

**RESPONSE TO  
2014-2015 GRAND JURY REPORT  
CAL FIRE/RIVERSIDE COUNTY FIRE DEPARTMENT**

Following is the response to the above referenced Grand Jury Report.

**FINDING NO. 1:**

Battalion #8 - Station #43, City of Blythe

Station #43, located in downtown Blythe, was built in 1951. The building is too small to accommodate current equipment. The engine and water tender are parked outside the building and are partially covered by canopies. According to the Riverside County Fire Department, Fire Station Useful Life and Replacement Plan, December 2010, Station #43 would need to be replaced after a 50 year life expectancy. Today the station is over 60 years old.

Since July 2011 this station is no longer under contract with the City of Blythe, with the exception of providing mutual aid to the City of Blythe Volunteer Fire Company, when requested. Station #43 primarily services the unincorporated part of eastern Riverside County.

**Response: Riverside County Fire Department agrees with the findings**

**RECOMMENDATION NO. 1:**

Battalion #8 - Station #43, City of Blythe

CAL FIRE/RVC shall request the Board of Supervisors (BOS) to replace Fire Station #43 and relocate it closer to the Colorado River. Riverside County Mayflower Park is one possibility, which would be more strategically located to respond more efficiently. The new fire station shall be large enough to accommodate all vehicles and equipment.

CAL FIRE/RVC shall be proactive in seeking funds from available grant sources, and request Community Improvement Designation funds from the Riverside County Fourth District Supervisor.

**Response: Riverside County Fire Department is currently reviewing our deployment model in Battalion 8 – specifically in regards to Fire Station 43 (FS43). Our considerations include the relocation of the facility, as well as the closure of the facility and the redistribution of personnel serving that area to the other local stations to be more efficient and cost effective. Additionally, the County of Riverside has just entered into a “Standards of Cover” (SOC) study with a private consultant to review our operations, deployment and**

**cost allocation County-wide. It is anticipated that this study will take 6 months. Following our review of both reports, we will bring forward recommendations to the Executive office and Board of Supervisors including those specifically regarding FS43.**

**FINDING NO. 2:**

**Battalion #8 - Station #45, Blythe Air Base**

Station #45 is located on Economic Development Agency property, approximately seven miles west of Station #43 in Blythe. The Urban Search & Rescue #45 (US&R) vehicle has been at Station #45 since late 2012. Personnel have received US&R training for the past three years. The US&R vehicle is not fully equipped; therefore, it is not in service. When fully equipped, it will provide improved services to the fire department. Since Station #45 is centrally located, the US&R vehicle would be an essential and valuable asset in all types of emergency situations.

According to the Riverside County Fire Department, Fire Station Useful Life and Replacement Plan, December 2010, Station #45, this is now 40 years old and recommended for replacement in 2025.

**Response: Riverside County Fire Department disagrees partially with the findings. Urban Search and Rescue #45 (US&R 45) was moved into inventory at Fire station 45 in September of 2013, and not 2012 as reported.**

**RECOMMENDATION NO. 2:**

**Battalion #8 - Station #45, Blythe Air Base**

The US&R vehicle shall be equipped with confined space entry equipment, rope rescue equipment, trench shoring, jacks and airbags, cutting torches, saws, and other tools normally carried in US&R vehicles. Additional shoring materials and equipment shall be carried in the existing small utility support trailer, as needed.

CAL FIRE/RVC shall request the BOS to replace Station #45 and be proactive in seeking funds from all potential and viable resources, including grants and solar mitigation funding.

**Response: As discussed with the Grand Jury, Riverside County Fire Department is completing a review of its Technical Rescue program and equipment. We are in the process of redistributing excess equipment, and purchasing replacement or needed equipment to ensure that apparatus complements are up to our specification. We anticipate that US&R45 will be in service first quarter of FY 15/16, and fully outfitted in second quarter FY 15/16.**

**FINDING NO. 3:**

Battalion #8 - Station #46, Riverbend

Station #46 is located in Riverbend, an unincorporated community, on the Colorado River Indian Reservation. The station, which is not manned, was built approximately 20 years ago by volunteer firefighters. It houses a CAL FIRE/RVC utility truck, one engine and a rescue boat. The boat is only used for annual training purposes. There is neither kitchen nor living quarters at this station. To date, there are only two volunteer firefighters, when available, to work on weekends.

