Office, 2003.

During its interviews and site visits, additional problems that need attention came to the attention of the Grand Jury.

The Condition of Station 50

The one-story building with an attic is not earthquake-proof, is cramped, is insulated with asbestos, and has no vehicle exhaust system, thus is a toxic environment for the firefighters and staff. The station was constructed long before the Americans with Disabilities Act (ADA) legislation and is not wheelchair accessible by the public. The building also needs a new roof and electrical upgrades. (For example, extension cords in the attic run through holes in the ceiling to the bay below, and a number of ground fault interrupters are absent.) Although the City of Lakeport owns the station, the District is responsible for its maintenance. In response to a complaint, OSHA inspected the station twice in 2022 and noted a number of necessary additional improvements, including signage and fire extinguishers. The paucity of storage can be seen in the below photo of part of the main bay.



Station 52, while a younger building and currently unstaffed, also is not earthquake-proof and would need modifications should the District decide to assign firefighters there.



Leaking Roof Ceiling on North Side of Station 50

In addition to buildings needing attention, the firefighters also need attention.

Firefighter Exams

Firefighting is tough and dangerous. The most frequent cause of on-duty death is heart disease, not burns or injuries, according to a 10-year Harvard study published in 2017. A disproportionate 45 percent of firefighters die at work from cardiac events, compared to 22 percent of police officers, 11 percent of emergency medical providers, and 15 percent of all workers. While exertion triggers cardiac events, regular exercise helps prevent them. Regular physical-fitness programs and annual physical and medical performance testing – including volunteers as well as line staff – are recommended by the National Fire Protection Association for every fire department. Annual physical exams including laboratory tests and cardiac stress testing can document modifiable cardiovascular risk factors and address contributing factors such as hypertension, diabetes, obesity, smoking, and excessive alcohol consumption.

IN MEMORIAM



“Above all things let us never forget that mankind constitutes one great brotherhood; all born to encounter suffering and sorrow, and therefore bound to sympathize with each other.” Albert Pike

We wish to thank the firefighters, EMT’S, Paramedics and Volunteers who spend a great deal of time studying, training to provide the skills necessary to protect their community. But we also feel it necessary to recognize the people who endure so much in supporting these first responders. Let us not forget the Fathers, Mothers, Children, Siblings and others who endure hardships of their own. Fire personnel respond when called, interrupting meals and special events with their families and friends. *“As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them. John F. Kennedy”*

These annual exams are also recommended to include cancer screening. Firefighters face chronic exposure to heat, smoke, diesel exhaust, and toxic flame retardants. These carcinogenic chemicals are absorbed, inhaled, and

ingested through the firefighters' skin, airways, and gastrointestinal system at building fires, car fires, dumpster fires, even kitchen fires. Carcinogens also accumulate on and inside the firefighters' protective bunker gear and in their firehouses. The Grand Jury was informed that for three years no annual testing was performed on the firefighters. When the new Chief was hired in 2021, he arranged for exams in 2021-22, but cancer screening was not incorporated, nor were the volunteers included. A complaint about logistics was commonly expressed – the firefighters had to travel to obtain portions of their exams rather than, as in prior years, having the testing provided in one location. One firefighter never had his TB test “officially read” because that would have required another 3-hour round trip to the medical provider.

Annual screening protocols are effective tools for the early detection and prevention of these serious occupation-related illnesses.

Attention to the firefighter's mental health also appears not to have been a priority. Six firefighters had to be laid off in 2018 due to no fault of their own, which was demoralizing to all. Responding to serious vehicle collisions, drownings, gunshot wounds, and interpersonal violence resulting in deaths and horrific injuries is part of the firefighters' job, and the effects on them cannot always be compartmentalized. Not just large-scale traumatic events affect mental health, but so, too, do the day-to-day exposure to others' grief and loss. The Department does not have a volunteer Chaplain who could respond when needed. In some departments, volunteer chaplains do “ride alongs” and attend monthly firefighter meetings just to get to know them informally so that the firefighters feel comfortable in calling upon them in times of stress or crisis. A number of departments elsewhere also make therapy dogs available.

The Grand Jury also tracked down the requisite assessments of the District performed by the Local Agency Formation Commission.

Lake LAFCO Municipal Service Reviews of LFPD

Local Agency Formation Commissions (LAFCOs) are state-mandated regulatory agencies established by the Legislature in 1963. LAFCOs were created to help implement State policy of encouraging orderly growth and development through the regulation of local public-agency boundaries. This legislation states, “This charge requires each Commission in each county to

balance the development required for a growing population with the competing State interests of discouraging urban sprawl, preserving agricultural resources and open space, and extending government services efficiently.” Lake County has a LAFCO overseeing special districts, including the LFPD.

Municipal Service Reviews (MSR) were added to LAFCOs mandate with the passage of the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000. A service review is a comprehensive study designed to better inform LAFCO, local agencies, and the community about the provision of municipal services. Service reviews attempt to capture and analyze information about the government structures and efficiencies of service providers and to identify opportunities for greater coordination and cooperation between providers.

Among LAFCO’s required assessments are:

- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to water, wastewater, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
- Financial ability of agencies to provide services

Lake LAFCO has conducted two reviews of the County’s fire protection districts – in 2007 and 2015. (Exhibits 3 & 5, attached). In between, the City of Lakeport was reviewed by LAFCO, which included a section on the fire district (Exhibit 4, attached).

1. The 2007 Lake LAFCO review, using 2005-06 data, noted that the Department of nine “sworn safety officers” and one clerical employee, plus 21 volunteers. The calls for service in 2006 were 2,121 EMS calls (of which 1,500 were transports only) and 74 fire calls. The average response time within District boundaries was 2 to 4 minutes from call receipt to personnel movement. The average travel time was 8 minutes to most emergencies. Total revenue in fiscal year 2004-05 was \$1,619,260.

The in-town ISO was 4. The ISO (Insurance Services Office) creates ratings for fire departments and their surrounding communities that insurance companies rely on to set their rates. An ISO fire rating, also referred to as a fire score, is a score from one to 10 that indicates how well-protected a community is by the fire department. In the ISO rating scale, a lower number is better: one is the best possible rating, while a 10 means the fire department did not meet ISO's minimum requirements. Four main criteria comprise a fire rating score:

- 50% comes from the quality of the local fire department, including staffing levels, training, and proximity of the firehouse
- 40% comes from availability of water supply, including the prevalence of fire hydrants and how much water is available to put out fires
- 10% comes from the quality of the area's emergency communications systems (911)
- An extra 5.5% comes from community outreach, including fire prevention and safety courses

Any area that is more than five driving miles from the nearest fire station is automatically rated a 10.

