



CITY OF HOLLISTER

375 FIFTH • HOLLISTER, CA 95023-3876

October 2, 2023

San Benito County Superior Court
Attn: Honorable J. Omar Rodriguez, Presiding Judge
450 Fourth Street
Hollister, CA 95023

RECEIVED

OCT 10 2023

Superior Court of California
County of San Benito

Dear Judge Rodriguez,

The City of Hollister has received the 2022-23 San Benito County Grand Jury Final Report. I am writing in response to the findings and recommendations set forth in the report in regard to traffic calming measures.

Findings and Recommendations

Finding 1

The previous Hollister City Council did not comply with CA Fire Code section 503.4.1, when they did not elicit input from the Fire Chief or his designee prior to the installation of any and all traffic calming measures.

F-1 Response. Agreed.

Recommendation 1

The Hollister City Council and the Hollister Fire Department should develop a formal policy and procedures for working collaboratively and transparently regarding installation of all traffic calming measures for a positive outcome for the community.

R-1 Response. Agreed. On August 21, 2022, the City Council adopted a Traffic Calming Project Policy and Procedures and a Speed Cushion Policy and Procedures.

Finding 2

The City Council has taken steps to conduct community outreach in regard to traffic concerns on Avenida Cesar Chavez and Memorial Drive.

F-2 Response. Agreed.



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Recommendation 2

The City Council should continue to engage with the community regarding traffic concerns on City streets.

R-2 Response. Agreed. The City Council will continue to engage with the community regarding traffic concerns on City streets.

Finding 3

According to the Fire Department, Ladd Lane, Buena Vista Road, and Sally Street have all received a mixture and overabundance of traffic calming measures.

F-3 Response. Agreed.

Recommendation 3

The Fire Department, the City Council and Traffic engineers should work collaboratively and transparently to review all existing and proposed traffic calming measures and mitigate concerns before the end of this calendar year.

R-3 Response. Agreed. The Fire Department, City Council, and Traffic Engineers will work collaboratively and transparently to review all existing and proposed traffic calming measures and mitigate concerns before the end of this calendar year. On August 22, 2023, the Engineers and Fire Department met and discussed the San Benito County Grand Jury Report. On August 23, 2023, the City Engineer began providing plans and information regarding existing and proposed traffic calming to the Fire Department. The City's Engineering and Fire Department are actively reviewing all traffic calming measures.

Finding 4

The previous City Council did not have a formal policy or procedure for implementing traffic calming measures.

F-4 Response. Agreed.



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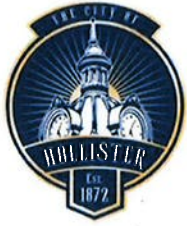
Recommendation 4

The Hollister City Council should develop a formal policy and procedures regarding installation of future traffic calming measures, that includes canvassing residents of streets proposed for installation of traffic calming measures, as well as residents of ancillary streets.

R-4 Response. Agreed. On August 21, 2023, the City Council adopted a Traffic Calming Project Policy and Procedures and a Speed Cushion Policy and Procedures. Both Policies and Procedures address canvassing residents of streets proposed for installation of traffic calming measures, as well as residents of ancillary streets.

Respectfully submitted,

David A. Mirrione
City Manager



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Findings and Recommendations

Finding 1

Changes to local roadways, including speedbumps, roundabouts, realignment and “traffic calming measures” have an impact on emergency response times, and may potentially increase damage and maintenance to emergency response vehicles.

F-1 Response. Agreed.

Recommendation 1

2019 California Fire Code (CFC) Section 503.4.1 states that “Traffic calming devices shall be prohibited unless approved by the Fire Code Official”. The city, county and Hollister Fire administration must **communicate and work collaboratively** on any changes to local roads in order to minimize negative impacts to fire and emergency response personnel and the community.

R-1 Response. The Fire Department, City Council, and Traffic Engineers will work collaboratively and transparently to review all existing and proposed traffic calming measures and mitigate concerns before the end of this calendar year. On August 22, 2023, the Engineers and Fire Department met and discussed the San Benito County Grand Jury Report. On August 23, 2023, the City Engineer began providing plans and information regarding existing and proposed traffic calming to the Fire Department.

