

Amador County Civil Grand Jury

Final Report 2023-2024



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SUPERIOR COURT OF THE STATE OF

CALIFORNIA COUNTY OF AMADOR

500 ARGONAUT LANE • JACKSON, CA 95642

(209) 257-2600

ANDREA SEXTON, COURT EXECUTIVE OFFICER

May 23, 2024

Rebecca Wilson,
Foreperson Amador
County Grand Jury
PO Box 249
Jackson, CA 95642

Re: Amador Grand Jury 2023-2024

Dear Foreperson Wilson, Marianne Akerland, Catherine Hopkins, Larry Angier, Sandra Staples, Gregory Broyles, Kevin Fry, Janelle Crandell, Matthew Collins, Keary Colwell, Rosa Celia Schuber, Megan Manzo and Deborah Pretto:

I wish to thank each of you for the hard work and dedication shown during the past year on the Amador 2023-2024 Grand Jury. You have taken your duties seriously and spent time away from family, friends and other responsibilities in order to produce an insightful, professional report.

Ms. Wilson, your excellent leadership as foreperson is well noted, and the other members' efforts in assisting are apparent. On behalf of the residents of Amador County, thank you for the generous donation of your time and commitment to the Grand Jury.
Your work will ensure improvement and confidence in our local government.

Wishing each of you a well earned retirement from your yearlong duties.

Sincerely,

Judge J.S. Hermanson



SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF AMADOR

500 ARGONAUT LANE • JACKSON, CA 95642
(209) 257-2686
ANDREA SEXTON, COURT EXECUTIVE OFFICER

May 22, 2024

Rebecca Wilson, Foreperson
Amador County Grand Jury
P. O. Box 249
Jackson, CA 95642

RE: 2023-2024 Final Report

Dear Ms. Wilson and Members of the 2023-2024 Grand Jury:

The Court has reviewed and approved the following report:

Amador Fire Protection District Special Benefits Assessment Process

Thank you for your time and insight in the matter reported.

Sincerely,

A handwritten signature in blue ink, appearing to be "J.S. Hermanson", written over a horizontal line.

J.S. Hermanson
Presiding Judge, Amador Superior Court

J.S. Hermanson, Presiding Judge • Renee C. Day, Judge
Dawn Harmon, Court Executive Office



Amador County Civil Grand Jury 2023-20224

Marianne Akerland

Larry Angier

Gregory Broyles

Matthew Collins

Keary Colwell

Janelle Crandell

Kevin Fry

Catherine Hopkins

Megan Manzo

Deborah Pretto

Rosa Schubert

Sandra Staples

Rebecca Wilson

Functions of the Grand Jury

The Grand Jury, as mandated by the California Constitution, is part of the Judicial Branch and is an arm of the court. The Civil Grand Jury has two responsibilities: to act as a civil watchdog conducting investigations and to answer citizen complaints.

The Grand Jury investigates city and county government, as well as special districts, to ensure the interests of Amador County citizens are being served. Procedures, methods, and systems are reviewed to determine if more efficient programs might be employed as well as being more economical for the county.

The Grand Jury issues final reports that describe problems they may have encountered and make recommendations for solutions. The affected agencies or districts must comment on these recommendations once published in the reports.

Amador County Citizens Complaints

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees, and others about the procedures or conduct of its officers or employees. Our primary function is the examination of all aspects of local government, including cities, special districts, and school districts. This is our primary function and most important reason for our existence. Our goal is to assure honest, efficient government in the best interests of all our citizens in Amador County.

Confidentiality

All of our proceedings and investigations are confidential. We are sworn to maintain secrecy. As a Grand Jury we apply the same objective standard of conduct and responsibility to all persons, and we are charged to avoid being influenced by sympathy, public feelings, passion, or prejudice.

Complaint Process

While the Grand Jury will investigate complaints presented to it in any form, it is preferred this form be used whenever possible. Please identify the specific problem and describe the circumstances. Document our complaint with all available evidence and submit copies of all available documents.

