



Options In Ambulance Service Delivery

City Council Meeting
February 15, 2022

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Fire Chief

OVERVIEW

- On November 30, 2021, the Fire Department presented a Study Session examining:
 - The current Request for Proposal (RFP) process being managed by Sonoma County related to the contract award of Exclusive Operating Area (EOA) ambulance service.
 - The anticipated options for ambulance service, specifically a comparison of a private entity franchise and a public entity franchise.

OVERVIEW

- As a result of this Study Session, the Fire Department received direction to examine:
 - Feasibility of withdrawing from EOA-1 and establishing and EOA exclusive to the Santa Rosa city limits.
 - Contracting ambulance service for the newly developed EOA.
- This Study Session will examine the following information as it pertains to the aforementioned direction:
 - Legal risk/benefit analysis
 - Available data sets related to current EMS system performance and compliance

Legal Framework

- A request for legal analysis was presented to the City Attorney's Office with the following questions:
 - Can a charter city withdraw itself from a county Exclusive Operating Area (EOA)?
 - Can a new EOA be created to serve within the city limits?
 - What is the process for creating a new EOA and contracting directly for ambulance service within the city limits?
 - What would be the 'scope of work' and timeline for such an enterprise?
 - What legal hurdles might the City face in such an enterprise?

Legal Framework

- The EMS Act (1980) establishes statewide policies for the provision of emergency medical services in California (Health & Safety Code 1797.200 et seq.).
- The EMS Act aims to achieve integration and coordination among various governmental agencies and EMS providers.
- EMS Act creates consistency in prehospital emergency medical services via State EMSA and Local LEMSAs.

