



Idyllwild Fire Protection District

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09/15/2008

Honorable Richard T Fields
Presiding Judge
Riverside Superior Court
4050 Main Street
Riverside, CA 92501

Sir,

I am the President of the Board of Fire Commissioners of the Idyllwild Fire Protection District. On behalf of the District and pursuant to the instruction from the Riverside County Grand Jury, I am responding to the findings and recommendations set forth in the June 25, 2008 reports from the Riverside County Grand Jury entitled Grand Jury Report, Pine Cove Fire Incident and Grand Jury Report Idyllwild Fire Protection District.

2007-2008 GRAND JURY REPORT: PINE COVE FIRE INCIDENT:

Finding Number 5:

Idyllwild Fire Protection District agrees that a hose was laid across Highway 243. That was necessitated due to Cal Fire not knowing where the closest hydrant was, which was ironically right next to the fire location. Had it not been for the failure to locate the closest hydrant, the hose would not have gone across the highway. IFPD personnel were in the process of setting up cones and other marking devices to block traffic from entering the Fire Area when the Pine Cove Water District employee drove into the area in his personal unmarked vehicle at a unsafe rate of speed.

Finding Number 6:

The IFPD employee, on realizing that the PCWD employee was entering the area at a unsafe rate of speed, and being unsuccessful in getting the driver's attention, used the first thing at his disposal to alert the PCWD employee to their presence. He did throw a trash can that the IFPD employee was in the process of using to mark the location of the hose.

It is unclear if the Grand Jury's findings include the opinion the IFPD employee was in violation of California Vehicle Code § 23110a. The statement in the findings does not

specifically ascribe a misdemeanor violation to the IFPD employee, but rather would seem to be a statement summarizing the language of the statute.

To the extent that the finding is meant to imply a misdemeanor violation on behalf of the IFPD employee, IFPD disagrees with that finding. California Vehicle Code § 23110a, provides that it is a misdemeanor to throw anything at a vehicle or any occupant thereof on a highway. At the time of this incident, the roadway was not open to public use, which is part of the definition of the term "highway". In fact, Vehicle Code 21707 prohibits the entry of non emergency vehicles in "Fire Areas". The Grand Jury references Vehicle Code § 21707 in its Recommendations Number 3, pertaining to PCWD and its need to instruct its employees regarding vehicle operation around hoses and safety Zones.

RECOMMENDATIONS

Recommendation Number 5:

IFPD had already reviewed the incident and counseled the individual involved long before the Grand Jury investigation. The employee in question was counseled as to his actions. All IFPD employees have been trained in appropriate methods of marking off and securing fire areas. The incident in question resulted from a combination of action taken by non IFPD personal which resulted in an unfortunate but situational response by the IFPD employee.

Recommendation Number 6:

The Fire Chief has already counseled the individual in question and has used the incident for training and instruction purposes long before the Grand Jury's recommendations.

2007-2008 GRAND JURY REPORT: IDYLLWILD FIRE PROTECTION DISTRICT

Findings Number 1:

IFPD agrees with the content of the finding, but it is incomplete. IFPD personnel were advised that the child, who had an elevated temperature, had been in the nurses office for an extended period, numerous hours, and no efforts had been to lower her temperature. IFPD personnel were advised that the mother could not be located, and the school staff had to go home. IFPD was requested to transport the child to the hospital.

Finding Number 2:

IFPD refutes this finding. IFPD personnel assessed the condition of the child to see if transport was required. After taking minimal steps to lower the child's temperature, she began to improve markedly. IFPD personnel determined the child's condition did not constitute a medical condition requiring transport.

Riverside County EMS 5500 says nothing about requiring contact with a hospital base station before field personnel can clear a call. IFPD is not aware of any memorandum dated July 17, 2007 after the incident in question, interpreting or explaining EMS 5500. Following receipt of the Grand Jury's report IFPD paramedics contacted the Riverside EMS specialist to obtain a copy of any memorandum regarding EMS 5500, and has been told none exists.

The incident was also investigated by the State EMS and no action has been taken against the paramedics involved at this date.

