



COUNTY of NAPA

BOARD OF SUPERVISORS

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July 22, 2008

The Honorable Raymond Guadagni
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

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Clerk of the Napa Superior Court
By: C. B.
Deputy

Dear Judge Guadagni:

As required by Penal Code Section 933(c), enclosed is the response to the 2007-08 Grand Jury Final Report on the Napa County Fire Department. Responses to findings and recommendations affecting local government entities other than the County are not included in the Board's response when those entities are not under the jurisdiction of the County Board of Supervisors.

Since the 1940s, local government entities such as cities, counties and districts have contracted with CAL FIRE to provide many forms of emergency services for their communities. CAL FIRE provides full-service fire protection to Napa County citizens and as such responds to wildland fires, structure fires, floods, hazardous material spills, swift water rescues, civil disturbances, earthquakes, and medical emergencies of all kinds. Assisting with this response are over 100 volunteer firefighters located throughout the County. We would like to take this opportunity to express the Board's gratitude to CAL FIRE and the volunteer firefighters for their tireless commitment to protecting our community. These individuals spend countless hours preparing and responding to events throughout the County.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues that county departments have already identified as problems and to which solutions are in the process of being developed. We note that a number of the Grand Jury's recommendations have been implemented or are in the process of being implemented at this time.

The Board acknowledges the members of the 2007-08 Grand Jury for the time they have devoted in preparing their report.

Received
Napa Superior Court

JUL 22 2008

Court Executive Office

Enclosure

cc: Foreman, 2007-08 Grand Jury

Sincerely,

Brad Wagenknecht, Chair
Napa County Board of Supervisors

NAPA COUNTY FIRE DEPARTMENT GRAND JURY RESPONSE

Recommendation 1: The County Board of Supervisors establish a commission to review the overall operation of all Napa County fire departments with respect to the establishment of a central Napa County Fire Department.

Response, Napa County Fire Chief: This recommendation appears to be based on Finding 1.b - with which the Napa County Fire Chief disagrees. The County Fire Department has invested in two recent studies - the Strategic Plan in 2005 and the Deployment Analysis in 2007. Both studies contain many of the same recommendations as the 2007-2008 Napa County Grand Jury Report. There would be no added value to additional review that would preclude or delay the Napa County Fire Department from implementing a number of necessary changes. Therefore, the recommendation will not be implemented because it is not warranted.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief. The completed studies demonstrate the need for an integrated fire department combining the expertise of both the paid and volunteer firefighters.

Recommendation 2: The County Board of Supervisors consider the hire of a dedicated Napa County employee whose primary responsibility would be to focus on the coordination and support of the County Volunteer firefighters.

Response, Napa County Fire Chief: The Napa County Fire Department is committed to providing support and coordination for the volunteers and strongly believes it should be provided within the existing organizational framework. As discussed in more detail below, the Department has dedicated a full time position to provide this support and coordination.

The term "Napa County Fire Department" (NCFD) refers to a branch of County government responsible for reduction of life and property loss and damage due to fires, illness, accidents, and other disasters within the County. The Napa County Fire Department includes paid firefighters and volunteer firefighters. The NCFD is made up of:

- 4 Stations staffed 24 hours per day, seven days a week
- 3 additional stations staffed 24 X 7 between November and May
- 54 total paid staff
- 9 community-based volunteer companies, authorized for up to 250 volunteer staff
- County Fire Marshal – Fire Prevention and Fire Investigation Services
- Emergency Dispatching Services
- Training Bureau and Fire Training Grounds
- Over 50 Fire Apparatus and Support Units (Fire Engines, Hazmat Unit, Rescue Units, Water Tenders, Utility Vehicles, etc.)

The Napa County volunteer firefighters serve a critical support role in the delivery of emergency services in Napa County, particularly in the rural areas. They are a well-trained and dedicated group of individuals who commit ever-increasing numbers of hours to support their communities.

Within the last year the organization of the Napa County Fire Department has changed to include a dedicated full time Chief Officer to function as the liaison for the volunteer chiefs and to provide support and coordination to them. Two independent analyses of the Napa County Fire Department -- the 2005-2010 Strategic Plan and the 2007 Deployment Analysis -- recommend fully integrating the Napa County Fire Department and the nine volunteer fire departments. According to the 2005 Strategic Plan, there is a vital need to "Create a solid unified identity for the Napa County Fire Department." The 2007 Deployment Analysis recommended: "The volunteer command, control and fiscal support system needs a complete overhaul into one integrated department that makes the volunteers wholly part of the Napa County Fire Department." Adding a position that is a County employee, outside of the NCFD would result in a further lack of coordination.