The Complaint Form may be downloaded at:

<https://www.amadorcourt.org/divisions/civil/grandjury/complaint-form.pdf>

Mail your complaint to:

AMADOR COUNTY GRAND JURY

P.O. BOX 249

JACKSON, CA 95642

Notice to Respondents

The legal requirements for responses to the Grand Jury findings and recommendations are contained in California Penal Code 933.05. Each respondent should become familiar with these legal requirements and if in doubt, should consult legal counsel before responding.

Responding to Findings

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. The response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons of the disagreement.

Reporting Action in Response to Recommendation

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, including a summary of the implemented action.
2. The recommendation has not been implemented but will be implemented in the future. This response should include a timeframe for implementation.
3. The recommendation requires further analysis. The law requires a detailed explanation of the analysis or study and the timeframe not to exceed six months. In this response, the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation.

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 the Grand Jury Report
Responding Agency Response by Finding(s)

Finding Number *X*:

(Governing Body, Department Head)

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

Recommendation Number *X*:

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.

Amador Fire Protection District
Special Benefits Assessment Process

Summary

The Grand Jury received Citizen Complaint Forms from nine residents of Amador County. The complaints centered around actions taken by Amador Fire Protection District (AFPD) Board with respect to the Special Benefits Assessment process. Given the nature and volume of the complaints, the Grand Jury chose to investigate the assessment and ballot process.

Background

AFPD is the largest full-time fire department in Amador County, which encompasses approximately 491 square miles. AFPD serves a population of approximately 23,000, or approximately 57% of the Amador County population. AFPD responds to approximately 3,000 calls each year. The voters approved AFPD's existing benefit assessment in 1990. In 2022, AFPD proposed to replace the existing benefit assessment to provide additional funding for fire suppression services.

Scope

The Grand Jury limited the scope of its investigation to evaluating AFPD's compliance with Proposition 218 including the transparency of the assessment and ballot process. The investigation did not include the legality of the assessment, an audit of the methodology used in determining the individual assessments, or the individual parcel assessment calculations, as these elements are beyond the Grand Jury's jurisdiction or capacity.

Methodology

The Grand Jury's investigation methodology included review of publicly available documents on the AFPD website, review of documents requested from AFPD and other relevant entities, and interviews with county staff and other individuals with firsthand knowledge of the procedures used in the assessment and ballot processes.

Investigation

The following describes the requirements of Proposition 218 and the investigative steps taken by the Grand Jury:

Proposition 218 Requirements

Proposition 218 requires a detailed Engineer's Report, and it contains information requirements for the notice and ballot. It also requires a public hearing on the assessment. The Grand Jury examined the Engineer's Report, the notice and ballot, and the record of public hearing and found they all satisfied the requirements of California Constitution article XIII D section 4 (Proposition 218).

The investigation centered around three areas 1) AFPD Actions 2) the Engineer's Report and 3) the Ballot Process.

AFPD Actions

The AFPD Board of Directors (Board) holds a public meeting once a month. Its actions are well documented and readily available on the AFPD website. The Board's actions in relation to the Special Benefits Assessment began in early 2022 with the recognition of staff attrition issues. The evaluation of financial needs progressed in August and September as the annual budgeting process commenced. The Board identified the consulting firm of SCI Consulting Group (SCI) in September. SCI's credentials include extensive experience in assisting rural counties with Special Benefit Assessments. SCI was engaged in November 2022 to assist with the AFPD benefit assessment implementation. SCI's scope of work included supporting AFPD with community outreach and coordination, and ballot services.

As demonstrated in the Board minutes, AFPD initiates and/or participates in numerous public events to ensure the community is, or has access to become, knowledgeable about the actions of AFPD.

In early 2023, the then Fire Chief resigned. After review of documentation, timelines, events, and interviews, it appears communication efforts stalled during this period, but that this did not result in a Proposition 218 violation or a reduction in transparency of the Board's actions.

As required by Proposition 218, AFPD held a public hearing in Jackson. Additionally, two (2) town halls were held in Fiddletown and Pioneer. These public hearings are an example of AFPD going beyond the requirements of Proposition 218 to provide information to the public about the benefit assessment. In addition to AFPD staff, SCI was present to answer questions on the benefit assessment calculation at the public hearing and town halls. In addition to what was required by Proposition 218, AFPD attended six other public events around the county to

explain the assessment process. An interview with Chief Withrow on KVGC was played four times, and the Public Information Officer explained the assessment on her regular FireWise radio programs. Information was also available from the *Ledger Dispatch*, Facebook, NextDoor, and the AFPD website. Also, the AFPD office had someone available at the counter to answer questions from the public.

