

**§ 933. Findings and Recommendations (Excerpt)**

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices...

As used in this section "agency" includes a department.

**§ 933.05. Responses to Findings (Excerpt)**

- (a) For purposes of subdivision (b) of Section 933, as to **each grand jury finding**, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding.
  - (2) 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.
- (b) For purposes of subdivision (b) of Section 933, as to **each grand jury recommendation**, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) 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 head 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 publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (f) 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.

# AMADOR COUNTY FIRE PROTECTION SERVICES

## AUTHORITY

Under California Penal Code § 925, “the Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the County.”

## SUMMARY

The 2019-2020 Amador County Grand Jury investigated the Amador County fire protection and emergency medical services (EMS), the Amador Fire Protection Authority (AFPA), and the Measure M funding for these services.

In November 2008, the Amador County voters approved Measure M, a one-half cent increase on countywide sales tax revenue specifically to improve “Fire Protection and Emergency Response Safety” in Amador County. The purpose of the measure was to enhance fire protection by helping staff fire stations, pay salaries, provide on-going training, establish incentive programs to maintain and attract first responder personnel, contribute to the insurance program, and pay the administrative costs related to implementing these directives.

In 2003, the County, cities, and fire districts joined to form the Amador Fire Protection Authority (AFPA), with a board of directors consisting of one representative from each fire district. The board is governed by a “Joint Powers Agreement” as amended in 2010 (JPA). Their primary responsibility is to develop plans to enhance fire and emergency protection services throughout the County, and plan for the eventual consolidation of the individual fire districts and fire departments in Amador County.

The Grand Jury investigation found the AFPA was not complying with the mandates defined in the JPA. The investigation also found there was a lack of coordination and that conflicts existed between various agencies affecting the efficiency and performance of fire and emergency response services within the community.

The Grand Jury found significant lapses in communication between various agencies that fueled bitterness and acrimony which may compromise the delivery of critical services to the community. Interdepartmental conflicts have diminished employee morale and created tensions that have negatively influenced the mission of fire and emergency response to the community at large.

The organizational shortcomings within the AFPA do not allow for the successful execution of their mandate. As the population in Amador County continues to grow, it is imperative the AFPA Board of Directors provides the critical leadership mandated in the JPA and develops a process for the eventual consolidation of the fire districts and departments in Amador County. This leadership will enhance the vital service provided to our community.

In the course of this report, the Grand Jury will expand on the background for our investigation, the methodologies employed, and make recommendations for improvements.

Fire protection and emergency services in the Kirkwood area are not provided by entities completely within Amador County and therefore were not a part of this investigation.

## **GLOSSARY**

<b>ACFCA</b>	Amador County Fire Chief Association
<b>AFPA</b>	Amador Fire Protection Authority
<b>AFPD</b>	Amador Fire Protection District. Provides services to the communities and surrounding areas of Amador Pines, Pioneer, Pine Grove, Pine Acres, Volcano, Martell, Drytown, Willow Springs, Fiddletown, River Pines, and the City of Plymouth.
<b>AMADOR PLAN</b>	Allows local governments to contract with CAL FIRE to provide year-round protection services throughout the “non-fire” season
<b>BOS</b>	Board of Supervisors, County of Amador
<b>BROWN ACT</b>	The Ralph M. Brown Act. Pursuant to Government Code § 54950-54963, The Brown Act requires governing board meetings to be public, open, and noticed. The board must follow an agenda and the agenda packet must be available to the public.
<b>CAD</b>	Computer Aided Dispatch
<b>CAMINO</b>	CAL FIRE’s El Dorado Unit located in Camino CA
<b>CAL FIRE</b>	California Department of Forestry and Fire Protection
<b>CFO</b>	Chief Fire Officer
<b>COVERED AREA</b>	The AFPA’s JPA definition of all territory within the members’ boundaries
<b>EMS</b>	Emergency Medical Services
<b>EMT</b>	Emergency Medical Technician
<b>IFD</b>	Ione Fire Department
<b>JFD</b>	Jackson City Fire Department
<b>JPA</b>	Joint Powers Agreement, as amended in 2010
<b>JVFPD</b>	Jackson Valley Fire Protection District
<b>LAFCO</b>	Local Agency Formation Commission
<b>LFPD</b>	Lockwood Fire Protection District
<b>MEASURE M</b>	A one-half cent sales tax for fire protection and emergency medical response services
<b>SCFPD</b>	Sutter Creek Fire Protection District

## BACKGROUND

The intense and erratic fire behavior seen in many wildland fires make suppression extremely difficult. Many factors contribute to fire danger determinations including but not limited to topography, weather, fuel loads, and fuel moisture. Combined factors can lay the groundwork for larger, hotter, and more quickly spreading fires. This community has witnessed the devastation and destruction of wildland fires as well as how quickly and unpredictable they can spread.

Wildland fires that have had a major impact on Northern California and this region over the past five years are listed below in a sample taken from CAL FIRE's website at <https://www.fire.ca.gov/>:

Fire Name	County	Year	Acres	Structures Destroyed	Fatalities
Kincade	Sonoma	2019	77,758	374	0
Camp	Butte	2018	153,336	18,804	85
Carr	Shasta and Trinity	2018	229,651	1614	3
Ranch	Colusa, Glenn, Lake, and Mendocino	2018	410,203	246	1
Butte	Amador and Calaveras	2015	70,868	877	2

Amador County is made up of a rural community with small towns, rural areas, as well as a National Forest and wilderness areas with rough terrain. The Butte Fire has shown this community firsthand how wildfires can quickly spread and become out of control. They destroy urban, residential, and commercial areas in addition to rural and wilderness areas.

The cost of fire protection is very high. A new fire engine can easily reach into the several hundred-thousand-dollar range. Many fire districts make used equipment available to other districts at a much lower cost. The equipment needed by a single firefighter can cost approximately \$2000, and some of the equipment has a limited lifespan and must be replaced frequently.

A common issue with all districts is the availability and retention of volunteer and full-time paid firefighters. In some cases, after being trained, volunteers look for opportunities to obtain full-time paid positions and some firefighters move on to larger departments with higher pay and better benefits. Training is an ongoing expense and a continuing process for fire protection districts. Staffing concerns arise at the local level as Amador County departments and districts rely on volunteers to provide complete fire services to the community. Firefighter retention is paramount in a locale that has limited funding for training and salaries. When firefighters move on to other jurisdictions, Amador County suffers.

Having sufficient fire protection services available with adequately equipped, trained, and paid staff is challenging. The fire protection departments and districts in the County, along with state and federal resources, need to work cohesively as fire emergencies arise.

#### Who is LAFCO and What Do They Do?

LAFCO is an acronym for the Local Agency Formation Commission. LAFCO is a state-wide regulatory agency with county-wide jurisdiction, for the purpose of encouraging the orderly and efficient provision of municipal services. LAFCO is responsible for reviewing and approving proposed jurisdictional boundary changes, incorporation of new cities, formation of new special districts, and consolidation, mergers, and dissolution of existing districts. Additionally, they determine spheres of influence for each city and district. LAFCO's policy is to encourage orderly growth and development. LAFCO does not have direct land-use authority and may not manage or operate local agencies. LAFCO is composed of two members of the County Board of Supervisors, two members representing the Cities of Lone and Sutter Creek, and one member representing the public. The Commission has three alternates representing the County, the cities, and the public.

LAFCO establishes the boundaries of fire protection districts and departments, but they do not define the fire response maps specifying which emergency resources are dispatched to an incident.

#### Difference Between a Fire Department and a Special District

Generally, a fire department is part of a city or county government and is funded through the city's or county's general fund budget, which is derived from sales, property, and other taxes. A fire district is a "special" district, usually independent of any city or county government and funded by a portion of the property taxes and a special tax assessment on properties within its district. Fire districts generally provide service to rural and unincorporated areas surrounding a city or several cities, although some provide service within city boundaries as well.

#### Measure M and Ordinance 1676

Measure M created a half-cent sales tax in Amador County for fire protection and emergency medical services (EMS) when it was passed by voters in 2008. Ordinance 1676 was established in response to the Measure passing. Measure M and Ordinance 1676 contain nearly identical limitations on how the funds can be spent. Additionally, the Ordinance contains guidance on the allocation and disbursement of funds to the districts. The sales tax represents roughly half of the funding for each of the County fire districts and departments.

Each fire department and district annually receives a base allocation of \$50,000. The remaining funds are pro-rated among each entity based 50% on population and 50% on the call volume in the district's designated response area, regardless of which department responds to the call.

