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EXETER DISTRICT AMBULANCE BOARD ON THE MEND?

BACKGROUND

Exeter District Ambulance was formed as a special tax district in 1977. The District operated on County and State Grants until the tax money began to come in in late 1978.

Later that year, the District faced the financial obstacle of Proposition 13, which limited the ability to increase taxes on property until it was sold to another party. In the early 1980's the local hospital had a reduction in admittances which decreased the need for ambulance transfers.

In November 1985, the Exeter District Ambulance Board of Directors (Board) voted to close the service by the end of the year. This decision prompted an outpouring of support from local residents who raised enough signatures to convince the Board to rescind the closure. This grass-roots campaign raised money and began campaigning for a tax measure proposed by the Board to continue to fund the District. Enough signatures were obtained to place the measure on the ballot. In June 1986, the measure was overwhelmingly supported by 81.3 % of the District voters.

In the late 1990's a house was remodeled creating the current ambulance station and ambulance bays. In 1999, the District built the current administration building at 302 E. Palm Street. This building houses the billing office, operations office, Board of Directors meeting room and space for public education, first-aid and CPR training.

REASONS FOR INVESTIGATION

The Tulare County Grand Jury received numerous complaints concerning the operation of the Exeter Ambulance District Board. As a result, an investigation was initiated. The allegations centered around potential conflicts of interest of board members and alleged violations of the Brown Act.

The complaints were filed shortly after the Board decided to contract out the management of the ambulance services.

Several of the complaints alleged there was a conflict of interest since the Board was comprised of four City of Exeter employees and one Board member who has a contract for vehicle towing and storage services with the City.

PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed
2. Relevant documents were inspected
3. Attended Board meetings.

FINDINGS

1. There was one special/emergency meeting held on May 7, 2009. The Board has been unable to provide an agenda for this meeting but evidence indicates that it was a closed session meeting. There was no opportunity for public comment, which is a Brown Act violation.¹

¹ California Government Code Section 54954.3 (a)
[See end of this report]

2. Recently one of the Board members resigned due to accepting a new position out of the area. The Board publicized the opening and made an appointment to fill the position from the two applicants who responded.²
3. The voting records show that no more than one eligible citizen has filed papers to run for the Board since 2000.
4. Board members failed to file a correctly completed Form 700 (California Fair Political Practices Commission Statement of Economic Interests) as required by State law. The District supplied the Grand Jury with Form 700s for all Board Members on December 17, 2009. The form for one of the Board Members was unsigned and undated. On January 5, 2010, the District supplied the Grand Jury with the form 700 for this Board Member signed and dated March 9, 2009.
5. All Board members are required to have ethics training every two years³ as required by AB 1234 which was signed into law on October 7, 2005. One Board member who has been a board member for more than ten years, has no record of ethics training until December 19, 2009.
6. A new Board Member was approved to serve the term of a Board Member who resigned November 16, 2009. There were two candidates that applied for this position. This action was taken at a Board Meeting on January 21, 2010. Since this was

more than 60 days since the vacancy was created, the Board appropriately contacted the Tulare County Board of Supervisors (BOS) to appoint this member. The BOS made the appointment in accordance with California Government Code Section 1780 on February 9, 2010.

7. Even though the Board was comprised of four City of Exeter employees and an individual who has a contract with the City, no conflict of interest was substantiated. However, there were occasions where the City employees were receiving pay from the City at the same time they were conducting Board business and also receiving pay for serving as a Board Member.
8. Board Members who attend Board meetings receive a stipend of fifty dollars per month.

RECOMMENDATIONS

1. Allow public comment at all public Board meetings.
2. All Board members file an accurate and complete Form 700 as required by State law.
3. All Board members complete ethics training as required by State Law.
4. Board Members attend training sessions on local government (Government 101) initiated by the Tulare County Board of Supervisors and provided by County Counsel and other local attorneys.

REQUIRED RESPONSES

Exeter District Ambulance Board

² California Government Code Section 1780 [See end of this report]

³ California Government Code Section 53235 (b) [See end of this report]

GOVERNMENT CODE SECTIONS

53235. (b) Each local agency official shall receive at least two hours of **training** in general **ethics** principles and **ethics** laws relevant to his or her public service every two years.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision

(b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment. (2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. (3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the

effective date of the vacancy, whichever is later, call an election to fill the vacancy. (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy. (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy. (2) The election called pursuant to this subdivision shall be held on the next

established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy. (2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum. (3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. (4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office. (5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.