

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

920



**FROM:** Executive Office

**SUBMITTAL DATE:**  
September 1, 2009

**SUBJECT: Response to the Grand Jury Report: Riverside County Fire Department CDF/CAL  
FIRE – Riverside County Volunteer Firefighters**

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding Riverside County Fire Department CDF/CAL FIRE – Riverside County Volunteer Firefighters.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and the County Clerk-Recorder (for mandatory filing with the State).

**BACKGROUND:** On July 14, 2009, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding County Fire Department CDF/CAL FIRE – Riverside County Volunteer Firefighters.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

**ROBERT TREMAINE**  
Principal Management Analyst

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**FINANCIAL DATA**

Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
Current F.Y. Net County Cost:	\$	Budget Adjustment:
Annual Net County Cost:	\$	For Fiscal Year:

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

**County Executive Office Signature**

BY:   
**Dean Deines**

- Dept's Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: 3.7 – 07/14/09

District:

Agenda Number:

**3.12**

Departmental Concurrence



# RIVERSIDE COUNTY FIRE DEPARTMENT

In cooperation with the  
California Department of Forestry and Fire Protection

210 West San Jacinto Avenue • Perris, California 92570 • (951) 940-6900 • Fax (951) 940-6910

John R. Hawkins  
Fire Chief

August 20, 2009

Proudly serving the  
unincorporated  
areas of Riverside  
County and the  
Cities of:

- Banning
- ◆
- Beaumont
- ◆
- Calimesa
- ◆
- Canyon Lake
- ◆
- Coachella
- ◆
- Desert Hot Springs
- ◆
- Indian Wells
- ◆
- Indio
- ◆
- Lake Elsinore
- ◆
- La Quinta
- ◆
- Meniffee
- ◆
- Moreno Valley
- ◆
- Palm Desert
- ◆
- Perris
- ◆
- Rancho Mirage
- ◆
- Rubidoux  
Community Serv.
- ◆
- San Jacinto
- ◆
- Temecula
- ◆
- Wildomar
- Board of Supervisors
- Bob Buster, District 1
- John Tavaglione, District 2
- Jeff Stone, District 3
- Roy Wilson, District 4
- Marion Ashley, District 5

ATTN: Nicki L. Harris  
Foreperson  
Riverside County Grand Jury  
P.O. Box 829  
Riverside, CA 92502

RE: Response to 2008-2009 Grand Jury Report re Riverside County Fire  
Department CDF / CAL FIRE Riverside County Volunteer Firefighters

Dear Ms. Harris:

Pursuant to California Penal Code §§ 933 and 933.05, *et. seq.*, our office submits the enclosed information in response to the above entitled 2008-2009 Grand Jury Report regarding the Riverside County Fire Department CDF/CAL FIRE Riverside County Volunteer Firefighters.

The timing of the Grand Jury report is fortuitous as CAL FIRE and the Department have been working cooperatively to investigate, audit, and research the implementation of improved practices and procedures to more effectively retain, background, train, supervise and utilize its valued volunteer firefighters to meet the changing needs of the community and the department. Following is an overview of the status of the State-County assessment pertaining to more effective utilization of volunteer firefighters, as it also bears directly on a number of the Grand Jury's Findings and Recommendations.

First, consistent with your first recommendation, the Department and the County Executive Office have recently conducted a cost/benefit analysis to determine the feasibility of establishing its own fire department in lieu of its cooperative agreement with CAL FIRE. The analysis concluded that it would not be cost effective for the County to take on the costs, complexities and liabilities of an independent fire department, given the current effective sharing of County and State resources and infrastructure already in existence. In addition to the County/CAL FIRE agreement, the County contracts to provide cooperative fire services with 18 cities and one Community Service District located throughout the County. Therefore, similar to the County's contract for cooperative fire services with CAL FIRE, these cities also enter into such cooperative agreements with the County to utilize existing State-County fire suppression personnel and resources, in lieu of the substantial and far more expensive task of creating their own fire departments. The RCFD cooperative agreement with CAL FIRE is truly the fire protection model which many geographical regions desire. The integrated, cooperative, regional fire protection system is the desired model for the most effective utilization of infrastructure already in place.