**Fiscal Year 2018 - 2019 Measure M Funds Allocation**

<b>District</b>	<b>Approximate Measure M Funds</b>	<b>Approximate percentage of Measure M Funds</b>
AFPD	\$1,439,354	44.6%
City of Jackson	\$590,260	18.3%
City of Ione	\$393,159	12.2%
Sutter Creek FPD	\$363,290	11.3%
Lockwood FPD	\$158,516	4.9%
Jackson Valley FPD	\$280,517	8.7%
<b>Total</b>	<b>\$3,225,099</b>	<b>100%</b>

**The Amador Fire Protection Authority**

In 2003, the Amador Fire Protection Authority (AFPA) was formed by a Joint Powers Agreement (JPA) with a board of directors made up of elected representatives, including Board of Supervisors and City Council members from each of the seven fire protection districts and city fire departments in the County. The AFPA is responsible for planning countywide-enhanced fire protection services. The AFPA is not to be confused with the Amador Fire Protection District (AFPD). AFPD is the largest fire protection district in the County. It was established in 1990 after approval of voters and a resolution by the Amador County Board of Supervisors. The Board of Supervisors acts as the Board of Directors for the District.

**Amador Fire Protection**

This investigation has focused on the seven fire protection districts and city departments within Amador County that make up the AFPA, which are described in the table below. Some areas of Amador County are protected by the State (CAL FIRE) and there are forested areas that are federally-protected (United States Forest Service.)

**AFPA DISTRICTS AND DEPARTMENTS**

District / Department	Area (approximate square miles)	Notes
Amador (AFPD)	491	85% of unincorporated areas within the County.  Includes Amador Pines, Fiddletown, Pioneer, Pine Grove, Volcano, Martell, Drytown, Willow Springs, and River Pines. Services are contracted to provide fire protection to the City of Plymouth and the Jackson Rancheria.
Ione (IFD)	5	
Jackson (JFD)	4	
Jackson Valley (JVFPD)	72	
Lockwood (LFPD)	22	"Amador Plan" contract with CAL FIRE. CAL FIRE provides services year-round.
City of Plymouth	3	Contracts for services with AFPD.
Sutter Creek (SCFPD)	3	

**Proposition 172**

On November 2, 1993, California voters enacted Proposition 172, which established a permanent state-wide half-cent sales tax for support of local public safety functions in cities and counties. Eligible services include sheriffs, police, fire, county district attorneys, corrections, and ocean lifeguards. Government Code § 30056 contains "maintenance of effort" provisions concerning Proposition 172 funds requiring cities and counties to maintain funding levels to public safety functions that receive Proposition 172 funds. These provisions ensure Proposition 172 funds are spent on public safety services as defined.

The 2019-2020 Amador County Grand Jury's investigation into the Amador County fire protection and emergency medical services was prompted by complaints submitted to the Grand Jury by Amador County residents which included dispatching response map changes in June 2019 that caused confusion among first responders and a concern for public safety. Complaints included concerns the AFPA may be in violation of mandates of the JPA. Since there were

complaints regarding map changes, the Grand Jury investigated how the changes affect Measure M allocations and distribution. The investigation focused on Measure M money distribution, the new response area map changes, and functions of the AFPA.

## **METHODOLOGY**

The Grand Jury interviewed twelve individuals. The interviewees included complainants, members of the Board of Directors of the AFPA, and some chiefs from Amador County fire districts, departments, and CAL FIRE. Members of the Amador County Board of Supervisors, Amador County fire protection staff, and Amador County LAFCO were also interviewed. Follow-up questions, verification, and document requests were completed by telephone and by email.

Grand Jury members attended several AFPA and SCFPD board meetings.

The Grand Jury reviewed the following documents and sources:

- Measure M, Half Cent Sales Tax to Support Emergency Fire and Medical Aid Services,
- Measure M Distribution Formula and Allocations,
- Ordinance 1676, The Use of Tax for Fire Protection and Emergency Response Services,
- Fire Maps Before Area 118 Implemented,
- Fire Maps After Area 118 Implemented,
- LAFCO Municipal Service Reviews for each of the fire protection districts and city fire departments,
- Amador Fire Protection Authority Joint Powers Agreement,
- audio recordings of Fire and EMS Dispatches,
- Fire and EMS Dispatch Documents,
- various meeting agendas and meeting minutes,
- *Ledger Dispatch* newspaper articles, and
- various additional documents.

## **DISCUSSION**

### **Amador Fire Protection Authority**

The Amador Fire Protection Authority (AFPA) was created and is governed by a Joint Powers Agreement (JPA). Members of the JPA are elected officials from each of the seven Amador County fire protection districts and departments. CAL FIRE is not a member of the AFPA.

- Amador Fire Protection District (AFPD)
- City of Lone (IFD)
- City of Jackson (JFD)



- Jackson Valley Fire Protection District (JVFPD)
- Lockwood Fire Protection District
- City of Plymouth
- Sutter Creek Fire Protection District (SCFPD)

The responsibility of the AFPA is “to function as the fire protection planning entity in the geographical area comprising all the Members” and to “develop consistent response plans within the Covered Area to achieve greater cost efficiency.” The JPA requires the AFPA to annually review the allocation of Measure M revenues and recommend an allocation plan to the County Board of Supervisors. Each fire district delegates a member of its governing body to serve on the AFPA Board and another member to serve as an alternate board member. Annually, the Board elects a chairperson, a vice chairperson, and a secretary. Board meetings are to be held monthly.

The JPA specifies the Board must appoint an Executive Officer who has broad powers to accomplish the AFPA goals. The JPA requires the appointed Executive Officer to develop the annual AFPA budget, resolve personnel matters, and make policy recommendations to the Board. The AFPA is also required to elect an Authority Counsel. The Amador County Treasurer acts as the AFPA Treasurer and the Amador County Auditor acts as the AFPA Auditor. AFPA functions consist of:

- planning,
- enhancing fire protection,
- consolidating districts and departments,
- pursuing funding opportunities,
- providing uniformity and consistency among districts,
- recommending Measure M funds allocation plans to the BOS, and
- reviewing annual member audits of Measure M fund expenditures.

The AFPA is not functioning as defined in the JPA. Many of its mandated duties are not being accomplished, as follows:

- The Board has not convened for regularly scheduled monthly meetings;
- The Board does not consistently post agendas and meeting minutes per the Brown Act (JPA Section 6.5c);
- There is no Executive Officer or budget (JPA Section 6.7);
- There is no Authority Counsel (JPA Section 6.8);
- The planning functions are not being accomplished (JPA Section 7);
- The AFPA does not review annually audited reports on the use of Measure M funds by each fire district (JPA Section 7.1(h));

- The AFPA has not established or maintained accounts regarding expenditures and funding (JPA Section 8.2);
- The Executive Officer has not prepared a “work plan” for the AFPA at the beginning of each calendar year, which is intended to be the basis for the AFPA budget (JPA Section 8(b)).

JPA Article 7 lists several planning functions that include developing operational and funding strategies, enhancing fire protection strategies, consolidating the members, pursuing funding, and developing response plans and allocation plans for Measure M funds. The lack of fire protection planning and enhancement has created a lack of coordination and collaboration affecting public safety. Each fire district does its own planning. The fire chiefs meet regularly to discuss issues among themselves, such as problems with the dispatching agency and response area map changes. The fire chiefs’ group is not elected or a “public agency,” and therefore is not required to comply with the Brown Act. Notices of meetings are not publicly posted. There is no formal agenda, and minutes are not kept or posted.

Subsequent to the Grand Jury beginning this investigation, it appears the AFPA has taken steps to review what is mandated and recommended by the JPA.

### Consolidation

The consolidation of fire protection districts has been a goal of the AFPA since its inception. Additionally, the JPA lists consolidation as one of the AFPA’s functions (JPA Section 7.1(b)): “Consolidate the existing network of Members to achieve greater efficiency and consistency.”

All LAFCO Municipal Services Reviews for the fire protection districts reviewed by the Grand Jury have made similar determinations, indicating consolidation would improve efficiency. According to the 2014 AFD Municipal Service Review:

“Reorganization and/or consolidation of services [...] may further improve the financial ability of AFD and other fire service providers to offer the highest level of services at the lowest possible cost to citizens. [...]

Consolidation/reorganization or further functional consolidation with other fire service providers will likely offer increased opportunities for shared resources, including facilities and vehicles, as well as pooled finances to hire full time staff.”

Consolidation would eliminate duplicate resources in areas that are already well-served in overlapping boundaries. Consolidation would use combined resources and mitigate against neighboring jurisdictions competing for calls for service. For example, the Martell area already has several resources nearby, including Jackson’s fire stations, CAL FIRE-Sutter Hill, and Sutter Creek’s fire station. Additionally, there is another fire station under construction nearby. Therefore, consolidation appears to be a viable option. In theory, consolidation should decrease response times and increase resources with cost savings being an added benefit.