Based on the foregoing, the recommendation will not be implemented because it is not warranted.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief and supports an integrated department consisting of paid and volunteer firefighters in the existing organizational structure. The Board does not support the addition of a position outside of the existing organizational structure.

Recommendation 3: The MOU between the County of Napa and Volunteer Departments be amended to grant the County Fire Chief clear authority to establish and enforce volunteer department training and operating policies and procedures.

Response, Napa County Fire Chief: The recommendation is being implemented. The present MOU between the Napa County Board of Supervisors and the Volunteer Fire Departments is being revised, and will address these items while ensuring the Volunteer Departments will maintain their strong community identities.

Response, Board of Supervisors: The Board of Supervisors concurs in part with the recommendation and believes that more work should be done to improve operations of NCFD by continuing to work with paid and volunteer firefighters. Without further review, which will occur in the next six months, the Board of Supervisors cannot support the organization of this authority under the County Fire Chief at this time.

Recommendation 4: Recognizing that volunteer firefighters are effectively County employees while engaged in fire department activities, Napa County has a level of training that meets all applicable Federal, State, Cal OSHA, and County requirements. Non-compliance with the law is not a viable option and places the County at risk.

Response, Napa County Fire Chief: First, it is important to note that volunteer firefighters are not "effectively County employees." The Board of Supervisors has by resolution determined that pursuant to State statutes "each person registered as an active firefighting member of a

regular organized volunteer fire department having official recognition and full or partial support of the County.....are expressly designated and considered employees of the County of Napa **for the purposes of workers compensation.**” [Emphasis added] This resolution does not convey any additional employee benefits or status.

Second, the recommendations for training will be implemented and the minimum training requirements will meet all applicable Federal and State standards. In addition as part of the Final FY 08-09 budget, the County Fire Chief has requested and the Board of Supervisors has approved the addition of a fire captain position in the Training Bureau to provide additional support and coordination of volunteer firefighter training.

Title 29 (Code of Federal Regulations) and Title 8 (California Code of Regulations) require 182 hours of initial training for a firefighter to meet the minimum state and federal training requirements. With minor alterations to an “Academy” style format that the Napa County Fire Department Training Bureau is already presenting, volunteers will meet the state and federal minimum training requirements and the curriculum for the State Fire Marshal Volunteer Firefighter certification by the end of this fiscal year. These training standards will result in a minimum of 182 hours of initial training and 29 hours of annual refresher training.

The County Fire Chief, together with the County Risk Manager and County Human Resources Director, are continuing to work with the volunteers to ensure compliance with applicable laws.

Response, Board of Supervisors: The Board of Supervisors, while recognizing that the volunteer firefighters may not currently be in compliance with all training requirements, concurs with the response of the County Fire Chief and his efforts to provide the necessary training – as long as that compliance with applicable laws occurs by the end of the fiscal year.

Recommendation 5: All volunteer firefighters be trained and certified as FirefighterI/EMTs and the training be provided and paid for by the County.

Response, Napa County Fire Chief: The Napa County Fire Department supports the appropriate levels of required training for volunteers as outlined in the Federal and State regulations and the State Fire Marshal (SFM) Volunteer Firefighter Certification, which is a minimum of Public Safety First Aid. In total, meeting these minimum training requirements will require 182 initial hours of training and 29 hours of annual refresher training. This is the basic required training and does not account for more advanced or specialized training that is necessary for continuing education.

The amount of initial and ongoing training required to meet the certification for EMT I (120 hours) and State Fire Marshal Firefighter I (348 hours) is significant and requires far more of a time commitment from the volunteer firefighters than is reasonable to maintain a viable number of volunteer firefighters in the County. The recommendation will not be implemented because it is not reasonable. This level of mandated training would result in the loss of valuable volunteer firefighters.

However, although the Napa County Fire Department recommends a minimum training standard for volunteer firefighters that requires less training than the EMT and SFM Firefighter I certifications, the Napa County Fire Department is committed to supporting and paying for higher levels of training for those volunteers who may want to attend those courses.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief and would like to take this opportunity to express its appreciation for the amount of time and effort that volunteer firefighters contribute to the community.

