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Investigation of Complaint Concerning the Board of Directors of Central Fire Protection District

Background

The Central Fire Protection District of Santa Cruz County is one of ten such districts in the county. In October 1977, the district was created by the merger of the Capitola, Live Oak and Soquel Fire Protection Districts. A seven-member elected board of directors governs the district.

The district encompasses 20.89 square miles and protects a population of more than 50,000 residents and area business establishments. The district covers an area from the east at Borregas Gulch and to the west at the City of Santa Cruz City limit, with Monterey Bay to the south and about 5½ miles north up Old San Jose-Soquel Road from Soquel Drive.

The district has 67 full-time and 26 part-time employees, with an operating budget of \$7,642,913 (FY 00-01). The district has 4 fire stations with 12 pieces of fire fighting equipment and 11 utility vehicles.

Scope

The 2000-01 Santa Cruz County Grand Jury received a complaint from a citizen dated March 26, 2000 concerning the operations of the district. This led to an investigation of the Board of Directors of the Central Fire Protection District seated during 1998, 1999 and 2000.

The complainant expressed concerns in the following areas:

- Misappropriation of funds
- Violations of the Brown Act*
- Lack of respect for citizens attending board meetings
- Conflicts of interest within the district

In the scope of this investigation, the members of the 2000-01 Grand Jury

- Reviewed the complaint
- Interviewed seven members of the boards of directors seated in 1998, 1999 and 2000
- Attended meetings of the board of directors
- Reviewed budgets of the district, minutes of meetings, as well as board resolutions covering the past two years
- Reviewed the contract with former fire chief
- Reviewed attorney's bills from December 1, 1998 to December 31, 2000
- Reviewed Statements of Economic Interest for the board members

* The Ralph M. Brown Act, Government Code §54950 *et seq.*, governs meetings conducted by local legislative bodies, such as boards of supervisors, city councils, special districts and school boards. The purpose of the Act is to ensure that the deliberations and actions of all local public bodies are performed at meetings open to the public and to which the public has been given adequate notice. It is to prevent government from being conducted in secret.

Members of the Grand Jury also

- Requested but did not receive by-laws, policies and procedures, contracts with outside consultants and professionals, official meeting notices, tapes of specified board meetings, and ballots from secret balloting

This investigation was conducted without any participation by the former foreperson of this 2000-01 Grand Jury who had a prior employment relationship with a fire protection district. This juror voluntarily removed himself from the investigation and deliberations concerning this report.

Findings

Complainant's Allegations of Misappropriations of Funds

No evidence of misappropriation of funds was discovered.

The members of the Central Fire Protection District Board of Directors understood and acknowledged their duty to protect taxpayers' money.

Complainant's Allegations of Brown Act Violations

The complainant sent a copy of the complaint to the district attorney. In the response dated August 8, 2000, the district attorney chose not to investigate the alleged violations stating “[a]s for investigating past acts, it is extremely rare to pursue a Brown Act issue in the criminal courts.”

During the interviews, board member responses demonstrated unfamiliarity with Brown Act requirements.

The Grand Jury investigation of this complaint found some evidence of a Brown Act violation by board members.

On two occasions, the board of directors voted to fill a board vacancy in open meetings by secret ballot. One such example is recorded in the October 12, 1999 board meeting minutes: a “...vote was taken by secret ballot...” without announcing board members' individual votes as required by the Brown Act.

Government Code §54953(c) states:

“No legislative body shall take action by secret ballot, whether preliminary or final.”

Complainant's Allegations of Lack of Respect for Citizens Attending Board Meetings

Lack of respect for the public by board members was displayed on several occasions. One example is recorded in the December 14, 1999 minutes in which a board member “became offended by a comment made by a member of the public in attendance, and called them a bigot.” At the next meeting, the board member publicly apologized for the comment. This is further described in the January 20, 2000 letter from the board to the county district attorney.

During interviews with the Grand Jury, directors admitted having made concerted efforts to unnecessarily limit public participation and discourage public criticism of the board at open meetings.

Government Code §54954.3(c) states:

“The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or the acts or admissions of the legislative body...”

