



## MILPITAS FIRE DEPARTMENT

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September 21, 2011

Santa Clara County Civil Grand Jury  
Superior Court  
191 North First Street  
San Jose, CA 95113

# FILED

SEP 30 2011

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

Presiding Judge,

As you may be aware, during the 2010 – 2011 session the Santa Clara County Civil Grand Jury conducted an inquiry on exploring change in fire departments located within Santa Clara County. This report discussed “how shifting resources, combining skill set and adopting other reforms can improve service, reduce costs and increase fire service/EMS efficiencies.”

The City of Milpitas is responding to the Grand Jury’s Final Report per authority section 933 (c) of the California Penal Code, which requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury Final Report respond within **90 days**, by September 16, 2011, to the Presiding Judge of the Superior Court on the Findings and Recommendations pertaining to matters under the control of the governing body. Please accept my apology for late submittal; our City Council approved our response this week in their meeting.

The California Penal Code requires each agency to respond in agreement or disagreement with each applicable finding; and state whether or not each recommendation has been implemented, will be implemented, or will not be implemented.

Should you have any questions or concerns regarding the enclosed document, please feel free to call me at (408) 586-2811

Respectfully,

Brian E. Sturdivant  
Fire Chief

Enclosure

**Milpitas Fire Department  
Response to the Santa Clara County Civil Grand Jury's Final Report  
"Fighting Fire or Fighting Change? Rethinking Fire Department Response Protocol  
and Consolidation Opportunities."**

**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 mixture of capabilities at a reasonable cost, using scare tactics to influence the public and fostering firefighter unwillingness to collaborate with EMS.**

The Milpitas Fire Department totally disagrees with this finding.

Since the early 1960's, the Milpitas Fire Department and other towns/cities have been represented by their fire chiefs through membership in the Santa Clara County Fire Chiefs Association and its various subgroups. Since inception, the Association has worked to address a wide range of fire service issues to identify and implement changes that are more cost effective and better serve the needs of the communities throughout Santa Clara County.

Together, the fire chiefs develop and oversee programs dedicated to the continued improvement and welfare of Santa Clara County fire services to meet their stated goals and objectives to include:

- Review of legislative developments while providing input through their elected representatives and professional affiliations.
- Serves as the executive advisory body to the Mission College Fire Science program.
- Work collaboratively with the Santa Clara County Emergency Medical Care Committee.
- Support and encourage uniformity in training, delivery of service, fire and hazardous materials codes and ordinances, and operational policies and practices.
- Function as a chapter of California Fire Chiefs Association.
- Elect a Fire and Rescue Mutual Aid Coordinator to manage provision of local and statewide mutual aid on behalf of all of the fire agencies in Santa Clara County.
- Instrumental in the formation and continued support of specialized regional teams for response to hazardous material incidents, technical rescues and potential terrorist attacks.
- Created and support regional incident management/support teams comprised of chief officers from every agency and discipline in Santa Clara County.

While each agency and fire chief enjoy a different relationship with their labor organizations, the Milpitas Fire Department continues to have a cooperative and collaborative relationship with Local 1699. The Milpitas Fire Command Staff has initiated the formal labor/management meeting process which includes the union's executive board to address issues, clarify language, and propose changes to the organization's rules, regulations and policies.

### **Recommendation 1A**

**All cities that manage their own fire department – Gilroy, Milpitas, Mt. 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, AZ.**

The Milpitas Fire Department along with other cities in Santa Clara County has long been engaged in discussions regarding regionalization. The MFD continually reviews response level appropriateness. Each SCC community is unique and the "one size fits all" approach is unrealistic. Milpitas has unique community needs such an EMS and fire response to the SCC Elmwood Correctional Facility. This response is delivered with zero cost off-set from Santa Clara County.