The 2007 MSR stated that the District was planning to develop a new main station that should be completed in about two years and that it was “working on a possible addition” to Station 52 within the next two years. The Board meeting agendas were being posted at Station 50. Overall, the review found the revenues and management to be satisfactory.

2. The City of Lakeport’s last MSR, which included limited data about the LFPD, was adopted in July 2012. During that review, the District’s paid staff included one Chief, one Deputy Chief, three Captains, six firefighters, and one secretary. The volunteer staff included eight fire apparatus engineers and 12 firefighters. Four firefighters were on-duty in Station 50 at all times. The in-town response time was 4 to 7 minutes and remote distance time was eight minutes. The District was responding to more than 2,200 calls per year.
3. The second formal LAFCO MSR in 2015 found that the District was then responding to more than 3,000 calls for service, with about 3/4ths being medical calls. Paid staff included one Chief, three Captains, six

Firefighters, and one secretary, while volunteer staff consisted of one Deputy Chief, three Lieutenants, five Apparatus Engineers, and 14 Firefighters. Meeting Agendas were being posted at Station 50.

Total revenue had dropped from \$2,416,031 in fiscal year 2012-13 to \$1,759,933 in 2013-14. The Revenues/Expenditures tables show, without commentary, that in 2013-14, Expenses exceeded Revenues by \$503,435.

The ISO rating was further refined, with three classifications for properties in the District: Class 4 for properties within five road miles of a “recognized” fire station and 1,000 feet of a hydrant; Class 8B for properties further than 1,000 feet from a hydrant but within five road miles of a station; and Class 10 for all properties beyond five road miles from a station.

CONCLUSION

The Grand Jury found that the District personnel have been under stress for several years due to precarious finances and staff and Fire-Chief turnover. Despite uncertainty, when the alarm sounds, the firefighters unequivocally respond with full focus and energy to do an exemplary job. The Grand Jury is in no way critical of the firefighters. The Grand Jury does commend the Board for the improvements that have been made over the course of this investigation.

FINDINGS

- F-1: The Board members are unpaid and are appointed - by the City of Lakeport (two members) and the Lake County BOS (three members) - not elected by District residents.
- F-2: The Board has no process to rotate automatically the office of Chairman, and the current Chairman has held that position for many years straight.
- F-3: The Board has not voted to accept a proposed Policies and Procedures Manual.
- F-4: The Measure M parcel tax legal requirements for a separate account and annual public accounting have not been met.

- F-5: Adherence to Brown Act requirements has been lacking in regard to entrances being unlocked to the public during Board Meetings.
- F-6: Adherence to Brown Act requirements has been lacking in regard to the provision of agendas to the public that include attached documents.
- F-7: Adherence to Brown Act requirements has been lacking in regard to the Board meeting location's lack of wheelchair (disabled) access.
- F-8: Adherence to Brown Act requirements has been intermittent in regard to publicly reporting actions, if any, along with the vote, occurring during a closed session.
- F-9: Major financial decisions are pending regarding the two LFPD Stations in Lakeport, the Finley station, and the vacant property.
- F-10: No Fee Schedule has been created and adopted for the requisite annual inspections of business and residential facilities, and, to fulfill this requirement, staffing may also need to be increased.
- F-11: Physical exams and cancer screenings for paid and volunteer firefighters were not provided annually for several years. None of this year's exams included cancer screenings.
- F-12: The LFPD has no Safety Officer, Battalion Chief, or Fire Marshall as backup for the interim Chief.
- F-13: There is no designated on-call Chaplain or mental-health specialist to help the staff process traumatic events.
- F-14: The firefighter who is filling the role of Fleet Mechanic uses his personal equipment.
- F-15: Stations 50 and 52 lack vehicle exhaust systems.
- F-16: Stations 50 and 52 are not earthquake-proof.

F-17: Station 50 contains asbestos, has non-Code electrical connectivity (with power cords running from the attic through the ceiling), and has roof leaks.

F-18: The District was and is losing revenue due to inadequate ambulance billing coding and collection practices.

F-19: For a period of years, the Board did not provide sufficient oversight on correcting budgetary deficits.

F-20: Firefighter layoffs were demoralizing to staff and community.

F-21: The staff (paid and volunteer) and the Board lack effective communication, a sense of collaboration while facing serious ongoing issues, and mutual understanding.

RECOMMENDATIONS

R-1: That a full forensic audit be conducted of the LFPD, specifically regarding Measure M revenue and expenditures. (F-4)

R-2: That the LFPD comply with all of the provisions of the Brown Act. through F-8)

R-3: That the Board decide and vote whether to sell, upgrade, or further develop its various properties – Station 50, Larrecou property, Finley station, and Station 52. (F-9, F-15 - F-17)

R-4: That the acting Fleet Mechanic be given a clear and regular maintenance schedule and be provided district equipment and property. (F-14)

R-5: That physical exams and cancer screenings be conducted locally on all paid and volunteer firefighters annually. (F-11)

R-6: That the next Chief have operational backup in the form of a Safety Officer, Battalion Chief, and/or Fire Marshall. (F-12)

- R-7: That a Board Ordinance be established and implemented that allow the department to charge and collect appropriate fees for annual inspections of business and residential facilities. (F-10)
- R-8: That the LFPD make a formal arrangement with a Chaplain or mental health specialist in-County to be on-call to assist the firefighters in processing traumatic events. (F-13)
- R-9: That the LFPD Board vote to convert to implementing district-wide election, rather than City or County appointment, of its five members. (F-1)
- R-10: That the Board approve and adopt organizational and operational Policies and Procedures that include specifying periodic rotation of the role of Chairman. (F-2, F-3)
- R-11: That the Board make a consistent effort to interact informally/socially with the firefighters in order to improve morale and trust. (F-11, F-14, F-15, F-20, F-21)
- R-12: That the 2022-2023 Civil Grand Jury continue this investigation to follow-up on the above Recommendations and report on further developments, including the hiring of a new Chief. (F-1 through F-21)

RESPONSES

In response to Penal Code § 933 (c), the following Response is required:

Lakeport Fire Protection District (R-1 through R-12)	90 Days
Lakeport City Council (R-9)	90 Days

EXHIBIT 1 - SEPARATELY TRACKED

LAKEPORT FIRE

PROTECTION DISTRICT

445 North Main Street, Lakeport, CA 95453 Telephone: (707) 263-4396

Fax: (707) 263-7087

April 20, 2022

Beverly Benedict Hill Foreperson

Lake County Civil Grand Jury P.O. Box 1078

Kelseyville, CA 95451

Re: REVISED Measure M reporting for fiscal years 2019/20 and 2020/21
Dear Foreperson Benedict Hill,

This report has been revised from the April 18 version to correct the amount of revenue reported, as well as correcting a typo in the page 2 table of figures (total INCLUDES payroll). First off, please allow us to apologize for not providing this report to you by your requested date of April 15.