Recommendation 6: All training of volunteer firefighters be provided by fully qualified instructors meeting all applicable standards.

Response, Napa County Fire Chief: Although this recommendation appears to be based on Finding 2.e, with which the Napa County Fire Chief disagrees, this recommendation has been implemented. Fire service training falls into two broad categories. The first is generally referred to as “drill” and consists of repetitive training to maintain basic skills such as operation of ladders, hoses, pumps and other fundamental tasks common to firefighters. Most volunteer training falls into this category. The second category consists of course work to gain state or nationally recognized certification in any of a number of public safety disciplines. This training is characterized by specific requirements for the number of hours of training required and often involves standardized written or manipulative tests. Fully qualified instructors are used for both categories of training. Drill instruction is presented by members of the Napa County Fire Department Training Bureau, Company Officers from the career Firefighters, or Napa County Fire Department Volunteer Training Officers. All courses presented for the purpose of issuing state or national certification are presented by instructors that meet the standard set by the organization that controls the course. For example, if California Specialized Training Institute (CSTI) certificates will be issued for a class, only CSTI accredited instructors are used to teach the course. Napa County Fire Department strives to ensure high quality training for all of its members.

Response, Board of Supervisors: The Board of Supervisors, while noting some of the volunteer firefighters have provided individualized certification programs, concurs in part with County Fire Chief. However, at the end of the fiscal year, the Board will ask for verification from the County Fire Chief that NCFD is in compliance with all training requirements. If that verification is not provided, the Board will ask the County Fire Chief to provide a corrective action plan that outlines reasons for non-compliance and a timeframe for correction.

Recommendation 7: The upgrading of the Napa County Fire Department Policies and Procedures Manual be addressed as a high priority with specific timeline goals established and monitored. Specific policies which must be implemented immediately are:

- a. A grievance procedure which provides a mechanism for the department personnel to raise and address issues which adversely affect their abilities to perform duties, personnel problems, and accusation of wrongdoing.
- b. Volunteer Firefighter Driver/Operator requirements be formally defined requirements, but not “grandfathered.”
- c. Minimum emergency response driver training standards for AEV drivers be established.
- d. All new AEV drivers be required to complete the training prior to operating their vehicles in a Code 3 response.
- e. Existing AEV drivers be given a reasonable time to complete the requisite training, but not be “grandfathered.”
- f. The County requires that the owners of private vehicles operating as an AEV provide written evidence that they either have an appropriate AEV rider on their vehicle

insurance or written documentation from their insurance company that the vehicle is covered while operating as an AEV.

- g. The County establish a policy that details equal accommodations for Volunteer firefighters who are part of a County deployed strike team to that of their paid counterparts.

Response, Napa County Fire Chief: The recommendation has not been implemented, but will be implemented within the second quarter of FY 08-09. An updated Policy & Procedures Manual will include a computerized system to account for specific recommendations, which will be Internet accessible.

- a. A grievance and complaint process will be a component of the Policy & Procedures System. Specifically this procedure will address work performance and personnel issues. The process will define how to initiate a grievance or complaint, timeframes for response, necessary documentation and the appeal process.
- b. A formalized training program will be developed utilizing the State Fire Marshal 1A/1B curriculum. These classes include emergency fire apparatus driving and pump operations.
- c.d.e. All AEV (authorized emergency vehicle) drivers are required to complete a defensive driving class approved by the State of California, with an emphasis on emergency vehicle operations. This training includes classroom instruction as well as field training. This training will be completed by new drivers prior to operating their vehicles in a code 3 response. All costs associated with this training will be borne by the Napa County Fire Department.
- f. All AEV drivers must show proof of appropriate insurance and meet licensing requirements, including California Vehicle Code requirements and annual CHP vehicle inspections by the California Highway Patrol. Written evidence will be maintained by the County Fire Department and the appropriate individual volunteer departments.
- g. Napa County Fire Department volunteers respond on strike team assignments as part of State agreements known as the "California Fire Assistance Agreement." There is language in this agreement that addresses incident off-shift rest and sleeping accommodations; it states the following: "The responsible Forest Agency will provide, when practical, shaded and/or climatically maintained conditions for off shift sleeping, rest and recuperation for local jurisdiction resources confined to Incident Base. If the Incident Command finds it operationally feasible (i.e. strike team remains available), to place local jurisdiction resources in a commercial sleeping accommodation, it may be provided by the Forest Agency. In this case the cost is borne by that agency. Situations may arise when the Forest Agency will not pay for commercial sleeping accommodations, yet will approve local jurisdiction resources to utilize them under certain conditions and that the local government resources are responsible for payment." The Napa County Fire Department does not have the authority to change the conditions established in this State agreement, but would offer the following: Currently, the Napa County Fire Department volunteers have no mechanism, other than personal funds, to make these payments. The Napa County Fire Department will work with the Auditor-Controller to determine if it is possible to avoid having volunteer firefighters expend