Complainant’s Allegations of Conflicts of Interest

According to the Political Reform Act of 1974, in order for a party to have a conflict of interest, one party must have a personal economic interest in an action. No evidence supported the complainant’s allegation of conflicts of interest during 1998, 1999 and 2000. Nonetheless, interviews with the board members revealed several close personal relationships that demonstrated favoritism and partiality. Some board members referred to these relationships as “conflicts of interest.”

Consultants

The Grand Jury found that there were no written contracts for consulting or professional services.

Central Fire Protection District purchasing procedures specifically exempt consulting and professional services from written contracts. The board of directors spent substantial sums of money on consultants and professionals without benefit of soliciting proposals, bids or obtaining written contracts. For example:

\$ 11,812.39	Personnel testing, 9-24-1999 to 12-9-1999
20,360.11	Personnel negotiations, 11-22-1999 to 1-3-2000
<u>93,589.29</u>	Attorney’s bills, 12-1-1998 to 12-31-2000
<u>\$125,761.79</u>	Total

The \$93,589.29 billed by the attorney included 199 separate charges totaling \$38,813.76 described only as “PERSONNEL ISSUE.” In addition, none of the other itemized bills were supported by detailed descriptions.

Members of the board approved expenditures without reviewing detailed bills from vendors, consultants and providers of professional services.

Statements made by Board members during interviews with the Grand Jury members revealed a lack of oversight of and direction to their consultants.

Consultants performed administrative as well as professional functions. A review of itemized bills revealed that all functions were billed at professional rates.

The Grand Jury found that, on occasion, professional consultants hired by the board of directors independently performed administrative functions without the knowledge of the board. Some of these functions included personally delivering documents and responding to correspondence from the Grand Jury intended for the board of directors.

In Grand Jury interviews with board members, some directors implied they relied almost exclusively and unquestioningly upon their attorney for legal and other information.

During interviews, some directors stated they thought if they sent out any request for proposal, they would be required to accept the lowest bid submitted.

Other Findings

The Central Fire Protection District's methods for recording minutes of board meetings did not follow common practices that are intended to responsibly convey the actions of the board to the public.

- The December 14, 1999 minutes did not clearly identify the director making motions, the citizens quoted or the issues discussed.
- At the April 6, 1999 meeting, in the process of correcting the minutes of the prior meeting, the board deleted the record of a motion that had been made and seconded at the March 9, 1999 meeting. The minutes did not include the basis for the deletion.

The district's board operates without written by-laws or comprehensive policies or procedures that govern the administration of the district or its board. The district is governed by Health & Safety Code, Part 2.7, Fire Protection District, Law of 1987, Section 13800 *et seq.* Section 13801, states:

“...it is the intent of the Legislature in enacting this part [*Fire Protection District Laws*] to provide a broad statutory authority for local officials. The Legislature encourages local communities and their officials to adapt the powers and procedures in this part to meet their own circumstances and responsibilities.”

The complainant requested a copy of a tape recording made by the Fire Chief of the November 11, 1999 board meeting. The Fire Chief was a district employee, serving as secretary of the board, and seated at the board's table while operating the tape recorder. The complainant's request for a copy of the tape recording was denied in a November 19, 1999 letter from the board, which stated that if the tape was made for personal use then it was not district property.

At each meeting attended by grand jurors, the meeting was tape-recorded. Requests for tapes of other board meetings by other members of the public were granted.

Government Code §54953.5(b) states:

“Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act. ...Any inspection of a video or tape recording shall be provided without charge...”

In an interview, one director stated that the district was not in compliance with the requirements of the Public Records Act in that they had been charging too much for records requested by the public. The director stated that the district is now in compliance with the Public Records Act because they are no longer charging for record requests.

In an interview, one director stated that the district was “stalling” when responding to public requests for records.

Conclusions

Failure to apply customary purchasing procedures to consultants, professionals, services and supplies, creates a lack of adequate safeguards to prevent mismanagement of funds.

When hiring consultants, the board did not request proposals because of their belief that they had to accept the lowest bid received.

When there are no written contracts, board member review of all detailed bills is crucial.

