



**CITIES/SPECIAL DISTRICTS
COMMITTEE**



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CITIES/SPECIAL DISTRICTS COMMITTEE

INTRODUCTION

The Cities/Special Districts Committee reviews the following public officials and departments:

- City Administrators
- City Clerks
- City Councils
- City Engineers
- City Managers
- City Planners
- Fire Districts
- Local Agency Commissions
- Mayors
- Special Districts, *i.e.*, Air Pollution Control
- Ambulance Service
- Cemetery
- Community Service
- Fire Protection
- Health Care
- Law Library
- Lighting
- Memorial Buildings
- Public Utility
- Public Works
- Reclamation
- Recreation and Parks
- Sanitation, Waste Water

In the course of the Committee's reviews, the following agencies and locations were visited:

- California Highway Patrol - Dispatch Center
- County Fire Districts in Rancho Cucamonga, Rialto and Yucca Valley
- Cities, towns, and districts: 29 Palms, Apple Valley, Colton, Needles, Hesperia, Newberry Springs, Ontario, Rancho Cucamonga, Rialto, San Bernardino, Upland, Victorville, Yucaipa, and Yucca Valley

- City Managers in Ontario and Yucca Valley
- ConFire Dispatch Center in Rialto
- County Fire Districts and City Fire Departments in Rancho Cucamonga, Rialto, Yucca Valley, Hesperia and Ontario
- Finance Directors in Apple Valley, Ontario and Yucaipa
- Inland Counties Emergency Medical Agency, joint with Inyo and Mono Counties
- Mayor of Upland
- Rancho Cucamonga Animal Care and Adoption Center
- San Bernardino County Fire Chief
- Victor Valley College Police Department

The following reports are being issued:

- Prehospital Emergency Medical Services
- Rancho Cucamonga Animal Care and Adoption Center
- Victor Valley College Police Department

PREHOSPITAL EMERGENCY MEDICAL SERVICES

BACKGROUND

Grand Jury members have observed commercial ambulances, public agency ambulances, fire engines, fire trucks, and various combinations of these resources respond to medical aid emergency 9-1-1 calls. Wishing to understand why a fire engine shows up when there is no fire, why in some areas a commercial ambulance responds while in other areas a fire department's ambulance responds, and if these different practices have different impacts to taxpayers, the Grand Jury decided to investigate. This investigation involved reviewing:

- The Emergency Medical Services (EMS) system
- The local implementation and oversight of EMS
- EMS communications and dispatching processes

In 1966, the National Highway Safety Act charged the U. S. Department of Transportation with developing emergency medical services systems standards and with assisting the states to upgrade the quality of their prehospital emergency care. This act, along with the 1973 Emergency Medical Services System Act, guided the early years of EMS growth at the regional, state, and local levels. Prior to 1980, California did not have a central state agency responsible for ensuring the development and coordination of EMS programs. In 1980, California's Emergency Medical Services System and Prehospital Emergency Care Personnel Act (SB 125) was signed creating the state's Emergency Medical Services Authority and adding Division 2.5 to the California Health and Safety Code.

FACTS

Local Implementation and Oversight of EMS

Division 2.5 of the code allows each county to develop an emergency medical services program, and requires the county to designate a Local Emergency Medical Services Agency (LEMSA). The Inland Counties Emergency Medical Agency (ICEMA) is the LEMSAs for San Bernardino County. ICEMA is a joint powers agency in a partnership with Inyo and Mono Counties.