Second, below please find a report indicating revenue received and expenses associated with Measure M for fiscal years ending June 30, 2020 and June 30, 2021. This report will encompass both years, but future reports will be done annually.

Below are revenues received from Measure M, per the final year-end financial statement from the County:

FYE 06/2020 = \$ 1,307,537 FYE 06/2021 = \$ 1,440,789 2-yr total = \$ 2,748,326

The following information was taken from the final year-end financial statements provided by the County.

Increased Staffing Levels was one of the priorities established by Measure M.

In 2018, Lakeport Fire Protection District (LFPD) had to lay off 50% of its firefighting staff due to budget shortages. This resulted in the three (3) firefighting shifts being staffed by 2 firefighters, rather than 4 firefighters. One of the first things done, post-Measure M, was to re-hire back these

firefighters. Post-layoffs, LFPD's monthly average payroll cost was approximately \$62,000. The current payroll for a fully-staffed station is approximately \$93,000,

Measure M Report for 2019/20 and 2020/21 Page 2 April 20, 2022 resulting in a \$31,000 monthly increase in payroll, post-Measure M. Annualized, these increased payroll costs amount to \$372,000/year, or \$744,000 over the last 2 years. Increased Equipment Maintenance was another priority established by Measure M.

For the fiscal year ending June 30, 2019 (pre-Measure M), approximately \$9,000 was spend on equipment maintenance. For the FYE June 30, 2020, approximately \$75,000 was spent on equipment maintenance (a \$66,000 increase over the prior/pre-Measure M year) and for the FYE June 30, 2021, approximately \$90,000 was spent on equipment maintenance (an \$81,000 increase over the pre-Measure M year).

Increased Building Maintenance was another priority established by Measure M.

For the fiscal year ending June 30, 2019 (pre-Measure M), approximately \$4,600 was spent on building maintenance. For the FYE June 30, 2020, that number increased by almost \$9,500 as \$12,000 was spent to upgrade the Station 50 lobby/admin area.

Upgrading and Maintaining Fixed Assets was another priority established by Measure M.

In the FYE ending 06/2019 (pre-Measure M), LFPD spent \$0 on Fixed Assets-Equipment. For the FYE 06/2020, approximately \$51,000 was spent on the purchase of a used Engine (\$40,000) and a Lucas/chest compression device (\$10,600).

For the FYE ending 06/2020, approximately \$425,000 was spent on Fixed Assets-Equipment. This included approximately \$160,000 for SCBA equipment and \$200,000 as a down payment toward a Pierce Pumper (Total to be spent is approximately \$900,000). In addition, approximately \$17,000 was spent on firehoses and approximately \$43,000 was spent on extrication equipment.

The explanations above are summarized in the table below:

	2018-19	2019-20	2020-21
Increased Payroll to return laid off workers		\$372,000	\$372,000
Vehicle/Equip Maintenance	\$9,197	\$74,691	\$90,031
Building Maintenance	\$4,603	\$14,075	\$4,271
Equip Rental/Lease	\$28,821	\$28,613	\$33,003
Tools/Instruments 613		\$2,647	\$7,625
Fixed Assets - Equipment		\$50,593	\$424,635
Fixed Assets - Building			
Total	\$43,234	\$542, 619	\$931,565

Future uses of Measure M money for equipment include continued payments to pay off the Pierce Pumper purchased in 2020 (approx. \$700,000 still owed), a diesel exhaust system for stations 50 & 52 (approximately \$200,000 for both), as well as making Station 52 a fully Measure M Report for 2019/20 and 2020/21 functional, habitable station (approximately \$100,000 + exhaust system already noted). Future uses for staffing include a 25% increase in staffing from 4 per shift to 5 per shift and hiring a Fire Marshall and a Fleet Manager. Additionally, LFPD would like to start a Rescue Watercraft Program and funds will be needed to staff and equip this program.

Sincerely,

Finance & Administration

cc: Fire Chief
LFPD Board of Directors

EXHIBIT 2 - BROWN ACT SUMMARY

The Brown Act requirements that the Grand Jury found that the Board were not following are bolded below.

What is a “Meeting”?

A meeting is “any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body” (§54952.2 (a)). For instance, regarding LFPD, when the quorum for a Board of Directors reaches the number necessary to be a majority (i.e., 3 out of 5), that is considered a meeting under the Brown Act. Also, when the same or a greater number of directors are attending a social gathering, for which no meeting notice was given, and they start discussing business under the jurisdiction of their legislative body, that would be considered a meeting that falls under Brown Act regulations.

The key elements for a meeting are quorum and discussion or hearing about or deliberating the issues. The meetings need not to be formally convened in order to be subject to the Act. That means that “informal,” “study,” “discussion,” “informational,” “fact-finding,” or “pre-council” gatherings of a quorum of the members of the Board are within the scope of the Act as “meetings.”

Exceptions - Meetings Not Covered by the Brown Act

Conferences and retreats, other public meetings, meetings of other legislative bodies, and social or ceremonial events are exempt from the Brown Act provided that Board members follow certain rules such as limiting the discussion to the agenda in the conference and not discussing among themselves the business of the LFPD. Regulations for these exceptions to meetings are contained in §54952.2(c). Also excluded are individual contacts or conversations between a member of the Board and any other person (§54952.2(c) (1), defined as a non-staff or non-Board member.

Serial Meetings

The Brown Act explicitly prohibits the use of “direct communication, personal intermediaries [e.g., an attorney or staff member], or technological devices [i.e., phones, emails, texts] employed by a majority of the members of the legislative body to develop a collective concurrence [consensus] as to action to be taken on an item by the members of the legislative body” (§5495.2(b)). Serial meetings involve communication between members of the Board that are less than a quorum (3) but, when all participants are counted, constitute a majority. For example, a chain of communications involving contact from Director A to Director B who then communicates with Director C would constitute a "serial meeting" involving a “quorum.” Similarly, when a Director acts as the hub of a wheel (Director A) and communicates individually with the various spokes (Directors B and C), a serial meeting has occurred.