personal funds when participating on a strike team assignment. If that is not possible, then at a minimum, NCFD will develop a process to more quickly reimburse volunteers for expenses incurred, assuming all correct documentation is in order and follows State guidelines and procedures. The County Fire Chief will also draft a policy for Board consideration, no later than the end of the fiscal year, that will include equal accommodations for volunteer and paid firefighters on strike team assignments.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 8: The volunteer stipend be based on the number of emergency responses made by the volunteer while retaining the training requirement as an eligibility criteria. In addition, a tiered compensation system, which rewards advanced qualifications, be implemented.

Response, Napa County Fire Chief: The recommendation will be implemented. The stipend program will be based on the volunteer's rank, the number of required training sessions with verified attendance, and the number of responses to emergency incidents.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 9: The County fund the required emergency response driver training for volunteer firefighters.

Response, Napa County Fire Chief: Funding to provide the required training has been allocated in the FY 08-09 budget and will be provided. The recommendation will be implemented.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 10: The County reimburse individual volunteer firefighters for any additional insurance premium costs incurred for the operation of properly authorized AEVs.

Response, Napa County Fire Chief: The recommendation will not be implemented. The Napa County Fire Department policy requires that volunteers respond to emergency incidents in County owned and properly equipped and maintained emergency response vehicles. The California Vehicle Code, not County policy, allows volunteers to install emergency lighting on their personal vehicles. The County Fire Department does not support nor encourage the use of personal emergency vehicles and therefore will not reimburse for additional insurance premiums.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 11: The funds to pay a Volunteer firefighter who was part of a County deployed strike team be made available on a routine basis and in a timely manner to insure that they are promptly compensated for their time.

Response, Napa County Fire Chief: The recommendation will be implemented. County staff is working with staff from the Auditor-Controller's Office to finalize a system that will ensure

volunteer firefighters are paid as soon as possible, but no later than one month from their return from the assignment, if all required paperwork and procedures have been followed.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 12: Fire Stations:

- a. Relocate the Station #10 to a combined Napa City/County fire station in Browns Valley.
- b. The County install a road sign and light on the road at the entrance to the Capell Valley Volunteer Fire Station.
- c. The County rectify the restricted access/parking issue at the Soda Canyon Fire Station regarding new neighbor entrance gate.

Response, Board of Supervisors: The County Fire Chief and the Napa City Fire Chief are in the process of exploring options for a new fire station in Browns Valley. While the County supports the addition of a Napa City/County fire station to improve fire service in the western portion of the County, the Board of Supervisors does not agree that the existing Carneros Volunteer Fire Stations should be closed. Therefore, Recommendation 12.a will not be implemented as recommended.

Staff from the Public Works Department will work with the County Fire Chief and volunteers to determine the best course of action for the Capell Valley and Soda Canyon Fire Stations. Unless it is determined that these changes are warranted and reasonable, Recommendations 12.b and 12.c will not be implemented.

Recommendation 13: Apparatus:

- a. The county replace as soon as possible, all firefighting vehicles that predate 1991, with vehicles that are appropriate for the individual service area requirements.
- b. The County provide as soon as possible, a water tender to Gordon Valley Volunteer Fire Department.
- c. The County provide as soon as possible, a Type IV unit and a rescue vehicle with defibrillator that will fit into and be housed at Soda Canyon station.

Response, Napa County Fire Chief: Responses regarding apparatus are as described below:

- a. The Napa County Fire Department has an apparatus replacement schedule that is evaluated annually with the intent of replacing apparatus as fiscally practical, while striving to meet National Fire Protection Association (NFPA) recommendations regarding years of service. While compliance with NFPA standards is not a requirement, it is recognized nationally as best practice. Many of the apparatus that predate 1991 have fewer than 15,000 miles, are safe and in good operational condition with replacement parts still readily available. All of the apparatus are inspected at a minimum annually by the County Fire Department certified fire mechanics at the automotive shop. Most industry experts would agree that the quality and timeliness of maintenance are perhaps the most significant factors in determining how well a fire apparatus ages. Therefore, this recommendation will not be implemented.