Over the years, the board has relegated many of their responsibilities to consultants, which results in relinquishing board duties to nonelected persons.

The Grand Jury questions the amount of money expended on consultants’ fees for routine administrative and managerial tasks which could have been performed by employees, such as the chief, assistant chief, battalion chiefs, or administrative assistants.

Some board members were reluctant to consider knowledge of the Brown Act as their responsibility.

Based on letters and the facts available, the Grand Jury concluded tape recordings made by a recording secretary for the board, a district employee seated at the board’s table, was a public document and should have been made available to the public.

Lack of by-laws or other documented procedures for the governing board has fostered a dependency on opinions rather than established policy.

Recommendations

1. Board members should become educated on standard procurement practices and procedures.
2. The board should revise its purchasing policy to include competitive bidding and other standard safeguards for the following:
 - professional services
 - medical equipment or supplies
 - insurance
 - public utility services
3. Board members should not relinquish their responsibilities to nonelected individuals.
4. Board members should be aware of their responsibilities as a Special District’s Board member, including knowledge of the Brown Act. Literature or training on the Brown Act should be available to board members.
5. Minutes of board meetings should be thorough and accurate as to the identity of persons speaking, directors’ identities and issues discussed. Minutes and tape recordings of all meetings should be properly retained.
6. Tape recordings made at the direction of the district by directors, employees or consultants of public meetings should be considered public record.
7. The board should adopt by-laws or policies for governing the Central Fire Protection District.

Response Required

Entity	Recommendations	Respond Within
Central Fire Protection District Board of Directors	1 – 7	90 Days

Review of Santa Cruz County Fire Protection Services

Background

Santa Cruz County is protected by fire protection services strategically located throughout the county. Their primary functions are providing fire protection, first responder emergency medical services, hazardous materials response and public fire safety education. In addition, they provide a supporting foundation for community services and local social activities. (See map and chart)

There are ten fire protection districts in Santa Cruz County, with independent governing bodies. They provide services to Capitola, Scotts Valley and the unincorporated areas. The City of Santa Cruz, the City of Watsonville and the University of California have their own fire departments. This report excludes the University of California since it is under the jurisdiction of the State of California.

The fire protection districts are:

1. Aptos-La Selva Beach
2. Aromas Tri-County
3. Ben Lomond
4. Boulder Creek
5. Branciforte
6. Central (includes the City of Capitola)
7. Felton
8. Pajaro Valley
9. Scotts Valley (the City of Scotts Valley and surrounding area)
10. Zayante

The County of Santa Cruz Fire Department and the Pajaro Dunes Fire Department (County Service Area #4) provide the balance of the fire protection for Santa Cruz County. These two fire departments contract with the California Department of Forestry and Fire Protection (CDFFP) to operate their fire stations.

All fire protection services are funded primarily by property taxes.

The CDFFP operates thirteen fire stations in Santa Cruz County. These stations are staffed by either career CDFFP firefighters, volunteer firefighters from the local area, or a combination of career and volunteer firefighters. Fifty-five seasonal CDFFP firefighters are added during the summer fire season. The CDFFP's main mission is wildland fire control. These stations respond to such fires around the state and assist with countywide emergency incidents.

The CDFFP, in conjunction with the California Youth Authority, operates a Conservation Camp on Empire Grade Road that supplies additional emergency personnel to assist the CDFFP, County Fire Department and other fire protection departments in the county.