Finding Number 3:

IFPD refutes this finding. Meetings were cancelled once by the Chief and once by the principal. After numerous attempts to find a mutually agreed time to meet, no meeting ever occurred. Since that time the Fire Chief and the IFPD Board President have met with the new school principal, School District Nurse and a Hemet Unified administrator.

Finding Number 4:

Given the lack of any specific information contained in this finding, it is virtually impossible to respond, other than to say that neither the fire department nor the commission has attempted to intimidate anyone or condones such conduct.

Regarding the examples of intimidation cited, it has long been the department's effort to encourage fire department personnel to attend commission meetings if possible so they can understand the business and oversight of the department. Employees of the department have regular business before the Board and make reports at most if not all meetings. Department personnel are encouraged to wear uniforms when attending board meetings. This is not a recent policy or done to intimidate. It is to provide a professional appearance by the employees. Given the vague and non specific nature of the information, the Board cannot address claimed instances of intimidation other than to note, that no one has ever brought that concern to any member of the Board.

The Board cannot comment on the claim of vehicles being parked for long periods of time. There was a claim of such action many years ago, but nothing recently. No one has brought it to the Board or the Fire Chief, so without more specific information the Board is unable to address the finding.

There has been an issue with a local business over fire apparatus access. The business was cited and directed to take remedial measures to provide fire access. The owner has complied and to the Board's knowledge there is no longer a problem. It is of course not known to the Board if this is the individual business owner referenced in the report. While one could describe being made to comply with the departments citations as intimidation, it is what the department is mandated to do to for public safety. I would doubt the Grand Jury would want it any other way.

Finding Number 5:

Practice burns are for training purposes. The department was in contact with AQMD and the Communication Center in advance of the burns regarding the training activity.

Finding Number 6:

The agenda item for the closed session on October 23, 2007 somewhat in artfully described the topic as “negotiations (Chiefs Management Compensation Plan)”. Such a description could include discussions of performance, an appropriate subject for a close session, as well as compensation. To the extent that any discussion of compensation for the Chief took place, all such discussions were voided by the Board on November 27, 2007 and took place in an open session thereafter.

Finding Number 7:

The Board is not in agreement with this finding. IFPD averages two to three emergency medical calls per day. The Board does not know what information was provided to the “expert” witnesses on which this finding was based. All IFPD paramedics have in excess of 20 years experience. Four IFPD paramedics have been EMS trainers and three are instructors at Riverside Community College paramedic programs. IFPD does a 100% field audits of all paramedic runs, and training is provided when necessary. Further, there have been no issues raised with field assessments of IFPD paramedics by Riverside EMS or Eisenhower Medical Center which is the base hospital for IFPD.

IFPD paramedics and EMS personnel are thoroughly trained and professional in their jobs, and have available to them additional training if and when they or the District feels it is advisable.

Finding Number 8:

The Board is not in agreement with this finding. The Board does not know where the Grand Jury obtained its information. The department does have a grant writer who has been trained in grant applications. The department has actually been quite successful in obtaining grants particularly for a department of its size. IFPD is selective in the grants it seeks as obtaining grants usually requires some matching funds from the department, and budget restraints do not always allow for those matching funds.

Finding Number 9:

The two examples cited are the only ones known to the department. The finding suggests that the problem is pervasive in the department and the Board disputes that suggestion.

As to the second example, it is true that a police report was filed, as the department was not able to determine what documents were released by an employee to third parties. There was a statement by the third party made public that the documents were internal

department documents. Unfortunately the third party refused to identify what was released. It was later determined that the documents were public documents available to anyone. This is not an example of lax oversight as suggested in the report.

Finding Number 10:

IFPD is an individual entity in a general geographic area served by other agencies. There are mutual aid agreements in place. This is no surprise. It is that way throughout the State and nation. There are mutual aid agreements in urban as well as rural areas. The finding is that such agreements between agencies “can lead to a more complex response effort” and that “add a further element of risk when a major emergency occurs”. This finding asserts that consideration should be given to combining all under Riverside County Fire, i.e., Cal Fire.