Closed Sessions

The Brown Act allows closed sessions under the scope of a regular meeting. It stipulates that they (1) shall comply with agenda-posting and (2) be held within the jurisdiction of the Board meeting room (§ 4954), and (3) the **open-meeting agenda shall include a description of the topics to be discussed** (§54954.2) [emphasis added]. In addition, **prior to holding any closed session, the Board must disclose verbally, in an open meeting, the item or items to be discussed in the closed session** (§ 54957.7). [emphasis added]

Subjects that can be discussed by the Board in Closed Session are, according to §54954.5:

- License or permit determination (§54956.7)
- Conference with real property negotiators (§54956.8)
- Conference with legal counsel regarding existing or anticipated litigation (§54956.9)
- Liability claims (§54956.95)
- Threat to public services or facilities (§54957(a))
- Public employee appointment, employment, performance evaluation, discipline, dismissal or release (§54957(b))
- Conference with labor negotiators (§54957.6)

- Case review or planning (§54957.8)
- Report involving trade secret or hearings (§54956.87, California Health and Safety code §§1461,32106 and 32155; or California Government Code §§ 37606 and 37624.3)
- Charge or complaint involving information protected by federal law (§54956.86).
- **The Board should publicly report actions, along with the vote and abstention count, taken as result of a closed session (§54957.1).** [emphasis added] Documentation relative to the reports should be available to any person on the next business day following the meeting (§54957.1(c)).

Special Meetings

Either the Chairman of the Board or the majority of the Directors may call special meetings at any time by delivering to each of its members a written notice and by notifying the media (which has previously requested notification of special meetings). **The notice shall be received at least 24 hours in advance before the meeting. Special meetings notice shall be also posted at least 24 hours prior to the meeting and it should be held in a location that is freely accessible to members of the public. The discussions at the special meeting are limited to the issues posted in the agenda. No other business shall be considered (§54956)** [emphasis added].

What Rules Must a Meeting Follow?

The Board, in order to comply with the Brown Act, shall:

Hold open and public meetings (§54953 (a)). In addition, the District shall not conduct any meeting in a facility that prohibits the admittance of any person(s) on the basis of: race, religion, color, national origin, ancestry, sex; or that is **inaccessible to disabled persons**, or where the public, in order to gain access to the facility, needs to pay or purchase something (§54961 (a) [emphasis added]).

- Vote publicly, no secret ballots are allowed (§54953 (c))
- Comply with the protections and prohibitions of Section 202 of the Americans with Disabilities Act of 1990 (§54953.2)

- NOT require public registration, as a condition for attendance; the public is not required to register, provide any other information –such as self-identification--, or fulfill any condition precedent to its attendance. If an attendance list is circulated, it shall clearly state that the signing, registering, or completion of the document is voluntary (§54953.3)
- Allow recording of the proceeding (videotape, audiotape) provided that recording is done in an unobtrusive way (§54953.5)
- NOT prohibit or restrict broadcasting unless there is a finding that this would be disruptive to the proceedings (§54953.6)
- Post notice of meetings and include specified time and location, except for advisory or standing committees (§54954 (a))
- **Post agendas at least 72 hours in advance of the meeting** and it shall contain a brief general description of each item of business (§54954.2(a)) [emphasis added] [This requirement was reinstated by the Board.]
- NOT take action or discuss any item not appearing on the posted agenda except under certain conditions (§54954.2(a), conditions appear on subsection (b))
- Hold meetings in the jurisdiction of the legislative body (§54954 (b))
- Allow and honor any person’s request to be provided by mail a copy of the agenda at the time the agenda is posted (at least 72 hours in advance) or of all the documents of the agenda packet of any meeting (§54954.1) [emphasis added]
- Provide an opportunity for comment from members of the public to directly address the legislative body on any item of interest to the public on every agenda for regular meetings (§54954.3(a))
- Allow public criticism of the legislative body (§54954.3(c))
- Hold at least one public meeting, allowing for public comment, before adopting any new or increased general tax or increased assessment, and the legislative body shall provide at least 45 days public notice of such meeting (§54954.6)
- Not charge fees for the attendance to a meeting or for carrying out any provision in the Brown Act (§54956.6). The only exception is when legislative bodies are allowed to charge a fee that covers the cost of mailing an agenda or agenda packet (§54954.1). A related requirement is found on §54961(a) that prohibits meetings in a place where the public needs to pay or purchase something

- Disclose to the public the agendas of public meetings and any other writings [i.e., Agenda packet of materials] distributed to all, or a majority of all, of the members of a legislative body of a local agency.] In addition, under the California Public Records Act these documents shall be made available upon request and without delay (§54957.5)
- Preserve the order in meetings. Moreover, if a group willfully interrupts a meeting and the order can only be restored by the removal of disruptive individuals, then the legislative body may order the meeting room to be cleared. The session might be reinitiated, and representatives of the media shall be allowed to stay and attend the session. The legislative body may also establish a procedure for readmitting individual(s) not responsible for the disruptive conduct that caused the meeting room to be cleared (§54957.9)

Violations of the Brown Act

Each member of the legislative who has taken action in violation of any provision of the Brown Act, and where there was willful deprivation of information to the public, is guilty of a misdemeanor (§54959). Civil remedies (injunction, mandamus, declaratory relief, and voiding past actions of the Board) are provided in case of violation of the Brown Act (§§54960 and 5490.1) pursuant to §§54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5 (that is, for violations to requirements for: general open meeting, agenda posting, closed sessions, tax and assessment, special meetings and, emergency meetings). A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to §§54960 and 5490.1.

In order to correct a violation to the Brown Act, the legislative body can act to correct its error of its own volition or in response to a complaint by an interested party. If the legislative body fails to correct the challenged action, the complainant may file suit. (§54960.1)

EXHIBIT 3 – Lake LAFCO 2007 Review

Fire Protection Municipal Service Review: Resolution 2007-0007
Fire Protection Districts Sphere of Influence: Resolution 2007-0008
Adopted October 19, 2007

6. LAKEPORT FIRE PROTECTION DISTRICT

6.1 Lakeport Fire Protection District Background

The Lakeport Fire Protection District provides fire protection and emergency medical services in and around the City of Lakeport. The district is the result of a merger in 2000 in which the district merged with the City of Lakeport's Fire Department.

The City of Lakeport, California is located in Lake County. Lakeport is located on the western shore of Clear Lake. State Highway 29 is located on the west side of the City, and provides access to Napa to the south and Ukiah to the west via State Highway 20.

The "Lake County General Plan Goals and Policies Report" describes the City of Lakeport as follows:

The City of Lakeport, which is the County Seat for Lake County, is located on the western shore of Clear Lake. The City, which was incorporated in 1888, still contains many of the historic buildings from the turn of the century. The City's Library Park, which is located at the Clear Lake shoreline, is the site of many annual events (e.g., fishing tournament and boat races). The City also is home to the Lake County Fairgrounds, which hosts the annual Lake County Fair and County Rodeo.