The 2019 California Fire Code (CFC) Section 503.4.1 will be adhered to “Traffic calming devices shall be prohibited unless approved by the Fire Code Official”.



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Finding 2

Over 12 months ago, the Fire Department Union members voted to implement the "48/96" schedule plan. This plan is favored especially by those staff with significant commute times. Additionally, it will likely have a positive effect on the ability to recruit as well as retain firefighting staff.

F-2 Response. Partially Disagree.

A "48/96" shift schedule provides a schedule for the extended commuter. The Hollister Firefighter is an emergency service employee with the requirement of emergency callback for the largescale incident. In instances where callbacks have been executed, firefighters have not responded or cannot respond due to extended travel times. The City of Hollister-Hollister Firefighters Union M.O.U.: 7-1-21- to 6-30-24 Article 13. Miscellaneous, Paragraph A. Residency. States "Unit employees hired after ratification of this M.O.U. shall within eighteen (18) months of employment, be required to move within ninety (90) driving minutes of the City of Hollister city limit. Upon request, the "Residency Limit" Period of an employee of this unit may be extended by the Department Head, for a reasonable period, not to exceed three (3) months." This provision of the M.O.U. identifies the need for a 90-minute travel time for such callback occurrences. The "48/96" shift schedule may encourage firefighters to move outside of the 90-minute response area. Therefore, adequate staffing for the largescale event would be compromised.

Respondent agrees that a positive effect on the ability to recruit as well as retain Firefighters may transpire.

Recommendation 2

The "48/96" scheduling management plan, as approved by the union, should be implemented as soon as possible and certainly within the next 6 months, including necessary updates and modifications to the policy and procedure manual.

R-2 Response. The recommendation requires further analysis of the effect on operations from the current "4/6" shift schedule to the proposed "48/96" shift schedule. This recommendation would be operative providing staffing levels significantly increased to cover staffing gaps throughout the ranks. This action must also be met and conferred as identified in The City of Hollister-Hollister Firefighters Union M.O.U.: 7-1-21- to 6-30-24 Article 12. Working Hours, Paragraph 4, "The Union and City agree that the normal shift for the Department will be known as the 4/6 schedule. Any personnel required to change shifts will rotate duty in such a manner so that the cycling will be completed in a twenty-eight (28) day period." Adequate analysis would require six months from start of study.



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Finding 3

Emergency personnel are exceptionally exposed to both physical and mental health stressors. Staff are highly aware of the toll their chosen career exacts on the body and mind. Mental health services and peer support are available however, participation is not encouraged, and resources are underutilized.

F-3 Response. Agree.

Recommendation 3

Mental health services, critical incident stress management and a formal peer support team should be implemented as the highest priority. Mental health professionals must be incorporated into regular stress management debriefing. **Discontinue the current practice of using ranking staff to conduct stress management debriefs, a practice that is deeply contrary to internationally recognized CISM standards because it fails to create an environment in which personnel can speak freely.**

R-3 Response. The City of Hollister is in collaboration with the Monterey Bay Area Self Insurance Authority (MBASIA). As a member of MBASIA, the consortium provides an employee assistance program for an all-in-one mental health, employee wellbeing solution dedicated to first responders. A component of the wellbeing solution is the critical incident response (CIR) deployment, where crisis response counselors provide support onsite to help employees process the situation.

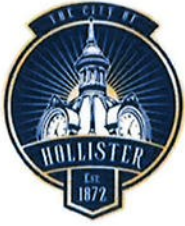
This service was in development in 2022 and is in effect as of August 1, 2023.

Finding 4

Policy and Procedure manuals are not updated, maintained, clear and available to all personnel. Management lacks continuity between shifts as well as stations causing dissent amongst personnel. As staff members are promoted to management positions, there is a lack of training and mentoring for those newly promoted staff.

F-4 Response. Partially Disagree.

The Hollister Fire Department is currently replacing an antiquated version of Policies and Procedures. Adoption of the revised policies requires collaboration with the Command Staff, Firefighters Association, and Human Resources. This process requires the overview of Federal Labor Law, State Labor Law, City of Hollister, Personnel System Rules and



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Regulations, and The City of Hollister-Hollister Firefighters Union M.O.U.: 7-1-21- to 6-30-24. All Personnel have access to the policy website and mobile app and are required to acknowledge policies as they are published.

