

CONTRA COSTA COUNTY

2255 Contra Costa Blvd., Suite 202, Pleasant Hill
3361 Walnut Boulevard, Suite 140, Brentwood, CA 94513



AGENDA

Tuesday, April 16, 2024

10:00 AM

Legislation Committee

Supervisor Diane Burgis, Chair
Supervisor Ken Carlson, Vice Chair

<https://cccounty-us.zoom.us/j/82970370770>
Call In: 1-888 278 0254, Access code: 219464

The public may attend this meeting in person at either above location. The public may also attend this meeting remotely via Zoom or call-in.

Agenda Items: Items may be taken out of order based on the business of the day and preference of the Committee.

1. Introductions

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to two (2) minutes).

3. RECEIVE and APPROVE the Meeting Minutes for the March 25, 2024 meeting of the Legislation Committee, with any necessary corrections. [24-1111](#)
Attachments: [Meeting Minutes Draft 03.25.24](#)

4. RECEIVE a report on federal matters of interest to the County and provide direction and/or input as needed. [24-1112](#)
Attachments: [Attachment A: Federal Update](#)

5. CONSIDER recommending a position of "Oppose" to the Board of Supervisors on SB 1057 (Menjivar) Juvenile Justice Coordinating Council, a bill that proposes to make considerable changes to the local planning body and associated process for the deployment of Juvenile Justice Crime Prevention Act (JJCPA) funds, as recommended by the Chief Probation Officer. [24-1113](#)
Attachments: [Attachment A: SB 1057 analysis and CPOC Oppose Letter](#)

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6. CONSIDER a position recommendation to the Board of Supervisors on AB 2973 (Hart) Emergency Services, a bill that purportedly intends to clarify the statutory responsibilities of counties, boards of supervisors, and local emergency medical service agencies regarding EMS and ambulance services and reaffirm the authority of the boards of supervisors in EMS and ambulance service provision decisions. [24-1114](#)
- Attachments:** [Attachment A-- AB 2973 \(Hart\) Bill Text as Amended 04.02.24](#)
[Attachment B-- AB 2973 Committee Analysis Asm Emergency Mgmt 04.08.24](#)
[Attachment C--Fact Sheet AB 2973 \(Hart\) EMS Coordination 4.2](#)
[Attachment D-- Oppose and Concern Position Letters](#)
[Attachment E-- Prior CCC position letters on related bills](#)
[Attachment F--AB 2973 Support Letters](#)
7. CONSIDER recommending a position of "Oppose" to the Board of Supervisors on AB 2557 (Ortega) and AB 2489 (Ward), bills that would limit the capacity of local agencies to use contractors to provide local services. [24-1115](#)
- Attachments:** [Attachment A: AB 2557 and AB 2489 Bill Text](#)
8. CONSIDER finding consistent with the adopted 2023-24 State Legislative Platform or recommending a position of "Support" to the Board of Supervisors on AB 3233 (Addis) Oil and gas: operations: restrictions: local authority, a bill that authorizes a local entity, by ordinance, to limit or prohibit oil and gas operations or development in its jurisdiction, notwithstanding any other law or any notice of intention, supplemental notice, well stimulation permit, or similar authorization issued by the State Oil and Gas supervisor or district deputy. [24-1116](#)
- Attachments:** [Attachment A: AB 3233 Bill Text](#)
9. RECEIVE a report on the FY 24-25 State Budget and the 2024 Bills of Interest to the County and provide direction and/or input as needed. [24-1117](#)
- Attachments:** [Attachment A](#)
[Attachment B: CSAC 2024 Legislative Priorities](#)
[Attachment C: Bills of Interest](#)
10. The next meeting is currently scheduled for Monday, May 20, 2024 at 1:00 p.m.

11. Adjourn

General Information

This meeting provides reasonable accommodations for persons with disabilities planning to attend a the meetings. Contact the staff person listed below at least 72 hours before the meeting. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Committee less than 96 hours prior to that meeting are available for public inspection at 1025 Escobar St., 4th Floor, Martinez, during normal business hours. Staff reports related to items on the agenda are also accessible on line at www.co.contra-costa.ca.us.