The 2000 population was 4,820. The Lakeport Unified School District has two elementary schools, one middle school, and one high school. The City is located two miles from the Lampson Field Airport. Water supply and wastewater service is provided by the City of Lakeport. Municipal water sources include a combination of groundwater and surface water. Lakeport is within the Big Valley Water Inventory Unit.

Point of Interest include the Lake County Museum, Library Park, Lake County Fairgrounds and Speedway.

6.2 Lakeport Population Data

Although the Lakeport Fire Protection District includes a larger area than the City of Lakeport, population data is only available for the City. However, the population data for the City should be indicative of the population characteristics for the district. As of the U.S. Census of 2000, there were 4,820 people, 1,967 households, and 1,233 families residing in the City. There were 2,394 housing units.

There were 1,967 households out of which 29.7% had children under the age of 18 living with them, 44.7% were married couples living together, 12.6% had a female householder with no husband present, and 37.3% were non-families. 31.0% of all households were made up of individuals and 16.2% had someone living alone who was 65 years of age or older. The average size was 2.36 and the average family size was 2.93 in the City of Lakeport.

The median age was 41 years. For every 100 females there were 86.9 males. For every 100 females age 18 and over, there were 84.7 males in the City of Lakeport. The median income for a household in the city was \$32,226, and the median income for a family was \$37,900. Males had a median income of \$36,719 versus \$25,089 for females. The per capita income for the city was \$17,215. About 13.5% of families and 15.7% of the population were below the poverty line, including 20.9% of those under age 18 and 5.6% of those aged 65 or over.

6.3 Lakeport Fire Protection District Personnel

The Lakeport Fire Protection District has nine sworn safety employees and one clerical employee.

The district also uses 21 volunteer fire fighters. The ISO rating in town is 4.

6.4 Lakeport Fire Protection District Facilities and Equipment

Lakeport Fire Protection District Fire Stations

Station Number Location Type

50 445 North Main Street, Lakeport Full

52 3600 Hill Road East, Lakeport Substation

Lakeport Fire Protection District Equipment

Vehicle Station Type Year

Engine 152 52 Mack 1974

Engine 150 50 Pierce 1987
Engine 250 50 Spartan 2001
Engine 350 50 International 1975
Engine 252 52 International Navistar 1997
WT 152 52 Kenworth 1984
T-150 50 American La France Aerial 1980
Has Mat 150 50 Ford Haz Mat 1982
Air 150 50 Chevy Air Truck 1986
M-250 50 Ford Ambulance 1988
M-150 50 Lifeline Ambulance 1993
M-350 50 Lifeline Ambulance 2004
M-450 50 Lifeline Ambulance 2000
W-150 (Utility) 50 Chevy Pickup S-10 1995
500 50 Chevy Blazer 1996

6.5 Lakeport FPD Calls for Service

Lakeport FPD Calls for Service
Type of Call 2000 2001 2006
Emergency Medical Service 936 1000 2121*
Fire 141 150 74

Note: The district recently took over Ambulance services. In 2006, 1500 calls were attributable to transporting people.

Source: Lakeport Fire Protection District, September 2007

The district provides its own ambulance service. The average response time for Fire/EMS services within district boundaries is two to four minutes from receipt of call to personnel movement, plus travel time. Travel time to specific emergencies is dependent upon distance from responding stations to the emergency, as well as the condition of roadways along the route. The average remote distance response time is eight minutes. There are some remote areas within the district in which these response times are further extended, especially during winter months.

6.6 Lakeport Fire Protection District Water Supply

Fire flows within the District service area are generally adequate. Hydrants within the Findley service area no longer experience poor flow rates since Kelseyville County Waterworks District water is being supplied to Findley.

6.7 Lakeport Fire Protection District Finances

Lakeport FPD Reported Income

Fiscal Year Property Tax Revenue

Charge for Services

Total Revenue EOY Balance

04-05 \$617,317 \$1,493,670 \$1,619,260 \$125,590

00-01 \$362,125 \$373,324 \$815,170 \$87,348

01-02 \$539,126 \$407,146 \$1,194,113 \$457,750

02-03 \$489,981 \$335,062 \$880,965 \$151,615

Source: 2004-2005 Annual Special Districts Report, State Controller's Office, 2000-2001 Annual Special Districts Report, State Controller's Office, 2003-2004 Adopted Budgets, County of Lake.

The Lakeport Fire Protection District Budget for 2006-2007 is \$1,723,625.

6.8 Lakeport Fire Protection District Board

The Lakeport Fire Protection District is governed by a five-member Board of Directors. The Lakeport FPD holds regularly scheduled meetings of its Board on the second Tuesday of every month. The district posts meeting agendas on public bulletin boards at fire district facilities.

Representatives of the district appear to be open and accessible to the public. The Phone Number for the District is 707-263-4396.

6.9 MSR Lakeport Fire Protection District Written Determinations

6.9.1 Lakeport FPD infrastructure needs or deficiencies

1-1) The district is planning to develop a new Main Station. The property is being secured and construction should be completed in approximately 2 years. The district is also working with the County on securing property at the Airport. The district is also working on a possible addition to Station 52 within the next 2 years and replacing the ladder truck with a new model.

6.9.2 Lakeport FPD growth and population projections for the affected area

2-1) The Lakeport FPD does not project population, but rather relies on incremental improvements and upgrades to address additional service demands related to growth. A Possible Growth scenario is 473 Single Family Dwellings proposed in the City of Lakeport as of March 2007, 60 units of affordable housing, and 12 duplex units. Lake County Community Development Departments has projected 2,576 lots in the Lakeport Fire Protection District could be subdivided.

2-2) It is common for fire districts in rural areas to rely on this method of accommodating projected growth.

2-3) The district has adopted and implemented mitigation fees for new development, which is intended to offset costs of growth on District operations.

2-4) The district appears able to adequately accommodate increased service demand associated with population growth.

6.9.3 Lakeport FPD financing constraints and opportunities

3-1) The Lakeport FPD maintains sufficient budgetary reserves and has maintained a positive balance in accounts over the past five years.

3-2) The district uses a modified cash basis for financial statements, which varies from generally accepted accounting principles.

3-3) The district has submitted budgetary documents on time, and the merging of the district with the Lakeport Fire Department increased revenues while allowing for economies of scale to be realized.

3-4) The District's financial status is considered good.

6.9.4 Lakeport FPD cost avoidance opportunities

4-1) The Lakeport FPD has had significant budget increases in each of the last three years, with a 28 percent total increase between FY 2001/02 and FY 2003/04.

4-2) Budgetary increases have primarily been in the areas of salaries and benefits for employees (including rising costs associated with provision of health and worker's compensation insurance), and the implementation of set-aside monies for contingencies.

4-3) The district uses all available income generation options, including service fees for fire and emergency services, mitigation fees, and other miscellaneous revenue sources.