Although the Department does not find it warranted to create a new independent fire department, it has recognized various issues in the department raised by the Grand Jury relating to the qualifications, training, supervision and utilization of volunteer firefighters, and is currently developing a plan to restructure the means by which the Department utilizes volunteer firefighters within the confines of the cooperative fire agreement ("County's Volunteer Firefighter Restructuring Plan").

Currently as you are aware, volunteer firefighters are initially retained through local Volunteer Firefighter Companies (VFCs). When called on for service by the RCFD, they are administered, supervised and paid directly by CAL FIRE and its personnel. As your report indicates, CAL FIRE then bills the County an administrative fee, now at 11%, for providing fire suppression personnel, including volunteers and other services, pursuant to the current terms of the cooperative agreement between the County and CAL FIRE.

RCFD and CAL FIRE are negotiating to modify the costs/terms of their cooperative agreement to reassign the administration, training and utilization of volunteer firefighters from CAL FIRE to the RCFD. The Department is best suited to administer the utilization of volunteer firefighters who provide local responsibility services. The County has both: (1) a Riverside County Sheriff Reserves Program, upon which a Volunteer Firefighter Reserves Program could be modeled; and (2) an effective Temporary Assistance Program ("TAP"), a division of the County's Human Resources Department, that could be used to administer a reserve program. TAP is an in-house temporary employment agency created by the County in 1998 to provide the County an efficient and cost-effective program specifically designed for the efficient retention and utilization of qualified temporary assistance workers, in lieu of far more expensive outside private temporary employment agencies. Since TAP's inception in 1998, it has grown from 200 authorized positions to 2100, encompassing over 100 job duties as needed, ranging from doctors, nurses, law clerks, sworn background investigators, office staff, trainers, teachers and unskilled labor. At any given time, the County actually utilizes approximately 800 to 1500 of the 2100 available TAP positions, depending on need. Thus, TAP already has available positions in which to place volunteer firefighters. State audits of TAP have repeatedly acknowledged its success and efficiency, estimating its costs savings to the County at over \$48,000,000.00 between 1998 and 2006.

Following is an overview of the plan to restructure the administration of volunteer firefighters, subject to any necessary or appropriate changes as may be appropriate:

1. CAL FIRE, through its Chief Counsel, and the County, through its Fire Department, County Counsel, Human Resources and Executive Office, are currently amending the existing State-County contract to reassign administration of volunteer firefighters from CAL FIRE to the County Fire Department, addressing the resulting financial, indemnification and other contract implications equitably and lawfully.
2. Riverside County Counsel is currently working with the County Executive Office, County Fire and Human Resources Department to develop a plan to restructure the means by which the County Fire Department utilizes volunteer firefighters. The County's Volunteer Firefighter Restructuring Plan may include the creation of an ordinance establishing a Riverside County Volunteer Firefighter Reserve Program. Any ordinance created will comply with all applicable Health & Safety Code sections pertaining to firefighters standards and training, as well as other applicable employment, wage/hour and related laws. TAP is being considered to administer such a program.
3. The CAL FIRE-County Fire Chief is working with the County Executive Office, County Counsel and Human Resources to ensure uniform and lawful RCFD standards for accepting, training, retention, supervision, utilization and pay of volunteer firefighters.
4. County Human Resources is preparing its existing operations to administer the influx of volunteer firefighters, and to ensure compliance with applicable employment laws pertaining to matters such as workers compensation coverage, wage/hour requirements, etc.

5. Finally, the CAL FIRE-County Fire Chief will contact and work cooperatively with the local Volunteer Firefighter Companies to ensure their continued and valued participation and contribution in the Riverside County Fire Department under the newly formed program.

The goal of the County's Volunteer Firefighter Restructuring Plan is to: (1) improve the effective and efficient utilization of volunteer firefighters to meet the current and changing needs of the department and the community; (2) provide new and improved prophylactic measures to ensure adequate, lawful and uniform background checks, training, retention and supervision of volunteer firefighters; and (3) address and improve existing issues identified in the Grand Jury Report.

