

Standish-Litchfield Fire Protection District

Volunteer Firefighting:

One of the Most Essential Services of an Organized Society

The Grand Jury - To examine and investigate county government and special district functions and make recommendations to improve their procedures and methods of operations to promote honest, effective government for the best interests of the people.

Summary

Receiving a complaint alleging willful misconduct, misuse of public funds, open meeting violations, and possible Health Insurance Portability and Accountability Act (HIPPA) violations, the Lassen County Grand Jury (GJ) undertook a thorough and comprehensive investigation of the Standish-Litchfield Fire Protection District (SLFPD).

During the course of the investigation, discoveries were made, with standard operational procedures and SLFPD Bylaws, policies, and procedures not being followed, various unlawful actions by the Board of Directors, ineffective leadership, administrative duties left undone, and numerous Brown Act violations.

During this investigation, the Grand Jury reviewed numerous documents, conducted interviews, researched various government code sections, and reviewed additional online resources and websites.

Lassen County's Standish-Litchfield Fire Protection District and more than 380 other fire protection districts in California draw their statutory authority from Fire Protection District Law. As a legislative body, the SLFPD Board of Directors is regulated by an extensive list of laws, regulations, and training requirements.¹

Without clear institutional memory, an understanding of regulatory requirements, and effective leadership, inevitably a board of directors will be dysfunctional and ultimately a liability to the district. The Grand Jury investigation of SLFPD revealed just that.

Special Note: The Grand Jury investigation did not examine the Standish-Litchfield Fire Protection District performance during routine or emergency response to fire or medical situations.

Background

Fire protection districts are formed to provide fire protection and other emergency services for a community.² Lassen County's Standish-Litchfield Fire Protection District (SLFPD) and more than 380 other fire protection districts in California draw their statutory authority from fire protection district law – California Health & Safety Code §13800, et seq.

Established in 1951, SLFPD, a small rural volunteer district that provides emergency services to the towns of Standish and Litchfield, and several miles outside the service area to the communities of Wendel and Ravendale.

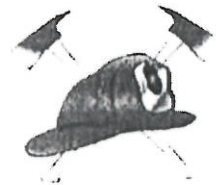
There are two stations in the 91.7 square mile (58,693.9 acres) service area. Station one is mostly used for storage; station two is the primary station able to house six apparatus (Fire Engine). An elementary school, gas station/mini mart, homes and ranches, and a population of approximately 1,780³ are also within the service area.⁴

The SLFPD has mutual aid agreements with CAL-FIRE, BLM, US Forest Service, Susan River Fire Protection District, Janesville Fire Protection District, and the California Department of Correction's fire department.⁵

The five-member Board of Directors is independent of any county supervision and very limited state oversight. There is a paid secretary, a fire chief, and reports indicate there are currently less than five volunteers.

Glossary

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|---------|---|
| • SLFPD | Standish-Litchfield Fire Protection District |
| • GJ | Grand Jury |
| • BOS | Board of Supervisors |
| • BLM | Bureau of Land Management |
| • CCC | California Correctional Center |
| • LAFCO | Local Agency Formation Commission |
| • OES | Office of Emergency Services |
| • OSHA | Occupational Safety and Health Administration |
| • HIPPA | Health Insurance Portability and Accountability Act |
| • NFPS | National Fire Protection Standards |



