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Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY D. ALDYCKI

September 16, 2011

Honorable Richard J. Loftus, Jr.
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

RE: Response to the following Civil Grand Jury Reports:

1. Emergency Communication in Santa Clara County
2. Rehiring of Pensioners
3. Fire Service

Dear Judge Loftus:

The city of Gilroy ("City") files the following response to the above-captioned Civil Grand Jury (CGJ) reports. This will serve as the City of Gilroy's formal response to the June 16, 2011 report. The City Council has reviewed this letter and has authorized that it be sent at their meeting of September 12, 2011.

1. Emergency Communications in Santa Clara County:

Finding 1

Dispatch consolidation would result in more cost-effective and efficient emergency response and should be implemented throughout Santa Clara County.

Response:

The CGJ's document does not provide sufficient information, analysis or verified data upon which its broad conclusion can be affirmed. Nonetheless, the city agrees that properly conceived consolidation efforts may lead to savings upon which Santa Clara County cities and the county government could rely.

Recommendation 1:

Jurisdictions which maintain their own dispatching centers - Campbell, Gilroy, Los Altos, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, the City of Santa Clara, and Sunnyvale - and all jurisdictions which use Santa Clara County Communications for dispatch-Cupertino, Los Altos Hills, and Saratoga- should consolidate dispatch with neighboring jurisdictions and, where appropriate, should issue RFPs to do so.

Response:

The complete study and analysis of regional dispatch is a high priority for County Police Chiefs Association and the City. The Cities of Gilroy and Morgan Hill (South County) are exploring varying models of collaboration to include virtual and traditional brick and mortar regionalization. Since the role of the dispatcher plays a key part in the successful delivery of safety in our community the City of Gilroy is being very deliberate in our review to help ensure the highest quality service.

Finding 2

Radio equipment has not been standardized and impedes effective countywide communication and emergency dispatch.

Response:

A county-wide interoperable radio system is in the planning stages and the Silicon Valley Regional Interoperability Authority (SVRIA) is preparing an RFP for release in late 2011. A project of this magnitude requires significant infrastructure investment funded through sources not yet identified. Until a project funding stream is identified, this project will receive priority funding from Homeland Security Grants. The City of Gilroy and Morgan Hill are currently in the process of implementing a South County Radio Channel that will allow interoperable communications between the two cities and all other SCC agencies that respond to South County.

Recommendation 2

Jurisdictions which maintain their own dispatching centers - Campbell, Gilroy, Los Altos, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, the City of Santa Clara, and Sunnyvale; all jurisdictions which use Santa Clara County Communications for dispatch-Cupertino, Los Altos Hills, and Saratoga; the Santa Clara County Sheriff's Office; and Santa Clara County, should continue to work with the Silicon Valley Regional interoperability Association to achieve countywide standardization of radio technology.

Response

The city has been an active participant in the SVRIA for many years and will continue to be an active participant.

2. Rehiring of Pensioners:

Finding 1

In spite of public opinion, there are situations that warrant rehiring pensioners and often it makes good business sense to do so. All managers interviewed follow existing procedures, which allow rehiring of pensioners.

Response

Agree.

Recommendation 1

If the County or City/Town of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale desire to end the practice of rehiring pensioners, they should make that official by means of a policy decision.

Response

If the city of Gilroy wished to pursue such a change in practice, the city would need to ensure that a legally defensible policy decision was designed, reviewed and implemented.

Finding 3

The fifteen towns and cities- Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale-and the County may be inadvertently creating a demand to rehire pensioners because the public sector retirement age is relatively young at 50 (police and fire) or 55 (administrative positions).

Response

Agree in part and disagree in part. In Gilroy, the retirement age for fire personnel is 55. Further, in January of 2011 the city of Gilroy implemented 2nd tier retirement plan for both the police and fire groups. Newly hired police officers receive the 2% at 50 retirement plan and newly hired firefighters receive the 2% at 55 retirement plan. Newly hired firefighters' pension will be determined on a three year average.

Recommendation 3

The fifteen towns and cities- Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale-and the County should continue to pursue a higher retirement age with its public sector unions and associations.

Response

This recommendation has been partially implemented at the City as described above. Further changes and/or new changes to the retirement plans are a subject of future negotiations with each labor group as an item that is a mandatory subject of bargaining pursuant to the Meyers-Milias-Brown Act.