Respectfully submitted,



John R. Hawkins  
County Fire Chief

cc: Riverside County Board of Supervisors  
Bill Luna, Riverside County Chief Executive Officer  
Jay Orr, Esq., Riverside County Assistant Chief Executive Officer  
Paul McDonnell, Riverside County Chief Financial Officer  
Bob Tremaine, Principal Management Analyst/Riverside County Contract Administrator  
Ron Komers, Riverside County Assistant CEO/Human Resources Director  
John R. Hawkins, CAL FIRE/Riverside County Fire Department - Chief  
Duane Chamlee, CAL FIRE/Riverside County Fire Department – Deputy Chief  
Loren Snell, CAL FIRE, Assistant Deputy Director  
Giny Chandler, Esq., CAL FIRE Chief Counsel  
Pamela J. Walls, Esq. Riverside County Counsel  
Katherine Lind, Esq., Riverside County Principal Deputy County Counsel  
Synthia Gunzel, Esq., Riverside County Deputy County Counsel  
Lucy M. Williams, Esq., Riverside County Human Resources Deputy Director  
Edward P. Zappia, Esq. THE ZAPPIA LAW FIRM

Grand Jury Report  
Riverside County Fire Department CDF / CAL FIRE  
Riverside County Volunteer Firefighters

**I. FINDINGS**

**Finding 1:**

"1. Currently, the State bills the County of Riverside an administrative charge at the rate of 9.68 percent of the contract. Over the last six years, state administrative charges have increased from a low of \$5.5 million in fiscal year 2002-2003 to a high of \$12.5 million in fiscal year 2007-2008. For fiscal year 2009-2010 the administrative charges will increase to 11 percent."

**Response:**

The respondent agrees with the finding.

The Local Government administrative rate is part of the full cost recovery for goods and services provided to CAL FIRE's cooperating partners in local government. Inclusion of this rate is mandated in the State Administrative Manual (SAM) § 8752, *et seq.* The rate is determined annually utilizing the standards established by the United States Office of Management and Budget (OMB) as contained in Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments."

The administrative rate is intended to offset CAL FIRE's indirect costs and its share of statewide indirect costs (Statewide Pro Rata). CAL FIRE's indirect costs include: region and unit administration, headquarters program administration, business services, information technology, human resources, training, legal and law enforcement, and fleet management costs linked to Cooperative Agreements. Statewide Pro Rata includes costs that other state agencies charge CAL FIRE for support of its operations including: statewide finance infrastructure, legislative costs, State Controller's Office, State Personnel Board and the Department of Personnel Administration. To minimize the potential for significant fluctuations year to year, Statewide Pro Rata is based on a five-year average of costs.

Any modification to administrative charges for the maintenance and utilization of volunteers invoke both budgetary and personnel matters. Nonetheless, reassignment of the administrative charges associated with utilization and costs of volunteer firefighters will be assessed in reassigning the administration of volunteer firefighters from CAL FIRE to the County. These charges will be addressed in the most efficient manner possible.

**Finding 2:**

"2. For many years CDF employed standard staffing of a three-person crew consisting of an engineer with two firefighters, or a captain, an engineer, and a firefighter. Some county stations still use this standard; however, many stations have now implemented municipal staffing. Municipal staffing consists of a captain, engineer, and firefighter on duty at all times. The firefighter often times is also a paramedic. Note: captains, engineers and paramedics command a higher rate of pay. During a former fire chief's appointment, a judge ruled that employees may not be moved

from their assigned station without going to arbitration. For example, if a paramedic engineer calls in sick, is in training, or on vacation, the position must be filled. If another paramedic engineer is unable to be found, a firefighter paramedic may be assigned to the station to fill that position; however, this still leaves the need for an engineer. When this happens, there are now four employees assigned to a normal three-position shift. Above and beyond the mere addition of an extra member, frequently the replacements are on paid overtime. If a firefighter paramedic and an engineer who are both on overtime replace an engineer paramedic, the additional cost can be considerable. It has been reported that occasionally, there are even two captains and two engineers on an engine at the same time. This is not an anomaly, but happened to some degree every day at quite a substantial impact to the budget."

**Response:**

The respondent disagrees partially with the finding. The respondent is unable to respond to the Finding to the extent it refers to staffing "practices" of "some county stations" and "many stations," and that it happens to "some degree" at "quite a substantial impact to the budget."