Section 1797.222 of the Health and Safety code states: *“A county, upon the recommendation of its local EMS agency, may adopt ordinances governing the transport of a patient which is receiving care in the field from prehospital emergency medical personnel...”* It also requires: *“The ordinances shall, to the extent possible, ensure that individual patients receive appropriate medical care while protecting the interest of the community at large by making maximum use of available emergency medical care resources.”* When such ordinances are enacted, ICEMA is responsible for their implementation and oversight. ICEMA’s mission statement is to *ensure an effective system of quality patient care and coordinated emergency medical response by planning, implementing and evaluating an effective emergency medical services system including fire department and public ambulances, prehospital providers and hospitals, including specialty care hospitals, such as trauma and cardiac care hospitals.*

ICEMA is empowered per section 1797.224 of the code to *“create one or more exclusive operating areas in the development of a local plan, if a competitive process is utilized to select the provider or providers of the services pursuant to the plan.”* Within San Bernardino County ICEMA has established 27 Exclusive Operating Areas (EOAs) for ambulance services designated as urban, rural, or wilderness areas. Ambulance services for these areas are provided by private companies or public fire departments. All private providers are required to enter into a performance-based contract; with the appropriate oversight agencies public providers are required to enter into a Memorandum of Understanding (MOU) with ICEMA.

Private providers are not awarded using a bid price methodology, nor has ICEMA performed an economic evaluation of the EOAs. EOA contracts are awarded based upon level of service commitments and guarantees offered by bidders without income to the County. ICEMA does, however, charge an oversight fee for administrative costs. ICEMA limits the maximum amount EOA contractors may charge the public for their services since they operate as local monopolies. Awarded contracts contain a detailed methodology for ensuring compliance with ICEMA policies and procedures by the contractor with an emphasis on response time compliance, and provide for financial penalties for non-compliance. ICEMA compiles and publishes an annual report for all performance-based contracts within San Bernardino County.

Not all areas of the County are included in EOAs. The Health and Safety Code allows cities and districts which contracted for, or provided as of June 1, 1980, prehospital emergency medical services to be continued at not less than the existing level until such time as they have requested and entered into an agreement with the County. Cities and districts wishing to continue providing their own ambulance services do so by not entering into a contract with the County. This is the avenue by which some cities and

districts are still found providing public agency ambulance services within their local boundaries. These agencies, although not ICEMA administered EOAs, are bound by a MOU to comply with ICEMA policies and procedures including medical protocols and certain data reporting requirements, such as incident response times.

Individual agencies record and report their response times differently. In recognition of these data inconsistencies and other associated problems, ICEMA is moving toward the Countywide adoption of a single software package which will capture response times in a consistent manner, record patient care information, facilitate the electronic transfer of data, and other useful functions.

EMS Communications and Dispatching Processes

Within San Bernardino County all 9-1-1 calls, cell and landlines, are routed to a law enforcement agency. If the caller is requesting medical assistance, the law enforcement call center transfers the call to one of several fire and medical aid dispatch centers, based upon the location of the incident. One such center is the Consolidated Fire Agencies of the East Valley in Rialto, also known as “ConFire.”

ConFire answers calls by following a uniform computer-based script. Following the script allows for the gathering of basic information about each incident such as a callback phone number, the incident location and the nature and seriousness of the problem. Collecting this information can be difficult because of a chaotic scene and caller stress and anxiety. Based upon the information provided by the caller, the system assigns a “determinate code” indicating, on a graduated scale, the nature and seriousness of the incident.

ConFire does not make dispatching decisions about what resources to send to a particular incident. Rather, it executes the pre-defined plans of each supported agency based upon each incident’s specifics.

Historically, in accordance with the Health and Safety Code, all medical aid calls have been processed as high-level life-threatening incidents. The EMS system is required to “*ensure that individual patients receive appropriate medical care... by making maximum use of available emergency medical care resources.*” ConFire and the County’s Fire Chiefs are defining and implementing process changes which will allow for dispatching resources at a level dictated by the patient’s medical care requirements.

ConFire achieved accreditation from the National Academies of Emergency Dispatch in February of 2011. Fire professionals agree this is a significant

accomplishment. Maintaining accreditation requires ongoing quality control reviews to ensure the thoroughness of data collected. With effective data, accurate determinate codes are assigned, and a member agency's response plans can be individually linked to these codes. With reliable codes, ConFire's agencies can now review their dispatching plans for efficiency improvements. Implementation of proposed changes will require approval by each agency's governing body.