3. Fire Service

Finding 1

It is extremely costly to equip a fire department for only the occasional fire response; the County and fifteen towns/cities have not been proactive in challenging fire departments to adopt changes that are more cost effective and that better serve their communities. Further, unions are more interested in job preservation than in providing the right mix of capabilities at a reasonable cost, using scare tactics to influence the public and fostering firefighter unwillingness to collaborate with EMS.

Response:

The City disagrees with this finding. As reviewed with the civil grand jury, the City has been proactive in working with the South Santa Clara County Fire Protection District ("South County") and Central Fire Protection District ("County Fire") to establish a shared fire ground management system that benefits all three agencies in establishing redundant fire ground management, an essential aspect of establishing a coordinated response to fires, major accidents and emergency responses. Further, the City has proactively negotiated significant changes to its personnel cost structure with the International Association of Firefighters - Local 2805. These "first in the county" reductions include abandonment of previously negotiated salary increases, implementation of second tier retirement benefits, implementation of employees paying the full 9% portion of the employee contribution to their pension cost and a reduction of personnel staffing on fire engines from a minimum of four to three. All of these negotiated items have significantly reduced the City's personnel costs. No other county fire agency, whether agency operated or contracted, maintains as low a second tier retirement benefit as does Gilroy.

Recommendation 1A

All cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) should benchmark and observe best practices from communities that have demonstrated successful changes in response protocol and consolidation efforts, such as in San Mateo County, CA; West Jordan, UT; or Scottsdale, Arizona.

Response:

The City concurs that studying varying service delivery models can be beneficial to fire, rescue and EMS service delivery over the long term. The City actively works with its sister agencies to become knowledgeable of and incorporate and implement the latest best practices to the extent feasible.

Recommendation 1B

All fifteen towns/cities-Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale-and the County (for CCFD and SCFD) should determine the emergency response service they want to achieve, particularly as to the result, then determine how best to achieve that.

Response:

The City has determined and implemented its desired fire service delivery model and operates to provide such to the community. The department operates consistent with its delivery standards as articulated in the City's Fire Services Master Plan including an appropriate response standard within the Gilroy city limits. Additionally, the City is actively represented on the Santa Clara County Fire Chiefs Association, the Santa Clara County Emergency Services Association and coordinates fire and emergency service delivery matters with the Santa Clara County City Managers Association and will continue to do so.

Recommendation 1C

All cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) should collaborate with their fire department, union and political leadership to drive fire department change and develop consistent, joint communications messages for the public.

Response:

The City, for its part, will continue its ongoing efforts with respect to this recommendation.

Finding 2

Based on SCC's fluctuating demand for emergency services, contractually based minimum staffing requirements are not warranted and hinder fire chiefs in effectively managing firefighter staffing to meet time of day, day of week, season of year demand. This wastes money and may drive station closure as budgets continue to erode.

Response:

The City agrees that staffing levels should remain a management right and based on community values and expectations.

Recommendation 2

All cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) and that also have contractual minimum staffing requirements should reopen negotiations with the unions to eliminate this term and any other term that limits a fire chief's ability to "right-size" staffing given the time of day or time of year.

Response:

The City, previous to the civil grand jury's study, negotiated and implemented a change in its mandatory staffing levels on fire engines and trucks downward from a minimum of four to three personnel. This has contributed to substantial savings in personnel and related costs.

Finding 3

Whether the emergency responder is a firefighter-paramedic or an EMS paramedic matters little to the person with the medical emergency; using firefighter-paramedics in firefighting equipment as first responders to all non-police emergencies is unnecessarily costly when less expensive paramedics on ambulances possess the skills needed to address the 96% of calls that are not fire related.

Response:

The City disagrees with this finding. The person in need of emergency medical care intuitively desires the best qualified emergency responder to arrive first. In Gilroy, the fire department arrives first to 90+% of all EMS calls. This makes all the difference in the world to the patient especially as it regards life saving measures. The City only sends paramedic firefighters to fire, rescue and emergency medical calls.

Recommendation 3A

All fifteen towns/cities-Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale-and the County (for CCFD and SCFD) should adopt an emergency services department mentality and staff or contract accordingly to meet demand.