HOW TO PROVIDE PUBLIC COMMENT:

Persons who wish to address the Committee during public comment on matters within the jurisdiction of the Committee that are not on the agenda, or who wish to comment with respect to an item on the agenda, may comment in person, via Zoom, or via call-in. Those participating in person should offer comments when invited by the Committee Chair. Those participating via Zoom should indicate they wish to speak by using the “raise your hand” feature in the Zoom app. Those calling in should indicate they wish to speak by pushing *9 on their phones.

Public comments generally will be limited to two (2) minutes per speaker. In the interest of facilitating the business of the Board Committee, the total amount of time that a member of the public may use in addressing the Board Committee on all agenda items is 10 minutes. Your patience is appreciated.

Public comments may also be submitted to Committee staff before the meeting by email or by voicemail. Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played aloud during the meeting.

For Additional Information Contact:

Lara DeLaney, staff to Committee at (925) 655-2057 or lara.delaney@cao.cccounty.us.



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1111

Agenda Date: 4/16/2024

Agenda #: 3.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **Meeting Minutes for the Legislation Committee Meeting of 03/25/24**

Submitted For: Legislation Committee

Department: County Administrator's Office

Referral No: 2024-01

Referral Name: Meeting Minutes

Presenter: L. DeLaney

Contact: (925) 655-2057

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the discussions made in the meetings.

Referral Update:

Attached for the Committee's consideration is the draft Meeting Minutes for the Committee's March 25, 2024 meeting.

Recommendation(s)/Next Step(s):

Staff recommends APPROVAL of the Minutes for the March 25, 2024 meeting of the Legislation Committee.

Fiscal Impact (if any): None.



Meeting Minutes - Draft

CONTRA COSTA COUNTY Legislation Committee

Supervisor Diane Burgis, Chair
Supervisor Ken Carlson, Vice Chair

<https://cccounty-us.zoom.us/j/82970370770>
Call In: 1-888 278 0254, Access code: 219464

Monday, March 25, 2024

1:00 PM 2255 Contra Costa Blvd., Suite 202, Pleasant Hill | 3361 Walnut Boulevard, Suite 140, Brentwood, CA 94513

1. Introductions

Chair Burgis convened the meeting at 1:01 p.m. from her office, noting that she would need to leave at 2:00 p.m. for another meeting. Vice Chair Carlson joined the meeting from his office. No members of the public joined the meeting at either office.

Also in attendance were:

*Lara DeLaney, staff to committee
Colleen Awad, District IV Senior District Representative
Peter Myers, District III staff
Luz Raygoza, EHSD staff
Emlyn Struthers, Deputy County Administrator
Monica Nino, County Administrator
Timothy Ewell, Chief Assistant County Administrator
Esa Ehmen-Krause, Chief Probation Officer
Dan Mierzwa, Treasurer-Tax Collector
Ronda Boler, Treasurer-Tax Collector staff
Jody London, CCC Sustainability Coordinator
Kendra Carr, ORESJ Co-Director
Carolyn Wysinger, Mayor Pro Tem El Cerrito
Patricia Perez, EHSD Division Manager
Geoff Neill, Nielsen Merksamer
Paul Schlesinger, Thorn Run Partners*

Present: Diane Burgis and Ken Carlson

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to two (2) minutes).

No public comment was received.

3. RECEIVE and APPROVE the Meeting Minutes for the February 26, 2024 meeting of the Legislation Committee, with any necessary corrections. [24-0909](#)

Attachments: [Meeting Minutes Draft 02.26.24](#)

The Minutes for the February 26, 2024 meeting were approved as presented.

This Item was approved.