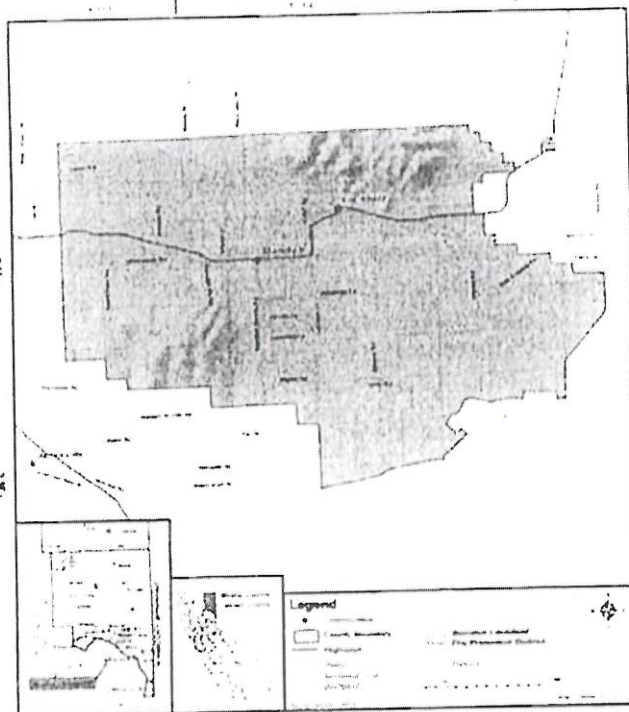
- Gov Code Government Code
- FPPC Fair Political Practices Commission
- AB Assembly Bill
- SB Senate Bill
- FYE Fiscal Year Ending
- ISO Insurance Service Offices
- OCR Office of Civil Rights
- Cal-Fire California Department of Forestry and Fire Protection
- CSDA California Special Districts Association
- Apparatus Fire engine

Methodology

The Grand Jury obtained information used for this report through interviews, various documents, online web sites, and public records.

Websites Reviewed:

Ca State Fire Marshal's office
www.osfm.fire.ca.gov
 Ca OES (Office of Emergency Services)
www.caloes.ca.gov
 Cal Fire www.fire.ca.gov
 NFPS (National Fire Protection Standards) www.nfpa.org
 Cal OSHA www.dir.ca.gov/dosh/
 Ca Labor Commission
www.dir.ca.gov/dlse/
 Ca State Attorney General's Office
www.oag.ca.gov
 CSDA (California Special Districts Association) www.csda.net
 Lassen LAFCO (Local Area Formation Commission) www.lassenlafco.org
 Ca Fire Rescue Company 1 www.firerescue1.com
 Ca State Controller's Office www.sco.ca.gov



Ca FPPC (Fair Political Practices Commission) www.fppc.ca.gov

CGJA (CA Grand Jury Assn) www.cgja.org

Lassen County Superior Court www.lassencourt.ca.gov

Lassen County <http://www.co.lassen.ca.us/>

Special Note: At the time this report was prepared these websites were actively maintained and accessible, and the information used was available at the websites listed.

Discussion

Governance

Governance: The institutional capacity of public organizations to provide public services and other goods demanded by a country's citizens or the representatives thereof in an effective, transparent, impartial, and accountable manner, subject to resource constraints.

Being involved, community pride, wanting to help, and many other reasons motivate a person to get on a Board of Directors.

Effective governance requires a time commitment; in addition to the routine business of the board, to pursue trainings, conferences, workshops, and other types of related learning opportunities.

Whether elected, appointed, or hired, good governance depends on officials and staff knowing, understanding, and following the duties and responsibilities of being a public servant as well as the relevant laws and requirements that govern it.

Members of a Board of Directors are often referred to as trustees because they are entrusted with the people's business. With a fire protection district that means the board is entrusted to provide training for the volunteers, promote safety, respond to emergencies, protect life and property, provide appropriate and functioning protective gear and apparatus, and conduct district business in an open and transparent manner.

Brown Act

California regulates legislative bodies in many ways, but the most important way to ensure transparency and citizen participation is through the Brown Act, also known as the open meeting law. Adopted by the state legislature “to ensure the public’s right to attend the meetings of public agencies,” as well as “to facilitate public participation in all phases of local government decision making and to curb misuse of the democratic process by secret legislation by public bodies.”⁶

The Brown Act is essentially a body of rules designed to ensure open government and fairness. It regulates many aspects of local public agency meetings in both open and closed sessions. The GJ reviewed the Brown Act during the course of its investigation, special attention was given to the following sections:⁷

Meetings

- Meetings Occur Whenever the Majority of a Legislative Body Meets to Discuss Agency Business. (Gov Code § 54952.2(a))
- All local Agencies Must Meet within Their Jurisdictional Boundaries. (Gov Code § 54954)
- A Schedule for Regular Meetings Must Be Set by Official Action and Each Regular Meeting Requires 72 hours’ notice. (Gov Code § 54954, 54954.2(a))

Agenda

- All Meetings Must Have an Agenda and the Agenda Must Include a Description of Each Item on the Agenda. (Gov Code §§ 54954.2, 54954.5, 54955, 54957.5)

The Brown Act requires the preparation of a written agenda for all meetings. The agenda must contain a brief description of each individual item of business on the agenda and must be written in clear and unambiguous terms so that members of the public are aware of what business the agency intends to transact. This is required for both open and closed session agenda items.

To ensure compliance, the following guidelines should be followed⁸:

- The description must give fair notice of the essential nature of the business to be considered.
- The public must be provided with more than just clues from which they must then guess or surmise the essential nature of the business to be considered.
- The agenda must not be confusing, misleading, or unfairly opaque.

In 2019, the court reaffirmed the importance of describing agenda items in a clear and unambiguous manner so that the public knows the essential nature of the business to be considered by the agency.⁹

SLFPD agendas consistently lack openness and fail to inform the public. Agenda items are typically described by three words or less.

- o Closed Session Agenda Notice Requirements. (Gov Code §§ 54954.2, 54954.5)
- o Closed Session Items Must Be Identified on the Agenda and Orally Announced in Open Session. (Gov Code § 54957.7)

The subjects of any closed session must be described in a notice or agenda for the meeting, and agendas are required to be posted at least 72 hours in advance of the meeting. Brown Act regulations also require the legislative body to orally announce, in an open session, the issues to be heard at a closed session. If any final actions are taken, the legislative body must report the action, in open session, after the conclusion of the closed session. Government Code § 54957.1 requires that the *“legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present”*.

Closed Session

- o Closed Sessions are Prohibited Except as “Expressly Authorized” to be Lawful. (Gov Code § 54962)

- o Closed Sessions are Permitted for Certain Matters. (Gov Code §§ 54954.5, 54956.5(c))
- o Minuets of an Improper Closed Session are Not Confidential. *Register Division of Freedom Newspaper, Inc. v. County of Orange* (1984)158 Cal.App 3D 893, 907-908

While there is ample opportunity for the public to comment at each open session meeting, the ability to speak has limited value if the public does not know what substantive discussions are going to take place in closed session.

Violations

- o Intentional Violations of the Brown Act are Misdemeanors. (Gov Code § 54959)
- o Cease and Desist or Cure and Correct (Gov Code §§ 54960, 54960.1, 54960.2, 54960.5)

Special Note: The Grand Jury could consider whether Brown Act violations suffices to issue an accusation of willful or corrupt misconduct in office under Gov Code 3060 which can result in removal from office for egregious misconduct.

A Brown Act violation justifies removal from office pursuant to section 3060. Bradley v. Lacy, 53 Cal.App.4th 883, 887 n.1 (1997).

As a general matter, decisions that are not made according to open meeting laws are voidable. After asking the agency to correct the violation, either the district attorney or any interested person may seek a court order to have the action declared invalid. Additionally, governing body members who intentionally violate the open meeting laws may be guilty of a misdemeanor(s).

The Political Reform Act includes disclosure and disqualification requirements. A knowing or willful violation of the Political Reform Act's requirements is a misdemeanor. Such a conviction may also create an immediate loss of office under the theory that the official violated his or her official duties, or create a basis for a

grand jury to initiate proceedings for removal on the theory that failure to disclose constitutes willful or corrupt misconduct in office.

When a disqualified official participates in a decision, it can void the decision. This can have serious consequences for those affected by the decision as well as the public agency. Officials can be removed from office for willful or corrupt misconduct in office¹⁰. The misconduct does not have to constitute a crime and need not necessarily imply corruption or criminal intent.¹¹

Public Records Act

Other open government and fairness rules often intersect with the Brown Act. The two most common sets of additional rules are the California Public Records Act and the rules governing ethics in public service.

Because public agencies exist for the purpose of handling public business, their daily operations are subject to a level of transparency. The Legislature enacted the California Public Records Act¹² to address this need for transparency. The Public Records Act is often confused with the Federal Freedom of Information Act, which only applies to federal agencies¹³. The Public Records Act applies to local agencies, including cities, counties, special districts, school districts, and community college districts.¹⁴

The overall principal of the Public Records Act is that all records maintained by a public agency that deal with public business are open to inspection and subject to disclosure unless an exemption applies.¹⁵

Ethics

The rules governing ethics are designed to ensure open government and fairness. The rules are complex and sometimes technical, with new rules being adopted every year.

Generally, ethics provisions fall under three categories:

1. Personal and financial gain,
2. Transparency, and

¹⁰ Gov Code §§ 3060-3075

¹¹ People v. Harby (1942) 51 Cal.App.2d 759, 767

¹² Gov Code § 6250 et seq.

¹³ 5 U.S.C. 552 et seq

¹⁴ Gov Code § 6252

¹⁵ Gov Code § 6252 (e)(g)

Elected or appointed officials of local agencies who receive compensation or reimbursement for expenses incurred as part of their official duties, are required to received biannual ethics training. Currently local agencies required to receive the training include cities, counties, and special districts (but not school districts)¹⁶.

3. Fair process and merit-based decision-making.

This category refers to processes and decisions based on objective criteria for the benefit of the residents of the district, rather than on personal gain, personal relationships (good ol' boy), or personal bias.

One of the hallmarks of government ethics is transparency. Transparency is simply making comprehensive, accurate, and up-to-date information available quickly and on-demand to the public. Such transparency is possible today as never before because of information technology and the Internet.

A very important point is that the broad topic of "ethics" in public service refers to much more than just laws. Ethics training for public officials strongly emphasizes that laws are only a minimum standard.

This report highlights the basic ethics principles and is not intended to be a comprehensive summary or review of all applicable laws. If a red flag is raised, the GJ urges the reader to consult with the applicable regulating authority, such as the Fair Political Practices Commission or California Attorney General's Office or seek legal counsel. There are also a multitude of resources on ethics and conflicts of interest available on the internet from the following organizations:

- Institute for Local Government, www.ca-ilg.org. (The ILG prepared a number of publications on public service ethics)
- California Fair Political Practices Commission, www.fppc.ca.gov. (The FPPC created numerous Fact Sheets)
- California Attorney General, www.ag.ca.gov/publications. (The AG prepared a Conflict of Interest Publication)

Conflict of Interest

The California Political Reform Act¹⁷ sets forth the rules governing financial conflicts of interest. Public officials, both at a state and local level, may not participate in a decision if the official's financial interests might be materially affected by the decision. Participation includes using the official's position to influence a decision.¹⁸

There is a common law prohibition against participating in decisions where personal loyalties are present. As a decision-maker, the public expects public officials to be impartial and avoid favoritism. Under the common law doctrine, "A public officer is impliedly bound to exercise the powers conferred on him/her with disinterested skill, zeal, and diligence and primarily for the benefit of the public".¹⁹ "Such doctrine strictly requires public officers to avoid placing themselves in a position in which personal interest may come into conflict with their duty to the public".²⁰

"If a situation arises where a common law conflict of interest exists as to a particular transaction, the official must disqualify him or herself from taking part in the discussion or vote regarding the particular matter".²¹ "The purpose of the conflict laws is to prevent even the appearance of impropriety"²².

There is also a statutory prohibition on engaging in incompatible activities.²³ A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.²⁴

Fair Political Practices Commission

Fair Political Practices Commission (FPPC²⁵) The Political Reform Act of 1974, as passed by voters as Proposition 9 created the FPPC. The filing of a Form 700 Statement of Economic Interest requires public officials to disclose economic interests that might give rise to a disqualifying conflict of interest. It provides the public with the ability to ensure its elected and appointed officials are free from bias. The Form 700 should be filed upon assuming office, annually while in office, and upon leaving office.

¹⁷ Gov Code § 87100 et seq., and 2 California Code of Regulations § 18700 et seq. ¹⁸ Gov Code § 87100; 2 California Code of Regulations 18700 - 18702.5 ¹⁹ Noble v. City of Palm Alto (1928) 89 Cal App 47. ²⁰ 67 Ops.Cal.Atty Gen. 369 (1984) ²¹ 26 Ops.Cal.Atty Gen. 5 1995 ²² Thomson v. Cal (1985) 38 Cal.3d 633 ²³ Gov Code § 1125 et seq.

²⁴ Gov Code § 1126(a) ²⁵ Government Code §81000, et seq. & § 83100, et seq.

Each local agency is required to have its own local conflict of interest code that sets forth which officials and employees need to file. Elected, appointed, and executive heads of agencies are statutorily required to file.²⁶

Trust in government is dependent upon officials that place the public interest ahead of their own. Every level of local government, at some point, has faced allegations of conflict of interest, abuse of authority, patronage, and lack of transparency. Equally damaging is the appearance of impropriety. President Lyndon Johnson said in his 1965 State of the Union Address: *"A President's hardest task is not to do what is right, but to know what is right"*.

Health Insurance Portability and Accountability Act

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) required the Secretary of the U.S. Department of Health and Human Services (HHS) to develop regulations protecting the privacy and security of certain health information. To fulfill this requirement, HHS published what is commonly known as the HIPAA Privacy Rule.

The Privacy Rule, or Standards for Privacy of Individually Identifiable Health Information, establishes national standards for the protection of certain health information from fraud and theft.

Any removal of medical records from the fire hall and storing them at a private residence could be a possible violation of the HIPPA Privacy Rule.

Training

The responsibility to ensure nothing less than minimum training standards are provided for and met by every volunteer is paramount and cannot be overstated.

Proper training, education, and qualifications for each level of firefighter and apparatus operators are a key issue. National statistics have demonstrated time after time that un-qualified or poorly trained firefighters and apparatus operator accidents are a leading cause of firefighter injuries and fatalities.

In 2002, the Legislature passed SB1207 requiring volunteer firefighters to meet the same California Occupational Safety and Health Administration (OSHA) training and safety standards as career firefighters.

During a mutual aid response by SLFPD volunteers, a volunteer fire fighter was injured and taken to a Reno hospital by care flight.²⁷ The injury occurred while operating SLFPD equipment. The fact of this accident happening in the first place is concerning. The fact that it happened while operating SLFPD equipment that they should have been properly and routinely trained on is in excusable. The fact that very basic training standards are not being met, makes this accident a result of gross negligence.

Financial

Of high importance to most is the prudent handling of public funds. Whether it is a competitive bid, accurate payroll, reasonable expenditures, or the annual operating budget, the public has a right and so demands a transparent process of checks and balances.

Of course, there are more worthy uses for public funds than there are funds available. Deciding how to best utilize limited public resources is a key responsibility for a board of directors, although it is important to note that they actually have less discretion than one might expect in deciding how public monies are spent.

The law imposes some basic restrictions on how public resources may be used. For example, any use of public resources must serve the needs of those within the district. California's Constitution expresses this principle by prohibiting "gifts" of public funds by the Legislature, general law cities, and agencies created by state statute, such as special districts, for their purposes, with no benefit flowing back to the donor agency's constituents.²⁸

During this investigation various SLFPD financial transactions and documents were reviewed, to determine the manner in which the SLFPD Board of Directors has been conducting the people's business.

Developing an annual budget is a legal requirement²⁹ H&S Code §§13890-13895 and is an agency's tool for linking near-term goals with the resources available to achieve them. The GJ was unable to obtain a copy of any SLFPD annual budget, current or otherwise, despite one not being on record and no document(s) produced after a records request.

There are two main funding sources that support SLFPD. 1) They receive annually a percentage of the property taxes collected within the district boundary.^{30 AB8} 2) They support fire suppression efforts on State and Federal lands for a fee.

The GJ found discrepancies within the SLFPD independent audit for FY 2018 regarding SLFPD annual budget process. In addition, the required budget hearing and adoption process was not followed, including no public hearing for budget review and adoption. Furthermore, no budget was on file with the Lassen County Auditor's office. Despite having no budget on file, the Auditor accepted for deposit on behalf of SLFPD \$316,114.48^{31 County of Lassen Revenue Account Detail 7/18-6/20} and distributed funds on behalf of SLFPD in the amount of \$391,420.56.^{32 County of Lassen Expenditure Detail with Account Totals 7/18-10/19.} That is a difference of \$-75,306.08 for an agency that reportedly has an annual operational budget of approximately \$56,000.^{33 Lassen LAFCO Report}

Audits Are Required by Law: Government Code §§ 26909, 12410.6 "Special districts are required to have annual, independent audits conducted by the county auditor or a certified public accountant".

The primary purpose of the Auditor's office is not merely data entry. The BOS needs to ensure proper and continuing education, consistent with the requirements of a Certified Public Accountant, by the County Auditor and staff, is received, and current at all times. In addition, the BOS needs to ensure the work product of the Auditor's office consistently meets generally accepted accounting standards.

If the BOS does not believe that there is sufficient authority available to them to do so, this Grand Jury recommends the Board, pursuant to Government Code § 24009 (b) or 26980(b), pursue changing the office of the Auditor to an appointed, rather than elected, position, in order to enhance the accountability of the office and the fiscal health of the County.

Two purchases caught the attention of the GJ during this investigation; both were done without giving the public any notice or by following any competitive bidding process. The items were: a used 1997 Kenworth Water tender \$37,000.00 and 2017 Ram pick-up truck \$31,249.07. These purchases were not noticed or

agenized, only briefly mentioned in meeting minutes after the fact. There is no listing of monthly warrants and any contracts for professional services are reviewed and voted on in closed session. SLFPD does not make available for public review or discussion any of its financial activities.³⁴ SLFPD Meeting Minutes & Agendas

Insurance Services Offices

In the commercial insurance industry, organizations such as the Insurance Services Offices (ISO) develop standardized coverage language and documents. This standardization helps insurance regulators and creates consistent interpretations of insurance coverage. Insurance companies set rates for residential homeowner coverage based off the ISO number for that area.

During the course of this investigation, the GJ learned that SLFPD, knowingly and intentionally provided false, inaccurate, or misleading information to ISO attempting to affect their assigned ISO number.

Consolidation

Unlike many other counties, Lassen County does not have direct responsibility for fire service. That responsibility resides with separate volunteer fire protection districts scattered around the county, and the Susanville City Fire Department. In addition, the California Correctional Center (CCC) Fire Department and the California Department of Forestry and Fire Protection (CAL-FIRE), provide fire protection services, as needed, throughout the County.

There are 15 volunteer fire departments or districts operating in Lassen County, they are the backbone of fire services. In 2018, they responded to a total of 1438 structure and/or wildland fires, vehicle accidents, or other medical related calls. Of those calls, 472 were mutual aid assisting other agencies.³⁵ Lassen LAFCO Report

Each district has an elected or appointed governing Board of Directors, each board independent of the other with minimal oversight from any county or state regulatory agency.

Each board is responsible for training of their volunteers, promoting safety, ensuring all protective equipment is used within its intended design specifications, being compliant with the many state and federal laws, and that the fiscal health of

the district is maintained. Some Lassen County volunteer fire protection districts have struggled with maintaining organizational oversight while continuing to provide adequate service to their districts.

Consolidation of fire protection districts is not a new or unique conversation. It is however a needed and relevant conversation with many possible outcomes.

The highest hurdle with consolidation is the money. The tax revenue each district receives is not equal, it is proportionate however.^{36 AB88} There are options that can possibly satisfy concerns, the BOS can, to a certain degree adjust the funding amounts between districts, and a voluntary transfer of revenue between districts is permissible.^{37 H&S Code § 13800 et. seq.}

Regardless, the disparity among funding rates between fire districts means it will be extremely difficult if not impossible for a consolidation to be revenue neutral.

The 2018 combined annual budgets of the 15 volunteer fire protection districts in Lassen County was \$ 1,828,000.00^{38 Lassen LAFCO Report}, compelling reasons to consolidate exist, from cost savings to standardization of training, equipment, and practices, increasing operational efficiency and firefighter safety.

Findings

| REQUIRED | CODE SECTION/REGULATION | COMPLIANT | | |
|--|---------------------------------------|-----------|----|---------|
| | | YES | NO | UNKNOWN |
| Oath of Allegiance for Public Officers | Article XX, Sec 3, State Constitution | | X | |
| Roster of Public Agencies Filing | Gov Code 53051 | | X | |
| Ethics Training | Gov Code 53232, 53234 | | X | |
| Sexual Harassment Training | Gov Code 12950.1 | | X | |
| Annual Audit | Gov Code 26909, 12410.6 | X | | |
| Reimbursement Policy | Gov Code 53232.2(b) | | X | |