6.9.5 Lakeport FPD opportunities for rate restructuring

5-1) Lakeport FPD, as a fire service provider, is a non-enterprise district.

5-2) Funding for the fire protection services of the district is derived from a combination of property taxes, service charges for emergency medical services, interest from investments, and local, State, and Federal grants.

5-3) The current rate structure of the district has been sufficient to supplement other revenue sources and allow for financial stability within the district's operations.

5-4) The rate structure of the district is considered appropriate.

6.9.6 Lakeport FPD opportunities for shared facilities

6-1) Each of Lake County's fire protection districts has a verbal agreement with CDF, which allows the Fire Protection Districts within the County to call on CDF for assistance in major fires that are beyond the control of that particular Fire Protection District.

6-2) The district participated in the Operation Get Ready (OGRE) training exercises with other districts in 2000.

6-4) The district is adjacent to three other fire districts in the County, and may have the potential to share administrative or equipment resources with other districts.

6-5) Given the financial stability of the district and the location of the two fire stations, it is not likely that such arrangements would be cost-effective.

6-6) There are no existing or proposed facilities sharing arrangements within the district.

6.9.7 Lakeport FPD government structure options

7-1) The Lakeport FPD encompasses the City of Lakeport and some surrounding areas, and has a Sphere of Influence that extends southwest to the county line.

7-2) The existing physical boundaries of the district are appropriate, given the location of facilities and the structure of the district.

7-3) Current SOI boundaries are also logical and appropriate, as Lakeport FPD is the only district contiguous to most of the SOI area.

7-4) The boundaries and SOI of the district are considered suitable for continued efficient operation of fire services in this area of the County.

6.9.8 Lakeport FPD evaluation of management efficiencies

8-1) The Lakeport FPD has a management structure appropriate and sufficient to ensure fire and emergency service provision within its district boundaries and SOI.

8-2) The district maintains a sound financial and management system, with adequate personnel and equipment to provide service and meet internal thresholds for service adequacy.

8-3) The management structure of the district, consisting of a governing Board of Commissioners, with an appointed Fire Chief overseeing a department of firefighters and administrative staff, is appropriate for provision of fire and emergency services.

6.9.9 Lakeport FPD local accountability and governance

9-1) The Lakeport FPD holds regularly scheduled meetings of its Board on the second Tuesday of every month.

9-2) The district posts meeting agendas on public bulletin boards at fire district facilities. Representatives of the District appear to be open and accessible to the public.

EXHIBIT 4 – LAKEPORT MUNICIPAL SERVICE REVIEW

Adopted July 18, 2012

3.3 Fire Protection

3.3.1 Fire Protection - Issues

The following is a general discussion of matters of interest and standards related to fire protection, including mutual aid, dispatch, response times, staffing and water supply:

A. Fire Protection Mutual Aid

Most of the fire protection and EMS providers primarily serve their own jurisdictions. Given the critical need for rapid response, however, there are extensive mutual aid efforts that cross jurisdictional boundaries.

Mutual aid refers to reciprocal services provided under a mutual aid agreement, a prearranged plan and contract between agencies for reciprocal assistance upon request by the first-response agency. In addition, the jurisdictions rely on automatic aid primarily for coverage of areas with street access limitations and freeways.

Automatic aid refers to reciprocal services provided under an automatic aid agreement, a prearranged plan or contract between agencies for an automatic response for services with no need for a request to be made.

2006/2007 2007/2008 2008/2009 2009/2010 2010/2011 2011/2012

Actual Budget

Revenue \$ \$53,049 \$177,789 \$198,215 \$203,405 \$240,472

Expenditures

Salaries/Benefits \$43,281 \$41,935 \$167,647 \$183,839 \$187,052 \$220,856

Operating Expense 15,409 10,986 10,142 14,376 \$15,953 \$19,410

Capital Outlay 0 127 0 0 400 \$206

Total Expense \$58,689 \$53,049 \$177,789 \$198,215 \$203,405 \$240,472

B. Fire and EMS Dispatch

Dispatch for fire and medical calls is increasingly becoming regionalized and specialized. This increased regionalization and specialization is motivated by the following nine factors:

- 1) Constituents increasingly expect emergency medical dispatching (EMD), which involves over-the-phone medical procedure instructions to the 911 caller and requires specialized staff.
- 2) Paramedics increasingly rely on EMD, which also involves preparing the paramedic en route for the type of medical emergency and procedures.
- 3) Dispatch technology and protocols have become increasingly complex.
- 4) Modern technology has enabled better measurement and regulatory oversight of Fire Department (FD) response times, and increased pressure for FDs to meet response time guidelines.
- 5) FDs need standard communication protocols, due to their reliance on mutual aid.
- 6) Dispatching of calls from cell phones is particularly inefficient due to multiple transfers, length of time the caller spends on hold, and lack of location information. Response times are further delayed when callers that are unfamiliar with the area are unable to describe rural locations to the dispatch personnel.
- 7) All new cell phones are now equipped with GPS; however, it will take a few years for all old phones to be replaced by phones with GPS capability and/or construction of specialized cell phone towers.
- 8) The National Fire Protection Association (NFPA) recommends a 60-second standard for dispatch time, the time between the placement of the 911 call and the notification of the emergency responders. The Center for Public Safety Excellence recommends a 50-second benchmark for dispatch time.

- 9) There are clear economies of scale in providing modern fire and medical dispatch services.

C. Fire Protection and EMS Response Time

Response times reflect the time elapsed between the dispatch of personnel and the arrival of the first responder on the scene. For fire and paramedic service, there are service standards relating to response times, dispatch times, staffing, and water flow. Particularly in cases involving patients who have stopped breathing or are suffering from heart attacks, the chances of survival improve when the patient receives medical care quickly.

The National Fire Protection Association is a non-profit association of fire chiefs, firefighters, manufacturers and consultants.

Similarly, a quick fire suppression response can potentially prevent a structure fire from reaching the “flashover” point at which very rapid fire spreading occurs—generally in less than 10 minutes.

The guideline established by the NFPA for fire response times is six minutes at least 90 percent of the time, with response time measured from the 911-call time to the arrival time of the first-responder at the scene.

The fire response time guideline established by the Center for Public Safety Excellence (formerly the Commission on Fire Accreditation International) is 5 minutes, 50 seconds at least 90 percent of the time.

D. Fire Protection Staffing

For structure fires, NFPA recommends that the response team include 14 personnel—a commander, five water supply line operators, a two-person search and rescue team, a two-person ventilation team, a two-person initial rapid intervention crew, and two support people.

The NFPA guidelines require fire departments to establish overall staffing levels to meet response time standards, and to consider the hazard to human life, firefighter safety, potential property loss, and the firefighting approach.