MFD will embark on the Fire Accreditation process through the Commission on Fire Accreditation International. This process targeted for FY 12/13 will include a comprehensive self-assessment and evaluation model that enables fire and emergency services organizations to examine past, current, and future service levels and performance and compare them to industry best practices. This process leads to improved service delivery by helping fire departments:

- Determine community risk and safety needs.
- Evaluate the performance of the department.
- Establish a method for achieving continuous organizational improvement.

### **Recommendation 1B**

**All fifteen towns/cities – Campbell, Cupertino, Gilroy, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mt. 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.**

The Milpitas Fire Department agrees and has identified service delivery standards using NFPA, ISO, and the Commission on Fire Accreditation International and County EMSA performance guidelines that will be integrated into MFD policy. Success will be measured by fire accreditation through the CFAI.

## **Recommendation 1C**

**All cities that manage their own fire department – Gilroy, Milpitas, Mt. 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, join communication messages for the public.**

MFD agrees with this statement. Milpitas is spearheading a collaborative approach to making change; city manager, fire chiefs, union leaders, and politicians will look to regularly meet and collaborate in making decisions, and then develop a strategy to effectively articulate the proposed change to the public.

## **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.**

The MFD has contractually bound minimum staffing requirements per current MOU which is set to expire in Dec. 2012. Current minimum staffing levels include three person staffing on all front line apparatus (Truck/USAR 1, E1, E2, E3, T4) for a total of 15 per shift.

The MFD minimum staffing is a component of the MOU between the Milpitas Fire Department and the International Association of Firefighters Local 1699. This MOU component will be opened for future discussion when the current contract expires Dec. 31, 2012

## **Recommendation 2**

**All cities that manage their own fire department – Gilroy, Milpitas, Mt. 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 negotiation 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.**

The MFD minimum staffing is a component of the MOU between the Milpitas Fire Department and the International Association of Firefighters Local 1699. This MOU component will be opened for future discussion when the current contract expires Dec. 31, 2012

### **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.**

MFD is not aware of the call analysis or any studies which identify that 96% of calls that are non-fire related can be handled by paramedics on an ambulance. This finding lacks sufficient detail to fully address the issues to which it refers.

Table 2 in the Grand jury report indicates that approximately 4% of calls are for fires, 70% of calls are for emergency medical service, and 26% of calls are for “other” – a classification that includes rescues, hazardous material responses, alarm activations, and a number of other types of calls for service. The assertion that “less expensive paramedics on ambulances possess the skills needed to address the 96% of calls that are not fire related” does not stand up to scrutiny.

Paramedics on ambulances would not possess the skills, nor the equipment, to deal with the 26% of calls involving technical rescues, hazardous materials releases, or even fire alarm activations. Furthermore, an undetermined percentage of medical emergencies would not have their emergency medical need met by paramedics on ambulances. The response to many emergency medical services calls require additional personnel just for lifting, carrying, performing CPR, patient treatment on scene, patient treatment while en-route to a facility, victim extrication, patient packaging and loading.

To properly address the issue, one must weigh several factors and consider cost of any given service against the operational benefit. The cost effectiveness and operational efficiency of an emergency medical system which relies solely upon paramedics assigned to ambulances servicing all of Santa Clara County would require a substantial amount of study.

### **Recommendation 3A**

**All fifteen towns/cities – Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Milpitas, Mt. 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.**

The MFD is not sure what the Grand Jury is referencing in regards to adopting an “emergency services department mentality”. Milpitas Fire feels it has implemented the recommended action.

Through utilizing the historical nomenclature of the traditional fire department, the Milpitas Fire Department has never been a single service, fire only provider. Since formation in 1954, a range of service, including EMS has been provided. Today, the Milpitas Fire Department is an all-hazard emergency services organization providing fire suppression, basic and advanced rescue, advanced life support first response medical services, hazardous material and technical rescue response, fire inspection, fire investigation, disaster preparedness and public education to the community. This mentality is evident in the organizations stated Mission, Vision, Values and Goals. Additionally, The MFD is staffed in a manner consistent with these guiding principles in mind.