4. RECEIVE report on legislative proposals to repeal a requirement for fixed fees on utility bills and PROVIDE direction, as needed. [24-0910](#)

Attachments: [Attachment A: Local Elected Officials to Letter Repeal the Utility](#)
[Attachment B: SF Chronicle article](#)
[Attachment C: CA Energy Markets article](#)
[Attachment D: AB 1999](#)

The County's Sustainability Coordinator, Jody London, provided the Committee with additional background on the fixed fee for electricity proposed by the California Public Utilities Commission (CPUC), in response to AB 205 (2022). Vice Chair Carlson questioned the rationale for the proposed fee in light of the distribution fee already charged by the utilities. AB 205 directs the CPUC to create at least three residential retail income-graduated fixed charges for all investor-owned utilities by July 1, 2024, on the assumption that a fixed charge would allow volumetric rates to drop and, theoretically, distribute the cost of supporting the electric system more fairly (California Energy Markets No. 1739).

Chair Burgis inquired about PG&E's efforts to enroll lower-income residents in the discount programs, CARE and FERA, and whether the County's weatherization and Low Income Home Energy Assistance Programs were assisting with the enrollment into these discount programs. (After the meeting, staff in the Department of Conservation & Development reported that they do actively encourage, but cannot mandate, enrollment.) Ms. London reported that there is always room to do more with these programs although income verification is a challenge, as incomes can frequently vary from month-to-month.

Vice Chair Carlson indicated he would recommend to the Board a position of "Support" on AB 1999 (Irwin) that would repeal provisions of AB 205 and, instead, permit the CPUC to authorize fixed charges that do not exceed \$5 per residential customer account for customers enrolled in CARE and \$10 per month for customers not enrolled in CARE, adjustable by the Consumer Price Index (CPI) for the prior calendar year. Chair Burgis noted that more enrollment in the CARE (and FERA) programs needs to occur but supported Vice Chair Carlson's motion. Public comment was received from Carolyn Wysinger, Mayor Pro tem of El Cerrito, who expressed appreciation to Vice Chair Carlson for bringing her into the conversation.

Recommend a position of "Support" on AB 1999.

5. RECEIVE a report on federal matters of interest to the County and provide direction and/or input, as needed. [24-0911](#)

Attachments: [Attachment A](#)

The County's federal lobbyist, Paul Schlesinger of Thorn Run Partners, provided an update to the staff report in the packet, noting that the President had signed the final FY 2024 \$1.2 trillion six-bill appropriations package on Saturday, March 23, thereby preventing a partial government shutdown. With this action, the final outcome of the County's FY 2024 "Community Project Funding" (formerly known as "earmarks") requests were known: \$1,431,222 for the Concord Shelter and Service Center Roofing Project; \$1,000,000 for the San Pablo Avenue Complete Street/Bay Trail Gap Closure Project; \$963,000 for Underserved and Unserved Survivors from Unsolved Shootings; \$150,000 for the Knightsen Wetland Restoration project. He also noted that Congress would be out of session for the next two weeks for their District Work period. No public comment was received.

This Item was received.

6. RECEIVE a report from Chief Assistant County Administrator Tim Ewell on the status of the County's federal FEMA (Federal Emergency Management Agency) COVID-19 claims for Public Assistance. [24-0912](#)

Attachments: [Attachment A: Contra Costa FEMA Projects Overview 3-21-24 w Timeline Metrics](#)
[Attachment B: Senators NCS letter to the President](#)
[Attachment C: Congress letter to FEMA Director Criswell Project Roomkey Reimbursements 3.11.24](#)
[Attachment D: Joint Local Government Letter to FEMA](#)

Chief Assistant County Administrator Tim Ewell provided an oral update to the Committee, noting the advocacy efforts that had been undertaken at the federal, state, and local agency levels to advocate for full reimbursement of the County's COVID-19 Public Assistance FEMA claims related to Non-Congregate Shelter (NCS) costs. He also covered the tracking spreadsheet (Attachment A) that provides the status of the claims. Chair Burgis inquired about tracking the waiting time; Mr. Ewell pointed to a column with the months of review time for the project claims. He noted that the NCS projects were taking longer than the rest, likely due to FEMA's need to address the policy issues at hand. Vice Chair Carlson inquired about the \$15.8 million project for COVID testing that had been obligated but not paid. He indicated it would be good to have the payment received by the County before the Board takes action on the final ARPA allocations. He inquired about the pass-through timing on the funds. Mr. Ewell indicated a notice of payment had been received on Thursday from CalOES, but the funds had not yet arrived. Chair Burgis expressed optimism about a good result from the advocacy efforts undertaken to ensure full reimbursement of eligible costs. No public comment was received.