## Measure M Expenditures

The 2008 Measure M that was passed by voters reads as follows:

**"Measure M Amador Fire Protection and Emergency Response Safety Measure**  
Shall Amador County enact a one-half cent sales tax for fire protection and emergency medical response services, with the proceeds allocated to local fire districts as described in Ordinance 1676 (including reallocation to reflect any changes in the number of districts), to be used for paid firefighter - emergency medical response personnel to staff existing fire stations, administrative support, and volunteer insurance, training and incentive programs?"

Measure M funds provide and enhance fire protection, and improve emergency response capabilities. Additionally, it makes up roughly one-half of the fire districts' funding.

Measure M and Ordinance 1676 do not clearly delineate allowable uses of Measure M funds. The general opinion of those interviewed by the Grand Jury was that Measure M and Ordinance 1676 need to be amended to clarify this issue.

The various AFPA members interpret Measure M and Ordinance 1676 differently. The majority of those interviewed raised concerns about using funds in specific scenarios such as paying volunteer firefighters, purchasing equipment, or using funds for fire stations built after 2008. Many questioned whether Measure M could be amended, and if so, how.

## Mutual Aid Agreement

In 2006-2007, a Mutual Aid Agreement was entered into by those who agreed to assist any fire department or district needing mutual aid without associated costs. The Agreement was signed by Amador Fire Protection District, City of Ione, City of Jackson, Jackson Valley Fire Protection District, Lockwood Fire Protection District, Sutter Creek Fire Protection District, and the State of California Forestry and Fire Protection.

## Area 118 Response Map Change

Each of the fire protection districts has defined boundaries as specified by LAFCO. Fire protection and EMS services are exceptions that can extend beyond district boundaries. Most fire districts in Amador County have response areas larger than the district boundaries defined by LAFCO.

The AFPD is the largest fire district in Amador County. It covers approximately 491 square miles and includes 85% of the unincorporated areas within the County. The governing Board of Directors for the AFPD is the County Board of Supervisors.

For every emergency fire and medical call for service, the closest available engine is generally dispatched in addition to a second resource within the district's jurisdiction. Measure M funds are allocated to the district whose response area includes the dispatched location regardless of which engines are actually dispatched and respond. For example, the Martell area is in the AFPD jurisdiction, but Sutter Creek (SCFPD) and Jackson (JFD) response areas extend beyond their LAFCO district boundaries into portions of Martell. Therefore, a call for service in this Jackson response area would typically cause the closest resource (Jackson) to be dispatched and a

jurisdiction resource (AFPD) to be dispatched. The Measure M funds for the call would go to Jackson because the call for service is in the Jackson response area.

In early June 2019, AFPD requested CAL FIRE Camino change the response area dispatching maps, reducing the response areas for the Lone, Jackson, and Sutter Creek districts. In turn, the reduced response area maps decreased Measure M funds for those districts. The change created a new response area. At the time, the new "Area 118" would reclaim the Martell area and fall within AFPD's jurisdiction. CAL FIRE Camino dispatch center began using the new maps in early June at the request of AFPD. The changes were complex. CAL FIRE also implemented additional changes to include services for the Buena Vista Casino. It took several months for CAL FIRE Camino to implement the new changes in the computer aided dispatch (CAD) system. Based on interviews conducted by the Grand Jury, the response area maps were altered without sufficient communication and consultation with the other fire departments and fire districts. When the changes occurred and "Area 118" was dispatched, the fire departments did not know which resource needed to respond, causing confusion among first responders.

After the cities voiced their frustration over the lack of involvement and input on the map changes, the members sought to abandon the June 2019 changes and revert to the previous response maps. In the months after the June 2019 change, the Fire Chiefs and the AFPA were initially advised by CAL FIRE that reverting to the previous maps was in progress; but subsequently, they were advised the changes had not yet been initiated. It took approximately six months before dispatching appeared to be relying on the pre-June 2019 configuration. Several Fire Chiefs believe additional changes were made in the dispatching system. They believe these additional changes were made without receiving notice or explanation of what specific changes were deployed.

An informal agreement among AFPA members to extend the Jackson and Sutter Creek response areas into the AFPD Martell jurisdiction resulted in a return to the use of the pre-June 2019 response maps. Those interviewed stated AFPA members informally agreed to extend these response areas (which could alter disbursement of Measure M funds) for three years, and AFPD would reclaim the areas thereafter.

## Dispatching

Amador County receives fire dispatching services from CAL FIRE Camino. CAL FIRE Camino, located in El Dorado County, handles CAL FIRE dispatching for the region in addition to several other counties.

Landline 911 calls in Amador County are received by the Amador County Sheriff's Office Dispatch Center in Jackson. Cellular telephone 911 calls are received by the California Highway Patrol in Stockton and then routed to the Amador County Sheriff's Office Dispatch Center. Once calls are received by the Sheriff's Office Dispatch Center, Amador Fire and EMS calls are then forwarded to CAL FIRE Camino Emergency Command Center and are dispatched using the CAD system. This protocol for dispatching fire and EMS calls in Amador County can add delays through its several intermediate steps. In some cases, there have been delays of a couple of minutes added within the Camino system. Those interviewed repeatedly informed the Grand Jury that, when it comes to response times, "seconds matter."

Dispatching for Amador County's fire districts is only a small portion of CAL FIRE Camino's transactions and responsibilities. There is general frustration among some of the Amador fire leadership about the lack of transparency in the Camino CAD system and the inability to make changes and adjust the system to meet local needs. There is a lack of participation and attendance at informal chiefs' meetings by CAL FIRE Camino, contributing to a lack of communication with the Amador fire leadership.

Amador County pays approximately \$250,000 per year for CAL FIRE's dispatching services. There is some interest in exploring other dispatching options, such as joining other regional systems like the new system being evaluated by El Dorado County. There are also strong opinions that the CAL FIRE Camino dispatching services should be kept in place.

### Collateral Information

Training for firefighters is an ongoing requirement that is a benefit to the public, the firefighters, and the agency. Training offered by some county fire agencies is open to other agencies within the County while other agencies do not always allow outside departments or districts to attend.

The Grand Jury was made aware of two firefighters who arrived for a class hosted by one of the local agencies and presented by the National Fire Academy. Another Fire Chief from a local agency advised the visiting firefighters they were not welcome and that they should leave. The firefighters left and did not receive the training.

Interviewees reported several instances of a Fire Chief self-dispatching on calls. Self-dispatching is when someone arrives on the scene of a call without having been officially dispatched from the call center. Generally, the senior officer at any scene takes command and firefighters take direction from a superior from another department or district. Self-dispatching disrupts the protocol for responding dispatched engines and firefighters.

Interviewees reported that, on more than one occasion, a Chief canceled an engine arriving on scene in favor of an engine from a different department that was farther away from the scene.

Interviewees reported that, in another instance, a Chief canceled an engine without first assessing the incident and confirming with paramedics whether further resources were needed. The Chief then held the door closed to prevent firefighters from entering the building.

Interviewees reported that, on one occasion, a Chief canceled the responding firefighters as they walked up to a vehicle accident scene with their medical equipment which was not already on scene.

Interviewees reported that, on another occasion, a Fire Chief self-dispatched to a call, drove the Chief's vehicle in front of the responding engine (from another department), and drove very slowly so the responding engine was delayed.

Response times are tracked by dispatch, and slower response times may cause dispatch to change resources being sent on calls.

The above scenarios are of concern for the safety of the public and they can create frustration among first responders. Additionally, some interviewees question whether the mentioned actions are carried out in an effort to direct Measure M allocations to a specific department or district.

## FINDINGS

- F1. The AFPA is not accomplishing its functions and is not complying with the JPA as follows:
- The AFPA Board failed to appoint an Executive Officer and other essential staff members. An Executive Officer is required to develop and prepare annual budgets, preliminary budgets, and work programs for the AFPA Board to review and approve. Because an Executive Officer was not appointed, these budgeting actions have not occurred. (JPA Sections 6.7(a)(1) and (5), 6.8, 6.9, and 8.0.)
  - The AFPA Board failed to perform planning functions including, but not limited to, developing operational and funding strategies to enhance fire protection coverage, consolidating AFPA member networks and department operations, and developing consistent and cost efficient response plans. (JPA Section 7.1.)
  - The AFPA Board is not holding regular monthly public meetings that comply with the Brown Act (JPA Section 6.5(a).)
  - The AFPA is not establishing and maintaining reports and accounts regarding funding sources and expenditures, and its members are not conducting required annual audits regarding the use of Measure M funds. (JPA Sections 7.1(h) and 8.2.)
- F2. Measure M and Ordinance 1676 are confusing, overly restrictive, and do not allow sufficient flexibility in the use of Measure M funds by the districts for “Fire Protection and Emergency Response Safety.” The Board of Supervisors does not have sufficient flexibility to modify the allowable uses for the funds.
- F3. The Amador Fire dispatching process is inefficient and not fully supported by all Amador Fire leadership. The protocol has several steps before actual dispatching through Camino takes place. The intermediate steps can add delays in deploying resources.
- F4. Changes AFPA made to response areas in June 2019 caused confusion in response responsibilities. The changes were not sufficiently communicated or coordinated with other districts. It was believed “Area 118” was created to reclaim response areas by AFPA from other districts so the Measure M funds would follow. The response maps returned to the previous configuration partly as a result of an unwritten “temporary 3 year” agreement between the affected districts.
- F5. New fire stations are being planned and built near existing stations, near the boundaries of districts, or in areas already well-served. Martell is an example of this occurring.
- F6. A Fire Chief routinely self-dispatches to incidents, and therefore violates protocol.
- F7. On multiple occasions, a Fire Chief canceled responding resources who would have been first to arrive in order to allow another department to respond, thereby unnecessarily adding to the response time. Not using the first-arriving engine resource is a public safety issue.
- F8. A Fire Chief slowed down an engine arrival by intentionally driving their district/department’s vehicle slowly in front of the responding engine of another district or department. Slowing down a responding engine is a public safety issue.