Response:

The City agrees that one of its core functions is emergency response across a multitude of disciplines and has implemented a broad based emergency services focus. The fire department provides fire, rescue and emergency medical services to the City's constituents. Additionally, Gilroy is one of the best prepared jurisdictions in Santa Clara County from an emergency services response standpoint. City personnel, encompassing all disciplines, train monthly in the City's emergency operations center focusing on emergency service response to a host of different emergency types from earthquake to mass prophylaxis to terrorist threat. An emergency services focus includes all departments and disciplines acting in well trained unison to adequately respond to and demobilize from critical situations.

Recommendation 3C

In consideration of non-fire emergencies, all cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) should modify fire department protocols to authorize, incorporate and use less expensive non-firefighter paramedics and non-firefighting equipment.

Response:

This recommendation appears to advocate the creation of a separate class of EMS employee to respond only to medical emergencies. This would entail the monetary investment in both additional personnel and separate capital equipment to serve this need leading to increased costs. Accordingly, it is not apparent that this would result in a cost savings to the City or a reduction in the number of fire fighters needed for adequate fire-only response in a city of approximately 50,000. The number of on-scene capable firefighters is set forth by the Standards of Coverage and OSHA regulation as it applies to firefighting operations and directly affects the ability to fight a fire. The City's standard is to confine a fire to the room of origin the success of which is based on the number of firefighters available to respond on-scene at the same time, response time of those firefighters, and apparatus type.

Recommendation 3D

All cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) should consider ways to extend the service

life of expensive firefighting vehicles by augmenting with ambulance vehicles--either newly purchased as fire apparatus is replaced or in collaboration with the county EMS provider.

Response:

The City has implemented a number of methodologies to preserve apparatus and often augments EMS calls for service with the use of a smaller squad vehicle, the county funded STAR car (type of ambulance) depending upon specific station, staffing levels, county protocol and apparatus availability. The City also carefully maintains its fire apparatus to achieve the maximum life span of the equipment.

Finding 4

Emergency callers care less about seeing their city/town name on the equipment door than receiving timely assistance when needed, and a wide variety of consolidation opportunities offer cities ways to deliver emergency response services at a reduced cost and without compromising service response times.

Response:

City agrees that timely assistance, measured at the lower end of minutes, is the most critical element in the provision of life saving emergency medical service measures and that jurisdictions can continually pursue cost efficiencies in service delivery. The City also recognizes that geography plays an important role in the provision of timely emergency medical services when considering inter-jurisdictional cooperation.

Recommendation 4A

All cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) should evaluate and implement cost-saving consolidations, including administration consolidation, boundary drop, department or regional consolidation, purchasing, personnel training and equipment maintenance.

Response:

The Gilroy Fire Department has previously participated in consolidation studies for the South County region and where practical has implemented ideas that make sense for Gilroy. An example is the sharing of Division/Battalion Chiefs in the South County area, presently underway, which is a cost effective way to maintain required chief officer coverage for larger emergencies. In other areas, the City participates in cost effective annual training events with other Santa Clara County fire agencies as a means of employing a standardized training regimen in particular areas and achieving cost efficiencies.

Recommendation 4B

All cities that manage their own fire department-Gilroy, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale-and the County (for CCFD and SCFD) should consider adopting a vehicle fleet management approach by establishing a county-wide standard for vehicles and equipment, consolidating purchases to take advantage of lowered costs, and consolidating maintenance or revisiting guaranteed maintenance contracts on new vehicle purchases.

Response:

The various county fire departments currently share information on apparatus design which could potentially lead to a consolidated purchasing approach. Because apparatus are designed for a 15 to 20 year lifespan, marriage of the purchase of multiple apparatus with the same type and specification in order to achieve "multiple unit" discount would need to be carefully coordinated amongst agencies to determine if this approach is viable, especially for larger apparatus types that are typically individually tailored by the manufacturer for department specific needs.

CGJ Report Inaccuracy:

There is an error in the civil grand jury report as it applies to the Gilroy Fire Department. The report states that only 1 in 3 fire crew members are trained to respond to medical situations. This is incorrect. All three Gilroy engines are staffed with at least one paramedic. Additionally, all other personnel assigned to Gilroy fire engines are trained to a minimum of the Emergency Medical Technician I level in order to assist the paramedic and otherwise render aid to patients.

Please feel free to contact me or Gilroy City Administrator Thomas J. Haglund if you seek additional information or have any questions regarding this response to the CGJ report.

Very truly yours,

Al Pinheiro
Mayor