This Item was received.

7. RECEIVE a report on the FY 24-25 State Budget and the 2024 Bills of Interest to the County and provide direction to staff and the County's state advocates, as needed. [24-0913](#)

Attachments: [Attachment A](#)
 [Attachment B-- UCC Bills of Interest](#)

The County's state lobbyist, Geoff Neill from Neilsen Merksamer, provided an oral update to the staff report in the packet. He reported that while the State's revenues in February were improved, the Senate was taking action to address the projected budget deficit through "Early Actions" that were intended to reduce the deficit by approximately half, though the details were not yet in print. Vice Chair Carlson requested information on County programs that were at-risk due to proposed budget cuts.

Mr. Neill also noted that Spring Break had begun for the Legislature on March 21 and would end April 1. He discussed the passage of Prop. 1 on the March ballot and the progress on gender equity in the Legislature. Because Chair Burgis had to leave the meeting (this item was heard last on the agenda), Vice Chair Carlson inquired about specific bills of interest including AB 2710 related to active shooter incidents.

This Item was received.

8. CONSIDER recommending a position of "Oppose" on AB 2882 (McCarty) [24-0914](#)
 California Community Corrections Performance, a bill that would add a representative of a community-based organization with experience in successfully providing behavioral health treatment services to persons who have been convicted of a criminal offense, and a representative of a Medi-Cal managed care plan that provides the Enhanced Care Management benefit, to the membership of the Community Corrections Partnership and other related provisions, as recommended by the Chief Probation Officer.

Attachments: [Attachment A-- AB 2882 Bill Text as introduced](#)

Chief Probation Officer Ehmen-Krause addressed the Committee about her concerns with AB 2882 and the recommendation to oppose it. The concerns centered around the report requirement with more expansive data components, which the Board would have to verify, and the unfunded mandate imposed by the bill. She also addressed the bill's proposed membership changes, which would impact quorum and voting requirements. The Committee members supported the bill going forward to the Board with the "Oppose" recommendation. There were no public comments.

Recommend a position of "Oppose" to the Board.

9. CONSIDER recommending a position of "Oppose Unless Amended" on SB [24-0915](#)
 964 (Seyarto) Property Tax: Tax-Defaulted Property Sales, a bill that would require those excess proceeds from sales of tax-defaulted property to be transferred to the Controller for deposit in the Defaulted Tax Sale Subaccount, as recommended by the County Treasurer-Tax Collector.

Attachments: [Attachment A--SB 964 as amended](#)
 [Attachment B-- SB 964 \(Seyarto\) CACTTC Oppose Unless Amend](#)
 [Letter 2.15.24](#)

County Treasurer-Tax Collector Dan Mierzwa provided comments to the Committee about his concerns with SB 964 which led to his recommendation to "Oppose Unless

Amended." He also noted the similar positions of the California Association of County Treasurers and Tax Collectors, as well as the County Auditors' association. The Committee concurred with the recommendation. There were no public comments.

Recommend a position of "Oppose Unless Amended" to the Board.

10. CONSIDER recommending a position of "Oppose" on AB 2561 [24-0916](#)
(McKinnor) Local Public Employees: Vacant Positions, a bill that requires each public agency with bargaining unit vacancy rates exceeding a specified percent for more than a specified number of days to meet and confer with a representative of the recognized employee organization to implement a plan to fill all vacant positions, as recommended by the County Administrator.

Attachments: [Attachment A: AB 2561 \(McKinnor\) bill text](#)

County Administrator Monica Nino addressed the Committee and shared her concerns with AB 2561, leading to the recommendation to oppose the bill. She discussed the labor shortage and its impact on vacancies throughout the organization. Vice Chair Carlson indicated that the County is working hard to fill vacancies. State lobbyist Geoff Neill noted the experience of other local government agencies, where vacancy rates can be well over 30%. The Committee concurred with the recommendation. There were no public comments.

Recommend a position of "Oppose" to the Board.

11. CONSIDER finding consistent with the adopted 2023-24 State Legislative Platform or recommend to the Board a position of "Support" on SB 1013 [24-0917](#)
(Bradford) Taxation: Property Tax Assistance for Descendants of Enslaved Persons, a bill that establishes the Property Tax Assistance for Descendants of Enslaved Persons Program for purposes of making, upon appropriation by the Legislature, grants available to persons who currently live in a formerly redlined neighborhood in the state and are descendants of a person enslaved in the United States, as recommended by the County Treasurer-Tax Collector.

Attachments: [Attachment A: SB 1013 \(Bradford\) as amended](#)

The Committee received a recap of the report in the packet, highlighting the policy in the adopted 2023-24 State Legislative Platform that could be the basis of a consistency finding for SB 1013. The Committee members concurred that the bill was consistent. There were no public comments.

Find the bill consistent with the adopted Platform.

12. The next meeting is currently scheduled for Tuesday, April 16, 2023 at 10:00 a.m.
13. Adjourn

Vice Chair Carlson adjourned the meeting at 2:07 p.m.



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1112

Agenda Date: 4/16/2024

Agenda #: 4.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **Federal Legislation of Interest to Contra Costa County**

Submitted For: Legislation Committee

Department: County Administrator's Office

Referral No: 2024-04

Referral Name: Federal Update

Presenter: P. Schlesinger & J. Davenport, Thorn Run Partners

Contact: L. DeLaney, 925-655-2057

Referral History:

The Legislation Committee regularly receives reports on federal legislation and budget matters of interest to the County and provides direction and/or input to staff and the County's federal lobbyists, as needed.

Referral Update:

See Attachment A.

Recommendation(s)/Next Step(s):

RECEIVE the report and provide direction/input as needed.

Fiscal Impact (if any):

CSAC: Congress Returns to Action After Two-Week Break

April 11, 2024

After a two-week recess, lawmakers returned to the nation's capital to face a full slate of politically fraught issues. Top of mind for House and Senate leaders is a military-aid package for Ukraine and Israel, as well as a foreign intelligence surveillance reauthorization package. Absent any sort of consensus in the House, all three are indefinitely delayed. House Republicans are also expected to present their impeachment articles against Homeland Security Secretary Alejandro Mayorkas next week. Senate Democrats, however, could bypass a trial entirely if the full caucus bands together in support of a motion to seek the immediate dismissal of the case against Mayorkas.

In the meantime, House lawmakers did manage to forge a bipartisan agreement on legislation ([H.R. 6655](#)) that would reauthorize the *Workforce Innovation and Opportunity Act* (WIOA). WIOA is the nation's primary workforce development and training law and provides funding to state agencies to help job seekers access employment, education, training, and support services. If enacted, the WIOA reauthorization bill would fund the system through 2030 and provide billions of dollars to states to support training and career services for adults, dislocated workers, and youth.

The legislation, which overwhelmingly passed the House on April 9, also aims to make improvements to WIOA. For example, and among other proposed reforms, H.R. 6655 would dedicate 50 percent of adult and dislocated worker funding toward upskilling workers through "individual training accounts" (ITAs) and on-the-job learning. The bill also places a greater emphasis on work-based learning for youth and on workforce education programs at community colleges that align with in-demand jobs. The measure is now pending before the Senate, though it's unclear when – or if – it will be considered by the upper chamber.

While the path forward for WIOA in the Senate remains unclear, Majority Leader Chuck Schumer (D-NY) recently outlined his priorities for the coming weeks and months. According to Schumer, the upper chamber will take action on bipartisan bills that enhance national security, advance online safety for kids and promote innovation, expand the Child Tax Credit, combat the fentanyl crisis, address rail safety, ensure internet affordability, safeguard cannabis banking, and lower the cost of prescription drugs, among other bills.

