RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and the Grand Jury Foreperson.

Report Title: Woodland Fire Department Report Date: June 30, 2010

Response by: Tod Reddish Title: Fire Chief

FINDINGS

[X] I (we) agree with the findings numbered:

F-3 and F-4

[ ] I (we) disagree wholly or partially with the findings numbered:

RECOMMENDATIONS

[X] Recommendations numbered: 10-27 (my response is included in the attached response by the Woodland City Council) have been implemented (attach a summary describing the implemented actions).

[ ] Recommendations numbered: require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

[X] Recommendations numbered: 10-28 (my response is included in the attached response by the Woodland City Council) will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 8/23/10 Signed: Tod Reddish

Total number of pages attached 6

RESPONSE TO GRAND JURY REPORT

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Report Title: Woodland Fire Department Report Date: June 30, 2010

Response by: Woodland City Council Title: N/A

FINDINGS

[X] I (we) agree with the findings numbered:

F-3 and F-4

[X] I (we) disagree wholly or partially with the findings numbered:

F-1 and F-2

RECOMMENDATIONS

[X] Recommendations numbered: 10-26 and 10-27 (see attached response) have been implemented (attach a summary describing the implemented actions).

[ ] Recommendations numbered: _____ require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

[X] Recommendations numbered: 10-28 (see attached response) will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 9/7/10 Signed: _____

Artemio Pimentel, Mayor

Total number of pages attached 6

City of Woodland

CITY COUNCIL 300 FIRST STREET WOODLAND, CALIFORNIA 95695 (530) 661-5800
FAX: (530) 661-5813

Artemio Pimentel, Mayor
Marlin H. "Skip" Davies, Vice Mayor
Jeff W. Monroe, Council Member
William L. Marble, Council Member
Martie L. Dote, Council Member

September 7, 2010

Honorable Janet Gaard
Advising Judge to the Grand Jury
Superior Court of California, Yolo County
725 Court Street
Woodland, CA 95695

Re: **City of Woodland Response to the 2009-2010 Grand Jury Report**

Dear Judge Gaard:

The City of Woodland has carefully reviewed and considered the Findings and Recommendations set forth in the "2009-2010 Yolo Grand Jury Committee Report, Investigations & Findings – Woodland Fire Department." This letter shall serve as the official responses of the City of Woodland and the Woodland Fire Chief (collectively, the "City") to the Findings and Recommendations of the Yolo County Grand Jury ("Grand Jury").

FINDINGS

F-1. The fees charged are based on a national schedule provided by FRUSA. They are not determined by WFD.

The City respectfully disagrees with this finding. The discussion supporting this finding alleges that (1) FRUSA is a national organization with satellite offices throughout the United States; (2) FRUSA's billing rates are based on a price schedule throughout the country; and (3) the actual cost of service is not taken into account.

First, FRUSA is a California limited liability company headquartered in Roseville, California. FRUSA provides billing services to a number of departments throughout the nation. Therefore, while the Grand Jury's discussion of FRUSA's organizational status is not incorrect, it is incomplete.

Second, the City submits that the Grand Jury's statement that FRUSA's billing rates are based on a national price schedule is incomplete and potentially misleading. While FRUSA has developed an estimated fee schedule for agencies to impose, each participating local agency sets its own rates. The fact that this estimated schedule was similar to the user fees imposed by the City is largely due to the fact that response costs are relatively similar throughout the nation. Moreover, the City did conduct a thorough review of its costs of providing these services and concluded that its actual costs exceeded those in the FRUSA model schedule. For administrative convenience, the City Council decided to use FRUSA's model schedule, even though the model schedule would recover less than 100% of the City's costs.

Third, the actual cost of service was taken into account when calculating the City's user fees. As discussed in more detail below, the City understands and appreciates that it may not charge a fee that exceeds the cost of providing the service for which it is imposed. The City carefully examined the estimated fee schedule provided by FRUSA and its actual cost of providing service. The City's fee schedule actually imposes fees that are lower than these costs.

F-2. The fees are not in compliance with California Health and Safety Code Section 13916.

The City respectfully disagrees with this finding, for two reasons. First, Health and Safety Code section 13916 simply does not apply to the City. This section authorizes fire protection districts to impose user fees for services they provide. As the City is a general law city and not a fire protection district, section 13916 has no bearing on the legality of the City's user fees.

However, even if section 13916 applied to the City, which it does not, the statute requires that fees not exceed the cost of providing the service for which they are imposed. To the extent that the Grand Jury finding was aimed at this requirement, the City's user fees do not exceed the cost of providing services for which they are imposed. While section 13916 is inapplicable, the City understands and recognizes that state law prevents it from charging fees that exceed the cost of providing the service for which they are imposed. As discussed above, the City carefully and thoroughly calculated its cost of service, and the user fees do not exceed these costs.

F-3. WFD entered into the agreement with FRUSA without an open bidding process for companies offering similar services.

The City agrees with this finding. The City executed its agreement with FRUSA without an open bidding process. However, the City notes that the Grand Jury correctly acknowledged in its report that professional services agreements are not required to undergo an open bidding selection process. When executing its agreement with FRUSA, the City Council determined that FRUSA was an industry leader in fire recovery billing with the expertise and resources necessary to provide the best possible service to the City at a low, market-level cost. In light of this determination, and in the absence of any statutory requirement to use a different process, the City opted to contract with FRUSA. The City is confident that the selection of FRUSA was both in full compliance with California law and has yielded effective and professional services at a competitive cost.

F-4. The fee recovery program does not appear to be meeting its projected revenue.

The City agrees with this finding. The City anticipated receiving $167,000 from FRUSA during the 2009/2010 Fiscal Year. However, actual revenues were $38,032.41 during that period. Of course, since the City cannot charge fees that exceed the City's costs of providing emergency responses by the Fire Department, there is very little the City can do to increase the revenue generated by the program. However, the City is satisfied with the revenue from the program, and will continue scrupulously monitoring the fees charged to ensure they are equal to or less than the City's costs for providing emergency responses.

RECOMMENDATIONS.

10-26. That the City Attorney advise the City Council on the legality of the program.

Response: The City Attorney advised the City Council and senior staff, including the Fire Chief, regarding the legality of the program at the time of its adoption and on numerous occasions thereafter. The City Attorney has advised that the program is legal, and nothing in the Grand Jury report compels a different conclusion.

Timing: Completed.

10-27. That a fiscal analysis be made to determine whether or not the program is cost effective.

Response: The City conducted a detailed fiscal analysis of the program prior to its adoption. While the projected revenue has not materialized, the program remains cost effective. There is no direct impact to the general fund from the program. All costs of FRUSA's services are paid out of the revenue collected from the user fees. While the City has incurred some costs for legal services provided in relation to the program, these costs are minimal when compared to the amount collected.

Timing: Completed.

10-28. That the WFD use an open bid process for companies performing similar services.

Response: The City will not implement this recommendation because it is unwarranted, unnecessary, and not required by law. As the Grand Jury noted, the City was not required to use an open bidding process prior to contracting with FRUSA. The City Council believed and continues to believe that FRUSA is an industry leader which provides exceptional service at a low, market-level price. Therefore, the City Council will not utilize an open bidding process for these services at this time.

Timing: Not applicable.

CONCLUSION

The City welcomes and appreciates the Grand Jury's interest in the City's user fee program for emergency services. The City is confident that this letter effectively addresses the concerns raised in the 2009-2010 Yolo County Grand Jury Report.

Very truly yours,

Artemio Pimentel
Mayor

cc: Members of the Woodland City Council
Tod Reddish, Woodland Fire Chief
Barbara Sommer, Foreperson