### **Recommendation 3B**

**The County should modify its approach to mandating (through direct contract or through the EMS provider contract) that fire departments serve as first-responder, reserve the use of firefighting vehicles for fire events, and enable the EMS contractor to be first-responder.**

To properly address the issue, one must weigh several factors and consider cost of any given service against the operational benefit. The cost effectiveness and operational efficiency of an emergency medical system which relies solely upon paramedics assigned to ambulances servicing all of Santa Clara County would require a substantial amount of study.

### **Recommendation 3C**

**In consideration of non-fire emergencies, all cities that manage their own fire department – Gilroy, Milpitas, Mt. 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.**

This recommendation requires further analysis. Non –firefighter paramedics on ambulances would not possess the skills, nor the equipment, to deal with the 26% of calls involving technical rescues, hazardous materials releases, or even fire alarm activations. Furthermore, an undetermined percentage of medical emergencies would not have their emergency medical need met by paramedics on ambulances. The response to many emergency medical services calls require additional personnel just for lifting, carrying, performing CPR, patient treatment on scene, patient treatment while en-route to a facility, victim extrication, patient packaging and loading.

### **Recommendation 3D**

**All cities that manage their own fire department – Gilroy, Milpitas, Mt. 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.**

This recommendation requires further analysis. Further study is necessary to determine if the deployment of an additional vehicle to selected fire companies would be cost beneficial. Ambulance vehicles would be appropriate only if it were anticipated that patients would be transported, a decision that is within the control of the County EMS Agency. If patients are not to be transported, the use of other types of non-firefighting utility vehicles might be appropriate for response to some types of calls to reduce the wear and tear on fire apparatus, thus extending service life. The cost of purchase, maintenance and replacement of such utility vehicles must be weighed against the costs avoided by extending the service life of a particular piece of fire apparatus by specific number of years.

### **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.**

While the premise of this statement is true, the City of Milpitas takes great pride in its public safety entities and how these entities (MFD and MPD) are tied to the community identity. The MFD has been involved in regional service delivery discussions and has executed automatic aid agreements with the City of San Jose Fire and mutual aid agreements with the City of Fremont Fire. Although there has been no discussion regarding boundary drops, both agreements are currently under review for revisions and upgrades.

Recent progress is being made with the development of a “joint” Assistance for Firefighting Grant (AFG) between the Milpitas Fire Department and the Sunnyvale Department of Public Safety. This technology upgrade grant process (portable, mobile and base radios) is led in part by the Silicon Valley Regional Interoperability Authority (SVRIA).

As the Milpitas Fire Department transitions to fire accreditation, the department will embrace a non-traditional enterprise philosophy. Consolidations, contracts, customer services, regional approaches and public/private partnerships are all strategic approaches that will be considered to enhance emergency service delivery.

#### **Recommendation 4A**

**All cities that manage their own fire department – Gilroy, Milpitas, Mt. 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.**

This recommended action requires further analysis. MFD participates in regional training academies through the Santa Clara County Joint Fire Academy program. Recent progress is being made with the development of a “joint” Assistance for Firefighting Grant (AFG) between the Milpitas Fire Department and the Sunnyvale Department of Public Safety. This technology upgrade grant process (portable, mobile and base radios) is led in part by the Silicon Valley Regional Interoperability Authority (SVRIA).

Milpitas Fire will soon begin working with the Santa Clara County Executive’s Office, the Santa Clara County Fire Chiefs Association, the Santa Clara County City Manager’s Association and the labor organizations representing firefighters from throughout Santa Clara County to complete a cost/benefit analysis for consolidation of all fire service delivery in Santa Clara County.

This report is due to the Santa Clara County Board of Supervisors in November 2011.

#### **Recommendation 4B**

**All cities that manage their own fire department – Gilroy, Milpitas, Mt. 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.**

Joint purchases and sharing of reserve fire apparatus, regional equipment maintenance and management is currently under discussion within the Santa Clara County Fire Chiefs Association.