In the event the Colorado River Indian Tribe (CRIT) boundary dispute is settled in the legal system, in GRIT's favor, Station #46 would no longer be viable.

**Response: Riverside County Fire Department disagrees partially with the findings. Specifically, the following statement: In the event the Colorado River Indian Tribe (CRIT) boundary dispute is settled in the legal system, in CRIT's favor, Station #46 would no longer be viable. It is Riverside County Fire Department's position that we cannot speculate on any future relationship or provision of services to the Colorado Indian Tribe (CRIT). Additionally, the following statement is incorrect: The boat is only used for annual training purposes. The boat has never been designated for training only. However, it is true that the boat has been seldom used due to a lack of requests as well as some reliability issues in the past. The vessel is military surplus and at least 25 years old. Our shop recently rebuilt the engine, and along with other repairs believes that its operational readiness has been improved and it will be available for missions in the future.**

**RECOMMENDATION NO. 3:**

Battalion #8 - Station #46, Riverbend

The Grand Jury recommends Station #46 be closed, moving the utility truck and engine to another CAL FIRE/RVC station. To better utilize the rescue boat, CAL FIRE/RVC shall relocate the boat from Station #46 to the new Station #43, which would give better access to rescues and fire suppression on the Colorado River.

**Response: As in our response to Recommendation #1, Riverside County Fire Department will be considering service needs and facility locations in our current, in-process studies. The disposition of FS46 and its equipment will be determined at that time.**

**FINDING NO. 4:**

Battalion #8- Station #49, Lake Tamarisk

Station #49 is located in the community of Lake Tamarisk along the Interstate-10 corridor. This station provides services to the communities of Lake Tamarisk, Desert Center, Eagle Mountain and surrounding areas. According to the Riverside County Fire Department, Fire Station Useful Life and Replacement Plan, December 2010, Station #49 which is now 45 years

old, and recommended to be replaced by the year 2020. The engine has to be parked outside under a partial cover, since the station is not large enough to hold the newer engines. When staffing levels were increased from three to four, this station was deemed insufficient, with limited living quarters, to accommodate the required personnel, with only one restroom and a shower.

A 1998-1999 Riverside County Grand Jury Report: Riverside County Fire Department, identified improvement needs, which included relocating facilities to other sites for improved service response based on current and future growth.

**Response: Riverside County Fire Department agrees with the finding.**

**RECOMMENDATION NO. 4:**

Battalion #8- Station #49, Lake Tamarisk

CAL FIRE/RVC shall relocate Station #49 to the property purchased north of the current station, by using solar mitigation funding and available grants.

CAL FIRE/RVC shall look into all possibilities for construction of the new station, such as modular structures.

**Response: Riverside County Fire Department is actively studying various alternative methods to facilitate the replacement of Fire Station 49, utilizing the recently purchased parcel in Lake Tamarisk. We will be seeking approvals to utilize any available funding, including solar mitigation, DIF and other grants or avenues. Our goal is to bring forward a recommendation to the Executive Office in the second quarter of FY 15/16. In the interim, a 2nd bathroom is being added to the old facility to better ensure needs are met until replacement is built.**

**FINDING NO. 5:**

County Counsel Interference

In November 2014 the Grand Jury contacted the CAL FIRE/RVC office to request a copy of a document. The Grand Jury was advised it would be forthcoming. In December, the Grand Jury was informed that the document would be available in a couple of weeks.

Two months later, in February, the Grand Jury made another effort to obtain this document. The CAL FIRE/RVC Chief (Chief) indicated to the Grand Jury he would have to consult with the Riverside County Office of County Counsel (County Counsel) before releasing any information to the Grand Jury. After consulting with County Counsel, the Chief stated he would need the request in writing so that County Counsel could review the request. The Grand Jury asked the Chief to put County Counsel's request in writing and fax it to the Grand Jury office. The Chief's

response, after consulting with County Counsel again, was that he could not put the request in writing because it would violate attorney/client privilege.