- F9. Amador County Fire Departments have been prevented from participating in training with other local fire departments.

## RECOMMENDATIONS

- R1. The AFPA should comply with the JPA for budgeting and staffing necessary to complete its required functions by February 1, 2021. Paid staff should be utilized to meet compliance standards of the Brown Act, and an Executive Officer needs to be hired to achieve many of the required functions of the AFPA. (F1)
- R2. The AFPA should perform oversight and planning functions throughout the covered area including consolidation. In addition, monthly meetings need to be reconvened as required by the JPA by February 1, 2021. (F1)
- R3. The AFPA should immediately comply with the Brown Act. Complete meeting schedules, agenda packets, meeting minutes, and sub-committee minutes and reports should be promptly and publicly posted. (F1)
- R4. Once the above-referenced recommendations have been completed, the AFPA should develop a system of checks and balances to enhance accountability and ensure it is meeting all responsibilities and duties as outlined in the JPA by April 1, 2021. (F1)
- R5. The Amador County Board of Supervisors should review Measure M and Ordinance 1676 with input from AFPA members, identify potential ambiguities, and determine if action is required to clarify those ambiguities, including consideration of a clarifying ballot amendment if needed. The review should occur by December 31, 2020. (F2)
- R6. The AFPA should investigate the County's current call dispatching system for fire and EMS, and explore options to improve the process or locate a new solution. Recommendations should be made by February 1, 2021. (F3)
- R7. The AFPA should immediately ensure any changes to response area maps be communicated, well-understood, and publicly documented with district and department input prior to implementation. (F4)
- R8. The AFPA's county-wide planning of fire stations should include locations in areas of greatest need, where fire protection coverage can be maximized and response times reduced. Opportunities to reduce costs by co-locating or consolidating utilizing the Amador Plan should be considered. This should be accomplished by February 1, 2021. (F5)
- R9. The AFPA should immediately ensure routine, intentional self-dispatching comes to an end as it violates established dispatching protocols and endangers public safety. (F6)
- R10. The AFPA should enforce established protocol and immediately ensure the first arriving dispatched responders and/or engines should be utilized, and reprimand any Chief who is reported as intentionally slowing down a responding engine. (F7, F8)
- R11. Consistent with the JPA's spirit of cooperation, the AFPA should ensure all Amador County Fire Departments and Districts collaborate and cooperate to allow training opportunities among firefighters to the greatest extent possible. This should be implemented by January 1, 2021. (F9)

## **REQUIRED RESPONSES**

Pursuant to California Penal Code § 933 and § 933.05, the Grand Jury requests responses from the following within 90 days:

- Amador Fire Protection Authority is required to respond no later than 90 days after the Grand Jury submits a Final Report to Findings F1-F9 and to Recommendations R1-R4, R6-R11.
- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report to Findings F2 and to Recommendation R5.

## **ADDRESS RESPONSES TO:**

The Presiding Judge - Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

*Reports issued by the Grand Jury do not identify individuals interviewed. California Penal Code § 929 requires 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 Grand Jury.*



## APPENDIX A

### MEASURE M

OFFICIAL BALLOT - CONSOLIDATED GENERAL ELECTION  
 3RD CONGRESSIONAL DISTRICT 15TH ASSEMBLY DISTRICTS  
 AMADOR COUNTY, TUESDAY, NOVEMBER 4, 2008

BT: 2

INSTRUCTIONS TO VOTERS	STATE SENATOR 1ST DISTRICT	CITY
<p><b>INSTRUCTIONS TO VOTERS</b></p> <p>1. This ballot is for the 3rd Congressional District and the 15th Assembly Districts in Amador County. It contains the names of the candidates for the offices of State Senator, City Council, and School Board. The names of the candidates are listed in the order in which they appear on the ballot. The names of the candidates are listed in the order in which they appear on the ballot. The names of the candidates are listed in the order in which they appear on the ballot.</p>	<p><b>STATE SENATOR 1ST DISTRICT</b></p> <p>1. <b>DALE TAYLOR</b> Republican</p> <p>2. <b>DAVID L. HARRIS</b> Democratic</p>	<p><b>CITY</b></p> <p>1. <b>FRANKLIN</b> City Council</p> <p>2. <b>JOHN J. BERRY</b> City Council</p> <p>3. <b>WALTER L. BERRY</b> City Council</p> <p>4. <b>WALTER L. BERRY</b> City Council</p> <p>5. <b>WALTER L. BERRY</b> City Council</p>
<p><b>MEMBER OF THE STATE ASSEMBLY 15TH DISTRICT</b></p> <p>1. <b>JAMES W. HARRIS</b> Democratic</p> <p>2. <b>JAMES W. HARRIS</b> Democratic</p> <p>3. <b>JAMES W. HARRIS</b> Democratic</p> <p>4. <b>JAMES W. HARRIS</b> Democratic</p>	<p><b>CITY COUNCIL</b></p> <p>1. <b>FRANKLIN</b> City Council</p> <p>2. <b>JOHN J. BERRY</b> City Council</p> <p>3. <b>WALTER L. BERRY</b> City Council</p> <p>4. <b>WALTER L. BERRY</b> City Council</p> <p>5. <b>WALTER L. BERRY</b> City Council</p>	
<p><b>MEMBER OF THE STATE ASSEMBLY 15TH DISTRICT</b></p> <p>1. <b>JAMES W. HARRIS</b> Democratic</p> <p>2. <b>JAMES W. HARRIS</b> Democratic</p> <p>3. <b>JAMES W. HARRIS</b> Democratic</p> <p>4. <b>JAMES W. HARRIS</b> Democratic</p>	<p><b>SCHOOL</b></p> <p>1. <b>AMADOR COUNTY</b> School Board</p> <p>2. <b>AMADOR COUNTY</b> School Board</p> <p>3. <b>AMADOR COUNTY</b> School Board</p> <p>4. <b>AMADOR COUNTY</b> School Board</p>	<p><b>MEASURES PRESENTED TO THE VOTERS</b></p> <p><b>COUNTY</b></p> <p>1. <b>AMADOR COUNTY</b> Measure</p> <p>2. <b>AMADOR COUNTY</b> Measure</p> <p>3. <b>AMADOR COUNTY</b> Measure</p> <p>4. <b>AMADOR COUNTY</b> Measure</p>
<p><b>UNITED STATES REPRESENTATIVE 3RD DISTRICT</b></p> <p>1. <b>BILL CLAYTON</b> Democratic</p> <p>2. <b>BILL CLAYTON</b> Democratic</p> <p>3. <b>BILL CLAYTON</b> Democratic</p> <p>4. <b>BILL CLAYTON</b> Democratic</p>	<p><b>DISTRICT</b></p> <p>1. <b>AMADOR COUNTY</b> District</p> <p>2. <b>AMADOR COUNTY</b> District</p> <p>3. <b>AMADOR COUNTY</b> District</p> <p>4. <b>AMADOR COUNTY</b> District</p>	<p><b>MEASURES PRESENTED TO THE VOTERS</b></p> <p><b>COUNTY</b></p> <p>1. <b>AMADOR COUNTY</b> Measure</p> <p>2. <b>AMADOR COUNTY</b> Measure</p> <p>3. <b>AMADOR COUNTY</b> Measure</p> <p>4. <b>AMADOR COUNTY</b> Measure</p>
<p><b>CONTINUE VOTING IN NEXT COLUMN</b></p>	<p><b>CONTINUE VOTING IN NEXT COLUMN</b></p>	<p><b>CONTINUE VOTING ON THE BACK OF THE BALLOT</b></p>

VOTE BOTH SIDES

OFFICIAL BALLOT - CONSOLIDATED GENERAL ELECTION

AMADOR COUNTY - TUESDAY, NOVEMBER 4, 2008

BT: 2

THIS BALLOT STUDY SHELL BE REMOVED AND RETAINED BY THE VOTER

(HAVE VOTED - HAVE YOUR)

OFFICIAL BALLOT - CONSOLIDATED GENERAL ELECTION

AMADOR COUNTY - TUESDAY, NOVEMBER 4, 2008

BT: 2

JH

ORDINANCE NO. 1576

AN ORDINANCE OF THE COUNTY OF AMADOR IMPOSING A TRANSACTIONS AND USE TAX FOR FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, AND ADDING CHAPTER 3 14 TO THE AMADOR COUNTY CODE

The Board of Supervisors of the County of Amador, State of California does ordain as follows.

