



Agenda Submittal

Agenda #: 15 **Status:** Regular Calendar
Type: Report **Department:** County Administrator
File #: 19-626 **Contact:** Michelle Heppner, 784-3002
Agenda date: 8/13/2019 **Final action:**
Title: Receive an update from staff and the County's State Legislative Advocate on the status of legislation that is of interest to the County; and Consider Oppose positions on AB 1544 and SB 438 that were discussed at the August 5, 2019 Legislative Committee and referred to the full Board for consideration
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Federal Legislative Update, 2. Minute Order

Date	Ver.	Action By	Action	Result
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Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board receive an update from staff and the County's State Legislative Advocate on the status of legislation that is of interest to the County; and Consider Oppose positions on AB 1544 and SB 438 that were discussed at the August 5, 2019 Legislative Committee and referred to the full Board for consideration.

SUMMARY:

Staff will provide an overview of legislation considered by the Board's Legislative Committee on August 5, 2019. The County's Legislative Advocate, Karen Lange of Shaw/Yoder/Antwih, Inc., will provide a verbal update on developments at the Capitol and key legislation of interest to the County. The items before the Board were reviewed by the County's Legislative Committee and are discussed individually in the discussion section below.

FINANCIAL IMPACT:

The legislative program is designed to result in additional funding and cost avoidance relative to Solano County. The cost of preparing this report and compiling the information is a General Fund cost covered in the County Administrator's administration budget.

DISCUSSION:

The County's Legislative Committee Members, Supervisor Erin Hannigan and Supervisor John Vasquez met on August 5, 2019 to discuss both Federal and State issues. Karen Lange of Shaw/Yoder/Antwih Inc., the County's state legislative advocate and Joe Krahn and Hasan Sarsour of Paragon Government Relations, the County's federal legislative advocacy team, participated in the meeting as well.

The County's August 5, 2019 Legislative Committee agenda packet can be accessed at the following link:

<http://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=30684>

Included in the agenda is a federal legislative update from Paragon Government Relations and is incorporated in this report as Attachment A.

There were also three state bills included on the August 5, 2019 Legislative Committee agenda and are discussed separately below.

AB 1184 (Todd) Public records, email and retention.

The California Public Records Act requires a public agency, defined to mean any state or local agency, to make public records available for inspection, subject to certain exceptions. Existing law specifies that public records include any writing containing information relating to the conduct of the public's business, including writing transmitted by electronic mail. The act requires any agency that has any information that constitutes a public record not exempt from disclosure, to make that public record available in accordance with certain provisions and authorizes every agency to adopt regulations stating the procedures to be followed when making its records available, if the regulations are consistent with those provisions. Existing law authorizes cities, counties, and special districts to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the city, county, or special district, as specified. This bill would, unless a longer retention period is required by statute or regulation, require a public agency for purposes of the California Public Records Act to retain and preserve for at least 2 years every writing containing information relating to the conduct of the public's business prepared, owned, or used by any public agency that is transmitted by electronic mail.

This bill contains other related provisions and other existing laws.

Action - The Legislative Committee reviewed the bill and recommended no position. Due to the County's current practices for retaining emails, it was determined that the County is already in compliance with this bill should it become law.

AB 1544 (Gipson D) Community Paramedicine or Triage to Alternate Destination Act.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, governs local emergency medical services (EMS) systems. The existing act establishes the Emergency Medical Services Authority, which is responsible for the coordination and integration of EMS systems. Among other duties, existing law requires the authority to develop planning and implementation guidelines for EMS systems, provide technical assistance to existing agencies, counties, and cities for the purpose of developing the components of EMS systems, and receive plans for the implementation of EMS and trauma care systems from local EMS agencies. Existing law makes violation of the act or regulations adopted pursuant to the act punishable as a misdemeanor. This bill would establish within the act until January 1, 2030, the Community Paramedicine or Triage to Alternate Destination Act of 2019. The bill would authorize a local EMS agency to develop a community paramedicine or triage to alternate destination program, as defined, to provide specified community paramedicine services. The bill would require the authority to develop regulations to establish minimum standards for a program and would further require the Commission on Emergency Medical Services to review and approve those regulations. The bill would require the authority to review a local EMS agency's proposed program and approve, approve with conditions, or deny the proposed program no later than 6 months after it is submitted by the local EMS agency. The bill would require a local EMS agency that opts to develop a program to perform specified duties that include, among others, integrating the proposed program into the local EMS agency's EMS plan. The bill would require the Emergency Medical Services Authority to submit an annual report on the community paramedicine or triage to alternate destination programs operating in California to the Legislature, as specified. The bill would also require the authority to contract with an independent 3rd party to prepare a final report on the results of the community paramedicine