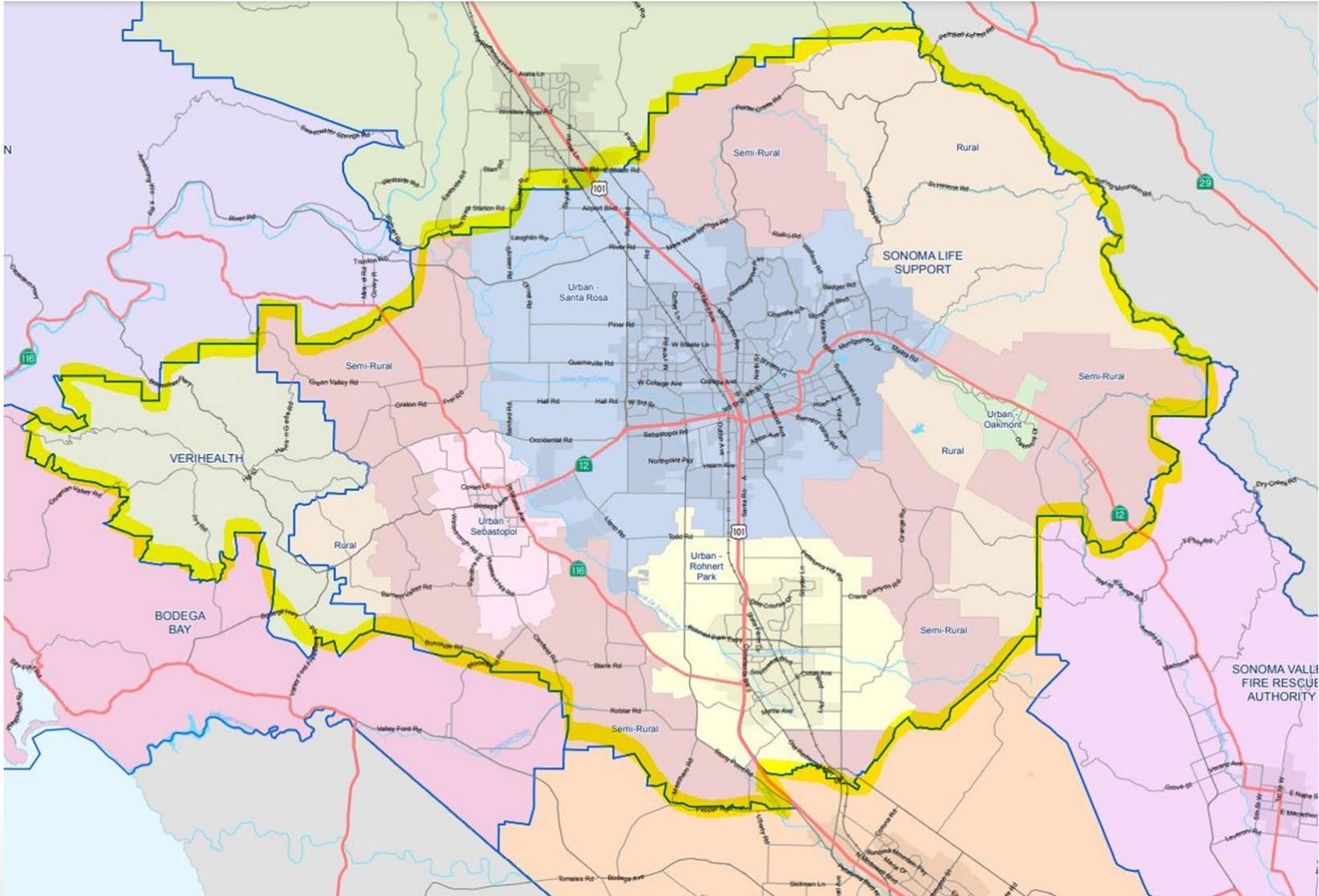
Legal Framework

- The EMS Act grants counties the authority to designate a local EMS agency to administer emergency medical services countywide (H&S Code 1797.200).
- The local EMS agency may be a county health department, a county agency, a contracted entity or a joint powers agency (H&S Code 1797.200).
- Each local EMS agency may create one or more Exclusive Operating Areas (EOA) (H&S Code 1797.224).

Legal Framework

- Sonoma County:
 - Coastal Valleys Emergency Medical Services Agency (CVEMSA) under Sonoma County Department of Public Health
 - Single Exclusive Operating Area (EOA) – EOA-1
 - RFP issued for ambulance services in EOA-1

EOA - 1



Legal Framework

- H&S Code Section 1797.201 grants “grandfather” status to cities that were providing EMS services on June 1, 1980 and that have continued to do so without interruption (commonly known as “Section 201 rights”).
- Santa Rosa’s entitlement to Section 201 rights is subject to proof and would likely be challenged.

Legal Framework

- Beyond Section 201 rights, H&S Code is silent as to a cities' right to withdraw from an existing EOA or to create its own EOA.
- Prior Court decisions have indicated that cities' rights are limited to the grandfather provisions of Section 201
 - California Supreme Court:
 - *Valley Medical Transport, Inc. v. Apple Valley Fire Protection District (1998)*
 - *County of San Bernardino v. City of San Bernardino (1997)*
 - California Court of Appeal
 - *City of Oxnard v. County of Ventura (2021)*

Legal Analysis

- However, avenues may be open:
 - Santa Rosa is a Charter City
 - Seminal cases did not distinguish between general law or charter city status
 - The question for the courts will be whether charter cities have greater authority and autonomy under the EMS Act status given that police, fire and emergency services have historically been deemed matters of municipal affairs.
 - Petition for review has been filed requesting California Supreme Court review of *City of Oxnard v. County of Ventura*
 - Supreme Court has not yet acted on the Petition

Legal Analysis

- Legal process, scope of work, timeline:
 - Dictated by Sonoma County Code 28-8 – Response Zones:
 - City Council would request a change to ambulance service provider to LEMSA;
 - Matter would be heard at a regularly scheduled meeting;
 - LEMSA would consult with LAFCO;
 - LEMSA shall take into account medical appropriateness and operational impact on the coordinated system;
 - LEMSA may make recommended changes, deny the change or conduct a competitive bid process.

Legal Analysis

- Legal process, scope of work, timeline (con't):
 - If the City disagrees with the decision, it can request a hearing under section 28-21 of the County Code. (15 Days)
 - Hearing Officer will render a final administrative decision. (5 days)
 - Final Administrative Decision subject to judicial review via Writ of Mandate. (several weeks to prepare)
 - Judicial hearing would occur. (>180 days after Writ filing)
 - Judicial decision will strongly consider impact of surrounding communities' ability to contract for high quality EMS services.

