



# City of Rialto

## Legislation Text

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**File #:** 21-0220, **Version:** 1

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For City Council Meeting [May 11, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Acting City Manager

FROM: Brian Park, Interim Fire Chief

Request City Council to Approve the INLAND COUNTIES EMERGENCY MEDICAL AGENCY ("ICEMA") ALS Provider Memorandum of Understanding (MOU).

### **BACKGROUND**

The Inland Counties Emergency Medical Agency (ICEMA) has had its Emergency Medical Services Plan for emergency responses approved by the California Emergency Medical Service Authority (Cal EMSA) six times since 1999, most recently in 2013. In 2017 ICEMA submitted its EMS Plan for approval and this plan was rejected by Cal EMSA in October 2020. Cal EMSA claims that the EMS Plan failed to include an "agreement" between the Fire Department and ICEMA.

### **ANALYSIS/DISCUSSION**

ICEMA has filed an appeal of the Cal EMSA rejection of the EMS Plan and a hearing is expected on June 24, 2021 before the Office of Administrative Law.

There are seven other fire agencies that are in the same situation as the Rialto Fire Department due to the lack of an "agreement" with the ICEMA: Colton, Redlands, Ontario, Barstow, Chino Valley Fire, and Cal Fire-Highlands and Cal-Fire Yucaipa.

There was a Joint Defense Agreement entered into with other similarly situated San Bernardino fire agencies affected by the EMS Plan rejection to evaluate status, available options and potential solutions to maintain the status quo. The eight legal counsels have had several meetings attempting to seek resolution, get the EMS Plan approved and avoid litigation on this matter.

The eight fire agencies and ICEMA have agreed on the language of a MOU to serve as an "agreement" being requested by Cal EMSA, which would satisfy the written agreement requirement in 22 CCR § 100168(b)(4).

The MOU provides that the fire agencies contend (and ICEMA acknowledges) that the fire agencies have attained Health and Safety Code section 1797.201 rights which allow them to continue to contract for and/or provide prehospital emergency medical services at not less than the existing level than what was provided as of June 1, 1980, without having an ALS provider agreement in place. Nevertheless, in an effort to resolve this matter, ICEMA and the fire agencies are proposing to move forward with the MOU.

The MOU further provides that the providers agree that EMS medical control is under the authority of ICEMA's medical director or medical direction as to emergency medical services, pursuant to the EMS Act.

The MOU also provides that the providers will continue to respond to ALS calls with emergency response personnel able to do so. There is also a provision stating that the MOU does not waive the providers rights and obligations under Health and Safety Code section 1797.201.

The Sacramento County Emergency Medical Services Agency obtained EMSA approval of a previously rejected EMS plan after executing a similar MOU with its local providers.

### **Options**

There is now a clear path forward to enter into an agreement and secure approval of the EMS Plan and thereby obviate the appeal of the Cal EMSA rejection of the EMS Plan. There are multiple options before you:

#### **1. Execute an Agreement.**

There is substantial legal precedent, and opinions of the California Attorney General, against the need to enter into any sort of agreement based on the status and provision of services by the fire agency. The City of Victorville executed an agreement with ICEMA. However, the contents of that agreement are overbroad and may not be beneficial to that City in the long term.

The City Attorney and staff have worked to enter into a MOU with ICEMA, along with all of the other affected fire agencies. This MOU would serve as an "agreement" and would be sent to Cal EMSA in an effort to have them approve the EMS Plan, as the lack of an "agreement" was the stated basis for the objection to the EMS Plan by Cal EMSA.

ICEMA staff and legal counsel have approved the form of the MOU and the Board of Supervisors will take action to consider the MOU on May 4. The City of Barstow has already approved this language.

#### **2. Pursue a legislative solution.**

#### **3. ICEMA or any of the local fire agencies may pursue litigation on the matter after exhausting administrative remedies.**

#### **4. Monitor and consult with the Sacramento County fire agencies dealing with the same issues.**

Approval of this staff report would execute the agreement as outline in #1 above and is the recommendation of the City Attorney and staff to resolve the matter.

### **ENVIRONMENTAL IMPACT**

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA) Guidelines. A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical

change in the environment. By definition, a Project does not include: The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment according to Section 15378 (b)(4) of the CEQA Guidelines.

### **GENERAL PLAN CONSISTENCY**

Our City government will lead by example, and will operate in an open, transparent and responsive manner that meets the needs of the citizens and is a good place to do business. This action is also consistent with the following policy:

Policy 5-3:1 Provide for fire personnel, equipment, and fire stations to have adequate and appropriate resources to meet the needs and serve all areas of rialto.

### **LEGAL REVIEW**

The City Attorney has reviewed and supports this staff report and prepared the MOU.

### **FINANCIAL IMPACT**

#### **Operating Budget Impact**

There is no impact to the Operating Budget.

#### **Capital Improvement Budget Impact**

There is no impact to the Capital Improvement Budget.

#### **Licensing**

This action does not require a business license.

### **RECOMMENDATION**

Staff recommends that the City Council approve the INLAND COUNTIES EMERGENCY MEDICAL AGENCY ("ICEMA") ALS Provider MOU.