NFPA recommends that each engine, ladder or truck company be staffed by four on-duty firefighters, and that at least four firefighters (two in and two out), each with protective clothing and respiratory protection, be on-scene to initiate fire-fighting inside a structure.

The Occupational Safety and Health Administration (OSHA) standard requires that when two firefighters enter a structure fire, two will remain on the outside to assist in rescue activities.

For emergency medical response with advanced life support needs, NFPA recommends the response team include two paramedics and two basic-level emergency medical technicians.

E. Fire Protection Water Supply

For structure fires, NFPA recommends the availability of an uninterrupted water supply for 30 minutes with enough pressure to apply at least 400 gallons of water per minute. 31 NFPA Standard 1710, 2004. 32 Guideline for a full structure fire is response within ten minutes by a 12-15 person response team at least 90 percent of the time.

Commission on Fire Accreditation International, 2000 21 29 CFR 1910.134.

3.3.2 City of Lakeport Fire Protection

Lakeport Fire Protection District provides fire protection and emergency medical services in and around the City of Lakeport. The District is the result of a merger in 2000 in which the District merged with the City of Lakeport's Fire Department. The Lakeport Fire Protection District (LFPD) is an independent fire district which serves the City of Lakeport and unincorporated Lakeport areas.

There are two stations in the District as follows:

- 1) Station 50 which is the Main Fire Station, located at 445 North Main Street
- 2) Station 52 is the District's Sub-Station located at 3600 Hill Road.

The main station is staffed with four personnel on duty at all times.

LFPD's website is located at lakeportfire.com. The phone number for the District is 707- 263-4396. The ISO rating in town is 4. Fire protection equipment includes the following:

- 4 Ambulances
- 1 Utility Truck
- 1 Air Trailer
- 4 Engines
- 1 Water Tender
- 1 Ladder Truck

The paid staff includes 1 chief, 1 deputy chief, 3 captains, 6 firefighters, and 1 district secretary. (Six of the staff members are qualified as paramedics.)

The volunteer staff includes 8 fire apparatus engineers, and 12 firefighters. (Four volunteers are qualified as paramedics.)

The mission of the District is as follows:

The Lakeport Fire Protection District's mission is to be a leading emergency service Department by:

- Meeting the needs of our community in fire prevention, fire suppression, and rescue
- Utilizing and improving the dedication and skills of our people
- Constantly improving all of our services and operation

In carrying out this mission The Lakeport Fire Protection District Will:

- Give top priority to firefighter safety and equipment concerns
- Encourage the professional and personal development of our members
- Work as teams to take full advantage of our skills, knowledge and creativity
- Communicate openly and honestly to our members and community to inspire trust and confidence

The District provides ambulance services. The average response time for Fire/EMS services within the City of Lakeport boundaries is four to seven

minutes for emergency calls and ten minutes for non-emergency calls. Travel time to specific emergencies is dependent upon distance from responding stations to the emergency, as well as the condition of roadways along the route. The average remote distance response time is eight minutes. There are some remote areas within the District in which these response times are further extended, especially during winter months.

Lakeport Fire Protection District responds to over 2,200 calls per year including structure and wildland fires, vehicle accidents, and medical aid.

Activity for a typical month is shown below:

October 2009 Monthly Report

Number/Percent

Medical Assist 88 /42

Inter-facility Transport 79 /37

Traffic Accident 9 /5

Fire

Structure 0

Vehicle 0

Vegetation 2

Other 1

Total Fire 3 /2

Hazmat 0

False Alarm 5 /3

Good Intent Call 24 /11

Total 208 /100.00

Other significant events:

- 1) Continue trial of Lifepak 15 cardiac monitor
- 2) Purchase EZ-IO equipment and conduct training for all paramedics
- 3) Seek funding options for Zoll Autopulse

EXHIBIT 5 – Lake LAFCO 2015 Review

5.2 Lakeport FPD Overview

5.2.1 Lakeport FPD History

The Lakeport Fire Department was formed in 1894 to provide fire protection to the City of Lakeport. In 1956 the Lakeport County Fire Protection District was formed to provide fire protection to the unincorporated areas of Lakeport. The Lakeport County Fire Protection District merged with the Lakeport Fire Department to provide unified fire protection for the area.

5.2.2 Lakeport FPD Contact Information

Contact Information for the Lakeport Fire District is as follows:

Mailing Address: 445 North Main Street, Lakeport CA. 95453
Phone and E-mail: 707-263-4396, lakeportfire@lakeportfire.com
Fire Chief: [name omitted]

5.2.3 Lakeport FPD Board of Directors

Board Members are appointed by the Lake County Board of Supervisors and are as follows: [names omitted]

The Board of Directors meets at 6:00 pm on the second Tuesday of each month at the Main Station, 445 North Main Street, Lakeport, CA 95453. The agendas are posted at the Fire Station.

5.2.4 Lakeport FPD Mission Statement

The Lakeport Fire Protection District's mission is to be a leading emergency service Department by:

- Meeting the need of our community in fire prevention, fire suppression, and rescue
- Utilizing and improving the dedication and skills of our people
- Constantly improving all of our services and operation

In carrying out this mission, The Lakeport County Fire Protection District will:

- Give top priority to firefighter safety and equipment concerns
- Encourage the professional and personal development of our members
- Work as teams to take full advantage of our skills, knowledge and creativity
- Communicate openly and honestly to our members and community to inspire trust and confidence

5.2.5 Personnel

The Lakeport Fire District provides fire protection and ALS ambulance service to the citizens in the unincorporated and incorporated areas of Lakeport. The Lakeport Fire District operates out of two fire station locations:

- Headquarters (Station 50) is located at 445 North Main Street.
- Substation (Station 52) is located at 3600 Hill Road East.

Lakeport Fire responds to over 3,000 calls per year including structure and Wildland Fires, vehicle accidents, and medical aid. The Main Station (Station 50) is staffed with 4 personnel on duty at all times. The District uses a combination fire department, paid and volunteer as follows:

- Paid staff includes 1 Chief, 3 Captains, 6 Firefighters, and 1 District Secretary.
- Volunteer staff includes 1 Deputy Chief, 3 Lieutenants, 5 Fire Apparatus Engineers, and 14 Firefighters.
- 58 Training drills are held on the first Wednesday of each month from 6 to 9 pm.

