City of Santa Rosa

May 15, 2023

Assemblymember Steve Bennett
1021 O Street Room 4710
Sacramento, CA 95814

RE: AB 1168 (Bennett) Emergency medical services (EMS): prehospital EMS (As Amended 5/1/23)

Dear Assemblymember Bennett:

On behalf of the City of Santa Rosa, I write to express our support for your Assembly Bill 1168, clarify a city or fire district's right to retain its authority over emergency ambulance services if a city or fire district enters into an agreement with a county for the joint exercise of powers for emergency ambulance services.

NATALIE ROGERS
Mayor

DIANNA MACDONALD
Vice Mayor

EDDIE ALVAREZ
VICTORIA FLEMING
JEFF OKREPKIE
CHRIS ROGERS
MARK STAPP

In 1980, California enacted the Emergency Medical Services (EMS) System and the Prehospital Emergency Medical Care Personnel Act (EMS Act) which regulates emergency medical care and created the Emergency Medical Services Authority (EMSA) as the lead agency for emergency services, including ambulance services. The goal of the EMS Act was to create an integrated and effective emergency medical services system.

This system ensures that there is consistent coordination at a state-wide level, while balancing the need to have that coordination occur at a more granular, and local level. That need for local control was also more explicitly recognized in the EMS Act with inclusion of section 1797.201 (Section 201), which explicitly allowing cities and fire districts to administer emergency ambulance services within the city or fire district unless they consent to giving up their authority over emergency ambulance services (known as 201 rights).

Unfortunately, 201 rights have not been interpreted as applying to cities or fire districts that were part of a Joint Powers Authority (JPA), an entity composed of multiple public agencies, when the EMS Act was enacted. Specifically, in City of Oxnard v County of Ventura (Oxnard) the court found that the city did not have 201 rights because when the EMS Act was established, it had already given up its right to a JPA that administers emergency ambulance services in the area.

The Oxnard decision fundamentally misconstrues the plain language of the EMS Act as well as the nature and purpose of a Joint Powers Agreement (JPA). Additionally, Oxnard completely ignores the applicable legal principles pursuant to the Joint Exercise of Powers Act, Government Code section 6500 et seq. (JEPA), primary of which is that the parties' delegation of powers in a JPA does not equate to a surrender of such

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powers. The precedent set by this ruling undermines the JEPA itself and threatens cooperative efforts among all types and levels of public agencies in California.

The City of Santa Rosa supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided under existing statute within local boundaries for the purpose of improving the level of pre-hospital emergency medical services.

Thank you for your leadership on this matter, The City of Santa Rosa is pleased to support your bill, AB 1168. Should you have any questions about our position, please contact our legislative advocate, Alyssa Silhi, with the Renne Public Policy Group, at (916) 505-4978.

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Sincerely,

Natalie Rogers, Mayor

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