Legal Analysis

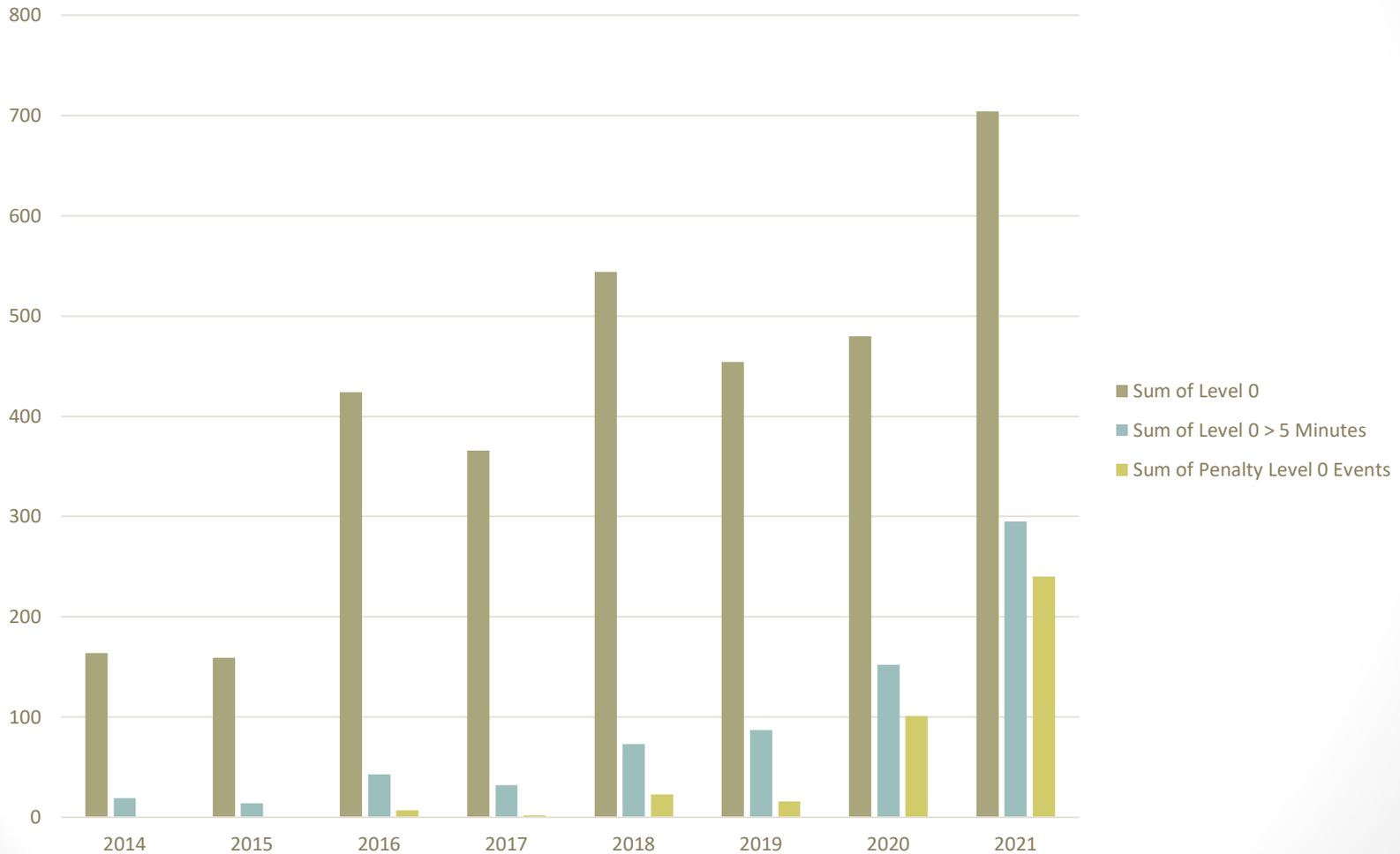
- Legal analysis summary:
 - The City could consider requesting the creation of a second EOA.
 - The time and cost of such an endeavor is unknown.
 - Significant court proceedings are likely.
 - Process likely to extend beyond award of ambulance contract.
 - Proposals Due – March 1, 2022
 - Proposal Review and Selection – March 16, 2022
 - Notice of Award – April 5, 2022

Data Request Update

- Requests for Data To:
 - AMR
 - REDCOM
 - CVEMSA (Sonoma County Public Health)
- Focused on EOA Contact Compliance

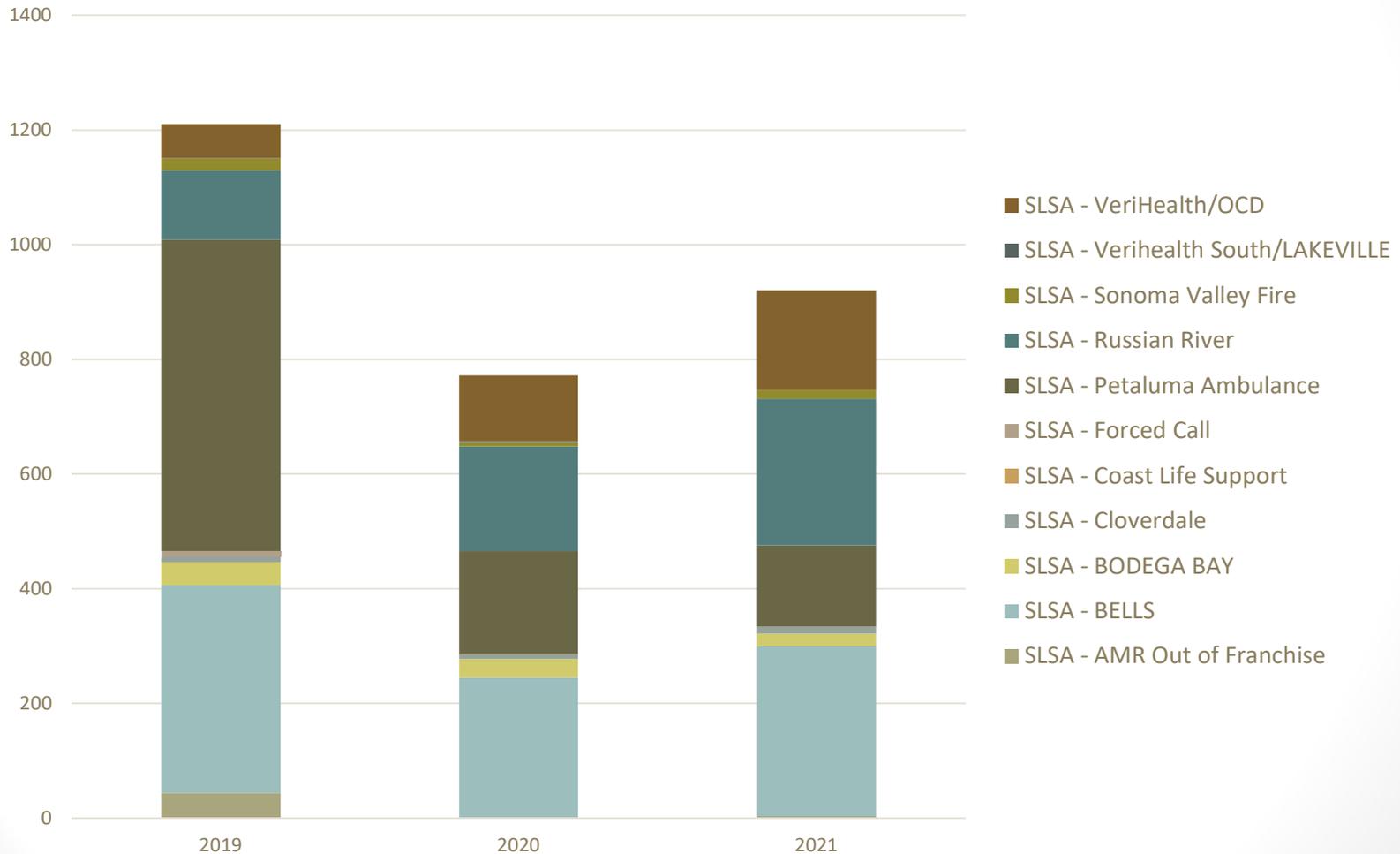
Data Analysis

Level 0 Instances



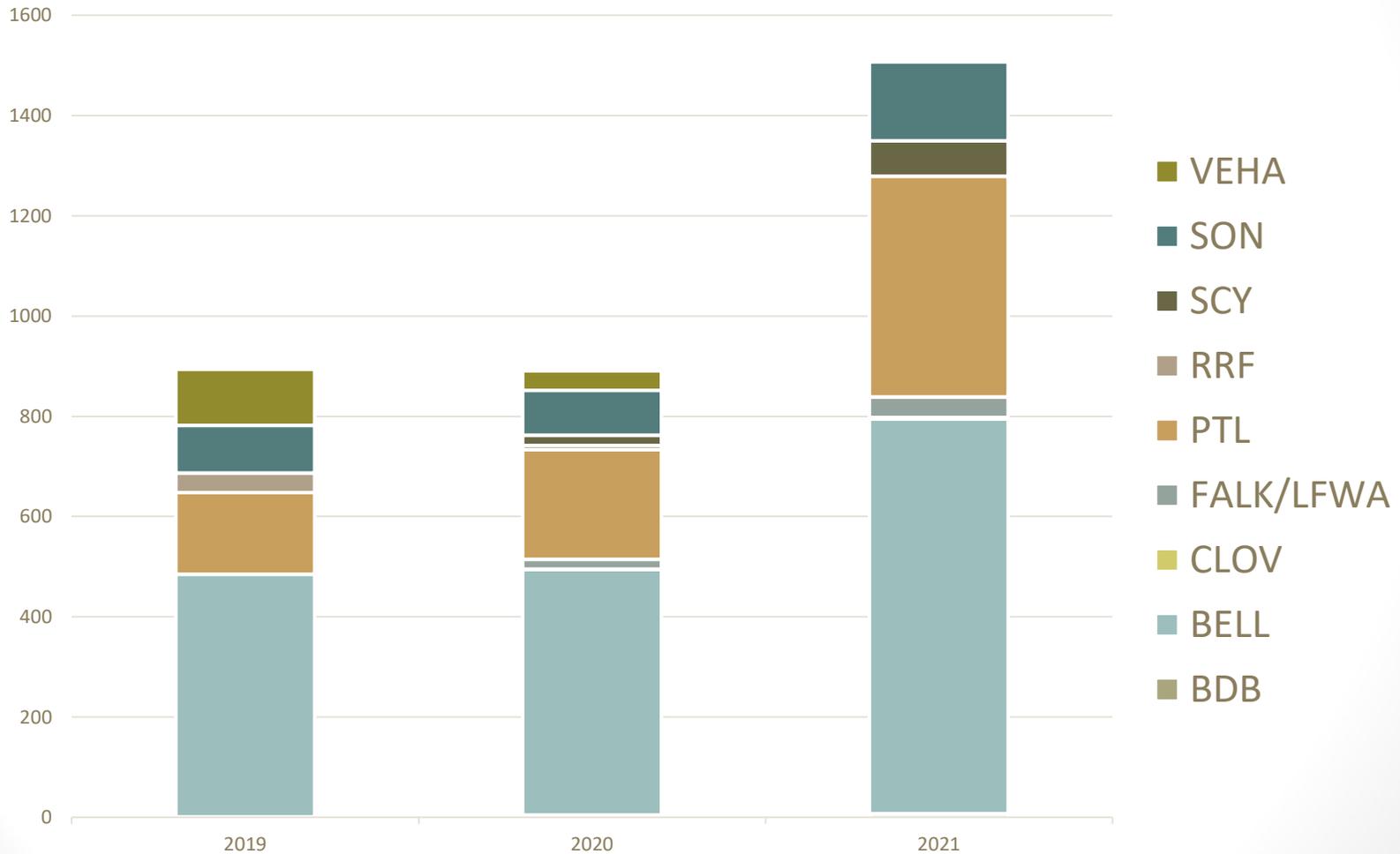
Data Analysis

Mutual Aid by AMR Out of EOA



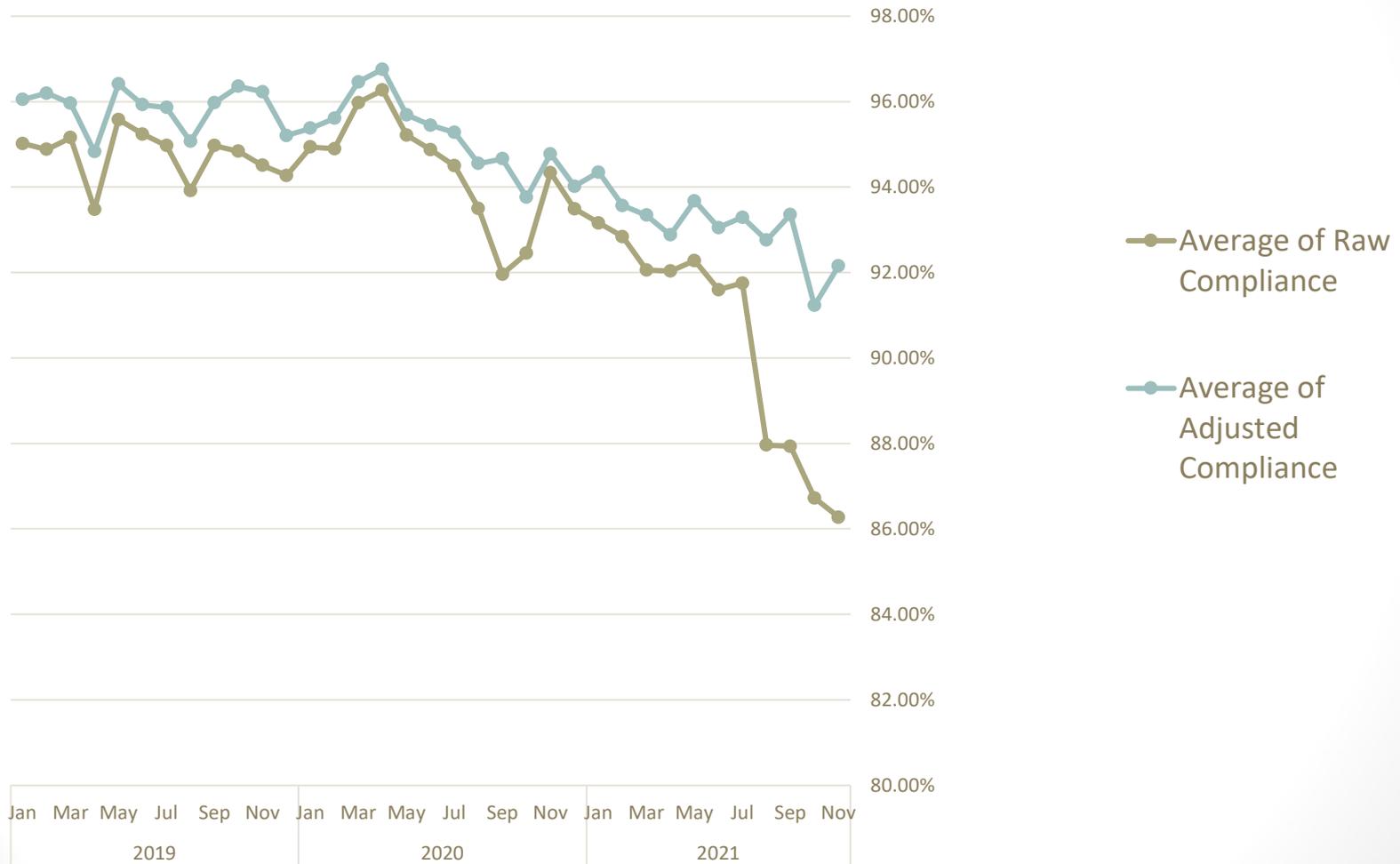
Data Analysis

