

Office of the City Attorney

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September 14, 2011

**HAND DELIVERED**

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

**FILED**

SEP 19 2011

DAVID H. YAMASAKI  
Chief Executive Officer  
Superior Court of CA County of Santa Clara  
BY D. ALDYCKI 

Re: Grand Jury Reports

Dear Judge Loftus:

Pursuant to California Penal Code section 933, et seq., please accept the City's response to the 2010-2011 Santa Clara County Civil Grand Jury Report, "Can You Hear Me Now? Emergency Dispatch in Santa Clara County." The approved City responses and the Grand Jury's Report are enclosed for your review.

Please feel free to contact me if you have any questions. Thank you for your consideration.

Very truly yours,

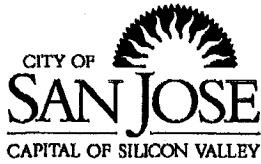
RICHARD DOYLE, City Attorney

By: 

BRIAN DOYLE  
Senior Deputy City Attorney

RD:BD  
Enclosures

cc: Mayor Chuck Reed  
Debra Figone, City Manager  
William McDonald, Fire Chief



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** William McDonald  
Fire Chief

**SUBJECT:** SEE BELOW

**DATE:** August 22, 2011

Approved

Date

9/1/11

**SUBJECT: RESPONSE TO CIVIL GRAND JURY REPORT: "CAN YOU HEAR ME NOW? EMERGENCY DISPATCH IN SANTA CLARA COUNTY."**

### RECOMMENDATION

Accept and approve the staff response to the Civil Grand Jury Report "Can you Hear Me Now? Emergency Dispatch in Santa Clara County."

### OUTCOME

Consideration and acceptance of the staff response to the Civil Grand Jury Report made public on June 15, 2011.

### EXECUTIVE SUMMARY

The Fire Department's detailed responses to the two findings and two recommendations of the Civil Grand Jury report are included in this response. Staff agrees with both findings and recommendations in the Civil Grand Jury report. The ability to implement the recommendations will be dependent upon the willingness and ability of the County cities, fire districts and County of Santa Clara to move forward in a coordinated way.

### BACKGROUND

On June 15, 2011, the Santa Clara County Civil Grand Jury released a report entitled, "Can you Hear Me Now? Emergency Dispatch in Santa Clara County." The report primarily considers the high number of local (operated by a city or district) fire and medical communications centers whether fire only or combined police/fire centers within the County. The Grand Jury report states that the existence of local centers create a seemingly unnecessary duplication of expense and effort when compared with a consolidated regional center. The report also points out that consolidated centers facilitate automatic aid and boundary drops between neighboring fire departments and

that a regional communications center would ensure that agencies from different jurisdictions could effectively communicate during emergencies, thereby making the environment much safer for responders.

According to the report, the Grand Jury interviewed all 15 Santa Clara County City Managers, all Fire Chiefs and Public Safety Chiefs responsible for fire departments, the Presidents of special fire district boards and selected Police Chiefs with a focus on the emergency medical dispatch function. The Grand Jury also received and reviewed budget information from County cities, dispatch data and records from various sources and reviewed Santa Clara County Communications Center response protocols.

The report provides operational and financial justification in support of consolidating local centers into a regional operation. A regional fire and EMS communications center would significantly improve interagency communications, allow cities and districts to take full operational advantage of boundary drops as well as the sharing of resources across jurisdictional boundaries, result in lower costs and faster emergency response times, and facilitate future resource sharing opportunities including full consolidations. However, a key factual error included on page 5 of the report states the following:

“Since County Comm (sic) is already responsible for more fire dispatching than any other dispatch center, and is responsible for *all* ambulance dispatching, the Grand Jury asked interviewees the obvious question: Given that there is duplication in the dispatching function, why maintain a local center?”

According to the report, Santa Clara County Communications (County Comm.) provides fire and EMS dispatching services to the cities of Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Saratoga and the Santa Clara County Fire District. The 2010 annual report for Santa Clara County Fire District, the agency that serves those communities, reported a total of 18,007 dispatched emergency incidents. The City of San José Fire and EMS Communications Center by contrast, processed more than 70,000 emergency requests during that same time period or 3.5 times more than Santa Clara County Communications. Additionally, it is estimated that the cities of Santa Clara, Sunnyvale, Palo Alto and Mountain View account for a sizeable volume of annual emergencies possibly totaling the calls processed by Santa Clara County Communications. It could be concluded from the inaccurate statement and resulting findings, that the report is leading readers to a potential solution (i.e., consolidate all local centers into County Comm as it is stated in the report’s conclusion), when at a minimum, more research is required.

### ANALYSIS

California Penal Code Section 933c requires that a governing body of the public agency which has been subject to a Grand Jury final report shall respond within 90 days to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to

matters under control of the governing body. The code section contains guidelines for responses requiring the City to state one of the following in response to the Grand Jury findings:

- It agrees with the finding.
- It agrees partially with the finding and provides explanation.
- It disagrees wholly with finding and provides explanation.

In addition, for each Grand Jury recommendation, the City is required to report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with an implementation timeframe.
- The recommendation requires further analysis, with an explanation and the scope of the parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion, which shall not exceed six months from the date of publication of the Grand Jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

## **GRAND JURY FINDINGS, RECOMMENDATIONS AND CITY'S RESPONSE**

### **Civil Grand Jury Finding 1**

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

#### **City Response:**

The City of San José agrees with this finding.

### **Civil Grand Jury 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 José, 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.

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**City Response:**

The City of San José agrees with this recommendation. However, its full implementation depends on the willingness and ability of County agencies to collaborate and agree on mutually beneficial relationships. Department Staff has been in discussions with neighboring fire agencies on a variety of relationship agreements that will improve and enhance services to all communities served. These include boundary drops, enhanced automatic aid, the potential for sharing and contracting new services, other regional fire and EMS delivery options, and department consolidations.

**Civil Grand Jury Finding 2**

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

**City Response:**

The City of San José agrees with this finding.

**Civil Grand Jury 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 José, 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 continue to work with Silicon Valley Regional Interoperability Association (SVRIA) to achieve countywide standardization of radio technology.

**City Response:**

The City of San José agrees with and has implemented the recommendation. All fire agencies in the County are participating and support the efforts of SVRIA.

/s/

WILLIAM MCDONALD, Fire Chief

For questions, please contact William McDonald, Fire Chief, at 408-794-6951.

