



April 23, 2024

The Honorable Jim Wood
Chair, Assembly Health Committee California State Assembly
1020 N Street, Room 390
Sacramento, CA 95814

RE: AB 1168 (Bennett) Emergency Medical Services (EMS): Prehospital EMS – SUPPORT

Dear Assembly Member Wood,

The City of San Marcos is pleased to support AB 1168 (Bennett). This measure would 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.

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 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.

Signatories to JPA agreements should not lose their rights because they cooperated with other public agencies to provide better service to residents. AB 1168 provides parity by allowing cities and fire districts that are part of, or become part of, a JPA to retain and assert their 201 rights. This bill will afford jurisdictions greater flexibility in how they serve their communities during emergency situations.

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Cal Cities 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, Assembly Member Fong, for your collaboration on this important bill.

Sincerely,

Rebecca D. Jones
Mayor

cc: The Honorable Steve Bennett
Members, Assembly Health Committee
Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities