

Introduction

The California Grand Jurors Association states that the mission of a civil Grand Jury is to “help local government be more accountable and efficient.” They also state that their mission is to “facilitate positive change....”. The Lassen County Board of Supervisors applauds this goal and would like to thank the citizens who have given of themselves to serve as Lassen County Grand Jurors. The Lassen County Board of Supervisors recognizes the considerable contribution of time and energy by private citizens for the benefit of Lassen County as a whole.

The Board of Supervisors welcomes the constructive criticism offered by the Grand Jury, considers it seriously, and takes to heart the recommendations brought forth by the Grand Jury. The Board of Supervisors joins the Grand Jury in trying to make local government as efficient and effective as possible.

Grand Jury Report: **Standish-Litchfield Fire Protection District**

Recommendation Number 1: The entire SLFPD Board of Directors be removed from office for nothing less than egregious conduct. Gov Code section 3060. (sic)

Response/Comment: The recommendation will not be implemented by the Board of Supervisors.

Section 3060 of the California Government Code, and those sections surrounding it, authorize a grand jury to lodge an “Accusation” against a sitting member or members of an elected body for malfeasance in office. An “Accusation” contemplates, if proven, removal from office and disqualification from holding future public office. The procedure outlined in the law for prosecuting an “Accusation” is remarkably similar to that of prosecuting someone for a crime, except the punishment does not involve the possibility of incarceration. The accused is entitled to, among other things, be represented by counsel, to a jury trial, and may only be removed from office if all twelve jurors find him or her guilty beyond any reasonable doubt.

The process for prosecuting an “Accusation” begins with the Grand Jury lodging with the court and the District Attorney a formal “Accusation” (a formal document with very specific requirements). The Board of Supervisors is informed and believes that no such “Accusation” has ever been presented by the Grand Jury to either the court or the district attorney.

Even if there had been, no part of the process that follows such a presentation involves the Board of Supervisors.

Recommendation Number 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.*

As stated above, the Board of Supervisors has no authority to remove the elected board of directors of the Standish Litchfield Fire Protection District. The section cited by the Grand Jury, Health and Safety Code section 13841, certainly does not provide for that. That section simply enunciates the requirement that any member of a board of directors of a California fire protection district must be a resident of that district in order to be eligible to serve. The only exception to that rule is where a Board of Supervisors

serves as the district's board of directors, a decision which may only be made at the time of formation of the district. From a review of all available authority, that decision cannot be changed once made. It should also be recognized that the initial board of directors of the SLFPD (three persons NOT members of the Board of Supervisors) was appointed on the same date the district was formed, May 7, 1951. The only means by which the structure of this district could be changed at this point is through dissolution or consolidation, both LAFCo processes discussed below.

Moreover, at time of writing this reply, the election cycle is underway pursuant to the California Uniform District Election law (UDEL). SLFPD is subject to UDEL. As a result of the normal rotation of staggered elections for special districts, plus the existence of vacancies on the SLFPD which have been filled by appointments, all 5 seats on that elected board are up for election this coming November 3, 2020. As of the writing of this reply, the filing period within which to become a candidate to run for these seats has closed. The Board of Supervisors is informed that none of the existing board of directors of the SLFPD have, as of the last date to do so, filed to run for re-election. Consequently, their terms will end at the end of November of this year. Additionally, 3 members of the community have come forward to run for those seats. The 3 members that have signed up to run for those seats will be appointed in lieu of election and will be eligible to be sworn in on the first Friday of December of this year, all according to UDEL.

It would appear that the pressure brought to bear by the simultaneous publication of the 2019/2020 Lassen County Grand Jury report regarding the SLFPD, in conjunction with a white paper published shortly prior thereto by the Lassen County District Attorney, Susan M. Rios, may have caused a political change in the leadership of that district.

Recommendation #'s 3 and 4 option 1

Recommendation Number 3: Lassen County Board of Supervisors to direct staff to determine and present consolidation options/strategies.

Response/Comment: The recommendation will be implemented in approximately 60-90 days.

Recommendation Number 4: Lassen County Board of Supervisors initiate a resolution of consolidation and request consolidation between SLFPD and an adjacent district.

Response/Comment: This recommendation requires further analysis. Any action the Board of Supervisors takes, if at all, is dependent on what conclusions can be drawn from the study session outlined in the response to recommendation 3 above.

Recommendation #'s 3 and 4 option 2

Recommendation Number 3: Lassen County Board of Supervisors to direct staff to determine and present consolidation options/strategies.

Response/Comment: The recommendation has already been implemented.

Recommendation Number 4: Lassen County Board of Supervisors initiate a resolution of consolidation and request consolidation between SLFPD and an adjacent district.

Response/Comment: This recommendation will not be implemented.

SLFPD is adjacent to both Susan River FPD and also Janesville FPD. Presumably, the Grand Jury was thinking of these two districts when it asked the Board of Supervisors to consider adopting a resolution of application requesting consolidation with an “adjacent district”.

Interestingly, both of these other two districts retain authority to ask LAFCo to consolidate themselves with SLFPD. The Board of Supervisors is not aware that any such request has ever been made; neither by Janesville FPD, nor Susan River. The Board of Supervisors is left to conclude that neither of those two adjacent districts is interested in consolidation.

If such a consolidation were to gather interest, the Board of Supervisors believes that this must start at the fire protection district level. That is, for consolidation to have any chance of success, it must begin within either Susan River FPD or Janesville FPD.

Recommendation Number 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.

Response/Comment: The recommendation will not be implemented by the Board of Supervisors.

The Lassen County Auditor is an elected official whose office is provided for in the California Constitution. The Board of Supervisors possesses no specific authority to “direct” her to “...fully and completely review and audit all accounts and financial activities of SLFPD...”. If she chooses to do so, it must be of her own volition.

Recommendation Number 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.

Response/Comment: The recommendation will not be implemented by the Board of Supervisors.

As stated above, the Board of Supervisors has no authority to assume the role as the board of directors of SLFPD; consequently, it has no authority to “cure and correct” past perceived wrongs.

Conclusion

The Board of Supervisors would like to once again take this opportunity to thank those who have served as Grand Jurors for the 2019-2020 year. It is a considerable commitment, and can, from what we have seen, be frustrating at times. This Board of Supervisors wishes to acknowledge our shared interest in

making Lassen County a safer, happier and more productive place to live and work. We pledge to continue to work with future Grand Juries in reaching this goal.