



CONTRA COSTA COUNTY EXECUTIVE FIRE CHIEFS

September 3, 2021

VIA U.S. MAIL AND ELECTRONIC MAIL

Marshall Bennett, Director
Contra Costa EMS
777 Arnold Drive, Suite 110
Martinez, CA 94553
Marshall.Bennett@cchealth.org

RE: Ambulance Ordinance Revisions

Dear Mr. Bennett:

The Contra Costa County Fire Chiefs Association (“Association”) thanks CCEMS for the opportunity to submit written comments on its proposed revisions to the County’s ambulance licensing ordinance.

First and foremost, the Association opposes CCEMS’s proposed revisions for many reasons expressed in other public comments. Fire agencies and private providers are not comparable in need for licensing and permitting regulation by CCEMS and the County. Fire agencies are already subject to regulation by their governing bodies, which are comprised of elected officials. Our governing bodies make policy decisions regarding the agencies’ funding, organization, operations, services, and resource levels according to the needs of the communities we serve and those communities’ ability to pay for services. These governing bodies are politically accountable to voters and taxpayers for their public policy decisions and the fire agencies’ performance of their responsibilities.

With this being said, we will focus on three issues in this letter.

First, the revised ordinance must expressly state that it does not apply to fire agencies or fire agency personnel. The purpose of the revisions is to ensure that private, non-emergency ambulance providers are appropriately licensed and permitted. We support this effort. However, CCEMS has not identified any issues or problems with our fire agencies’ first response and ambulance services that require further regulation. Even if it did, the existing ordinance and the proposed revisions are therefore contrary to state law. The EMS Act does not grant the County the authority to issue licenses and permits to fire agencies, and the Legislature recently clarified in Stats. 2019, ch. 389 (SB 438) that *CCEMS cannot unilaterally prevent fire agency responses or alter fire agency deployments.*

More importantly, CCEMS’s unilateral imposition of inconsistent regulatory requirements on our agencies through permits and licenses threatens to impair our agencies’ ability to function as “all-risk” agencies and to contradict the policies set by our governing bodies. Therefore, consistent with the EMS Act, our agencies coordinate their EMS and ambulance operations with CCEMS through voluntary agreements. This process ensures that fire agencies voluntarily agree to EMS requirements and standards they can meet without impairing their other emergency services obligations and policies.

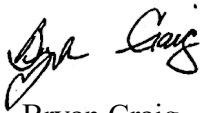
Second, CCEMS’s proposed revisions would allow it to investigate and enforce the ordinance and the EMS Act against fire agency personnel without complying with the EMS Act’s mandatory processes or affording our

personnel legal and due process protections under the Administrative Procedure and Firefighter Bill of Rights Acts.

Third, CCEMS's proposed revisions would eliminate the requirement that CCEMS consult with the EMCC and the public before adopting and enforcing rules, regulations, and policies. CCEMS's rulemaking processes must be open, transparent, and subject to public scrutiny.

The Association is willing to accept the County ambulance licensing ordinance revisions if language is added, exempting Fire agencies, Fire agency personnel, publicly owned and operated ambulances, fire apparatus, and emergency response vehicles. The Association would like the opportunity to meet with CCEMS to craft a revised ordinance that is consistent with state law and acceptable to all EMS stakeholders. Would you please let me know when you are available to meet?

Sincerely,



Bryan Craig,
President, Contra Costa County Fire Chiefs Association
Fire Chief, Rodeo-Hercules Fire District

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