The Board does not agree that the Grand Jury premise is valid. Not only does it conflict with the California Legislature Health & Safety Code § 13801 and the Fire Protection District Law of 1987, it would suggest that Cal Fire take over all fire and medical aid services for the entire state. Economic costs to the citizens of IFPD would substantially increase. A single Cal Fire station costs approximately 2.4 M to operate annually and advanced life support ambulance service provided by AMR (Riverside County Contract Ambulance service provider) costs approximately 568 K annually. IFPD provides these services and more at a cost of 1.7 M annually.

Recommendation Number 2:

The Board will review the EMS memorandum dated July 17, 2007. The Board and IFPD has always and will continue to take to see that IFPD abide by the Riverside EMS protocols.

The recommendation is vague as to the nature of a “disagreement” that would require contact with a base station and/or transport. For that reason the Board is not in a position to adopt the Grand Jury’s recommendation in that regard. The Board believes that it was not the intent of the Grand Jury to add to or establish EMS protocol. However, IFPD and its Emergency Medical personnel are committed to complying with EMS protocols.

Recommendation Number 3:

The IFPD has historically had an excellent relationship with the Idyllwild School. The Board and the Fire Chief are willing and have already met as requested, to attempt to establish an understanding regarding the protocols to be followed. **The Board believes that those protocols much be consistent with the Riverside County EMS protocols.** Upon review at the meeting IIUSD 911 policy and IFPD EMS protocol are consistent and our respective agencies have an understanding of same.

Recommendation Number 4:

This type of training is on going and will be continued. Service to the public is the cornerstone of the IFPD.

Recommendation Number 5:

The fire department has not conducted training burns since spring 2007. At present is has no plans to do so. Notwithstanding, IFPD will review each and every future training burn, with input and approval from AQMD.

Recommendation Number 6:

The Board will act in accordance with the Brown Act and if questions arise will direct them to legal counsel.

Recommendation Number 7:

IFPD paramedics have available to them the opportunity to work with local hospital emergency rooms. This has been in place for some time. As the District takes issue with the finding of the Grand Jury as to the evaluation skills of its paramedics, it is not felt that "ride-a-longs" as an established program are necessary.

IFPD will continue to monitor and review and evaluate the performance of its paramedics and training as required. IFPD believes it provides a high level of emergency medical service to the community and will continue to do so.

Recommendation Number 8:

IFPD has a trained "grant writer". IFPD does not want to limit grant writing to that person only, as the submission of grants allows for training of others. The Board uses the individual trained in grant writing to review grants prepared by others.

The Board is not interested in "maximizing" the district's receipt of grants for economic reasons. However, it seeks to obtain selected grants in keeping with the district's plans and needs.

Recommendation Number 9:

The commission, in conjunction with the Fire Chief, has already taken steps to increase the security of department documents and records.

The Board will establish a committee to work with the Fire Chief to verify all certifications for department personnel and verify they are current. This will be done annually.

Recommendation Number 11 [sic]:

The Board is willing to meet and discuss the recommendation with all the parties. However, this is a proposal that has come in the past, has been explored and rejected for a variety of reasons by the affected entities. The reasons have been both economic and practical. Riverside County Fire contracts for its services with Cal Fire and American Medical Response. There is no assurance of continuity of service providers and the costs of contracting for those services are greater than those IFPD.

While it is the Board's position that it will do what is best for the safety of the community, the legislature of the State of California, pursuant to California Health & Safety Code § 13801, has established the policy in the State of California:

"The Legislature finds and declares that the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state. Among the ways that local communities have provided for those services has been the creation of Fire Protection Districts. Local control over the types, levels, and availability of these services is a long-standing tradition in California which the Legislature intends to retain. Recognizing that the state's communities have diverse needs and resources, it is the intent of the Legislature in enacting this part to provide a broad statutory authority for local officials. The Legislature encourages local communities and their officials to adapt the powers and procedures in the part to meet their own circumstances and responsibilities."

California Health & Safety Code § 13801

The Board believes that instead of advocating the abdication of local control over to the State of California, the Grand Jury would be better to encourage the existing agencies to work together collaboratively to improve the service to the citizens of Idyllwild and the surrounding areas.

Respectfully Submitted,



Glen McWilliams, Board President
Idyllwild Fire Protection District