**Santa Cruz County
Fire Protection Services
For the year ended June 30, 2000**

Fire Protection Services Supplied by:	Revenue	Salaries & Other Expenditures	Salaries as a % of Revenue	Paid Staff	Reserve Paid	Volunteers	Total Staff	Square Miles
<i>City Fire Departments</i>								
Santa Cruz *	4,916,029	4,496,155	91%	53.0	0.0	0.0	53.0	11
Watsonville *	2,873,703	2,587,131	90%	32.0	30.0	0.0	62.0	12
<i>County Fire Districts</i>								
Aptos/La Selva	4,911,627	3,818,311	78%	39.0	0.0	0.0	39.0	15
Aromas/Tri-County	13,614	**	**	**	**	**	**	**
Ben Lomond	430,431	175,736	41%	2.5	0.0	26.0	28.5	7
Boulder Creek	519,931	193,267	37%	1.5	0.0	31.0	32.5	21
Branciforte	420,880	256,900	61%	4.0	0.0	20.0	24.0	7
Central Fire	7,006,792	5,347,777	77%	59.0	26.0	0.0	85.0	21
Felton	417,732	169,740	41%	2.0	0.0	28.0	30.0	7
Pajaro Valley/ Salsipuedes	1,192,465	916,013	77%	6.0	21.0	0.00	27.0	51
Scotts Valley	3,308,268	2,375,705	72%	28.0	25.0	0.0	53.0	22
Zayante	342,204	133,532	39%	4.0	0.0	31.0	35.0	15
<i>County Fire Departments</i>								
County Fire Dept.	2,103,381	1,270,767	60%	39.0	0.0	116.0	155.0	250
Pajaro Dunes Fire	533,419	410,330	77%	5.0	8.0	0.0	13.0	2
Total County	28,990,476	22,151,364	76%	275.0	110.0	252.0	637.0	441

* For a city fire department, the revenues is assumed to be the same as the department's expenses.

** This is a three county fire district. The majority of its revenues come from other counties.

Scope

The 2000-01 Grand Jury reviewed the fire protection districts, the County Fire Department and the Pajaro Dunes Fire Department (County Service Area #4).

In the scope of this review, the members of the 2000-01 Grand Jury toured and conducted interviews at

- Nine of the County's fire protection districts
- Two County Fire Department stations
- Pajaro Dunes Fire Department (County Service Area #4)
- California Youth Authority Conservation Camp on Empire Grade Road

The Grand Jury also reviewed

- Annual budgets of each fire protection district, city fire departments and the county fire departments
- Policies and procedures of nine fire protection districts, two county fire stations and the Pajaro Dunes Fire Department

Findings

1. The Grand Jury found that the facilities and equipment at the fire stations were well maintained.
2. Most of the fire departments train together and respond to emergencies using mutual aid that employs the “closest to the incident” policy, which means the nearest firefighting resource will respond regardless of district boundaries. See Map.
3. Consistent with most fire departments around the nation, only about 10% of the emergency calls are fire related. The remaining 90% of the emergency calls are
 - Medical
 - Vehicle accidents with trapped or injured persons
 - Other rescue services
 - Hazardous material spills
 - Vehicle or residence lock outs involving infants or elderly persons.
4. Each fire service within the County of Santa Cruz has programs that teach children fire prevention and safety. The CDFFP has its “Smokey the Bear” program, which it shares with other departments. Some departments use “Sparky” the dog in their programs. All of these programs are designed to teach children the following:
 - Not to play with fire
 - How to report a fire if they see one in their neighborhood
 - How to escape their home should it catch on fire
 - How to “stop, drop and roll” should their or someone else’s clothes catch on fire
 - The importance of smoke detectors, and maintaining them
 - How to reduce fire hazards in their homes
5. The fire protection services also have available two “burn trailers”. These are designed to simulate fires in the home and children can actually practice preventing fires as well as escaping from a burning home. The Scotts Valley Fire Protection District owns one of these burn trailers and the Zayante Fire Protection District owns the other. One of these simulation trailers is usually on display at the Santa Cruz County Fair each year.
6. All but two of the fire protection services in the county use volunteer firefighters. Some fire protection departments are almost exclusively supported by volunteer firefighters, with the exception of the Chief and one or two other staff.
7. According to newly enacted Regulations of the California Code a minimum of four firefighters, “two-in, two-out”, are required at the scene of a structure fire before firefighters may enter a burning structure. This requirement does not apply where there is an imminent threat to persons inside the structure. Some of the fire protection departments in the County do not have the firefighter staff to satisfy the “two-in, two-out” requirement.