SECTION 1 The Amador County Code is hereby amended by the addition of Chapter 3 14, which shall read as follows:

3.14.010. Title and Effect. This chapter shall be known as the County of Amador Fire Protection and Emergency Response Services Transactions and Use Tax Ordinance. The County of Amador hereinafter shall be called "County". This chapter shall be applicable in the incorporated and unincorporated territory of the County. This chapter shall complement, and not replace or supersede, the County's existing sales and use tax, as such tax is described in Chapter 3 12 of this code.

3.14.020. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below. If this chapter is approved by the voters at the November 2008 election, the Operative Date shall be April 1, 2009.

3.14.030. Purpose. This chapter is adopted to achieve the following, among other purposes, and the Board of Supervisors directs that the provisions hereof be interpreted in order to accomplish these purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7265.5 of Part 1.7 of Division 2 which authorizes the County to adopt this chapter, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose. The tax imposed by this Chapter, to be known as the "Fire Protection and Emergency Response Services Tax" shall be applicable in the incorporated and unincorporated territory of the County and is a special tax for the purpose of funding fire protection and emergency response services in accordance with the Expenditure Plan set forth in this Chapter.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure thereby that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.14.040. Expenditure Plan. The proceeds of the Fire Protection and Emergency Response Services Tax will be spent on one or more of the activities set forth in this Section 3.14.040. This Expenditure Plan is established for the purpose of establishing a countywide fire protection and emergency medical services (EMS) response system that supports the collocated base of existing fire districts and agencies by providing funds for the following activities:

A. Payment of salaries, benefits and administrative support for paid fire fighter-emergency medical response personnel to staff existing fire stations; and

B. Support, maintenance and enhancement of volunteer fire fighter-emergency response service personnel by funding volunteer insurance, training and incentive programs.

Each fire department or district will be responsible for its annual budget and associated implementation strategies within the limitations of the Expenditure Plan. The Amador Fire Protection Authority (AFPA) will review the proposed annual allocation of proceeds to each department or district for recommendation to the Board of Supervisors, which proceeds shall be allocated in accordance with Section 3 14 050.

3.14.050. Allocation of Proceeds. The proceeds of the Fire Protection and Emergency Response Services Tax will be allocated to each fire department or district (Amador Fire Protection District, Lone Fire Department, Jackson Fire Department, Jackson Valley Fire District, Lockwood Fire District, Plymouth Fire Department, Sutter Creek Fire District) based on the following criteria:

A. Each fire department or district in the County will receive a base allocation of \$50,000 annually.

B. The remaining funds will be prorated among each entity based on the total population and call volume, verified annually as of July 1 of each year.

The Board of Supervisors may amend this section 3 14 050 to reflect a change in the number of fire departments or districts within the County.

3.14.060. Contract With State. Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.14.070. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of .50% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3.14.080. Place Of Sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place in which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

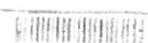
3.14.090. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of .56% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.100. Adoption Of Provisions Of State Law. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.14.110. Limitations On Adoption Of State Law And Collection Of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted herefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.



2. The result of that substitution would require action to be taken by or against the County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6727, 6797 or 6828 of the Revenue and Taxation Code

b. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.14.120. **Permit Not Required.** If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transaction's permit shall not be required by this chapter.

#### 3.14.130. **Exemptions And Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, county and county, or county, pursuant to the Franchise Tax Law, the Uniform Tax Law, and the Tax Law or the amount of any state administrative transactions or use tax.

B. There are exempted from the imposition of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9810) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax chapter.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.4 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9810) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.140. **Amendments.** All amendments subsequent to the effective date of this chapter to Part 1.4 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.3 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3.14.150 Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. This ordinance relates to the levying and collecting of the Fire Protection and Emergency Response Services Tax and, if adopted by the voters, shall take effect ten days after the vote is declared by the legislative body, pursuant to the provisions of Election Code sections 9217 and 15400.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 24<sup>th</sup> day of June 2008 by the following vote:

AYES: Richard M. Forsler, Theodore Novak,  
Louis D. Boliano, Rich F. Esramilla,  
and Brian Ortol

NOES: None

ABSENT: None

s/ Richard M. Forsler  
Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County California

s/ Jennifer Burns

**IMPARTIAL ANALYSIS OF MEASURE M,  
"AMADOR FIRE PROTECTION AND EMERGENCY  
RESPONSE SAFETY MEASURE"**

The Amador Fire Protection and Emergency Response Safety Measure proposes to raise revenue for the purpose of funding fire protection and emergency services response personnel by imposing a 1/2-cent sales (transactions and use) tax and approving Ordinance No. 1676 adopted by the Board of Supervisors. The tax would be paid in addition to current state and local sales taxes, and would be collected at the same time and in the same manner as existing sales taxes.

This tax will be effective only if Ordinance No. 1676 is approved by a two-thirds majority of the qualified voters voting on Measure M. If approved by the voters, the sales tax will become effective on April 1, 2009. The tax will be imposed throughout Amador County, including each city and the unincorporated area.

Measure M is a tax for specific purposes, which means that the proceeds received from the tax can be used only for the specific purposes in the ordinance. Under the ordinance, proceeds will be used for payment of salaries, benefits and administrative support for paid fire fighter-emergency medical response personnel at existing fire stations, as well as volunteer insurance, training and incentive programs. The proceeds will be divided among Amador Fire Protection District, Iowa Fire Department, Jackson Fire Department, Jackson Valley Fire District, Lockwood Fire District, Plymouth Fire Department, and Sutter Creek Fire District according to a formula described in the ordinance. The Board of Supervisors may amend the ordinance if there is an increase or decrease in the number of fire districts and departments in the County.

This special tax will be permanent. It will be collected until it is repealed by the voters.

s/ Martha Jeanne Shaver  
County Counsel

**FISCAL ANALYSIS BY COUNTY AUDITOR-CONTROLLER  
AMADOR COUNTY MEASURE M**

Amador County will impose a 1/2 cent fire protection and emergency medical response services transaction and use tax if approved by the voters on November 4, 2008 and will take effect beginning April 1, 2009. The revenues raised will be approximately \$2,400,000 for the fiscal year 2009-10 for fire protection and emergency medical response services.

s/ Joe Lowe  
Amador County Auditor-Controller

**ARGUMENT IN FAVOR OF MEASURE M**

Measure M will help save lives and keep families safe.

All communities in Amador County rely largely on volunteers to fight fires and respond to emergencies. Measure M will provide necessary funding for paid fire/emergency medical personnel to improve these emergency services.

Measure M will provide funding for personnel to allow for 24/7 coverage in existing fire stations across our county. These emergency responders will help our volunteer firefighters, no matter the hour or day of the week.

Last year, our dedicated volunteers responded to over 3,000 calls for help. It has become increasingly difficult for these volunteers to sacrifice time away from their job and families to help our community. Our volunteer firefighters need our help.

That's why we need Measure M.

Measure M will approve a 1/2 cent increase in our local sales tax to enable our county to support our volunteers with paid firefighters. For every ten dollars spent on goods in Amador County only 5 cents will be spent to pay for fire protection - a small price to pay to keep our families safe.

Vote Yes on Measure M to ensure that the many visitors and tourists to Amador pay a share in providing fire and emergency medical services in the County.

The challenge we face as a community is what to do if an emergency occurs and we don't have enough volunteer firefighters close by to deal with a life threatening situation. Measure M is the right solution.