The Department does not know to which stations this refers and is not aware of any such station practices. However, such practices would be inconsistent with Department policy and Board established staffing levels. The current Board approved staffing levels constitute three members per unit, consisting of one captain or engineer plus two firefighters. One member must be a paramedic. During Fiscal Year 2007-2008, the Board of Supervisors approved improving staffing to the Municipal level that includes a Fire Captain, Fire Apparatus Engineer and a Firefighter. Either of these staffing models is required in all County Fire Stations. Further, any staffing practice inconsistent with Department policy or Board directive would be promptly remediated if known by Fire Department management. To the knowledge of the Department and CAL FIRE, all stations are to comply with Board approved staffing levels.

Further, both CAL FIRE and the Department share a common goal referred to in this Finding of limiting unnecessary expense and overtime. However, CAL FIRE and the Department maintain it is necessary for management to retain the discretion to determine when it is in the best interests of the Department and public safety to utilize regular paid staff (even if on overtime) in lieu of volunteer firefighters, depending on the situation. Thus, any modification to current staffing levels invokes both budgetary and personnel matters. Reassignment of the administrative charges associated with utilization of volunteer firefighters will be assessed when their administration is reassigned from CAL FIRE to the County.

**Finding 3:**

"3. It has become a practice at some fire stations that CDR firefighters will hold back a second engine and call in paid staff on overtime instead of utilizing readily available volunteer firefighters. This intentional delay could possibly jeopardize the safety of the community if an emergency situation arises."

**Response:**

The respondent disagrees wholly with the finding.

County Fire Department management has no knowledge of any "practice" at "some" fire stations to withhold services to wait for personnel on overtime.

The Department is not aware of any instance where CAL FIRE personnel were called to service over volunteers for the purpose of paying them extra overtime. If any such isolated incident did occur, it would be inconsistent with Department policy. If any such incident was properly brought to management's attention it would be promptly investigated such that appropriate responsive, remedial and/or disciplinary action would be taken.

Rather, departmental response to calls for service in every case is based on meeting mandatory staffing patterns and needs of the situation. A "staffing pattern" is established by the State as a way of providing additional CAL FIRE staffed engines or other equipment during peak periods of multiple large fires or other incidents. CAL FIRE directs specific groups of its employees to remain on duty at all times, even through normal days off to cover fire engines, inmate crews, bulldozers, and aircraft as well as dispatch centers and Chief Officers. These staffing patterns enhance resource availability within the County while reducing personnel costs and have been approved by the County of Riverside Board of Supervisors. The County is reimbursed by CAL FIRE when staffing patterns involve County funded, CAL FIRE personnel.

**Finding 4:**

"4. In May of 2004, the Riverside County Board of Supervisors implemented Policy C-33, mandatory background checks, for all new county employees as well as the volunteer firefighters; however, background checks are neither mandatory nor a requirement for CAL FIRE applicants. (See Attachment 1)."

**Response:**

The respondent disagrees partially with the finding.

The Riverside County Board of Supervisors has implemented Board Policy C-33 that requires background checks for all new County employees. The Board Policy does not apply to volunteer firefighters because they are not County employees. Notwithstanding the above, all participants in the County's Volunteer Firefighter Restructuring Plan will be required to submit to a background check.

CAL FIRE does not generally require background checks of any personnel. However, there are several instances when checks are required. Those instances include but are not limited to:

- In the case of all EMT and paramedic classifications, a background check is required by the State Emergency Medical Services Authority (EMSA) prior to the issuance of their license as an EMT or paramedic.
- Within Riverside County, approximately 290 CAL FIRE/Riverside County Fire Department paramedics have undergone background checks. Should a paramedic commit a felony, he or she will face disciplinary action - likely expulsion from medic service.
- Within Riverside County the local agency emergency medical agency (Riverside County EMS Agency) has required background checks of all EMTs since 2004. Approximately 300 CAL FIRE/Riverside County Fire Department EMTs function under this requirement. Should an EMT commit a felony, he or she will face disciplinary action such as expulsion as an EMT.

- CAL FIRE personnel functioning as Telecommunications Operators must have background checks.
- CAL FIRE peace officers must undergo a rigorous background examination. Within Riverside County, approximately 20 CAL FIRE peace officers have undergone such examinations.