**Response: Respondent wholly disagrees with the finding.**

Respondent disagrees with the Grand Jury's statement that the Office of County Counsel (County Counsel) instruction to its client that requests from the Grand Jury shall be in writing is somehow interference. The Grand Jury clearly does not fully understand the role of County Counsel, nor does it understand the limits of grand jury action.

County Counsel has a legal and ethical duty to serve as legal advisor to the County Board of Supervisors, its officers and employees. (*See CA Government Code §§ 26526, 26529 & 27642*) Also the California Rules of Professional Conduct require County Counsel to act in the County's best interest by providing fair and competent legal advice.

The Grand Jury maintains that they are "entitled to free access...to all public records within the county." (CA Penal Code §921) We do not disagree. However, the Grand Jury is not entitled to access to "all" records; only access to public records. One of the various duties and obligations of County Counsel in representing its client, the County of Riverside, is to protect against inadvertent disclosure of attorney-client and attorney work-product privileged documents, as well as documents protected by Constitutional, statutory or common law privileges. The law is clear - - the grand jury is not entitled to such information. The Grand Jury's assertion that County Counsel should not be allowed to provide legal advice to its client by requesting that a particular request be made in writing and that the request be reviewed by counsel so as to advise its client on compliance with the law is misguided and contrary to the County Counsel's ethical and statutory duties to its client.. Expecting its client to fend for itself and not avail itself of counsel, would have been a dereliction of County Counsel's responsibilities.

Each year, the County receives dozens of inquiries from the grand jury pertaining to its operations, programs and services. The grand jury often submits its requests in writing for information to the various county departments. There are dozens of site visits and release of information on County programs and services that never involve the County Counsel's Office.

In this particular instance, County Counsel was contacted by the Fire Chief who expressed concern regarding a request from the grand jury. We advised our client to request that the grand jury put its request in writing so that we may properly advise the Fire Department on compliance with the request. It is important to note that the grand jury was never denied access to information. The grand jury voluntarily declined to put its request in writing and abandoned its pursuit of the information.

Furthermore, this "Finding" is indicative of the Grand Jury's misunderstanding of the role of County Counsel to represent its client, the County of Riverside and its constituent entities. Based upon the foregoing facts and circumstances, the County Counsel properly discharged his ethical and statutory duties pursuant to Rules 3-110, 3-210, 3-310, and 3-600 of the California Rules of Professional Conduct.

**RECOMMENDATION NO. 5:**

**County Counsel Interference**

County Counsel shall not interfere with Grand Jury investigations pursuant to California Penal Code §921.

County Counsel shall follow State Bar of California's Rules of Professional Conduct Rule 3-110 Failing to Act Competently and Rule 3-210 Advising the Violation of Law.

**Response: The recommendation will not be implemented because it is not warranted and is not reasonable.**

**The Recommendation is wholly without factual or legal basis. The grand jury simply objects to the County Counsel performing his ethical and statutory duties and responsibilities.**

**County Counsel has a legal and ethical duty to serve as legal advisor to the County Board of Supervisors, its officers and employees. (See CA Government Code §§ 26526, 26529 & 27642) Also the California Rules of Professional Conduct require County Counsel to act in the County's best interest by providing fair and competent legal advice.**

**The Grand Jury maintains that they are "entitled to free access....to all public records within the county." (CA Penal Code §921) We do not disagree. However, the Grand Jury is not entitled to access to "all" records; only access to public records. One of the various duties and obligations of County Counsel in representing its client, the County of Riverside, is to protect against inadvertent disclosure of attorney-client and attorney work-product privileged documents, as well as documents protected by Constitutional, statutory or common law privileges. The law is clear - - the grand jury is not entitled to such information. The Grand Jury's assertion that County Counsel should not be allowed to provide legal advice to its client by requesting that a particular request be made in writing and that the request be reviewed by counsel so as to advise its client on compliance with the law is misguided and contrary to the County Counsel's ethical and statutory duties to its client.. Expecting its client to fend for itself and not avail itself of counsel, would have been a dereliction of County Counsel's responsibilities.**

**Based upon the foregoing facts and circumstances, the County Counsel properly discharged his ethical and statutory duties pursuant to Rules 3-110, 3-210, 3-310, and 3-600 of the California Rules of Professional Conduct.**