Please join local fire and law enforcement leaders, teachers, and small business owners from across Amador County and vote Yes on Measure M. The peace of mind that comes with knowing a fire department will be available to save a house or a life or both is more than worth the price.

s/ Charles "Balch" Martin, Fire Chief, Sutter Creek FPD

s/ Alan C. Lennox, President, American Legion Ambulance

s/ Ray Blankenhorn, Battalion Chief (Pine Grove and East)  
Amador Fire District

s/ Lee Ard, Vice Mayor (one)

s/ Paul Motinelli, Jr., Business owner,  
Past Pres. Chamber of Commerce

**NO ARGUMENT AGAINST THIS MEASURE  
WAS SUBMITTED**

APPENDIX B

**ORDINANCE 1767**

ORDINANCE NO.1676

AN ORDINANCE OF THE COUNTY OF AMADOR  
IMPOSING A TRANSACTIONS AND USE TAX FOR  
FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES  
TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION,  
AND ADDING CHAPTER 3.14 TO THE AMADOR COUNTY CODE

The Board of Supervisors of the County of Amador, State of California does ordain as follows:

SECTION 1. The Amador County Code is hereby amended by the addition of Chapter 3.14, which shall read as follows:

“3.14.010. Title and Effect. This chapter shall be known as the County of Amador Fire Protection and Emergency Response Services Transactions and Use Tax Ordinance. The County of Amador hereinafter shall be called “County.” This chapter shall be applicable in the incorporated and unincorporated territory of the County. This chapter shall complement, and not replace or supersede, the County’s existing sales and use tax, as such tax is described in Chapter 3.12 of this code.

3.14.020. Operative Date. “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below. If this chapter is approved by the voters at the November 2008 election, the Operative Date shall be April 1, 2009.

3.14.030. Purpose. This chapter is adopted to achieve the following, among other purposes, and the Board of Supervisors directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this chapter, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose. The tax imposed by this Chapter, to be known as the “Fire Protection and Emergency Response Services Tax,” shall be applicable in the incorporated and unincorporated territory of the County and is a special tax for the purpose of funding fire protection and emergency response services in accordance with the Expenditure Plan set forth in this Chapter.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are

not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.14.040 Expenditure Plan. The proceeds of the Fire Protection and Emergency Response Services Tax will be spent on one or more of the activities set forth in this Section 3.14.040. This Expenditure Plan is established for the purpose of establishing a countywide fire protection and emergency medical services (EMS) response system that supports the volunteer base of existing fire districts and agencies by providing funds for the following activities:

A. Payment of salaries, benefits and administrative support for paid fire fighter-emergency medical response personnel to staff existing fire stations ; and

B. Support, maintenance and enhancement of volunteer fire fighter-emergency response service personnel by funding volunteer insurance, training and incentive programs.

Each fire department or district will be responsible for its annual budget and associated implementation strategies within the limitations of the Expenditure Plan. The Amador Fire Protection Authority (AFPA) will review the proposed annual allocation of proceeds to each department or district for recommendation to the Board of Supervisors, which proceeds shall be allocated in accordance with Section 3.14.050.

3.14.050 Allocation of Proceeds. The proceeds of the Fire Protection and Emergency Response Services Tax will be allocated to each fire department or district (Amador Fire Protection District, Ione Fire Department, Jackson Fire Department, Jackson Valley Fire District, Lockwood Fire District, Plymouth Fire Department, Sutter Creek Fire District) based on the following criteria:

A. Each fire department or district in the County will receive a base allocation of \$50,000 annually.

B. The remaining funds will be prorated among each entity based on the total population and call volume, verified annually as of July 1 of each year.



The Board of Supervisors may amend this section 3.14.050 to reflect a change in the number of fire departments or districts within the County.

3.14.060. Contract With State. Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.14.070. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of .50% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3.14.080. Place Of Sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.14.090. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of .50% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.100. Adoption Of Provisions Of State Law. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.14.110. Limitations On Adoption Of State Law And Collection Of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.14.120. Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3.14.130. Exemptions And Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax chapter.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.140. Amendments. All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3.14.150. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected."

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

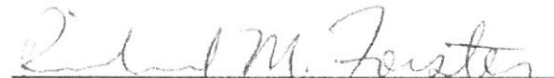
SECTION 3. This ordinance relates to the levying and collecting of the Fire Protection and Emergency Response Services Tax and, if adopted by the voters, shall take effect ten days after the vote is declared by the legislative body, pursuant to the provisions of Elections Code sections 9217 and 15400.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 24th day of June 2008 by the following vote:

AYES: Richard M. Forster, Theodore Novelli, Louis D. Boitano, Rich F. Escamilla, , and Brian Oneto


NOES: None

ABSENT: None

  
Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

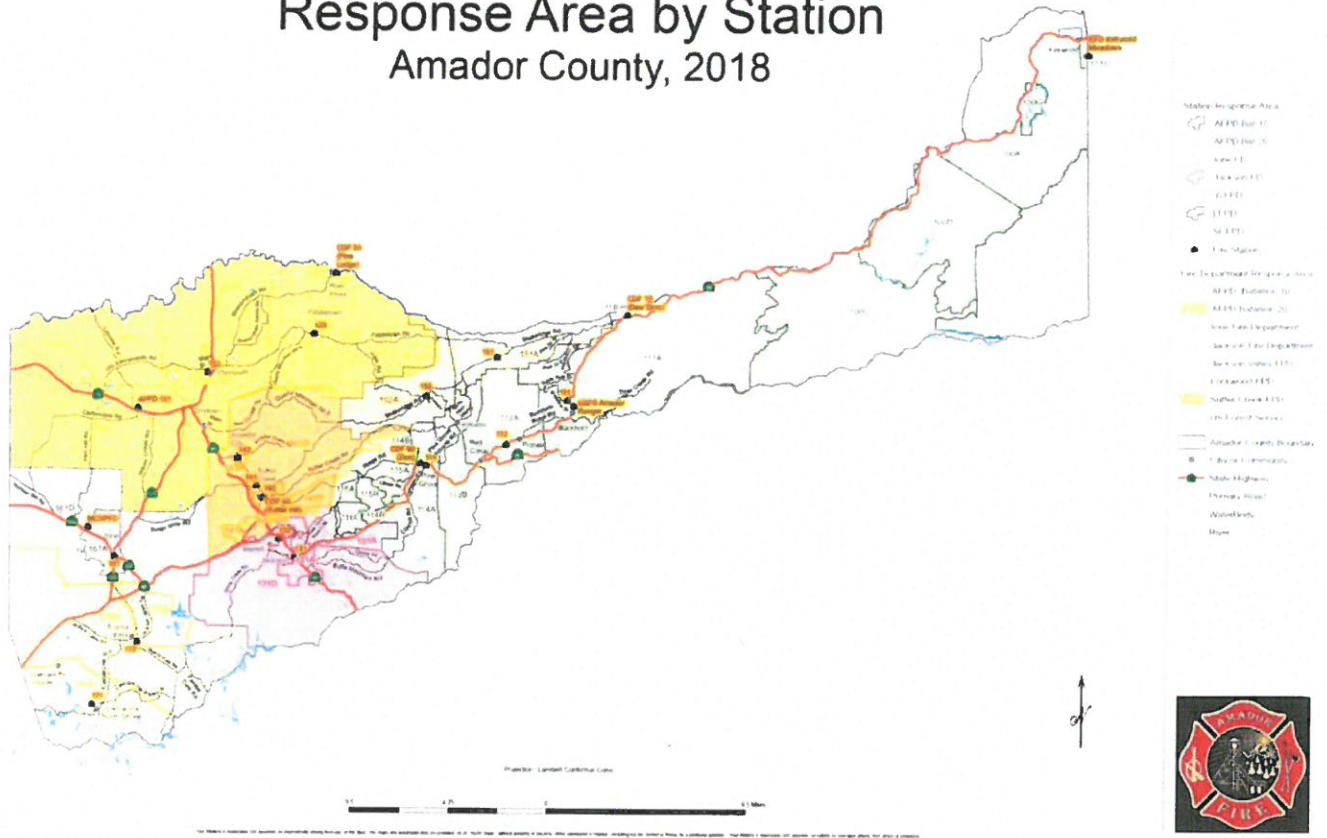
  
Deputy

APPENDIX C

**FIRE MAP**  
**(Before Area 118)**

# Response Area by Station

## Amador County, 2018







## FINAL REPORT RESPONSE FORMAT

The following standard format is to be used when responding to the Grand Jury Report and is to be used by all agencies when responding:

Title of Report \_\_\_\_\_  
Responding Agency \_\_\_\_\_  
Response by \_\_\_\_\_  
(Governing Body, Department Head)

Finding number one:

State the finding as written in the Grand Jury Report. Include your detailed response to the finding. Attach any supporting documentation.

Recommendation number one:

State the recommendation as written in the Grand Jury report. Include your detailed response to the recommendation. Response should include progress on your planned action. Attach any supporting documentation.

Follow the same procedures for each finding and recommendation as written in the Grand Jury Report for this agency.