5.2.6 Lakeport FPD Equipment

The Lakeport Fire District has the following equipment:

HM-5011	1982	Ford	Haz-Mat response vehicle
Air-5011	1986	Chevy	Air Support vehicle
WT-5011	1984	Kenworth	Water Tender
E-5211	1987	Pierce	Type 1 Fire Engine
E-5011	1991	Seagrave	Type 1 Fire Engine
E-5012	2001	Spartan	Type 1 Fire Engine

E-5021	1997	Navistar	Type 2 Fire Engine
E-5031	1975	International	Type 3 Fire Engine
T-5011	1999	Seagrave	Type 1 Ladder Truck (75 foot)
U-5011	1995	Chevy	Type 1 Utility Pick-up
U-5021	1996	Chevy	Type 2 Utility SUV
M-5011	1993	Ford	ALS Ambulance
M-5012	2008	Dodge	ALS Ambulance
M-5013	2004	Ford	ALS Ambulance
M-5014	2009	Dodge	ALS Ambulance
M-5015	2002	Ford	ALS Ambulance
C-500	2008	Dodge	Type 1 Utility Pick-up

58 Lakeport County FPD, <http://www.lakeportfire.com/about/>, January 28, 2014.

5.2.6 Lakeport Fire District Calls and Response Time

The Lakeport Fire District calls for 2012 are shown below:

Calls Received in 2012

Structure fires	47
Medical	2,102
Grass fires	14
False alarms	107
Public assist	106
Hazard conditions	12
Other	474
Total Calls	2,862

As is common with most fire protection districts, the medical calls (74%) outnumber all other calls combined.

The ISO Rating for the Lakeport Fire District was done January 28, 2008 with the following classifications:

CLASS 4, applies to properties within 5-road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.

CLASS 8B, applies to properties beyond 1,000 feet of a fire hydrant but within 5-road miles of a recognized fire station.

CLASS 10, applies to properties over 5-road miles of a recognized fire station. The average response time for all responses within district boundaries is two to four minutes. Travel time to specific incidents is dependent upon distance from station location. Time is also dependent on the season, traffic, weather and remoteness.

Difficulties during winter months include road conditions, road surface, traffic, weather (rain or snow) and areas in remote locations.

4.2.7 Lakeport County FPD Water Supply

The Lakeport Fire District has hydrants in the following areas:

Finley City of Lakeport

Konocti Vista Casino Mission Rancheria

North Lakeport (in the County) Robin Hill

4.2.8 Lakeport Volunteer Firefighter's Association

The Lakeport Volunteer Firefighter's Association is a nonprofit organization that is made up of both professional and volunteer firefighters, from the Lakeport Fire District. The association currently has 28 members. The association officers are as follows: [names omitted]

Starting in 2010, the Association has raised funds by holding an Annual Dinner, Dance, and Auction in October.

5.2.9 Lakeport FPD Budget

Lakeport County Fire Protection District Budget 2013-14 REVENUE

PROPERTY TAXES	2011-12	2012-13	2013-14
10-10 Current Secured	709,628	739,941	725,500
10-20 Current Unsecured	18,038	17,803	17,900
10-25 Supplemental 813-Current	(1,736)	(3,797)	0

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10-35 Supplemental 813-Prior	2,065	2,447	2,000
10-40 Prior Unsecured	665	672	0
PERMITS			
21-60 Other	8,142	8,441	8,000
FINES, FORFEIT, PENALTIES			
31-95 Penalties and Cost on Delinquencies	7	24	0
RENTS AND CONCESSIONS			
42-10 Rents and Concessions	2,520	2,520	2,500
REVENUE FROM USE OF MONEY			
42-01 Interest	1,039	2,809	2,000
STATE AID			
54-60 HOPTR	10,842	10,721	10,000
54-90 Other	33,792	0	0
OTHER GOVERNMENT AGENCIES			
56-30 Other	128,055	73,763	16,303
PUBLIC PROTECTION			
68-60 Institutional Care and Services	1,081,525	1,191,952	735,685
OTHER CURRENT SERVICES			
69-29 Fire Protection*	217,830	221,554	214,000
OTHER			
79-90 Miscellaneous	28,035	2,144	0
79-91 Cancelled Checks	0	57	0
OPERATING TRANSFERS			
81-22 In	42,348	97,443	42,348
RESIDUAL EQUITY TRANSFERS			
81-31 Residual Equity Transfer	0	47,537	0
TOTAL REVENUE	2,282,795	2,416,031	1,759,933

*Fire assessment from Prop. 218 passed 2002. The City of Lakeport and the County area each have a separate assessment schedule. A single-family home in the City of Lakeport would pay \$39.60 per year and in the County a single-family home would pay \$30.00 per year. Other types of structures would pay according to the schedule.

Lakeport County Fire Protection District Budget 2013-14 EXPENSES

	2011-12 Actual	2012-13 Actual	2013-14 Adopted
SALARIES AND EMPLOYEE BENEFITS			
01-11 Permanent	580,179	629,746	696,760
01-12 Extra Help	274,141	336,540	309,000
01-13 OT, Holiday, Standby	96,331	119,263	170,000
02-21 FICA	19,678	23,731	35,000
02-22 PERS	243,179	265,072	291,500
03-30 Health/Life Insurance	235,463	248,331	256,000
03-31 Unemployment	8,405	0	7,500
03-39 State Disability	0	0	5
04-00 Worker's Comp	67,725	74,028	90,000
SERVICES AND SUPPLIES			
11-00 Clothing & Perl Sup	8,822	8,674	9,350
12-00 Communications	4,240	6,014	7,000
14-00 Household Expense	1,875	2,055	2,500
15-10 Other	29,093	31,136	33,400
17-00 Maintenance-Equip	10,535	94,166	20,000
18-00 Maintenance Buildings & Improvements	1,771	6,189	11,000
20-00 Memberships	3,096	2,565	3,800
22-70 Supplies	2,787	3,393	4,800
22-71 Postage	850	991	1,200
22-72 Books & Periodicals	1,125	1,424	1,300
23-80 Professional/Special	58,222	56,473	59,000
24-00 Publ and Legal Notices	57	105	250
25-00 Rents & Leases-Equip	42,348	42,348	42,348
26-00 Rents & Leases-Buildings/Improvements	0	0	5

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27-00 Small Tools and Instr	256	234	4,100
28-30 Supplies and Services	623	2,693	2,500
28-48 Ambulance Expense	109,844	133,188	130,000
29-50 Trans & Travel	3,815	2,948	4,500
30-00 Utilities	59,952	6,219	65,000
OTHER CHARGES			
48-00 Taxes and Assessments	42	42	50
CAPITAL ASSETS			
62-71 Office	5,000	0	0
62-72 Autos & Light Trucks	0	38,875	0
62-74 Other	117,818	5,363	5,500
TOTAL EXPENDITURES/ APPROPRIATIONS			
Net Cost	1,987,272 (295,523)	2,198,206 (217,825)	2,263,368 503,435