

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board *mw*
SUBJECT: EMERGENCY MEDICAL SERVICES LITIGATION

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on March 5, 1996

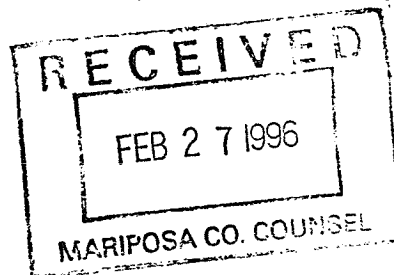
ACTION AND VOTE:

- Jeff Green/County Counsel, advised of a request received concerning emergency medical services litigation. (M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing finding this request was not known about at the time the agenda was prepared; the Board will be meeting in El Portal and Yosemite on March 12th and will not be conducting regular business, other than consent agenda items; and action is necessary prior to the March 19th meeting/Ayes: Unanimous. Discussion was held concerning the request. Supervisor Parker advised that he is also working with the Alpine, Mother Lode, Emergency Medical Services Agency on this matter. (M)Parker, (S)Stewart, Res. 96-83 adopted authorizing the County to join as a party to an amicus curiae brief (San Bernardino County v. City of San Bernardino (1995) 38 Cal. App. 4th 1841) relative to exclusive jurisdiction issue for emergency medical services; and directing that a one-time contribution in the amount of \$300.00 be made from the Liability Set-aside Fund. Following further discussion, motion was amended, agreeable with maker and second, directing that the contribution be in the amount of \$200.00/Ayes: Reilly, Balmain, Stewart, Parker; Abstained: Taber.

cc: Ken Hawkins, Auditor
File

**County Counsel**Philip S. Cronin
County Counsel

February 26, 1996

**TO ALL COUNTY COUNSELS:****RE: EMS Litigation: San Bernardino County v. City of San Bernardino ((1995) 38 Cal.App.4th 1841).**

We are writing to urge your County to join us as a party to an *amicus curiae* brief that we will be filing in support of San Bernardino County in the above-captioned matter. In addition, we ask that your County share in the cost of hiring the law firm of Foley, Lardner, Weissburg & Aronson, experts in emergency medical services (EMS) law, to prepare the *amicus* brief.

Unless your County wishes to file an *amicus* brief that is unique to your County's situation, we encourage you to join our brief. A single *amicus* brief submitted by several counties would not only be welcome by the Court, but would, more importantly, demonstrate to the Court, the cities and fire districts that all the participating counties are unequivocally unified.

If you wish to join us, please complete the attached authorization form and fax and mail it to:

Ruth Sorenson
Litigation Coordinator
County Counsels' Association of California
1100 K Street, Suite 101
Sacramento, California 95814

FAX: (916) 443-8867

Work on the *amicus* brief will be starting soon. Therefore, we need your response as soon as possible. In order to ensure that your County is included in the *amicus* brief, you must submit the enclosed authorization form by **March 12, 1996**.

ALL COUNTY COUNSELS

RE: EMS Litigation: *San Bernardino County v. City of San Bernardino* ((1995) 38 Cal.App.4th 1841).

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The case:

On October 17, 1995, the Fourth District Court of Appeal issued an opinion that significantly restricts a county's authority over the administration of EMS within the boundaries of cities and fire districts (*County of San Bernardino v. City of San Bernardino* (1995) 38 Cal.App.4th 1841). On January 31, 1995, the Supreme Court vacated the Fourth District's opinion and granted petitions for review in the case.

If the Supreme Court affirms the Fourth District's opinion, cities and fire districts which have provided any level of EMS as of June 1, 1980 will retain broad authority over such services within their respective boundaries unless or until they enter into an agreement with the county for such services. If no such agreement is entered into, those public entities would be allowed to regulate and compete with counties' exclusive ambulance providers at any time.

Each party pays its fair share:

Outside counsel's fees and related expenses for preparing the *amicus* brief will be limited to \$16,250 (excluding additional briefing and oral argument, if requested by the Court) regardless of the number of counties that join the brief.

In order to be fair to all parties joining the *amicus* brief, we ask that each county contribute an equal share of funds necessary to pay for outside counsel's legal fees and related expenses necessary to prepare the *amicus* brief. However, the County Counsels' Association will consider reasonable adjustments to contributions by small, rural counties which are on extremely limited budgets.

At this juncture, we do not know the number of counties that will be joining the *amicus* brief. Therefore, we cannot fix each county's proportionate share of cost of outside counsel.

Plan of attack:

Time is of the essence in preparing the *amicus* brief. If your County joins in the brief, we will circulate a copy of it to your contact person and solicit your County's written comments. Fresno County Counsel and Santa Clara County Counsel will jointly review and synthesize those comments and forward them to outside counsel. In addition, our Offices will coordinate with

ALL COUNTY COUNSELS

RE: EMS Litigation: *San Bernardino County v. City of San Bernardino* ((1995) 38 Cal.App.4th 1841).

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San Bernardino County Counsel in order to ensure that the *amicus* brief effectively compliments San Bernardino's position. Because a succinct *amicus* brief is of paramount importance, we may not be able to incorporate all comments into the final brief.

Who to call if you have questions:

For further information on this matter, please contact any of the following persons:

Fresno County (telephone: (209) 488-3479)):

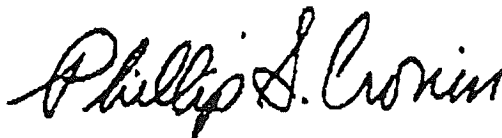
Phillip S. Cronin, County Counsel; or
Brian Lee Melikian, Senior Deputy County Counsel.

Santa Clara County (telephone: (408) 299-2911):

Steven M. Woodside, County Counsel;
Susan G. Levenberg, Chief Deputy County Counsel; or
Joanne Hue, Deputy County Counsel.

We look forward to hearing from you soon.

Very truly yours,



PHILLIP S. CRONIN
Fresno County Counsel



STEVEN M. WOODSIDE
Santa Clara County Counsel

**AUTHORIZATION TO JOIN AMICUS CURIAE BRIEF
TO THE CALIFORNIA SUPREME COURT
AND TO SHARE IN COST OF SPECIALIZED LEGAL SERVICES**

TO: County Counsels' Association of California

RE: *San Bernardino County v. City of San Bernardino* ((1995) 38 Cal.App.4th 1841).

The County of _____ hereby authorizes the County Counsels' Association of California to add its name to the *amicus curiae* brief to be prepared by Foley, Lardner, Weissburg & Aronson ("Outside Counsel") and to be filed on behalf of Fresno County and Santa Clara County in support of San Bernardino County in the above-captioned matter. We acknowledge that the cost of preparing the *amicus* brief is \$16,250.00 (excluding additional briefing and oral argument, if requested by the Supreme Court).

Check One:

_____ We agree to share equally with other participating counties in the cost of Outside Counsel's legal fees and related expenses for preparing the *amicus* brief.

_____ We are a small, rural county which is on extremely limited budget, and request that the County Counsels' Association adjust our contribution to the cost of Outside Counsel's legal fees and related expenses for preparing the *amicus* brief as follows: _____

Check one:

_____ We wish to receive copies of the draft *amicus* brief.

_____ We do not wish to receive copies of the draft *amicus* brief.

Print or type name of authorized representative

Signature

Date

Name and title of your contact person (if different)

Your phone number

Your fax number

ccbrief.req/sms.sl