Possible improvements may include dispatching a basic life-support ambulance, responding without lights and sirens, for a simple non-life-threatening transport; this as opposed to both an ambulance and paramedic fire engine responding with lights and sirens. For non-life-threatening responses, not only would the patient receive the appropriate level of medical care, but responders would not be unnecessarily endangered. Such changes may facilitate certain cost savings by reducing the number of personnel at some incidents, reducing equipment related expenses, and operating supply costs. In life-threatening incidents, when getting appropriate personnel on the scene quickly is essential, dispatching multiple units may still be appropriate.

Accounting for Ambulance Services

Cities and districts which have retained ambulance transport as a component of their agency's service may charge their patients in accordance with ICEMA established rates.

In financial reporting by cities and districts, the incremental revenue generated from ambulance service's billings is generally found clearly highlighted. Costs associated with cities and districts providing medical aid services, and even more discreetly the costs for providing ambulance services, were not identified separately in reviewed financial documents.

For cities or districts utilizing private ambulance services, there are no accounting issues or a public agency financial impact.

Ambulance Service Subscription Programs

Some cities and districts offer an ambulance subscription program. The program offers membership for property owners who may pay for all or part of their ambulance fees. The Grand Jury was unable to determine whether these programs are cost-effective.

FINDINGS

1. Reporting of EMS response times is not standardized throughout the County. However, improvements in ambulance response time measurements are being implemented to ensure public safety objectives are maintained. This is being accomplished via a Countywide adoption of a software package, which is being adopted nationwide.
2. ConFire’s gaining accreditation was a key stepping stone to enable the members and contracted agencies to pursue updates for their EMS resource response plans.
3. ConFire is the only dispatch facility in the County accredited by the National Academies of Emergency Dispatch.
4. Some fire management personnel within the County recognize not all medical emergencies require dispatching a large number of resources.

COMMENDATION

The Grand Jury commends the Consolidated Fire Agencies of the East Valley for achieving and maintaining accreditation from the National Academies of Emergency Dispatch, along with the participating Fire Chief’s efforts for enabling paradigm shifting changes to prehospital emergency medical service’s resource response plans.

RECOMMENDATION

- 13-1. Continue to work toward achieving a standard response time measurement through adoption of the software package. (Finding 1)

Responding Agency	Recommendations	Due Date
ICEMA Administrator	13-1	09/28/13

RANCHO CUCAMONGA ANIMAL CARE AND ADOPTION CENTER

BACKGROUND

In December 2012, the Grand Jury received a complaint alleging cruelty to animals at the Rancho Cucamonga Animal Care and Adoption Center (RCAC). Some of the allegations did not fall within the purview of the Grand Jury.

The original complaint allegations concerning the operation of RCAC were as listed below:

1. Dogs confined to crates for long periods of time without exercise.
2. Staff discharging firearms on the RCAC grounds in violation of City Code Ordinance 9.04.010.
3. Funds raised at charity events were not used exclusively for the benefit of animals by RCAC.
4. Claims of a higher rate of adoption than was actually experienced.
5. Off-site animal adoptions, dog training classes and other programs have been reduced or discontinued.

FACTS

In 1998, the California Legislature enacted Senate Bill 1785 (SB 1785), also known as the Hayden Law, in an effort to reduce the rate of euthanasia of animals in California's animal shelters and to facilitate adoption and owner redemption of animals as alternatives to euthanasia, while improving the overall living conditions of animals entrusted to the care of those shelters. SB 1785 indicates the Legislature's intent by establishing standards of care for animals in California's animal shelters,

- Imposing mandatory holding periods for stray animals to allow owners to find lost animals or for adoption,
- Requiring that all animals be scanned for microchip identification upon impound,
- Actively promoting adoption either to individuals directly or through rescue groups, rather than euthanasia. Provisions of the Hayden Law are codified in the California Food and Agricultural Code, Civil Code and Penal Code.