Engineer's Report(s)

At the Board meeting on November 9, 2022, the Board approved the authorization to enter into a consulting agreement with SCI Consulting Group to provide an Engineer's Report and the following scope of work:

- 1) Preliminary Feasibility Analysis
- 2) Public Opinion Research and Polling
- 3) Benefit Assessment Engineering and Engineer's Report
- 4) Ballot Services
- 5) Communications and Outreach Services

The AFPD Fire Chief executed the contract on November 11, 2022.

On May 16, 2023, SCI presented the Preliminary Engineer Report, Assessment Ballot Procedures, Notice of Hearing, and Mailing Ballots for review and approval by the Board. The Board approved the second and third proposals as presented and approved the Preliminary Engineer's Report subject to some revisions including disclosures of the assessment calculation. As of the date of this report, the Engineer's Report is still available on the Amadorfire.org website under the Governance/Board Meetings/2023/May 16, 2023/Agenda.

On August 8, 2023, SCI presented the Final Engineer's Report for review and approval by the Board at a Special Meeting. The Preliminary Engineer's Report has been available on the AFPD website since May 16, 2023, under the Board Meeting Agenda link. The Final Engineer's Report, which is substantially the same as the Preliminary Report, is available under the Governance/Board Meetings/2023/August 8, 2023/Agenda.

The Engineer's Report provides:

- 1) Legal analysis of Proposition 218
- 2) Description of the Assessment Process
- 3) Description of Services provided by AFPD
- 4) Costs and Budget

- 5) Method of Apportionment
- 6) Assessment and Assessment Diagrams.

The Engineer's Report does not provide specific parcel calculations. However, AFPD and SCI invited property owners to contact SCI for clarification on their individual assessment calculation. The scope of the Grand Jury Inquiry did not include the calculation methodology or validation of individual assessment calculations.

Ballot Measure Process

SCI mailed the notice and ballots containing all required elements on May 26, 2023, or 53 days before the hearing, in compliance with Proposition 218. Ballots included all of a landowner's parcels and the proposed benefit assessment. In a special district ballot of this type, only landowners within the district are entitled to vote. SCI sent ballots to all landowners within the district on file with the County Assessor's Office with a valid address. If a parcel was owned by more than one individual, each individual received a ballot for the parcel. In these cases, if more than one ballot was returned, each voter's ballot was weighed according to their percentage of ownership.

Initially, AFPD sought assistance from the Amador County Elections Department. However, the Elections Department informed AFPD that it was not equipped to perform this type of election. Per section 10502 of the Election Code, the use of the county election office for distribution and tabulation of the ballots is not required. The Election Code allows a district to administer ballots internally. To ensure transparency AFPD investigated other resources after the Amador County Elections Department decided not to administer the ballot. As a result, AFPD engaged the League of Women Voters – Mother Lode (LWV) to assist with opening and processing ballots during the tabulation. The LWV regularly assists with ballot processing in Tuolumne County. The LWV members who assisted with the ballot processing were neutral third parties who were not residents of Amador County. As provided in the scope of work, SCI provided ballot services including oversight of the ballot process and tabulation.

Ballots were collected at the AFPD office beginning in May through the public hearing date of July 18, 2023. The ballots were held in a secure ballot box provided by the Elections Department, which then delivered the ballot box to a county conference room where the ballots were processed on July 20, 2023. The role of the LWV members was to open and feed each ballot into the voting machines. The

LWV members engaged in quality control to ensure each ballot would be counted. All ballots eligible to be counted were processed. Tabulation including weighing votes was computer calculated. SCI reported the results to the Board, and on August 2, 2023, the AFPD filed a public notice as required by Proposition 218 in the *Ledger Dispatch*.

Conclusions and Findings

Based on the results of the investigation, the AFPD Board of Directors' actions complied with Proposition 218 and the assessment and ballot process was transparent.

Recommendations

The Grand Jury has no recommendations.

Invitation to Respond

No response is required.