



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request that City Join Amicus Brief in County of San Bernardino, et al., v. City of San Bernardino, et al., Supreme Court Case No. S050179

MEETING DATE: March 20, 1996

PREPARED BY: Deputy City Attorney

RECOMMENDATION: That the city join the amicus brief for County of San Bernardino, et al., v. City of San Bernardino, et al., Supreme Court Case No. S050179

BACKGROUND: For purposes of information, *amicus curiae* briefs are filed in various actions which involve matters of wide ranging concern to provide information and additional argument to the court.

This case arose when the County of San Bernardino, through its local emergency services agency sought to block the City of San Bernardino and fire districts from providing emergency ambulance service, except on such terms as directed by the county. The county also attempted to require the city to have 9-1-1 emergency medical calls serviced by a private ambulance company under contract with the county.

The relevant issue addressed by this case is as follows:

May a city provide emergency medical services, including emergency ambulance services, in the manner and scope and at the level of service the city deems appropriate, or is the city's provision of such services subject to the control of the county emergency medical services agency.

In a victory for the City of San Bernardino, the Fourth District Court of Appeal ruled that the city can administer prehospital emergency medical services within its boundaries subject only to medical control by the county and further, that the city has a right to provide ambulance service and to increase levels of emergency service if the city so desires. The California Supreme Court has decided to review this decision. The League of California Cities will submit an *amicus curiae* brief in support of the City of San Bernardino. The City of San Bernardino has now requested that cities throughout the state join in this brief.

APPROVED:

H. Dixon Flynn -- City Manager

If the county should prevail in this litigation, counties statewide will have exclusive authority over who provides these emergency medical services and at what levels. The City of San Bernardino is asking the California Supreme Court for a ruling upholding the right of cities to determine both the level of prehospital emergency medical services provided within their boundaries and who will provide those services.

FUNDING: Not applicable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Luebberke", written in a cursive style.

John M. Luebberke
Deputy City Attorney

CITY HALL
221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6701
FAX (209) 333-6807

CITY OF LODI
City Attorney's Office

Bob W. McNatt
City Attorney
John M. Luebberke
Deputy City Attorney



March 21, 1996

Robert L. Simmons, Esq.
Sr. Deputy City Attorney
City Attorney's Office
300 North D Street
San Bernardino, CA 92418

Re: County of San Bernardino, et al. v. City of San Bernardino, et al., Amicus Brief

Dear Mr. Simmons:

At the Lodi City Council meeting held March 20, 1996, Council approved the inclusion of the City of Lodi in the list of cities in the Amicus Brief in the case titled County of San Bernardino, et al. v. City of San Bernardino, et al.. The Council, of course, has approved the inclusion of this City with the understanding that there will be no expense to Lodi.

Thank you for your interest in this regard.

Sincerely,


JOHN M. LUEBBERKE
Deputy City Attorney

JML/pn