8. The following were found to be fire service obstacles common to all fire protection services, and therefore serve as the basis for many of the public education and public awareness campaigns waged by them. The education and awareness campaigns stress
 - Maintaining a safe zone of 30 feet to 100 feet around homes free from flammable vegetation
 - Private roads be
 - cleared of brush
 - clear of low hanging branches
 - wide enough to accommodate fire engines
 - Post bridges with the maximum allowable weight limit
 - Post addresses to ensure visibility from the street
 - Multiple homes sharing a common private road, where the addresses are clustered at the entrance, should post each address again at the entrance to each property
 - Roofs and rain gutters should be cleared of flammable debris
 - Spark arrestors should be installed on all chimneys
 - Water sources such as pools and water storage tanks must be close enough to the house to be useful
 - Lack of adequate turn-around space for a fire engine
9. Application of Compressed Air Foam uses minimal water, resulting in hoses being lighter and more easily managed, and reducing the amounts of water required to be trucked to remote areas. The use of foam on a structure fire reduces the amount of water damage to the structure and contents.
10. The Santa Cruz County Fire Chiefs Association is an active association that promotes cooperation among the various firefighting services. In addition to the fire chiefs, the membership includes associate members from the cooperating fire service agencies such as ambulance service providers, helicopter transport providers, the County's Emergency Medical Service Agency (EMS) and Cabrillo College. The Santa Cruz County Fire Chiefs Association
 - Conducts meetings at regular intervals to discuss matters pertinent to county-wide fire service issues
 - Promotes uniformity of the fire service throughout the county
 - Provides a medium of exchange of information and ideas among fire service personnel
 - Develops and coordinates solutions to fire service problems that are common throughout the county
 - Promotes the general welfare of the public and the fire service
11. The Fire Chiefs Association has an operations section that performs countywide training, which
 - Promotes uniformity of training and operations
 - Maintains, manages and improves mutual aid and automatic aid programs between agencies
 - Develops mutual training and drills
 - Develops solutions to common operational problems

12. In accordance with a revenue sharing policy adopted in 1978 by the Santa Cruz County Board of Supervisors, the unincorporated area fire protection services receive a distribution of Proposition 172 funds for projects or items of benefit which have been recommended by the Santa Cruz County Fire Chiefs Association. This annual distribution is equivalent to twelve percent of the growth in Proposition 172 revenue. For fiscal year 2001-02, the Fire Chiefs Association plans to use these funds as follows:
 - 70% for training and training facility needs
 - 15% for communication system upgrades
 - 10% for fire prevention activities
 - 5% for development of special teams (hazardous materials, confined space rescue, etc.)
13. Some fire protection districts with limited resources have devised creative ways to increase their ability to provide services and to augment their annual revenues. For example, one fire protection district contracted with an ambulance service to house its ambulance and the paramedic staff, in exchange for rental income, cross training, night security and extra office assistance. Others hold pancake breakfasts and other community based fundraisers.
14. Volunteer firefighting programs provide introductory training and other opportunities to people who want to make firefighting their career or assist their community. When a fire department has an opening for a paid firefighter, it is usually filled from the ranks of the volunteer firefighters.

Conclusions

The budgets in some fire protection districts are too small to provide for a paid firefighter staff. Without volunteer firefighters in these areas, there would be inadequate fire protection.

Volunteer firefighters as well as paid firefighters should be acknowledged for their valuable service to the community.

To comply with the new law requirements of “two-in, two-out” in fighting structure fires, firefighters must wait until additional firefighters arrive at the scene before entering a structure. This increases the possibility of losing a structure or human life if a person is unable to make their presence known to the firefighters.

Recommendations

1. The Board of Supervisors should fund a countywide firefighting training facility that provides fire departments with “live structure fire” drills and standardize procedures.
2. Each fire protection service should explore the feasibility of Compressed Air Foam Systems. Under certain circumstances, this system could be a valuable tool in fighting some fires.

Response Required

Entity	Recommendations	Respond Within
Board of Supervisors	1, 2	90 Days

Review of Boulder Creek Recreation and Park District

Background

The Boulder Creek Recreation and Park District (BCR&PD) is a small, limited-purpose district created by citizens prior to 1958. The 2000-01 budget lists \$162,984.00 in total revenues and \$175,729.10 in total expenditures. The district currently employs a full-time General Manager, a part-time maintenance person, and three recreation/teen leaders who work a combined total of less than 20 hours per week.