Respondent agrees. Management lacks continuity between shifts. Each management style varies from individual to individual and can result in dissent amongst personnel.

Respondent agrees. Staff members that have promoted to management positions lack training and mentoring to perform in areas of greater responsibility. The current training curriculum and position task book shall be reinforced with additional decision-making process and leadership development coursework. Mentorship shall be closely monitored throughout the promotional probationary period.

Recommendation 4

Policy and Procedure manuals should be clear, regularly maintained, and readily available to all personnel. The Chief and Battalion Chiefs should reference these materials to support their troops and the mission regularly. The Chief and Battalion Chiefs would benefit from additional leadership training courses.

R-4 Response. The Hollister Fire Department Policy and Procedures manual that is in current operation will be completely replaced by an updated and routinely maintained policy manual. Although the policy manual is the sole responsibility of the Fire Chief to develop and publish, it is the intent of the Command Staff to foster input and collaboration from the firefighters association.

The Hollister Fire Department Policies and Procedures shall be referenced and enforced throughout every step of daily operation.

The Fire Command staff will benefit from leadership training courses that address current technology, generational challenges, and group dynamics.

Respectfully submitted,

David A. Mirrione
City Manager

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Finding 1

The shelter remains critically understaffed. Staffing issues negatively impact the ability to provide necessary services to the community, as well as the opportunity to attend required ACO training. Hiring requirements and background investigations may take three to six months to complete for new hires.

F-1 Response. Disagree.

Recommendation 1

The City could enter into a provisional hiring agreement for a kennel attendant or other staff member, with limited duties and responsibilities, once a preliminary background investigation is complete. This provisional agreement may be terminated or made permanent once the entire background process is completed.

R-1 Response. Disagree.

The Animal Shelter has the most funded positions in the history of the shelter at this time. There is one Supervisor, three Animal Control Officers, two Animal Control Officer Assistants, one part time Kennel Assistant and one Support Services Assistant in the front office budgeted. City staff has followed the recommendations of the Ad Hoc Committee and implemented this plan to add the clinic and the Veterinarian and Veterinarian Tech during the budget process. Staff also recommended the additional Animal Control Officer Assistant (ACOA) and the City Council agreed and added that second position to the budget which was passed in June of 2023.



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Currently, the city has a new ACOA position and the Kennel Assistant positions open. We are in the beginning stages of constructing the clinic and the hiring of the Veterinarian and Vet Tech.

The city is not opposed to considering the addition of more staff. However, that would occur only after filling all open positions and then evaluating the workload on those staff members.

The City of Hollister and the Hollister Police Department also disagree with the recommendation of provisional hiring. Provisional hiring can present various challenges. All police department and animal control staff complete the same requirements for background and psychological evaluation and medical clearance.

This process is essential when you have staff working very closely with one another, with the public and with access to sensitive and regulated information from the state. Staff have access to our records management system which has the historical data of all the responses by police or animal control to our residents. Staff also have access to criminal history, driver's license information and other sensitive and regulated "need to know only" information as part of their duties. Access to this information is only allowed when a complete background process has been completed. State regulations also advise if someone does not have the same background clearance, then that person cannot be within eyesight of a computer monitor displaying the sensitive information.

Having someone working in the shelter that has not completed the required background checks can pose a liability to the city. Provisional hire is not a method endorsed by the Hollister Police Department. The agency takes great effort to ensure the safety of our community animals, our citizens, and staff to have the best experience. The only way to ensure this is by making sure every candidate goes through a complete background and hiring process before they are hired.

Finding 2

The lack of formal training for Animal Control Officers and their supervisors and managers has negatively affected the ability of the District Attorney's office to prosecute criminal cases.

F-2 Response. Partially disagree.



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Recommendation 2

The City must aggressively pursue all reasonable opportunities for shelter staff to engage in training. The Humane Law Enforcement Academy, available by Zoom in October, and Report Writing Update, offered through South Bay Regional Training Academy in August are two examples of relevant upcoming training. Mentorships, ride-alongs and resource sharing with other local shelters are invaluable learning opportunities as well.

