

Superior Court Judge Francis W Barclay
Modoc County Superior Court
205 South East Street
Alturas, CA 96101

12 August 2009

Response to Modoc Grand Jury 2007-2008 Final Report of June 30, 2008

Judge Barclay,

We are sorry for the delay in responding to the Modoc Grand Jury 2007-2008 Final Report of June 30, 2008, however the Fort Bidwell Fire Protection District was not sent a copy of the relevant parts of the report as required by Penal Code 933.05(f)¹. Further, the Grand Jury did not meet with the district in 2007-2008 as required by Penal Code 933.05(e)².

Here are the responses required as specified on page 19 of the 2007-2008 Report:

Findings (page 18)

“2. There is big confusion between the roles of fire protection districts and volunteer fire departments, which are two different entities.”

We agree that the public, and sometimes the individual district and department members may be confused, and that the districts have formally separate district and fire department organizations. However, we believe that Fort Bidwell has a working arrangement that complies with the law.

“3. Elections of board of directors of individual districts do not appear on ballots when unopposed.”

We do not know if this is true. Elections and ballots are the County Clerk’s responsibility. The Fort Bidwell Fire Protection District has no say as to how this is done. Perhaps the Grand Jury is unaware that the district must pay for the election, and that the cost can be a substantial part of our budget.

“4. There is a disparity of training among firefighters from district to district.”

We assume that this is true, as the financial and volunteer personnel resources of each district are very different.

¹ **933f** “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 ...”

² **933.05(e)** “During an investigation, the grand jury shall meet with the subject of that investigation regarding the 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.”

Recommendations (page 18)

“2. The eleven fire protection district board of directors report to the fire coordinator regarding readiness of their equipment and personnel.”

The readiness of a volunteer fire department varies hour-by-hour and day-by-day. The Sheriff's Dispatch is aware of our basic capabilities as part of setting up dispatch. If the Sheriff implements some further reporting requirement we will try to cooperate.

“3. All fire protection districts comply with state election laws. Unopposed candidates should appear on the ballot with provisions for write in candidates.”

We believe that the Fort Bidwell Fire Protection District complies with state election laws.

We believe that the district has no say as to whether unopposed candidates appear on the ballot or not. However if they do appear, the district will be charged for the election and the amount would be a substantial part of our budget.

“4. Vacancies should be adequately advertised as per California law, and interim appointments should be publicized and subjected to the electoral process.”

We believe that it is the responsibility of the County Clerk to publish the election including offices to be filled.

It is our understanding that the County Board of Supervisors has the authority to appoint commissioner vacancies to fill an unexpired term upon nomination by a sitting commissioner, and that the next opportunity for “the electoral process” would be when the commissioner's term normally expires.

We publish the district commissioners' and department officer's names and email contact on our web site. Further, contact information is posted in the Post Office and on the Fire House, including the time and place of our meetings which are open to the public.

This response was approved by the Fort Bidwell Fire Protection District Commissioners at their regular meeting, Tuesday, August 11, 2009.

Greg Small
Commissioner, Fort Bidwell Fire Protection District
P. O. Box 296, Fort Bidwell, CA 96112
“<http://gsmall.us/FBVFD/>”