The Recreation and Park District serves residents of 5,720 homes in and around the mountain town of Boulder Creek. It is governed by five elected directors. The current board of directors is comprised of three incumbents and one new member voted in at the November 2000 election. One vacancy exists as a result of the death of a newly elected director. A new member was to have been appointed at the May 2, 2001 meeting.

The 1997-98 and 1999-00 Grand Juries received complaints concerning the Boulder Creek Recreation and Park District.

Scope

Between September 2000 and May 2001, members of the Grand Jury attended six regular meetings and one special meeting of the BCR&PD Board of Directors. The fieldwork for this report was completed on June 1, 2001.

The Grand Jury reviewed the following:

- BCR&PD agendas and minutes of the board of director meetings, February 2, 2000 to February 7, 2001
- BCR&PD Policy and Procedures Manual
- BCR&PD job descriptions
- Letter of intent to resign from an incumbent director, November 3, 2000
- Letter of response regarding letter of intent to resign from BCR&PD legal counsel, December 15, 2000
- 1997-98 Santa Cruz County Civil Grand Jury Final Report
- 1999-00 Santa Cruz County Civil Grand Jury Final Report
- BCR&PD audited financial statements
- Santa Cruz County Statement of Vote, November 7, 2000

Findings

1. The Grand Jury found that complaints to previous grand juries regarding BCR&PD were specific to the manner in which the board conducts its business.
2. The current Grand Jury has observed behavior on the part of some board members and former board members that was typically rancorous, divisive and many times insulting. This follows similar findings by the 1997-98 and the 1999-00 Grand Juries.
3. At many board meetings, members of the audience were frequently out of order, making loud comments that were inappropriate, disruptive and, occasionally, insulting.
4. Three special meetings were held to fill the vacant board seat: May 2, May 16 and May 31, 2001. Although there were four to five nominees at each meeting, the board deadlocked on each nominee and failed to appoint a new board member. One of the nominees received the highest number of votes of the runners-up in the November 2000 general election.
5. According to differing legal opinions, the BCR&PD Board has either 30 days or 60 days after notification to replace the absent director. The BCR&PD Board may fill the vacancy by appointing a new director by a majority of sitting board members or calling for a special election at a cost of approximately \$15,000. Otherwise, the Santa Cruz County Board of Supervisors becomes the appointing body.
6. The Policies and Procedures Manual has been partially updated during regular meetings of the board of directors. Updated policies and procedures were not included with the Policies and Procedures Manual.
7. Between February 2, 2000 and February 7, 2001, the agendas for the board meetings carried up to 40 items listed as “unfinished business.” Meetings commenced at 7:30 and frequently ran to 10:30 p.m. or later. During this period of time, nine special meetings were held in an attempt to complete unfinished business.
8. According to the May 3, 2000 minutes, a motion was passed limiting public input to two minutes for initial input and one minute for rebuttal.
9. According to the minutes, the June 14, 2000 special meeting was adjourned after two of four directors walked out 35 minutes into the meeting. The minutes did not reflect the reason for their departure.
10. On November 3, 2000, four days before the election, one of the incumbent directors mailed a letter of resignation. Although this letter is listed in “Correspondence” in both the December agenda and minutes, no further information or discussion is noted regarding this matter. The January 3, 2001 minutes record unanimous passage by the four directors present to declare that there was no vacancy on the board at that time. The director who sent the letter of intent to resign continues to serve on the board as of June 1, 2001.

This letter addressed to the general manager stated, in part, “[o]ver the last month we have had several discussions about my thoughts concerning the possible resignation of my position as a Director of BCR&PD...Thank you for keeping this information confidential while I was coming to a final decision.” The letter goes on to state that the director would officially resign on December 6, 2000. The letter also states the general manager might provide copies of the letter to other directors after the November election results had been posted.