**Finding 5:**

"5. The word "volunteer" is defined as a person who enters any service of his/her own choice and serves without pay. However, volunteer firefighters can apply for compensation when they work a fire lasting over one hour and/or when they are requested to cover a fire station behind an incident to which CDF has responded."

**Response:**

The respondent disagrees partially with the finding.

Volunteer firefighters can apply for compensation when they work a fire lasting over 30 minutes, not one hour.

Any modification to current staffing levels invokes both budgetary and personnel matters. However, appropriate and lawful compensation for volunteer firefighter services will be researched and incorporated within the proposed County's Volunteer Firefighter Restructuring Plan.

**Finding 6:**

"6. The Riverside County Fire Chief estimates the cost of new county purchased personal protective equipment provided to career and volunteer firefighters is approximately \$2,525. Investigation revealed that approximately 60 percent of newly hired volunteer firefighters were not issued new personal protection equipment. Frequently, the personal protective equipment actually received exhibited extensive wear and in some cases defective."

**Response:**

The respondent disagrees partially with the finding.

The Department agrees that volunteers are not always provided "new" personal protection equipment to avoid undue cost and waste. However, Department policy is to ensure that all firefighters (including volunteers) have "serviceable" protection equipment, whether new or refurbished. The Department is aware of only three incidents in which firefighters did not have adequate protective equipment, and it was immediately corrected.

**Finding 7:**

"7. There appears to be a lack of inventory control of unreturned County owned/purchased personal protective equipment. Investigation revealed that some or many CDF firefighters have illegitimately acquired this personal equipment (turnouts) that were issued to former volunteer firefighters and left at the fire station. Pursuant to a Union Local 2881 website column "HUGE STEP FORWARD", amnesty is being offered to holders of these "silent second set of turnouts". (See Attachment 2)"

**Response:**

The respondent disagrees partially with the finding.

The Department denies knowledge that "some or many" CAL FIRE Firefighters have illegitimately acquired personal protective equipment issued to volunteers and left at the station.

The County Fire Department currently has an inventory control system in place, but agrees can improve its inventory control procedures regarding unreturned personal protective equipment through centralization of this process and other measures. There is a long standing policy in the Department to provide two complete sets of safety gear to all firefighters in the County Fire Department along with an enhanced cleaning, maintenance, and electronic tracking and inventory system but budget limitations have not allowed the assignment of a second set of safety gear.

The Department believes the basis for this finding is an article written on the CDF members' website and taken out of context. Any such occurrence as alleged in the website article would be against Department policy and, if properly brought to management's attention, would be promptly investigated and remediated.

**Finding 8:**

"8. For the past several years there has been an ongoing campaign by many CDF local 2881 Board Members to convince the career firefighters that volunteer firefighters are not as well trained, and are plotting to replace them. Much of this information has been posted on the CDF official web page that is linked to the Riverside County Fire Department website. This type of propaganda has lent itself to the creation of hostile work environments at some stations (See Attachments 3-6). As an example of the effectiveness of the campaign, when a CDF Captain at the county fire station was asked his opinion of the volunteer firefighters, he immediately became agitated and aggressive and emphatically stated that the volunteers "Suck" and should all be replaced by paid CDR firefighters."

**Response:**

The respondent disagrees partially with the finding.

The Department agrees that non-specific generalized concerns may exist as to whether all of the hundreds of volunteer firefighters from the 55 different VFCs have adequate and uniform background, training and skills to sporadically respond to life threatening fire suppression situations.

The Department denies and is unaware of any "ongoing campaign" by "many" local Board Members or CAL FIRE personnel "plotting" to replace volunteer firefighters with CAL FIRE personnel. Any such conduct between fellow firefighters, whether CAL FIRE or volunteer, would be against Department policy and, if properly brought to management's attention would be subject of prompt investigation and appropriate remedial and/or disciplinary action.

In response to the allegation of posting of propaganda which allegedly created a hostile work environment, the CDF Firefighters Local 2881 is an employee association outside of the County Fire Department command or control structure. Under State and Federal laws they are entitled to conduct business for their members, and they are not currently controlled by the County

Fire Chief or the CAL FIRE Director. Similarly, The CDFD official website is owned and operated by the CDF Firefighters Employee Association. Neither the Riverside County Fire Chief nor the CAL FIRE Director have any legal control of postings on that site. The Riverside County Fire website is linked to many sites including the Volunteer Firefighters Association website. All links are listed under "Quick Links" on the main page.