Mutual Aid to EOA



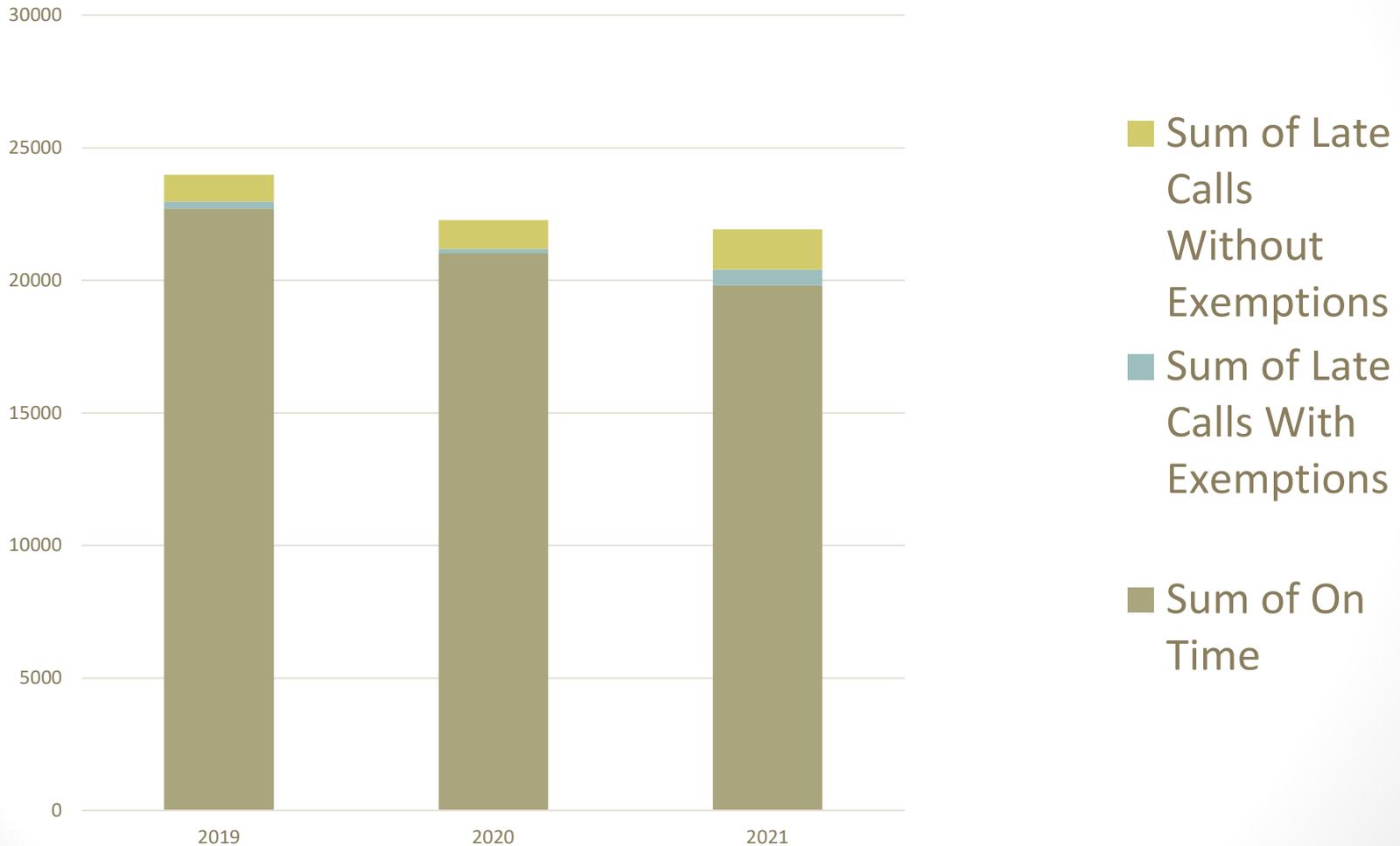
Data Analysis

Response Times



Data Analysis

Response Times



Continued Data Analysis and Requests

- Continued and on-going analysis is requisite:
 - Response Times and Exemptions
 - EOA Contract Compliance Reports
- Need for Additional Data
 - Daily EOA System Staffing
- Conclusions
 - The request for data has created opportunities to have conversations about the health of the EMS system in Sonoma County as a whole.
 - Transparent monitoring of EOA compliance and guide the SRFD in the creation of a contact for FRALS or additional services during the next EOA contact cycle.
 - Continued data sharing opportunities.

Options for Moving Forward

- Use this time as an opportunity to negotiate a contract with the new EOA-1 ambulance provider which focuses on service delivery to the citizens of Santa Rosa.
- Use this time as an opportunity to lobby for changes to relevant local ordinances and H&S Code 1797 et seq. to allow additional rights to cities regarding emergency medical service delivery in their community.

QUESTIONS?