

Lockwood Fire Protection District

Board Meeting Minutes

April 24, 2023

Board Meeting: 6:00pm

Board Attendees: JoAnne McLachlan, Kelly McGee, Cookie Stevens, Don Dowell, and Jan Hewitt (arrived late). (Tim Worny absent) - Chief Withrow and Megan Watts in attendance.

Public Comment:

- LFPD resident Jackie Vaughn thanked Chief Withrow for the job he has done so far, however, Mrs. Vaughn posed the question of a possible conflict of interest in regard to Chief Withrow having been appointed Amador Fire Protection District's interim Fire Chief, simultaneously serving LFPD as Fire Chief. Chief Withrow responded that he reached out to County Counsel, as well as the Fair Political Practice Commission, and both entities determined there was no conflict of interest under the current arrangement. Mrs. Vaughn also questioned his capabilities as Fire Chief for LFPD while acting as interim Fire Chief for Amador Fire. Chief Withrow confidently spoke to the fact that he is more than capable of managing both departments as the respective Fire Chief for each, citing the overlap in duties between each and also his successful history of doing the very same thing while serving as the Division Chief for Cal Fire and providing Chief Officer services for LFPD. The Board agreed Chief Withrow has done an exceptional job as LFPD's Fire Chief and has no doubt he will continue to do so. In light of Mrs. Vaughn's concerns regarding conflict of interest, the Board agreed to consult legal counsel at the expense of the district. (see attached document written and submitted by Mrs. Vaughn)

Approval of March Meeting Minutes:

DD Motioned CS Seconded Yeas: 4 Nay: 0 Absent: 1 Abstain: 0

Discussion Items: *none*

Action Items: *none*

Treasurer Report - (same as last month, no current update from county)

January - Revenue: \$6,500, Expense: \$14,000, Negative: \$8,000 (expected)

General Fund: \$119,000; Measure M: \$223,000; Total: \$400,00

Chief's Report:

- Chief Fire Marshal Patrick Chew presented information regarding a recent structure fire:
 - House fire with a fatality; one concern was whether this fire was intentionally set and Chief Chew reported that upon investigation, the fire was not intentionally set.
 - During the winter weather, there were quite a few incidents that kept the departments busy as people are wanting to stay warm during the cold weather.
- Volunteer Update: Tom and Seth are enrolled in the AFD Firefighter Academy. 6530 is also committed to the Academy, however, still available to us. Jack White is covering for Tom at the Station.
- LFPD had 4 volunteers on the recent structure fire and lead the incident successfully.
- Volunteer FF Academy will be wrapping up soon- some trainings were postponed due to weather.
- 4 new Volunteer FF's coming on board.
- Tires for 6546- hope to reach out to Top Cop to fund; hose line also needs to be fixed. All equipment is still in service.

- Radio Tower pad was poured at 152.
- 152 is getting cleaned up, thanks to Jack.
- An old LFPD Water Tender is being requested as a donation by a Cal Fire HFEO - is currently at Davis Equipment Facility - transfer of ownership is agreed upon by the Board.
- Upcountry Newsletter - safe burning procedures highlighted.
- 46 calls for March (2 structure fires, 1 vehicle accident, 22 medical assists, 3 hazardous materials, 17 public assists, 1 other).
- Fire hydrants in La Mel Heights will be spray painted in the next couple weeks.
- Chief Withrow expressed how proud he is of Jack and the job he's doing.
- Cal Fire AEU hired new Defensible Space Inspector BC, Jeff Hoage. LE 100 inspections are taking place in Amador.

Committee Reports

Grants - Amador Fire has been awarded the AFG grant for volunteer recruitment and retention - LFPD volunteers can partake in trainings offered.

Fiscal Planning - none.

Policy - none.

Building/Maintenance - Gravel coming for Station 151 and 152.

Outreach - Website engagement is increasing all the time, Megan shared feedback from community in regard to their appreciation of Chief Withrow, possible grant funding from AFSC to help vulnerable communities create their defensible space.

Auxiliary Report - see attached minutes.

Adjourned: 7:15pm

Next Meeting: May 22, 2023

Submitted to the LFPD Board of Directors on April 24, 2023

Let me begin by thanking Chief Withrow for all he has accomplished at Lockwood and how he has brought this fire department literally back from the dead. All fire departments go through rough times and most, like Lockwood, bounce back mainly because there is someone out there who steps up and gives it their all to rebuild a department.

Moving forward, Chief Withrow will most likely be appointed Fire Chief for AFPD on May 10th at a Special Meeting of the AFPD Board. I wish him a pre-emptive congratulations.

When this LFPD Board entered into a JOA with AFPD, I became very concerned with the Addendums added to that JOA with regard to Chief Withrow, or any employee of AFPD being paid to also provide Chief duties to LFPD. While Chief Withrow stated the FPPC and County Council informed him it was not a conflict of interest, I decided to do a little research on my own.

I contacted the FPPC and they informed me they do not rule over employees but rather only political entities and referred me to the State Attorney Generals Office and the Conflict Of Interest booklet in pdf form. It is available for download on the Attorney Generals website.

Ch 10 &
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I encourage this Board to download and look over this document. Of note is :

Chapter 10, Incompatible Activities of Local Officers and Employee's, Government Code Section 1125 et. Seq. A. The Overview states: There is a prohibition against any officer or employee of a local agency from engaging in any employment or other activity that is in conflict with his or her public duties. A local agency is defined as a "county, city, city and county, political subdivision, district, and municipal corporation." (§ 1125.) Section 1126 contains the basic prohibition, and focuses on the remunerative activities of agency officials. (See also § 1098 [concerning prohibition against disclosure of confidential information, which is punishable as a misdemeanor].)

B. The Basic Prohibition states: A local officer or employee shall not engage in any employment, activity or enterprise for compensation that is inconsistent, incompatible, in conflict with, or inimical to his or her official duties or the duties, functions or responsibilities of his or her appointing authority or employing agency. (§ 1126.)

There is also Chapter 11. Incompatible Activities of State Officers and Employees, Government Code Section 19990 and Chapter 12, The Prohibition Against Holding Incompatible Offices, Government Code Section 1099 et seq.

It was an awful lot of reading and I prefer not to spend my time and yours quoting law. I simply request the LFPD Board of Directors look at, read, and discover what Conflict of Interest laws are with relation to not only employees, but public officials and contracts as well.

I believe by retaining anyone from AFPD to act as Chief of LFPD is a huge conflict of interest. I give you one simple reason among the many state in law. When it comes to sending out Strike

Teams, a conflict arises when one Chief must decide who goes on the Strike Team. It is in the best interest of AFPD to contract for Strike Team and utilize the LFPD water tender to back up their Fire Stations, not only leaving Lockwood without a water tender, but also removing the ability of Lockwood to bolster its revenue base through Strike Team opportunities. At one meeting Chief Withrow stated that Lockwood does not make money on Strike Teams and that statement was refuted by Treasurer Tim Worneys affirmation that LFPD made \$400,000 in one year. Strike Teams are extremely important to the financial health of LFPD.

It is this Boards responsibility to manage the money that taxpayers provide in order to keep this fire department solvent. The JOA Addendum, in my opinion, has serious issues and is in direct conflict with managing this fire department.

I respectfully request the LFPD Board of Directors consider hiring a new Fire Chief. In my opinion, that is the best way for you to serve this community.

Thank you for your time

I submit this to the Board Secretary for inclusion in the minutes of this meeting.

Respectfully,

Jackie Vaughn