11. The incumbent director who wrote the letter of intent to resign did not vacate his seat in January 2001. At the direction of the board, the general manager requested clarification from the BCR&PD legal counsel regarding whether the letter constituted an actual resignation with a resulting vacant seat on the board. In response the legal counsel for the BCR&PD stated that although the resignation letter was on the agenda for the meeting of December 6, 2000, the meeting was adjourned before the item was called, and therefore the letter of intent to resign was never officially delivered by the director.
12. After December 6, 2000, the six committees of the district no longer reported to the board. However there was no discussion for this lack of committee input in the minutes. At the March 7, 2001 board meeting it was stated that there were no longer any functioning committees.
13. Official minutes of the board meetings are brief, sometimes incomplete and difficult to follow as they may vary in format from month to month. The February 17, 2000 special meeting, which was subsequently cancelled, listed 38 items to be acted upon in numerical order, yet in the minutes of the March 1, 2000 special meeting the actions taken on these items are listed using the alphabet, including the use of double letters. This makes cross-reference extremely difficult and time-consuming.
14. Minutes of the board meetings received by the Grand Jury did not contain attachments that were referred to in the minutes.
15. Job descriptions for the BCR&PD are not uniform in format. Some job descriptions are inadequate and lack basic information regarding the jobs. One job description contains inappropriate information such as committee findings. The job description for the general manager is adequate and in an accepted format, however has not been approved by the board.
16. According to the Policies and Procedures Manual, the BCR&PD general manager shall receive a performance evaluation annually. Her most recent evaluation was in December 1996. A special meeting in closed session was scheduled May 17, 2000 for review of the general manager's job performance and goal setting. This meeting was subsequently cancelled and not rescheduled.
17. Members of the 2000-01 Grand Jury attended board meetings where derogatory remarks were made by one director regarding the general manager's job performance.
18. The BCR&PD operated at a loss for fiscal year 2000-01. This shortfall was covered by district reserves.
19. Of 6,136 voters registered within Boulder Creek Recreation and Park District, 4,633 voted on November 7, 2000 in the BCR&PD board of director's election. This represents greater than 75% voter turnout.

Conclusions

Some incumbent directors demonstrate ill will towards each other that impedes their ability to cooperate. This has had a negative impact on the ability of the district to move ahead with a number of proposed projects, including such simple projects as painting a four square court or hopscotch on asphalt.

The lack of a current, comprehensive Policies and Procedures Manual, to which the directors and the general manager adhere, has fostered an atmosphere of extreme animosity at the board meetings. This contributes to endless discussions at board meetings.

Updating and editing policies and procedures at meetings of the board of directors is poor utilization of meeting time and is an impediment to handling the business of the district. This approach to updating the policies and procedures has created agendas with an unwieldy amount of unfinished business, most of which is related to changes in policies or procedures.

Compilation of updated policies and procedures has been haphazard and there is no way to know what changes have been made.

The general manager's ability to perform is impeded by the lack of an approved job description and the absence of annual performance evaluations. This has intensified the ill will between directors who feel the job is being performed adequately and those who feel it is not.

The letter of intent to resign by an incumbent director was made public immediately after election results were posted in November 2000. The Grand Jury questions the timing of this action. This letter states that the general manager withheld knowledge of the incumbent's intent to resign from the other directors. When this letter was made public, the fact that the general manager had known of the intent to resign was revealed, which gave the appearance of impropriety on the part of both the incumbent director and the general manager. This further undermined the relationship between the general manager and the other directors.

Limitation of the public at the podium on any one agenda item has improved the ability of the board to move ahead in meetings.

Recommendations

1. The BCR&PD should have a comprehensive, updated Policies and Procedures Manual.
2. Current job descriptions for all employment positions should be available in concise, organized formats and be approved by the board of directors.
3. The general manager should receive a performance evaluation on an annual basis.
4. Members of the board of directors should look beyond their differences and attend to the district business.
5. To fill the BCR&PD vacancy, the Board of Supervisors should immediately appoint a new director.

Response Required

Entity	Recommendations	Respond Within
Board of Supervisors	5	90 Days
Boulder Creek Recreation & Park District Board of Directors	1 – 4	90 Days