**First Amended Joint Exercise of Powers Agreement**

**Amending the Agreement Forming**

**The Amador Fire Protection Authority**

THIS FIRST AMENDED JOINT EXERCISE OF POWERS AGREEMENT AMENDING THE AGREEMENT FORMING THE AMADOR FIRE PROTECTION AUTHORITY (this “Agreement”) dated as of [April 2010], amends and supersedes the Joint Powers Agreement Forming the Amador Fire Protection Authority dated July 1, 2003, and continues the existence, work and operations of the Authority. This Agreement is entered into by and among the Amador Fire Protection District, the Sutter Creek Fire Protection District, the Jackson Valley Fire Protection District, and the Lockwood Fire Protection District, each a fire protection district formed pursuant to the Health and Safety Code of the State of California (“AFPD”, “SCFPD”, “JVFPD” and “Lockwood” respectively); and the cities of Lone, Jackson, and Plymouth, each a California municipality (“Lone”, “Jackson”, and “Plymouth” respectively). The above public entities are referred to collectively as the “Members” and individually as a “Member.”

**RECITALS**

WHEREAS, the parties to this Joint Powers agreement wish to establish a regional joint Powers Authority known as the Amador Fire Protection Authority (“Authority”) for the purpose of planning for enhanced fire protection services in Amador County; and



WHEREAS, the Members recognize that the creation of a regional entity to plan for the provision of enhanced fire protection services in Amador County is beneficial to the public and is consistent with each Member's governmental powers; and

WHEREAS, it is the desire of the Members to form the Authority to function as the fire protection planning entity in the geographical area comprising all of the Members; and

WHEREAS, in 2008 the voters of Amador County passed a ballot measure ("Measure M') approving an ordinance enacted by the Board of Supervisors to impose a ½-cent sales tax for the purpose of funding fire protection and emergency response services; and

WHEREAS, the ordinance requires that the Authority annually review the proposed allocation of tax proceeds to each Member and recommend an allocation plan to the Board of Supervisors; and

WHEREAS, the Members deem it necessary and desirable to establish a mechanism to allocate and ~~audit~~ **audit-report** the use of Measure M funds; and

WHEREAS, it is the desire of the Members that the Authority assume the rights and accept the delegation of the duties of each of the Members to the extent set forth in the Original Agreement and this Agreement; and



WHEREAS, the Member Entities desire by means of the Agreement to amend the Original Agreement and to provide for the general direction of the policies of the Authority;

NOW, THEREFORE, the Members agree as follows:

## ARTICLE 2

### AUTHORITY AND DEFINITIONS

#### Section 2.0 Authority

This Agreement is entered into pursuant to the authority in Title I, Division 7, Chapter 5 of the Government Code (commencing with Section 6500 et seq.) of the State of California.

#### Section 2.1 Definitions

The following words shall have the meaning ascribed to them in this section, unless the context of their usage dictates otherwise:

(a) "Agreement" means this First Amended Joint Exercise of Powers Agreement.

(b) "Authority" means the Amador Fire Protection Authority, formed pursuant hereto.





(c) "Board" means the Board of Directors of the Authority.

(d) "Covered Area" means all of the territory within the Members' boundaries.

(e) "Enhanced" means a fast, consistent response of at least one firefighter.

(f) "Fire Protection Services" means the planning, funding, and operating of fire protection entities within the Covered Area using the full range of fire protection powers provided by the Legislature of the governing boards of all the Members.

(g) "Member" means a public entity that, having ratified this Agreement, has become a member of the Authority. "Members" are the entities comprising the Authority. The Members are AFPD, SCFPD, JVFPD, Lockwood, Lone, Jackson, and Plymouth.

## **ARTICLE 3**

### **PURPOSE**

#### **Section 3.0 Purpose**

The Members have joined together to establish the Authority to meet the need for the planning for the providing of Fire Protection Services for each Member and within the Covered Area on a regional and, if desired by the Members, consolidated basis.



## ARTICLE 4

### POWERS

#### Section 4.0 Powers

- (a) The Authority shall have such powers as may be necessary for the accomplishment of the purposes of this Agreement, including, but not limited to, the power in its own name to make and enter into contracts; to employ agents and employees; to provide for employee retirement, health, and welfare benefits; to acquire (including through the exercise of the power of eminent domain), hold and dispose of property, both real and personal; to sue and be sued in its own name; to hire legal counsel and to incur debts liabilities, or obligations. The debts, liabilities and obligations of the Authority shall be solely of the Authority and shall not constitute any debts, liabilities or obligations of any Member. The Authority may accept grants, gifts, donations and other monies made in the public interest to carry out the purposes set forth in this Agreement. To the extent budgeted, and as provided by rule, the Board is authorized to pay expenses reasonably and necessarily incurred in the conduct of Authority business, including travel expenses to attend meetings and conferences relating to the business of the Authority.



(b) Without limiting the foregoing, the Authority is expressly empowered to purchase insurance and/or participate in a program of self-insurance, either individually or through a joint powers agency with other public agencies existing in the State of California, for the purpose of providing property, liability, workers' compensation and such other insurance coverage as the Authority may, from time to time, deem necessary or appropriate. Medical insurance may be provided through any provider.

#### Section 4.1 Limitations

Pursuant to Government Code Section 6509, the powers of the Authority are subject to the restrictions in the manner of exercising such powers of one of the Members. AFPD is hereby designated as that Member.

### ARTICLE 5

#### ORGANIZATION

#### Section 5.0 Membership

(a) As provided in Section 9.0, the Authority was formed as of July 1, 2003 by virtue of adoption of the Original Agreement by the governing boards of all of the Members. The Members are identified in the introductory section of this Agreement.



(b) An annual membership assessment of \$250.00 will be paid by each Member as soon after the beginning of the fiscal year as practical. These monies are for the general operations of the Authority including, but not limited to costs for a website, a clerk, copies/printing, attorney fees.

## ARTICLE 6

### BOARD OF DIRECTORS

#### Section 6.0 Board of Directors and Voting

(a) Except as otherwise provided in this Agreement, all powers of the Authority shall be exercised by or through the Board of Directors ("Board"). The Board shall adopt the budget of the Authority and manage the affairs of the Authority.

(b) The Board shall be composed of seven (7) elected officials, chosen as follows: Each Member shall designate a member of its governing body to serve on the Authority Board.

(c) Each Director shall have one (1) vote

(d) Except for determining whether a quorum is present, all actions of the Board shall require an affirmative vote of at least four (4) Directors.





## Section 6.1 Terms and Board Membership

- (a) Each Member shall appoint one (1) Alternate Director for each Director so appointed. An Alternate Director shall meet the same qualifications as a Director.
- (b) The terms, manner of appointment and removal, and filling of vacancies for Alternate Directors shall be the same as for Directors.
- (c) Alternate Directors shall receive all meeting notices and written material sent to Directors and shall have the right to participate and vote at meetings of the Board in the absence of the Director for whom the Alternate Director serves.
- (d) All provisions of law relating to conflict of interest that apply to a Director shall apply to an Alternate Director.

## Section 6.4 Officers

- (a) Chair. A Chair of the Board shall be elected annually by the Board at the first regular Board meeting in each calendar year.



(b) Vice-Chair. A Vice-Chair of the Board shall be elected annually by the Board at the first regular Board meeting in each calendar year. The Vice-Chair shall have the powers and act in the place of the Chair in the Chair's absence.

~~(c) Secretary. A Secretary of the Board shall be elected annually by the Board at the first regular Board meeting in each calendar year. The Secretary shall keep a public record of the Board's resolutions, transactions, findings, and determinations, and prepare minutes of every meeting.~~

## Section 6.5 Meetings

(a) Regular meetings of the Board shall be held at least ~~monthly~~ every January, April, July, and October; provided, however, that the Chair may cancel a meeting from time to time if there is no business for the Board. The rules of the Board shall provide for the notice, time and place of the regular meetings.

(b) Special meetings may be called by the Chair or by a majority of the Directors.

(c) All meetings shall be called and conducted in accordance with the Ralph M. Brown Act commencing with Section 54950 of the California Government Code.



(d) The Board may meet anywhere in the Covered Area; provided, however, the permanent home of the Authority shall be at 810 Court Street, Jackson, Amador County, California.

#### Section 6.6 Rules

The Board may adopt from time to time rules for the conduct of its meetings and the general operations of the Authority. Copies of such rules shall be maintained by the Secretary, and copies thereof shall be filed with each Member. Written notice of a proposed rule amendment shall be sent to each Director and each Member at least three (3) weeks prior to the vote by the Board on the proposed rule amendment. Such rules shall be consistent with the provisions of this Agreement, and, in the event of any conflict between the provisions of these rules and the provision of this Agreement, the provisions of this Agreement shall control.

