



Grand Jury <grandjury@scgrandjury.org>

Felton Fire Protection District's Surplus Land Sale

1 message

Mark Lilley <mark.lilley@mounthermon.org>

Sat, Aug 27, 2016 at 2:34 PM

To: grandjury@scgrandjury.org

Cc: Ron Rickabaugh <ffpd@pacbell.net>

Grand Jury,

Please find attached, at your request a completed response packet.

Mark Lilley
Chairman of the Board
Felton Fire Protection District.



FeltonFireSurplusLandSale_FFPDBoD_ResponsePacket.docx
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Felton Fire Protection District
131 Kirby Street, Felton, CA 95018
831-335-4422

**AGENDA FOR REGULAR MEETING OF
THE BOARD OF DIRECTORS**

July 7, 2016 at 7:00 pm

Fire Station, 131 Kirby Street, Felton, CA

1.0 Convene Meeting

1.1 Call to Order

1.2 Roll Call

1.3 Approve meeting minutes of the Regular Meeting held on June 6, 2016

1.4 Considerations of Additions to the Agenda

2.0 Public Comment: Any person may address the Board at this time on any matter not on this agenda within the subject matter jurisdiction of the Felton Fire Protection District. The Board Chair may request that comments be limited to no more than three (3) minutes. Any matter that requires Board action will be referred to staff for a report and action at a subsequent meeting. The Brown Act prohibits the board from taking action on any item not listed on the agenda.

3.0 Public Hearing: None

4.0 Director's Reports:

5.0 Staff Report:

6.0 Unfinished Business:

6.1 Personnel Compensation, Discussion/Action

7.0 New Business:

7.1 Appointed board member David Ladd, Oath of Office

7.2 Grand Jury report response

7.3 Review and accept Audit Report for Fiscal Years ending June 30,
2014 and 2015

8.0 Approve paid vendor claims for the month of June 2016

9.0 Closed Session: None

At any time during the regular meeting, the Board may adjourn to a closed session to consider land negotiations, litigation, and personnel matters or to discuss with legal council matter within the attorney-client privilege.

Authority: Gov. Code Section: 54956.8, 54956.9 and 54957

10.0 Set date for the next meeting: August 1, 2016 @ 7pm.

11.0 Adjourn

Felton Fire Protection District will make arrangements to accommodate persons with disabilities. Please phone the fire station and communicate your specific needs. Any person may comment on any agenda item and must be recognized by the Board Chair prior to comment. Anyone speaking must state their name for the record. Posted July 1, 2016

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
FELTON FIRE PROTECTION DISTRICT
July 07, 2016**

1.0 CONVENE MEETING

1.1 Call to Order

The regular meeting of the Board of Directors of the Felton Fire Protection District was held on July 07, 2016. Board Chairperson, Mark Lilley, called the meeting to order at 7:01 P.M.

1.2 Roll Call

Directors: J. Anderson, R. Gelini, D. Ladd, M. Lilley, S. Richmond

Staff: Chief Rickabaugh, L. Dennis

Absent: None

Guests: Dalton Warren, Gretta Steinbruner

Approve meeting minutes of the Regular Meeting on June 06, 2016.

The Board members reviewed the minutes of the June 06, 2016 Regular Meeting. Director Gelini moved to approve the minutes of the Regular Meeting as read, Director Richmond seconded. Minutes approved as read.

1.3 Considerations of additions to the Agenda

None

2.0 PUBLIC COMMENT

None.

3.0 PUBLIC HEARINGS :

None

4.0 DIRECTOR'S REPORTS

Director Anderson stated that there is no LAFCO meeting this month.

Director Richmond shared that on June 19th he was inducted into the Hall of Fame for the U.S. Police and Fire Games. He is the first fire personnel to receive the honor, and one of the most senior.

5.0 STAFF REPORT: FIRE CHIEF

- Chief Rickabaugh shared a copy of Boulder Creek Fire District's flyer that they distributed during their 4th of July breakfast. It provides information regarding the ballot measure they plan for November for a parcel tax to provide funds to purchase PPE, SCBAs and mobile equipment. There was some discussion regarding the needs described and the impacts.

- Later in the year we will recognize Bob Gray and Daniel Davis for their 20 years of service, they both began in 1996. There was some discussion of a celebration at the next 5th Tuesday dinner in August.

6.0 UNFINISHED BUSINESS

6.1 Personnel Compensation, Discussion / Action

Chairperson Lilley stated that he, Chief and Director Richmond met on June 24th as the sub-committee established at the last board meeting to work on personnel compensation. A summary

from the meeting was distributed, which also included their recommendations. Proposed numbers were provided for each position which included Station Maintenance Position, District Secretary, Hourly weekend/projects worker, Board Members, Volunteers and the Fire Chief. Annual COLA increases noted for the Fire Chief, District Secretary and Station Maintenance positions were discussed. A longevity increase for these same three positions was also proposed with increases at 10, 15, 20, 25 and 30 years.

Chief Rickabaugh added that he sought information from our labor attorney regarding the volunteer stipend pay and FLSA to ensure we were in compliance.

A lengthy discussion followed regarding the rates and how they were determined. Director Richmond noted that their proposed longevity increases were slightly higher than the State's. The Chief reviewed the comparison sheet which indicated our present rates, Boulder Creek Fire, Ben Lomond Fire and the new proposed rates. Director Anderson expressed concern regarding how high our expense might go, were some volunteers to increase their attendance, and what financial impacts there might be going forward. Director Ladd also shared the same concerns with increased response and potential financial impacts. Director Ladd also felt the stipend increase could cause a need for closely monitoring actual stand-by attendance.

