

**Turlock Rural Fire District  
Civil Grand Jury Case No. 10-11C  
2009-2010**

**SUMMARY**

The 2009/2010 Stanislaus County Civil Grand Jury received a complaint requesting the examination of a long-standing administrative practice of the Turlock Rural Fire District (TRFD). The State of California reimburses fire districts that send crews to aid in fighting wild fires around the state. The matter in question involves a 16.51% administrative reimbursement that is retained by the Chief for fielding these mutual aid Strike Teams. The Chief may organize several strike teams a year. Historically, the money has been paid to the Fire District which in turn pays it to the Chief. The reimbursement amounted to over \$22,000 for the years 2008 and 2009. The Grand Jury also examined the financial practices of the District and made recommendations for improvement.

**BACKGROUND**

The Grand Jury received a complaint that the Chief of the Turlock Rural Fire District (TRFD) was receiving the administrative component of the State of California's reimbursement to the District. The TRFD is a party to the statewide mutual aid agreement administered by the California Emergency Management Agency. When TRFD responds to a mutual aid request, it normally sends one engine with 3 firefighters and a Captain. Deployments have ranged from 4 days to as long as 21 days. For deployments longer than 7 days, firefighters are normally rotated.

All of the TRFD personnel including the Chief and Assistant Chief have other jobs and are considered volunteers by the District, although they receive stipends to cover expenses. For regular duties within the district, volunteer firefighters receive \$7 per call or \$7 per hour if calls last longer than one hour. Prior to the initiation of this Grand Jury investigation, the Assistant Chief received \$15.50 and the Chief received \$15.75 per hour for their regular duties. As of January 2010, the Assistant Chief is paid a salary of \$900 per month and the Chief is paid \$950 per month. The Chief estimates that this is approximately equal to the hourly compensation they received for the number of hours they reported prior to January 2010.

When firefighters are sent out on mutual aid Strike Teams, they receive \$16.71 per hour. The engine is paid for at the rate of 16 hours per day equaling approximately \$11,000 for a 7 day deployment. The total for the apparatus and the 4 firefighters is about \$22,000 for a 7 day deployment. In addition, the California Emergency Management Agency pays a 16.51% administrative reimbursement to TRFD.

Although much of the administrative work is performed by the Strike Team Leader who is on the fire-line and by the County Office of Emergency Services and also by other members of the District, it has been the long term practice in the TRFD for the Chief to retain all of the administrative payment. This was also the case in the past when TRFD had a full time chief that

was well compensated. For years 2008 and 2009, the Chief has received over \$22,000 in Strike Team administrative payments.

The Chief supplied notes in writing to the Grand Jury outlining the following additional duties related to fielding a Strike Team:

- a) Monitoring statewide activity during fire season and alerting members of the potential to respond to a call for a Strike Team.
- b) Determining who is interested in going, which requires calling 10 to 12 members.
- c) Creating a spread sheet of staff availability.
- d) Determining which staff members will go.
- e) Notifying all who responded about who will be going and deciding on a contact method if the request comes in.
- f) Continuing to monitor the incident and update who is possibly going if the call comes in. The crew which will be going changes continuously due to family commitments and work schedules.
- g) Knowing whether TRFD can respond, when the call comes from the County Resource Officer.
- h) Notifying those fire fighters chosen to go and being sure they get to the station for deployment.
- i) Ensuring that all personnel have the equipment needed.
- j) Having backup ready if any chosen personnel are unable to go.
- k) Remaining responsible for the team until they get to the incident, and may be required to respond to equipment problems, etc.
- l) Arranging relief replacements if the deployment becomes extended.
- m) Documenting the response including dispatch time, staging point, at incident release or change out and return times.
- n) Resolving any issues that arise, either personnel or equipment.
- o) Participating in a conference call between County OES, Fire Warden's office and other agencies that are on the Strike Team. During the conference call, the Chief addresses what the team is doing, any needs they have, the incident itself and potential for rotation date, location and times and transportation.
- p) Debriefing the crew after deployment has ended about the incident including condition of equipment and performance of personnel.

Although these are extra duties for the Chief, it is estimated that if he were compensated at his normal hourly rate, he would be paid for approximately 1,400 hours performing these extra duties (based on the \$22,000 he has received, or approximately 175 eight hour days). There have been concerns expressed by members of the District that the Chief, who does not actually go to any of the incidents, is receiving inordinate compensation.

In investigating the complaint, the Grand Jury discovered that public funds were being commingled with the funds of the volunteer Association. The check from the State of California for Strike Team reimbursement is deposited into the account of the Fire Fighters Association, rather than into the account of the Turlock Rural Fire District. All payments of individual reimbursements are made from the Association account. The Association's financial records

consist of check stubs and bank statements. There is no external audit of this account because it belongs to the Association and not the District.

## **APPROACH**

The Grand Jury interviewed members of the Turlock Rural Fire District, members of the District Board and other persons of interest. The Grand Jury examined in detail the financial records of the Association.

## **FINDINGS**

F1. There is no correlation between the 16.51% administrative fee retained by the Chief and the amount of time he spends on Strike Team administration.

F2. Funds that are intended for the District and for firefighter reimbursement are received and deposited into the Association account where they are comingled with Association dues and fund-raising monies prior to being disbursed.

F3. There is no external oversight of the primary account (Association account) used for disbursing the wages and earnings of all District personnel.

F4. The firefighters are in positions that serve at will of the Chief and have no process available to them for reporting concerns or issues except to report them directly to the Chief.

F5. Some Board members have exceeded the maximum three year term with a two term limit that is allowed for serving on the TRFD Board of Directors as specified on the Stanislaus County Board of Supervisors website.

## **RECOMMENDATIONS**

R1. Make a formal accounting of the actual hours expended by the Chief while performing strike team administration duties and clearly state the rate at which his compensation will be calculated. All money in excess of this amount should remain with the district.

R2. Establish a separate Turlock Rural Fire District account to be used for depositing and disbursing department funds and firefighter reimbursement. Discontinue the practice of comingling official department funds and the Association dues and monies.

R3. The account used for disbursing wages should be subject to oversight and auditing by an entity external to the TRFD.

R4. Implement a process that allows members of the department to express concerns and issues or make recommendations without fear of retribution. A three person committee elected by the firefighters that meets with the Chief or a form that can be submitted to the Board could be used for this purpose.

R5. The Stanislaus County Board of Supervisors should enforce the term limits or change the requirement.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Board of the Turlock Rural Fire District
- Stanislaus County Board of Supervisors

The governing bodies indicated above should be aware that their comment or response must be prepared subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.