Legislation Introduced to Increase Affordable Housing Supply

Representatives Adam Schiff (D-CA) and Jimmy Gomez (D-CA) recently introduced legislation – the *Government Facilities to Affordable Housing Conversion Act* ([H.R. 7826](#)) – that incentivizes the conversion of unused government buildings into affordable housing units. Specifically, H.R. 7826 would direct the Department of Housing and Urban Development (HUD), the General Services Administration (GSA), and the Office of Management and Budget (OMB) to work in coordination to identify vacant and underutilized federal buildings that would be suitable for residential use development, maintain public list sale opportunities, and provide an annual report to Congress on these efforts. The legislation would create a new grant program to support states and local governments for housing conversion efforts also would provide

additional funding to study the effectiveness of office building to residential property conversions. The bill has been endorsed by CSAC.

Bipartisan Legislation Introduced to Help Harden Homes Against Disasters

Representatives Mike Thompson (D-CA) and Doug LaMalfa (R-CA) recently introduced bipartisan legislation – the *Disaster Resiliency and Coverage Act of 2024* (H.R. 7849) – that would incentivize homeowners to mitigate disaster risks on their property. Specifically, H.R. 7849 would establish a new grant program through which individual households in designated disaster-prone regions would be eligible for up to \$10,000 for specified disaster resiliency work on their homes. The legislation stipulates that payments from State-run disaster resiliency programs and payments from various federal emergency agricultural programs would not be considered income for federal tax purposes. Finally, the bill would provide a 30 percent tax credit for qualified disaster risk mitigation activities conducted by individuals or businesses. The credit is meant to complement the grant program by providing meaningful assistance to larger property owners for whom mitigation activity costs would far exceed \$10,000. The text of the legislation can be accessed [here](#).

Treasury Department Releases New FAQs on ARPA SLFRF Funds

On March 29, the Treasury Department released new FAQs related to the Obligation Interim Final Rule (IFR) for the *American Rescue Plan Act* (ARPA) State and Local Fiscal Recovery Fund (SLFRF). The updates will grant additional flexibilities for county SLFRF expenditures. Among other things, the new guidance will extend personnel costs coverage for any SLFRF-eligible position through December 31, 2026 that is established prior to the December 31, 2024 obligation deadline. In addition, sub-recipients will not be subject to the December 31, 2024, obligation deadline. It also will provide new flexibility to reclassify excess funds for SLFRF-eligible uses after the December 31, 2024 obligation deadline.

OMB Finalizes Guidance to Make Grants More Accessible and Transparent

The White House Office of Management and Budget (OMB) recently updated its Uniform Grants Guidance to help streamline and clarify requirements for Federal funding. Among other things, the changes aim to achieve goals such as eliminating several prior-approval requirements, revising Notices of Funding Opportunities requirements to make it easier for potential applicants to seek grants, and expanding grant accessibility by eliminating English language requirements on various grant documents. The guidance will also allow recipients to utilize grant funding to establish or bolster data infrastructure capabilities. OMB is also publishing an [implementation memorandum](#) that will direct agencies to put the revisions into effect by October 1, 2024, and provide additional tools to strengthen and streamline the administration of Federal financial assistance.



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1113

Agenda Date: 4/16/2024

Agenda #: 5.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **SB 1057 (Menjivar) Juvenile Justice Coordinating Council**

Submitted For: Chief Probation Officer, Esa Ehmen-Krause

Department: Probation Department

Referral No:

Referral Name: SB 1057

Presenter: Esa Ehmen-Krause

Contact: L. DeLaney, 925-655-2057

Referral History:

Chief Probation Officer Esa Ehmen-Krause has requested that the County take an “Oppose” position on SB 1057. The Board’s adopted 2023-24 State Legislative Platform does not contain any related policy direction, which necessitates Legislation Committee consideration.