There is no mandate or policy that requires the Riverside County Fire Department to have a link to the CDF Firefighters Local 2881(Riverside Chapter) on its official website. This was done to facilitate good labor relations and is a common practice for many fire departments across the region and state. Other fire department websites that contain a link to the corresponding Firefighter Employee Association websites include: LA County Fire, Orange County Fire, Riverside Fire, and San Diego Fire.

Regardless, all RCFD employees and volunteers are obligated to report alleged harassment or hostile work environment and, if properly brought to management's attention, would promptly be investigated and appropriately remediated.

Further, in response to this Grand Jury Report, at the Department's direction the following disclaimer has already been posted on the Riverside County Fire Department website ([www.rvcfire.org](http://www.rvcfire.org)):

"These links are being provided as a convenience and for informational purposes only; they do not necessarily constitute an endorsement or an approval by the Riverside County Fire Department of any of the products, services or opinions of a corporation, organization, or individual. The Riverside County Fire Department bears no responsibility for the accuracy, legality or content of the external site or for that of subsequent links. Contact the external site for answers to questions regarding its content."

**Finding 9:**

"9. It is common practice in many volunteer fire companies that volunteer firefighters auxiliaries, through fundraising ventures, raise money to purchase their own firefighting equipment. In some cases, volunteer firefighters discovered that this equipment was tampered with and/or had literally disappeared."

**Response:**

The respondent disagrees partially with the finding.

The Department cannot respond to what constitutes any "common practice" of any particular of the 55 local VFCs outside of the County's purview.

The Department is not aware of reported tampering with or theft of volunteers' firefighting equipment. Any such conduct would be contrary to Department policy and, if properly brought to management's attention, would be subject of prompt investigation and appropriate remedial and/or disciplinary action.

The Riverside County Fire Department has 19 VFCs that own Squads or Engines which are housed at County/City facilities. After surveying the stations for any reported issues by VFC Liaisons and VFC coordinator Jeff LaRusso, the findings were as follows:

1. Battalion 1 – Squad 3 – No issues reported.
2. Battalion 2 – Squad 62 – No issues reported.
3. Battalion 3 – Squad 22 – No issues reported.
4. Battalion 4 – Squad 13 – Reported one issue:
  - a. Misc Equipment missing (carabiners, 8-rescue plates, Oxygen cutting kit, Webbing, 2 hilift jacks, leather scabbard.)
5. Battalion 5 - Squads 25,28,52& 72 – no issues reported.
6. Battalion 5 – Squad 34 – Reported two issues:
  - a. In 2004 – 05 the VFC had 2 chain saw purchases through community fund raising, the VFC agreed to have 1 saw assigned to E-34 and the other to squad 34, the VFC alleged that when the chain saw assigned to E-34 was down for repairs the career staff removed Squad 34 chain saw and placed it on E-34 without VFC approval or knowledge.
  - b. In 2003 the VFC alleged that 2 new full body low angle rescue harnesses and a complete NFPA low angle rescue set up assigned to Squad 34 was removed without VFC approval or knowledge.
7. Battalion 6 – Squad 79 – No issues reported.
8. Battalion 7 – Squads 32, 70 & Rescue – No reported issues.
9. Battalion 8 – Squad 43 – No reported issues.
10. Battalion 13- Squads 7, 60 & 68 – No reported issues.
11. Battalion 14- Squads 17 & 18 – No reported issues.

**Finding 10:**

“10. In April 2009, the Riverside County Fire Chief attempted to place a "hiring freeze" on volunteer firefighters to supposedly reduce costs to the Riverside County budget. However, pursuant to the Cooperative Reimbursement Agreement, the Riverside County Fire Chief .....directs and controls coordination with community volunteer fire organizations in order to integrate volunteer efforts with those of full-time personnel.” California Health and Safety Code Section 14831 authorizes the board of supervisors to regulate the formation and continued existence of volunteer fire companies.”

**Response:**

The respondent agrees partially with the finding.