Director Richmond commented that if necessary, the proposal could go back to the committee. Director Anderson asked staff to project how the salaries line would be affected using the proposed rates, and provide that information to the board. More discussion followed and it was suggested that the proposed plan could be evaluated after a year to see the actual impacts. Chairperson Lilley asked the board members to thoroughly review the information and submit any additional recommendations to him. This item will be tabled until the next meeting, if necessary the committee would meet, but they potentially should vote at the next meeting. The following month the Final Budget needs to be approved and compensation needs to be finalized.

7.0 NEW BUSINESS

7.1 Appointed board member David Ladd, Oath of Office

Laurie Dennis administered the Oath of Office to David Ladd and he officially signed the appointment documentation.

7.2 Grand Jury report response

Chairperson Lilley stated that the response is due to the Grand Jury by September 19th. He had written up some responses and reviewed them, asking the other board members to provide additions and comments. He stated that these were by no means "the answers", but suggested it as a starting point. The board members reviewed each of the 5 findings and 4 recommendations received from the Grand Jury. A lengthy discussions followed. Board members agreed upon a response choice for each of the items and provided appropriate comment and explanation as needed. Chairperson Lilley will prepare the final response document for submission to the Grand Jury prior to the designated deadline.

7.3 Review and accept Audit Report for Fiscal Years ending June 30, 2014 and 2015

Chief Rickabaugh reviewed some portions of the audit report, which had no significant findings, and there was a short discussion. Director Richmond made a motion to accept the audit report as presented, it was seconded by Director Gellini and passed.

8.0 APPROVE PAID VENDOR CLAIMS FOR THE MONTH OF June 2016

Board members reviewed vendor claims in the amount of \$36,893.42. Chief Rickabaugh stated that about \$20,000 of the months total was made up of our new fiscal year payments for our Workers Comp insurance, radio fees and LAFCO fees. Director Richmond moved to approve the vendor claims for the amount of \$36,893.42, Director Gellini seconded, claims approved.

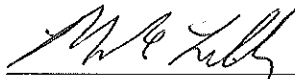
9.0 CLOSED SESSION: None

10.0 SET DATE FOR NEXT MEETING

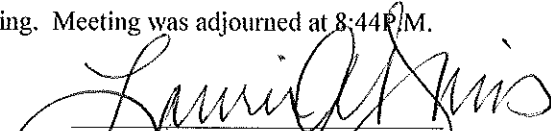
The next Regular Meeting will be held Monday, August 01, 2016 at 7:00 P.M.

11.0 ADJOURNMENT

Director Gelini moved to adjourn the meeting. Meeting was adjourned at 8:44 P.M.



Chairperson, Mark Lilley



Attest, Board Secretary, L. Dennis



**The 2015-2016 Santa Cruz County Civil Grand Jury
Requires that the**

Felton Fire Protection District Board of Directors

**Respond to the Findings and Recommendations
Specified in the Report Titled**

Felton Fire Protection District's Surplus Land Sale

A Fire Sale But No Fire

by September 19, 2016

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC § 933.05 (included below) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of governing body response approval: _____

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. Felton Fire is in violation of California Government Code §50569 which requires each government agency to annually inventory their property and make available to the public a description of excess property.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The referenced California Gov. Code states: “On or before December 31 of each year, each local agency as defined in section 54951 shall make an inventory of all lands held, owned or controlled by it or any of its departments , agencies or authorities to determine what land, including air rights, if any, is in excess of foreseeable needs. A description of each parcel found to be so in excess of needs shall be made a matter of public record. Any citizen, limited dividend corporation, housing corporation or non-profit corporation, shall upon request be provided with a list of said parcels without charge.”

The subject property in question was never considered “excess” until the Fire District was approached with an offer to purchase the subject property and it was determined that we would be willing to sell the property. As a result, we were unable to make a determination by December 31st of the prior year that the subject property should be so listed.

F2. Felton Fire violated California Government Code §§54220-54233 and §65402 which govern the manner by which Special Districts must conduct sales of surplus properties and which require confirmation that proposed uses conform with the county's general plan.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

F3. By not openly advertising the Subject Property or obtaining an independent appraisal of the property's value, the Board did not establish market value and may not have obtained the highest price for the district.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Fire District consulted with a local real estate agent and found comparable properties in the neighborhood, near the subject property that sold at comparable sales prices per square foot.

F4. Felton Fire did not maintain impartiality by permitting the Fire Chief to transact the sale with a colleague.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Fire Chief coached football with the buyer in 1999 which would certainly not be considered by most people as a current “colleague”. Impartiality was not compromised as the Board make the decision to sell the subject property and not the Fire Chief.

F5. The Board did not account for the value of all of the District's land holdings on its balance sheet, denying its constituents a full accounting of the District's assets and liabilities.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

However, this has never been ask for or required by our auditor.

Recommendations

R1. An annual inventory of District-owned real estate and surplus property should be publicly available. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

We own the firehouse and the property it sits on. This information is available to the public.

R2. All proposed sales of surplus property should be publicly advertised in a manner that reaches and informs the general public. This may include signage posted on the property, listing in online forums (such as the MLS and other classified advertisers), and notices on the District’s website. (F2, F3)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

If the Fire District ever has the opportunity to sell another piece of property, we will take into consideration, the recommendations stated above.

R3. The Board should comply with the law and adopt policies and procedures for acquiring, managing, and disposing of surplus property. All policies and procedures should be posted on their website. (F2, F4)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

If the Fire District ever has the opportunity to sell another piece of property, we will take into consideration, the recommendations stated above.

R4. All of the District's assets should be included on its balance sheet. (F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Fire District assets are accounted for on our annual financial statements and are audited by an independent auditor.

Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**