R-2 Response. Partially disagree. Appropriate and ongoing training plays an integral role in effectively engaging their assigned work duties. As noted in the previously and during the interviews with the previous grand jury investigations, many delays in trainings were due to the lack of training that occurred both during and after the COVID-19 pandemic. Now that training courses are being offered more frequently, the city has sent staff members to trainings. Additionally, each Animal Control Officer is scheduled to attend and complete the CalAnimals Officer Academy by October 2023.

In addition, one staff member has already completed the aforementioned Report Writing Update course offered through South Bay Regional Training Academy. Furthermore, staff receives on the job training. All field services staff members have already attended 597.1 Pre and Post Seizure training through Cal Animals.

The city will continue to satisfy the California state standards, which require forty hours of continual training in the course of three years in order to maintain Certified Animal Control Officer status. The police department and animal control staff value continual trainings and we will continue our past practice of sending our staff to trainings and educational opportunities.

The City of Hollister and the Hollister Police Department disagree with the finding of lack of training has negatively affected the ability of the District Attorney's Office to prosecute criminal case. There are many reasons the District Attorney's Office may decide not to proceed with a case. The District Attorney's Office has the ability to use discretion on their cases, which means the District Attorney's Office can decline or reject a case in the interest of justice. This action on behalf of the District Attorney's Office does not correlate with staff training. The grand jury investigation made the false conclusion that lack of training caused several cases not to be prosecuted. Some of the cases might have been dismissed due to lack of evidence but that does not mean the officer who investigated the report lacked training. Sometimes the evidence is not present and no amount of training will make difference in the case.



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Additionally, sometimes the DA makes the determination not to prosecute a case when those involved have mitigated the problem, it's the first time they have been cited or the DA is prosecuting other more serious crimes.

The Animal Shelter has a great working relationship with our District Attorney's Office and together have prosecuted several cases. The Animal Shelter will continue to enforce and advocate for our community animals.

Finding 3

Feral cats suffer from a lack of regular care and vaccinations, early death from predators and environmental hazards. The shelters' practice of refusing to accept feral cats due to the vocal concerns of a few do not reflect humane care and community expectations.

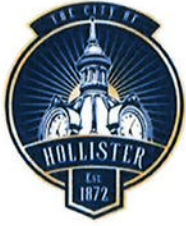
Recommendation 3

A municipal code reflecting the requirements to spay/neuter all feral community cats should be developed and enforced. The shelter should accept all animals, regardless of the ability to adopt, foster or rehome the animal. Euthanasia is an unfortunate consequence of irresponsible ownership- we can no longer spay, neuter, foster and hope our way out of animal overpopulation.

R-3 Response. The City of Hollister and the Hollister Police Department disagree with this finding. The Hollister Animal Shelter has worked hard to cultivate working relationships with neighboring counties and update their practices solely based on sheltering best practices as set forth by Nationally and State recognized Animal Welfare Associations.

According to the National Animal Care & Control Association's position statement regarding intake of free-roaming cats, states in part "It is the position of NACA that indiscriminate pick up or admission of healthy, free-roaming cats, regardless of temperament, for any purpose other than TNR/SNR, fails to serve commonly held goals of community animal management and protection programs and, as such, is a misuse of time and public funds and should be avoided."

In addition to this, impounding otherwise healthy community cats has the potential to increase cat populations and impact, reduces the capacity to respond to critical community needs, and reduces the likelihood of reuniting families with their free-roaming pets.



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There are many articles and studies regarding the effect of the intake of free-roaming cats.

<https://www.nacenet.org/wp-content/uploads/2021/03/Animal-Control-Intake-of-Free-Roaming-Cats.pdf>

Hollister Police Animal Care & Services is also looking into implementing a municipal code requiring the spay/neuter of all community cats. In the meantime, the City has allocated funding and collaborated with local community trappers to meet the TNR/SNR needs of citizens residing within the County of San Benito.

Respectfully submitted,

David A. Mirrione
City Manager