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|--|--------------------------------|--|-----------|----------------|--|
| Enterprise Catalogue | System | SB 272 | | X | |
| Website | | SB 929 | | X | |
| Brown Act | | Gov Code 54950 | | X | |
| Board Member and Employee Reimbursement Disclosure | | Gov Code 53065.5 | | X | |
| Conflict of Interest | | Gov Code 1090, 87100. 2 Cal Code of Regulations 187100 | | X | |
| Contracting and Bidding | | Public Contract Code 1100 – 9203, 20100 | | X | |
| REQUIRED | CODE SECTION/REGULATION | COMPLIANT | | | |
| | | YES | NO | UNKNOWN | |
| Fair Political Practices (Political Reform Act) | | Gov Code 81000, 83100 | | X | |
| Public Funds (Gift of Public Funds Prohibited) | | Article XVI, Sec 6, State Constitution | | X | |
| Incompatibility of Office Doctrine | | Gov Code 1126 | | X | |
| Public Records Act | | Gov Code 6250 | | X | |
| Surplus Real Property | | Gov Code 50568, 54220 | | X | |
| Uniform District Election Law | | Election Code 10500 - 10566 | | X | |
| Board Vacancies | | Gov Code 1780 | | X | |
| OSHA Training and Safety Standards | | SB 1207 | | X | |

Findings Cont.

1. SLFPD Board of Directors is and has been, disregarding all applicable provisions of the Brown Act. (Gov Code §§ 54950 - 54962)
 - The Brown Act was adopted in 1953 to provide guidance to local governments on procedures for conducting open and public hearings (and, inversely, circumstances under which a government body can hold a closed session). Since its initial adoption, the Brown Act has been amended numerous times and continues to be.
2. SLFPD Board of Directors is and has been, disregarding all applicable provisions of the Political Reform Act. (Gov Code §§ 81000, 83100)
3. SLFPD Board of Directors has blatantly and willfully disregarded the Uniform District Election Law. (Election Code §§ 10500 - 10566 and Gov Code § 1780)
 - Uniform District Election Law (UDEL) is the general election law for some special district types. While some special district types may contain their own unique election procedures within their principal act, some principal acts refer election procedures to UDEL. It is important to note that where UDEL and the principal act conflicts, UDEL shall apply and control (§10502(c)).
 - Vacancies Government Code §1780, et seq. Unless otherwise noted in the principal act of the district, vacancies in special districts are filled as provided in this section.
4. SLFPD is not compliant with SB 1207 OSHA Training and Safety Standards
 - In 2002, the Legislature passed SB1207 requiring volunteer firefighters to meet the same California Occupational Safety and Health Administration (OSHA) training and safety standards as career firefighters.
5. SLFPD is not compliant with the following:
 - Gov Code § 53051 Roster of Public Agencies Filing
 - Gov Code § 12950.1 Sexual Harassment Training

- Under California state law, employers must also: Display sexual harassment informational posters in visible, high-traffic areas, Ensure a workplace free of sexual harassment, Provide a sexual harassment information sheet at request, Provide training to employees within six months of hire.
- California AB 2053. Written as an addendum to AB 1825, California AB 2053 requires employers to include the prevention of abusive conduct in their biennial harassment training programs, effective January 1, 2015. This law connotes “abusive conduct” as hostile or offensive language or actions, such as threats, insults, humiliation, and intimidation.
- California SB 396. In addition to state law, California SB 396—effective October 15, 2017—covers the prevention of harassment related to gender identity, gender expression, and sexual orientation. Employers must include these topics in their harassment training programs. This mandate also necessitates a Department of Fair Employment and Housing (DFEH) poster in the workplace identifying transgender rights.
- Gov Code § 53232.2(b) Reimbursement Policy
- SB 272 Enterprise System Catalogue
 - SB 272 requires all local government agencies to create an Enterprise System Catalog listing all pertinent computer software used. There are no exemptions.
- SB 929 Website
- Gov Code § 53065.5 Board Member and Employee Reimbursement Disclosure
 - Annual disclosure of board member or employee reimbursements for individual charges over \$100 for services or products. This information is to be made available for public inspection. “Individual charge” includes, but is not limited to: one meal, lodging for one day, or transportation.