The RCAC was constructed in 1993 and at the time was managed by San Bernardino County. In 2005, the Rancho Cucamonga City Council authorized the city taking over the animal program from the County. In 2006, city staff was hired and renovation was completed. RCAC officially opened May, 2006.

Grand Jury Investigation

1. The Grand Jury made three separate visits to the RCAC. The first visitation was on February 13, 2013, during an Open House. The purpose of the Open House was to stimulate interest in adopting a pet and for the community to observe the day-to-day operation.

The second visit by the Grand Jury was with the Director of RCAC before it was open to the general public on March 8, 2013. A tour of the facility led by the Director was given including the cleaning of cages, feeding, exercise yard and adoptions areas. The Director answered all questions regarding the operation of the center. These questions included financial reports, rehabilitation and training of all types of dogs not concentrating on one breed, fund raising events for the benefit of all the animals, foster care of newly born kittens and pups, euthanasia and future plans for RCAC.

The third visit was unannounced and took place April 2, 2013. During this visit the Grand Jury toured the facility led by an officer. The Grand Jury observed cleanliness of the facility, the personal care given all animals, outreach programs, accounting of funds, rehabilitation/training of all breeds of dogs, which are well within compliance with the Hayden Law. It was noted that cats were released from their cages and placed in “free roaming rooms.” The rooms were also used to showcase cats for adoption. There were accommodation rooms for cats with surgeries or disabilities. There is a fenced-in area in the main lobby where rabbits could exercise. All cats, rabbits and other animals had beds or blankets for comfort.

On all three visits the Grand Jury saw animals in stainless steel crates and dogs in outside and inside concrete-floored kennels. Each cage or kennel had either a built-in hammock-type bed, or blankets and towels provided for comfort. Each cage or kennel had food and water, floors were washed and blankets or towels were frequently changed. Each cage or kennel had sufficient height or floor space for the animals to stand up, sit down, and turn-about freely using normal body movements without the head touching the tops of enclosure and able to lie down with limbs outstretched.

Other provisions for the comfort of animals include:

- An outside yard is used for exercise. Staff members supervise the exercise of dogs in a covered, sand filled yard at least three days a week, with help from citizen volunteers.
- Like-sized dogs are grouped together for exercise and play.
- During the noon hour people from the community, including employees, come to the center to walk dogs.
- The dog play area when not in use for exercise is devoted to training and rehabilitation, and a meet-and-greet with potential adopters.
- The Center has a program called “No Dog Left Behind” where dogs who do not play well with others are given a chance to exercise alone. No animals were observed being mistreated.

At no time during the three visits, announced or unannounced, was adverse action toward animals, caged or free-roaming, observed. The cages were clean and size-appropriate and blankets or towels were provided for comfort and warmth. The center has industrial washers and dryers in use 12 hours per day for blankets and towels. The washing, drying and folding of the blankets are maintained by a group of special needs volunteers. No animal appeared sick or underfed. There were volunteers or a staff member in all areas inspected by the Grand Jury. A veterinarian and veterinarian technicians are on staff and were present for evaluation of in-coming animals.

2. The Grand Jury investigated the allegation of a weapon discharge on RCAC property. The only gun on the premises is a tranquilizer dart gun used for emergencies and is secured in a locked safe. The gun was used once at the center to control an aggressive animal during in-take two years ago. All staff are trained in usage of the dart gun at the City Yard as part of ongoing training and condition of employment. Due to the lack of evidence, the Grand Jury was unable to substantiate this allegation.

3. The Grand Jury investigated the concerns that monies were going to benefit Victoria Gardens Cultural Center versus the RCAC. Monies from outside events and personal donations are deposited in a 501(c)(3) umbrella organization with five other charities supervised by the Rancho Cucamonga Cultural Arts Foundation (RCCAF). Only RCAC personnel can withdraw from this account which is ear-marked for the RCAC. Monies collected from donations or funds raised for RCAC must be used for the benefit of the animals.