On April 30, 2009, Riverside County Fire Chief John R. Hawkins did order a “hiring freeze” of Volunteer Firefighters to *in fact* reduce costs to the Riverside County budget. The Riverside County Fire Chief was directed by the County Executive Officer to meet a 10% Net County Cost reduction for fiscal year 2008-2009 which affected all programs within the County Fire Department.

On May 4, 2009 it was determined that there was confusion regarding the order. Therefore, a letter of clarification was sent out stating the following:

“The purpose of this letter is to clarify my April 30, 2009 e-mail message referencing a volunteer hiring freeze. It appears that my message was misinterpreted. Volunteer

fire companies (VFC) are free to hire volunteer firefighters (VFF) at any time. The County Fire Department, however, must operate within certain budgetary constraints, and to meet these constraints, I am at this time limiting the State Compensation Insurance Fund roster to 700 active volunteer firefighters. As a result, no more than 700 VFF will be able to respond to emergencies.”

The COUNTY-CAL FIRE Cooperative Reimbursement Agreement was entered into under the authority of Government Code Sections 55606, 55607, 55640 and Public Resources Code Sections 4141-4144. The Agreement provides that a CAL FIRE Unit Fire Chief, upon appointment as the County Fire Chief will be responsible for the management and administration of the Riverside County Fire Department. On August 1, 2006, John Hawkins was appointed the County Fire Chief by the Board of Supervisors. Chief Hawkins, under the general direction of the County Executive Officer, prepares and oversees the departmental budget. Due to recent economic conditions and the directive by the County Executive Officer, all budgetary items of the department were subjected to a cost reduction.

These authorities direct the Fire Chief to limit the number of active volunteer firefighters on the workers' compensation roster. Chief Hawkins was acting properly in his capacity as the CAL FIRE-County Fire Chief pertaining to the worker's compensation insurance roster. In addition, the Volunteer Operating Policy (VOP), adopted after the Board of Supervisors officially recognized and pledged support to the volunteer fire companies (VFC's) that serve the communities within Riverside County, provides that the County Fire Chief may issue Department policy letters that apply to the VFC's.

## **II. RECOMMENDATIONS**

### **Recommendation 1:**

“1. The Riverside County Executive Officer should conduct a cost/benefit analysis to determine the feasibility of establishing its own fire department in the future.”

### **Response:**

The recommendation will not be implemented because it is not warranted and is not reasonable. Further, implementation of this recommendation invokes budgetary and personnel matters.

This recommendation is not warranted and is not reasonable because, as set forth above: (1) the Department and County Executive Office already undertook this analysis and concluded that the costs, liabilities and resources necessary to create its own fire department far outweighed the benefits; (2) creating a new Riverside County Fire Department would be duplicative of expenses and resources already existing in the cooperative State-County fire agreement which currently efficiently utilizes existing resources; and (3) as set forth in detail above, CAL FIRE and the Department are in the process of creating a Volunteer Firefighter Restructuring Plan, to improve the efficiency and effectiveness of the utilization of volunteer firefighters.

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**Recommendation 2:**

"2. The Riverside County Fire Chief should return to standard staffing and establish a policy to ensure that all available volunteer firefighters are utilized to minimize the usage of overtime."

**Response:**

The recommendation will not be implemented because it is not warranted and is not reasonable. Further, implementation of this recommendation invokes both budgetary and personnel matters.

On September 12, 2000, in order to meet the increasing growth of the County, the Board of Supervisors approved a Fire Engine Staffing proposal to increase public safety and the safety of firefighters. The new staffing plan was drafted in compliance with the National Fire Protection Association (NFPA) and the Occupational Safety and Health Program (OSHA) standards. CAL FIRE and the Riverside County Fire Chief are currently following that Board-approved policy. Due to the substantial growth of the County of Riverside since 2000, it would be unreasonable and irresponsible for the County of Riverside Fire Chief to reduce the staffing levels. During Fiscal Year 2007-2008, the Board of Supervisors approved improving staffing to the Municipal level that includes a Fire Captain, Fire Apparatus Engineer and a Firefighter.

**Recommendation 3:**

"3. In the interest of public safety, the Riverside County Fire Chief should prohibit holding back of any fire apparatus."

**Response 3:**

The recommendation will not be implemented because it is not warranted.

The recommendation is not warranted because it reflects already existing policy in the Riverside County Fire Department. At no time has the Fire Chief permitted the holding back of any necessary fire apparatus.