- Gov Code §§ 1090, 87100. 2 Ca Code of Regulations § 187100 Conflict of Interest
 - Public officials cannot make or influence a governmental decision in which they have a conflict of interest. An official will have a conflict of interest if the decision has a foreseeable financial effect on their economic interests. They may not exert influence on a decision in which they have a conflict of interest unless their participation is legally required, or the official can establish that effect of the decision is indistinguishable from the effect on the general population.
- Public Contract Code §§ 1100 - 9203, 20100 Contracting and Bidding
 - The Local Agency Public Construction Act lays out the bidding and contracting procedures for special districts. Each special district type or even, at times, a specific special district has its own contracting and bidding regulations.
- Article XVI, Sec 6, State Constitution Gifting of Public Funds
 - Gift of public funds prohibited. Public officials cannot give, lend, nor authorize the making of any gift of public money to any person, association, or corporation.
- Gov Code §§ 1125, 1126, 1126(a) Incompatibility of Office Doctrine
 - Local officials cannot engage in any employment or activity which is in conflict with their duties as a local agency officer or with the duties, or responsibilities of the agency by which they are employed.
- Gov Code § 6250 Public Records Act
 - The Public Record Act ensures public access to government records, with limited exceptions such as attorney-client privileges.
- Gov Code §§ 50568, 54220 Surplus Real Property

- There are specific procedures for local governments, including special districts, to catalogue their property, including surplus property, and to sell off this property.
- Gov Code §§ 53232, 53234, 53235 Ethics Training
 - Local elected officials and key appointed officials (and management staff like general managers) are required by law to take ethics training courses if the officials receive compensation or reimbursement. This applies even if they do not receive compensation or reimbursement, but the district's principal act allows the elected officials to receive them. By law, the affected local official must take an ethics-training course once every two years, and the district has to establish a written policy on reimbursements. The bill that established this law also made updates to the principal acts of special districts that offer reimbursement or compensation to their board.
- Health and Safety Code § 13868 (a) A District Board Shall Keep a Record of All It's Acts
- Health and Safety Code § 13885 Subject to Uniform District Election Laws
- Health and Safety Code § 13890 Adopt a Preliminary Budget
 - Health and Safety Code § 13893 Publish Notice Regarding Budget
 - Health and Safety Code § 13895 Adopt a Final Budget
 - Health and Safety Code § 13960 Follow the Brown Act
- Health and Safety Code § 13969 Train Employees
- 1. SLFPD knowingly and intentionally submitted false, inaccurate, or misleading information to ISO attempting to affect their assigned ISO number.
- 2. SLFPD arguably violated HIPPA Privacy Rules, exposing Individually Identifiable Health Information to possible fraud and theft.
- 3. SLFPD Board of Directors consistently ignores, disregards, or does not follow its own established bylaws, policies, and procedures.

Recommendations

Considering the extent of consistent willful misconduct by the SLFPD Board of Directors and the immense risk to the district they represent, the only reasonable recommendation the GJ can recommend is as follows:

1. The entire SLFPD Board of Directors be removed from office for nothing less than egregious misconduct. Gov Code § 3060
2. Lassen County Board of Supervisors assumes the role of SLFPD Board of Directors per Health and Safety Code PART 2.7. FIRE PROTECTION DISTRICT LAW OF 1987 [13800 - 13970] 13841. *Except in the case where a county board of supervisors has appointed itself as the district board*
3. Lassen County Board of Supervisors to direct staff to determine and present consolidation options/strategies.
4. Lassen County Board of Supervisors initiate a resolution of consolidation and request consolidation between SLFPD and an adjacent district.
5. Lassen County Board of Supervisors directs the County Auditor to fully and completely review and audit all accounts and financial activities of SLFPD and report back with the findings.
6. Lassen County Board of Supervisors, acting as the SLFPD Board of Directors, cure and correct past actions/violations of the SLFPD Board of Directors.

Required Response

Standish-Litchfield Fire Protection District Board of Directors: Response required to all findings.

Lassen County Board of Supervisors: Response required to all recommendations.

Invited Response

Lassen LAFCO

Invited Response to Consolidation Only

Susan River Fire Protection District

Janesville Fire Protection District