The RCAC holds monthly and yearly fund-raising events which netted approximately \$58,000 in 2012 and is added to the monies from the general fund and deposited in the RCCAF 501(c) (3) account. At the end of the fiscal year, after expenses are paid, the remaining balance is rolled-over for the next year.

The Grand Jury received and reviewed a copy of the City of Rancho Cucamonga's fiscal year 2012-2013 Annual Budget Summary for Animal Care and Services. It should be noted that each year the RCAC receives a budget line item of approximately \$2,000,000 from the City General Fund to operate the center. This money is allocated for full time employee's salaries, overtime, benefits, operation and maintenance. The center has 29 employees. It has been documented that volunteers donated approximately 10,000 hours in 2012. The center's management recognizes the volunteers as a valuable resource in the day-to-day operations of RCAC.

4. The Grand Jury received published documentation of statistics presented to the City referencing the RCAC field officer calls, licenses sold, intake of live animals, adoption, and euthanized animals. Included in the statistics are birds, hamsters, rabbits and wildlife returned back into the wild after being rehabilitated.

Total animal intake for 2012 were 5,390 of which 785 were euthanized for various reasons, i.e. sick, injured or overly aggressive animals who could not be trained or rehabilitated. Adoption rate was 84%.

5. The Grand Jury found no evidence during the visits that programs such as "play day" for dogs were reduced or discontinued. RCAC is continuing off-site adoption promotions and implementing more community outreach programs. RCAC is targeting low-cost spay and neuter days and no-cost microchip clinics. These costs are funded from the \$58,000 raised from donations and charity events sponsored by RCAC.

FINDINGS

1. Dogs are not confined to cages for long periods of time.
2. There is no evidence of a weapon discharged on the RCAC grounds.
3. Funds raised and donations to RCAC are directed exclusively to the RCAC account.
4. Adoption rates are accurately reported by RCAC.
5. Programs promoting the RCAC have not been discontinued or deleted.
6. Management, staff and volunteers, exhibit professionalism and commitment in the operation of RCAC.
7. RCAC is transparent in its operation.

VICTOR VALLEY COLLEGE POLICE DEPARTMENT

BACKGROUND

The Grand Jury received a citizen's complaint regarding the Victor Valley College (VVC) Police Department. The Grand Jury investigated whether the VVC Police Department was in compliance with applicable laws and regulations.

VVC is located in Victorville with enrollment in excess of 10,000 students and a commensurate level of faculty and staff. The campus operates from early morning hours to late evening hours. Additionally, the campus frequently serves as a location for community events and cultural activities. The VVC Police Department is responsible for security and safety for its students, faculty and visitors.

FACTS

The Peace Officer Standards and Training (POST) Program is voluntary and incentive-based. Participating agencies agree to abide by the standards established by POST. More than 600 agencies participate in the POST Program and are eligible to receive the Commission's services and benefits. Currently, the VVC Police Department is not a POST participating agency but operates as a department in voluntary compliance with POST standards.

California Penal Code Section 832.3(f) requires that police officers employed by a California Community College district complete a basic course of training prescribed by POST before exercising the powers of a peace officer. There are currently two classifications of officers assigned to the VVC Police Department: Police Officer and Public Safety Officer. Public Safety Officers do not have "peace officer" status and are assigned lesser duties. Public Safety Officers are not required to complete a basic POST training course. Currently all of the police officers employed by VVC Police Department have completed the basic training course prescribed by POST.

FINDINGS

1. VVC Police Department is complying with legal requirements that police officers complete a basic POST training course.
2. VVC has been working with POST to attain participating member status for the agency. Member status will enhance training resources and opportunities for VVC Police Officers.

RECOMMENDATIONS

13-2. The Board of Trustees completes the application process in order for the VVC Police Department to become a participating POST agency. (Findings 1, 2)

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Due Date</u>
Victor Valley College Board of Trustees	13-2	08/28/13