or triage to alternate destination programs on or before June 1, 2028, as specified. This bill contains other related provisions and other existing laws.

H&SS staff participated in the meeting and noted the following concerns with AB 1544. It offers the first right of refusal to local fire departments to operate Community Paramedicine and Alternate Destination programs without clearly stating that the public entity must be designated as an advanced life support agency. The Bill also adds language in Section 1855 to protect public entities' rights granted under 1797.201, however, the language is not consistent with that in 1797.224, which was created to ensure these same protections. In addition, the Bill creates a significant administrative process for implementation of Community Paramedicine and Alternate Destination programs, despite any indication that the currently available processes are insufficient or ineffective. Finally, the Bill proposes changes to the current authority of a Local EMS Agency (the SEMSC in Solano County) to establish and maintain a medical care committee to oversee EMS activities by requiring that membership of such a committee be in part determined by city mayors; medical oversight of the EMS system should be provided by appropriate experts, not by political appointees. California's associations of health officers oppose this Bill.

Action - The Legislative Committee recommended an Oppose position and referred it to the full Board for consideration.

SB 438 (Hertzberg D) Emergency medical services: dispatch.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency to establish within its jurisdiction a basic emergency telephone system that includes, at a minimum, police, firefighting, and emergency medical and ambulance services. Existing law authorizes a public agency to incorporate private ambulance service into the system. This bill would prohibit a public agency from delegating, assigning, or contracting for "911" emergency call processing services for the dispatch of emergency response resources unless the delegation or assignment is to, or the contract or agreement is with, another public agency. The bill would exempt from that prohibition a public agency that is a joint powers authority that delegated, assigned, or contracted for "911" call processing services on or before January 1, 2019, under certain conditions. The bill would also authorize a public agency that delegated, assigned, or contracted for "911" call processing services on or before January 1, 2019, to continue to do so with the concurrence of the public safety agencies that provide prehospital emergency medical services. If a public safety agency does not concur with the public agency to continue to delegate, assign, or contract for those services, the bill would authorize the public agency to continue to delegate, assign, or contract for those services for the remaining concurring public safety agencies. The bill would state the Legislature's intent to affirm and clarify a public agency's duty and authority to develop emergency communication procedures and respond quickly to a person seeking emergency services through the "911" emergency telephone system. This bill contains other related provisions and other existing laws.

H&SS staff participated in the meeting and noted the following concerns with SB 438. Specifically, it places significant restrictions on the authority and ability of a Local EMS Agency (the SEMSC in Solano County) to control EMS dispatch. It limits dispatch options, and it permits each local public safety agency to establish dispatch criteria that differ from one another and from the criteria established by the Local EMS Agency. It has the effect of undermining consistent medical oversight of the EMS system, resulting in variable delivery of EMS services across the County. In 1997, the California Supreme Court, in the case of County of San Bernardino vs. City of San Bernardino, explained the expansive nature of medical control and specifically discussed policies and procedures governing dispatch and patient care. This Bill places limits on the EMS Medical Director's control related to response and delivery of prehospital emergency care. California's associations of health officers oppose this Bill.

Action - The Legislative Committee reviewed the bill and recommended an Oppose position and referred it to the full Board for consideration.