- b. This recommendation appears to be based on Finding no. 12c, with which the Napa County Fire Chief disagrees. Water tenders and/or Type 2 fire engines with 1000+ gallon water tanks are assigned to those stations in rural areas that have the ability to staff and house them. This deployment strategy increases water delivery capability as well as providing apparatus that will carry the necessary firefighting equipment that is not carried on water tenders. Operational decisions on where to locate specific firefighting equipment is based on the operational needs of the community, the County, call volumes and the ability of the volunteer fire companies to staff and respond with the equipment. Based on the number of annual responses requiring a water tender, the average response time for calls in the Gordon Valley area, and the ability to house a water tender at the Gordon Valley station, this recommendation will not be implemented because it is not warranted.

- c. This recommendation appears to be based on Findings nos. 12d and 12e, and will be partially implemented. The recommended FY 08/09 budget includes the purchase of a Type IV unit that will be assigned to Soda Canyon; this unit will be equipped with a defibrillator and appropriate rescue equipment. This vehicle will be designed to fit in the apparatus bay at the Soda Canyon station. An additional rescue vehicle is not warranted and will not be provided.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 14: The NCFD continue the policy of consulting the Volunteer Chief or appointed representative from a given volunteer fire department when equipment is being selected for their use.

Response, Napa County Fire Chief: The recommendation has been implemented.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 15: All fire departments within Napa County have the same rapid entry system locks with a “universal” Key.

Response, Napa County Fire Chief: The recommendation requires further analysis. The County Fire Chief will explore with other agencies the possibility of utilizing one key. However, it is important to note that this recommendation was part of the Grand Jury Report on Municipal Fire Departments and St. Helena did not concur with the recommendation because of the cost associated in changing the current system. In Napa County there are currently four different keys used throughout the five jurisdictions in the County. Napa County Fire and Calistoga Fire use the same key, and American Canyon, St. Helena and Napa City fire departments each have their own key for access to secured buildings or gates within their own respective jurisdictions. Because fire department equipment frequently responds to calls across jurisdictional boundaries, all of the departments in the County have shared their respective keys with neighboring jurisdictions to ensure that first response equipment will have access to the incident regardless of jurisdiction.

Staff is unaware of any incident in the County in which the current key systems used throughout Napa County created an increased risk factor for citizens or caused a response delay that critically affected the outcome of an incident.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Recommendation 16: Volunteer fire departments receive greater support from the County and in return, relinquish some of their long held independence.

Response, Napa County Fire Chief: This recommendation has been partially implemented. The Napa County Fire Department has a dedicated full time Chief Officer who serves as the volunteer liaison and is tasked with providing support and coordination for the volunteer firefighters.

Napa County has a long and proud tradition of a volunteer fire service and volunteer firefighters are an important component of fire protection in Napa County in the past, present and most importantly the future. As evidenced in the adopted FY 08-09 budget, the Napa County Fire Department is committed to improving support of the volunteers in the areas of training, administration, fleet management, facilities and equipment repairs and replacement in order to achieve desired levels of service to the County.

It is equally important that the County Fire Chief have both the authority and responsibility to manage and direct all aspects of the fire department in order to ensure success of this recommendation. The lack of authority of the County Fire Chief has created ten different fire departments within the Napa County Fire Department and made it difficult to unify the department, implement change, develop and adopt policies and procedures and training standards. Assigning responsibility and authority for operations of the Napa County Fire Department to the County Fire Chief is key to implementing recommendations of the Grand Jury Report, the Strategic Plan and the Deployment Analysis.

Response, Board of Supervisors: The Board of Supervisors concurs in part with the response of the Napa County Fire Chief. The Board of Supervisors believes that more work should be done to improve operations of NCFD by continuing to work with paid and volunteer firefighters. The Board acknowledges that two recent studies – the Strategic Plan (2005) and the Deployment Analysis (2007) – concluded that the volunteer program should be under a singular administrative and operational chain of command. Without further review, which will occur in the next six months, the Board of Supervisors cannot support the organization of this authority under the County Fire Chief at this time.