#### Section 6.7 ~~Executive Officer~~ Secretary

The Board shall appoint ~~an Executive Officer~~ a Secretary who shall serve at the pleasure of the Board. The ~~Executive Officer~~ Secretary shall not be a member of the Board, nor shall he or she occupy any other elected position that would constitute a conflict of interest with his or her duties as ~~Executive Officer~~ Secretary. ~~The Executive Officer shall be the chief executive and administrative officer of the Agency and shall have such duties as may be prescribed by the Board. The Executive Officer shall be responsible for all projects and property of the Authority~~



~~and shall file with the Treasurer of the Authority, as required by the Board, and official bond in an amount to be determined by the Board guaranteeing the faithful performance of his or her duties.~~

Without limiting the foregoing, the ~~Executive Officer~~ Secretary shall:

~~(1) develop the Authority's budget for submission to the Board;~~

~~(2) review and decide personnel matters;~~

(3) make policy recommendations to the Board;

~~(4) oversee and direct the operation of the Authority within the framework of the approved budget;~~

(5) make recommendations to the Board on such other matters as the Board may designate from time to time.

#### Section 6.8 Authority Counsel

An Authority Counsel ~~shall be elected~~ may be appointed annually by the Board at the first regular meeting in each calendar year and shall serve at the pleasure of the Board. ~~The Authority Counsel shall act as general counsel to the Authority and to the Board. The Amador~~





~~County Counsel shall serve as the initial Authority Counsel. The County of Amador may determine reasonable charges to be made against the Agency for the services of the County Counsel.~~

#### Section 6.9 Treasury; Treasurer; Auditor

- (a) The Treasury of the County of Amador shall be the depository of the funds of the Authority and the Treasurer of the County of Amador shall be the ex-officio Treasurer of the Authority. The Auditor of the County of Amador shall be the ex-officio Auditor of the Authority and shall draw warrants against the funds of the Authority in the Treasury when the demands are approved by the Executive Officer or his or her designee. The Auditor and Treasurer shall comply with all duties imposed under Article 1, Chapter 5, Division 7, Title I of the Government Code, commencing with Section 6500. The County of Amador may determine reasonable charges to be made against the Authority for the services of the Auditor and Treasurer. At the close of each fiscal year, the Auditor shall make an audit. In the alternative, the Board may contract with a public accountant or certified public accountant to make an audit of the accounts and reports of the Authority.
- (b) In lieu of the designation of Treasurer and Auditor set forth above, the Board may appoint one of its officers or employees to either or both positions of Treasurer and Auditor. Such officers may be held by separate officers or employees or combined



and held by one officer or employee. At the close of each fiscal year, the Board shall have an independent audit conducted as set forth in Government Code Section 65055.6.

#### Section 6.10 Funds

The Treasurer of the Agency shall receive and have the custody of and disburse Authority funds on the warrant of the Auditor and shall make disbursements required by this Agreement. The Treasurer of the Authority shall invest Authority funds in accordance with general law. All interest collected on Authority funds shall be accounted for and posted to the account of said funds.

#### Section 6.12 Employee Costs

If a Member provides officers or employees to serve as staff to the Authority, that Member shall have the right to be reimbursed by the Authority for all direct and indirect costs associated with the discharge of the employee's duties for or on behalf of the Authority.

## **ARTICLE 7**

### **FUNCTIONS**



## Section 7.0 Functions

The functions of the Authority shall include, but not be limited to:

### 7.1 Phase One --Planning.

The Board shall develop operational and funding strategies to achieve the goals outlined below and as established by the Board. For operational strategies such as sections (a) through (f) below, implementation shall be made pursuant to a subsequent agreement amending this Agreement among the Members.

- (a) Enhance fire protection coverage in each Member's individual jurisdiction and in the whole Covered Area.
- (b) Consolidate the existing network of Members to achieve greater efficiency and consistency.
- (c) Design and implement consolidated department operational strategies that provide Fire Protection Services by paid employees of the Authority.
- (d) Pursue funding opportunities under a unified entity, the Authority



- (e) Provide uniformity, consistency, and greater member participation and/or recognition in providing Fire Protection Services.
- (f) Develop consistent response plans with the Covered Area to achieve greater cost efficiency.
- (g) Develop an allocation plan (i) for Measure M funds that is consistent with the provision of Measure M, for recommendation to the Board of Supervisors of Amador County; and (ii) for any other funds distributed by the Authority.
- (h) Cause each Member to ~~conduct~~ create an annual ~~audit~~ report identifying the Member's use of Measure M funds, and receive and review each such ~~audit~~ report to ensure compliance with the purposes of Measure M.

## 7.2 Phase Two -- Operations

The Members shall consider adding Operation and the carrying out of operation strategies described in sections 7.1(a) through (d) to the duties of the Authority after the Authority's planning function is developed. Because of the uncertainties of what the Operations may consist of, whose employees may provide them, and how they will be financed the Members agree to set forth the Operations in a subsequent agreement amending this Agreement.





## ARTICLE 8

### FINANCIAL

#### Section 8.0 Annual Budget

- (a) The annual budget year for the Authority is July 1 through June 30.
- (b) At the beginning of each ~~calendar~~-fiscal year, a work program for the Authority shall be prepared by the Executive Officer and approved by the Board. Based upon an estimate of the cost of carrying out this work program, a preliminary budget, including a reasonable contingency, in an amount to be approved by the Board, shall be prepared by April 1<sup>st</sup> of each year. Prior to June 1<sup>st</sup> of each year, the Board shall adopt a contingent budget based upon its approved work program and after public hearing. The Budget shall become final upon the Board's making any adjustments necessary to respond to or bring the budget into conformity with the actual receipt of Members' funds.

#### Section 8.1 No Refund of Assessment on Withdrawal from Agency



A Member withdrawing from the Authority shall not be entitled to the return of any funds transferred to the Authority.

**Section 8.2 Accounts and Reports**

The Authority shall establish and maintain reports and accounts that are deemed necessary to account for and report on the various sources of funds, expenditures, grants, programs and projects as may be required by good accounting practice. The books and records of the Authority shall be open to inspection by Members at all reasonable times.

**ARTICLE 9**

**DURATION, DISPOSITION AND AMENDMENT**

**Section 9.0 Effective Date**

The Original Agreement was effective, and the Authority established on July 1, 2003. Pursuant to Section 9.3, this First Amended Joint Exercise of Powers Agreement shall be effective upon the approval of the governing bodies of a majority of the Members.

**Section 9.1 Duration**



This Agreement shall continue in effect until it is rescinded or terminated by a majority of the Members' governing bodies; provided, however, that the withdrawal from membership on the Authority by any Member shall not operate to terminate this Agreement as to the other Members.

#### Section 9.2 Withdrawal from Membership

A Member may withdraw from the Authority effective on any next succeeding July 1<sup>st</sup> after the formation of the Authority. The withdrawal shall be in the form of a duly executed and certified resolution adopted by the Member's governing board that authorizes withdrawal. The withdrawal must be received by the Secretary of the Authority's Board of Directors at least 180 days prior to the July 1<sup>st</sup> on which the withdrawal will be effective.

#### Section 9.3 Amendment

This Agreement may be amended in writing. The amendment shall become effective upon the approval of the amendment by the governing bodies of a majority of the Members. Within thirty (30) days of approval or denial of an amendment the Authority shall give written notice to all Members of the action on the amendment and, if approved the effective date of the amendment.

#### Section 9.4 Disposition of Assets Upon Termination



Upon termination of this Agreement, any money or assets in the possession of the Authority after payment of all liabilities, costs, expenses and charges validly incurred pursuant to this Agreement shall be returned to the Members then comprising the Authority in proportion to their contributions determined as of the date of termination.

#### Section 9.5 Notices

Notices shall be sent by first class mail to the Members at the following addresses:

City of Jackson  
33 Broadway  
Jackson, CA 95642

Amador Fire Protection District  
810 Court Street  
Jackson, CA 95642

City of Plymouth  
P.O. Box 805  
Plymouth, CA 95669

Jackson Valley Fire Protection District  
P.O. Box 1309  
Ione, CA 95640

City of Ione  
P.O. Box 398  
Ione, CA 95640

Sutter Creek Fire Protection District  
P.O. Box 365  
Sutter Creek, CA 95685





Lockwood Fire Protection District

P.O. Box 221

Volcano, CA 95689

IN WITNESS WHEREOF, each of the Members has caused this Joint Powers Agreement to be executed by having affixed thereto the signature of the authorized agent of the Member's governing board.

[Signature on original document consist of the following]:

2/2/10

Brian Oneto, President AFPD

12/14/09

Connie Gonsalves, Mayor, City of Jackson

1/5/10

Chester Schaufel, Mayor, City of Lone

1/13/10

Hugh S. Herfel, Board Chair, JVFD (Signature difficult to read)

3/18/10

John J. Homus, Director LFPD (Signature difficult to read)

4/8/2010

Pat Fordyce, Mayor, City of Plymouth