**Recommendation 4:**

"4. To conform to the Riverside County Human Resources (*sic*) Policy C-33, mandatory background checks should be negotiated into the next CAL FIRE contract, should the contract be renewed."

**Response:**

The recommendation will not be implemented because it is not warranted.

The Riverside County Board of Supervisors has implemented Board Policy C-33 that requires background checks for all new County employees. The Board Policy does not apply to volunteer firefighters because they are not County employees. Notwithstanding the above, all participants in the County's Volunteer Firefighter Restructuring Plan will be required to submit to a background check.

**Recommendation 5:**

"5. Because volunteer firefighters may choose to apply for monetary compensation in certain situations, the Riverside County Board of Supervisors should redefine the term "volunteer". These firefighters should be classified as "paid-call" or the Riverside County Human Resource Department should conduct a feasibility study to create a Reserve Firefighter Position Series to supplement personnel where needed. This would also eliminate costs to the county such as state administrative charges and State Workers' Compensation and would reduce costly municipal staffing overtime charges."

**Response:**

The recommendation has not yet been implemented, but will be implemented in the future, within a reasonable amount of time.

This recommendation is being incorporated into the cooperative plan between CAL FIRE and the County to modify the existing contract to reassign the administration of volunteer firefighters from CAL FIRE to the County. Implementation of this recommendation invokes budgetary and personnel matters.

**Recommendation 6:**

"6. Riverside County Executive Officer should conduct a reconciliation to justify the difference between what is/was charged to the county versus the actual value of the equipment issued. The Riverside County Fire Chief must ensure that volunteer firefighters are now issued new personal protective equipment that the County of Riverside has purchased."

**Response:**

The recommendation will not be implemented because it is not reasonable.

This recommendation will be considered and evaluated in the implementation of the cooperative plan between CAL FIRE and the County to modify the existing contract to reassign the administration of volunteer firefighters from CAL FIRE to the County. However, as stated above, all firefighters are provided "serviceable" personal protective equipment, whether new or refurbished. Further, implementation of this recommendation as proposed invokes budgetary matters.

**Recommendation 7:**

"7. The Riverside County Board of Supervisors should authorize an independent investigation into the illicit acquisition of county property. Once equipment has been located, it should be returned and logged back into inventory. The holders of the "silent second set" of county property should be subject to appropriate disciplinary action."

**Response:**

The recommendation will not be implemented because it is not reasonable.

The Department cannot reasonably implement this overbroad recommendation. Further, implementation of this recommendation invokes budgetary and personnel matters. However,

should any specific or credible allegation of improper acquisition of personal safety equipment be properly brought to management's attention, it will be promptly investigated and appropriate remedial and/or disciplinary action will be taken.

**Recommendation 8:**

"8. The Riverside County Executive Officer should routinely monitor the links placed on the Riverside County Fire Department's website, to ensure that the contents are not inflammatory, prejudicial or divisive."

**Response:**

The recommendation will not be implemented because it is not reasonable.

The Department will not implement this recommendation as unreasonable. The recommendation is unreasonable because it requests a restraint on First Amendment rights, and is vague and ambiguous in its use of the terms "inflammatory, prejudicial or divisive." However, should the Department become aware of any seemingly improper or inflammatory contents on the Department website, appropriate inquiry will be made and the situation addressed.

**Recommendation 9:**

"9. The Riverside County Fire Chief should take steps to ensure that any form of malicious mischief toward volunteer firefighters will result in disciplinary action."

**Response:**

The recommendation will not be implemented because it is not warranted.

This recommendation is consistent with already existing department policy. Should any specific or credible allegation of malicious mischief toward a volunteer firefighter be properly brought to management's attention, it will be promptly investigated and appropriate remedial and/or disciplinary action will be taken.

**Recommendation 10:**

"10. The Riverside County Fire Chief should adhere to the Cooperative Reimbursement Agreement and the California Health and Safety Code Section 14831 as applicable to volunteer firefighters."

**Response:**

The recommendation will not be implemented because it is not warranted.

To the extent that the Department understands this broad and non-specific recommendation, it is the policy of the Fire Chief to ensure the department is in compliance with all laws and policies applicable to the RCFD.