The Chief Probation Officers of California have taken an “Oppose” position on the bill. (See [Attachment A.](#))

Referral Update:

SB 1057 Bill Summary:

Under existing law, there is established in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to receive all amounts allocated to a county for specified purposes. Existing law requires the moneys to be allocated in specified amounts, including, but not limited to, 50% to a county or city and county to implement a comprehensive multiagency juvenile justice plan, as specified. Existing law requires the juvenile justice plan to be developed by the local juvenile justice coordinating council in each county and city and county. Existing law requires the plan to be annually reviewed and updated by the council and submitted to the Board of State and Community Corrections. Existing law requires a county or city and county to submit a report to the board of supervisors and the board to assess the effectiveness of the programs, strategies, and system enhancements funded under these provisions and specifies the information to be included in the report. This bill would require a county or city and county to establish a juvenile justice coordinating council in order to obtain funding under these provisions. The bill would require the board to evaluate if a county or a city and county has complied with the requirements of these provisions and would authorize the board or any state agency overseeing the administration of these funds to determine an appropriate remedial action or to withhold funding if a county or city and county fails to create a juvenile justice coordinating council. The bill would revise required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that are vulnerable to court system involvement due to high rates of poverty and the incarceration of at-promise youth's family members, among other things, and a description of the target population funded under these provisions. The bill would require assessments to prioritize soliciting direct feedback on youth participants' satisfaction with existing services and resources. The bill would require programs and strategies funded under these provisions to, among other things, be modeled on healing-centered, restorative, trauma-informed, and positive youth development approaches and in collaboration with community-based organizations. The bill would prohibit the sharing of personally identifying information across agencies without informed, voluntary, revocable, and written consent of youth participants or their parents or legal guardians. The bill would require a council to include additional information in its annual report to the board of supervisors and the board relating to their programs, including data on youth participants and council members. *(Based on text date 3/19/2024)*

History

04/05/2024 Set for hearing April 23.

04/03/2024 Re-referred to Com. on PUB S.

03/19/2024 From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

02/21/2024 Referred to Com. on RLS.

02/09/2024 From printer. May be acted upon on or after March 10.

02/08/2024 Introduced. Read first time. To Com. on RLS. for assignment. To print.

See [Attachment A](#) for a summary of the bill from UCC and a link to the bill text.

Recommendation(s)/Next Step(s):

CONSIDER recommending a position of “Oppose” on SB 1057 (Menjivar) to the Board of Supervisors on their May 14, 2024 consent agenda.

Fiscal Impact (if any): The bill could hinder local control and discretion over JJCPA funds.

The Urban Counties of California provide the following summary of SB 1057:

Newly Amended Bill Would Recast JJCPA Planning Body and Process

Like several bills that have been put before the Legislature in recent years – including [AB 1007](#) (Jones-Sawyer, 2020), [SB 493](#) (Bradford, 2021) and [AB 702](#) (Jackson, 2023) – recently amended [SB 1057](#), by Senator Caroline Menjivar, proposes to make considerable changes to the local planning body and associated process for the deployment of Juvenile Justice Crime Prevention Act (JJCPA) funds. These funds were realigned to counties in 2011 and serve as the bedrock of virtually all counties’ juvenile justice systems.

Summarized below are the principal provisions of SB 1057:

- Recasts the composition of the Juvenile Justice Coordinating Council (JJCC), the body responsible for developing the multiagency juvenile justice plan;
 - Requires that the JJCC be comprised of at least half community representatives and the remainder from governmental entities;
 - Specifies that the JJCC shall elect two co-chairs, at least one of whom is a community representative.
- Requires the JJCC to meet at least three times per year and further specifies other requirements to facilitate public participation;
- Confers authority to the Board of State and Community Corrections (BSCC) or other state entity with oversight over administration of these funds to determine remedial action or to withhold JJCPA funding if a county fails to establish a JJCC;
- Amends and expands the required elements of the comprehensive multiagency juvenile justice plan developed by the JJCC;
- Expands requirements that programs and strategies funded with JJCPA funds must meet;
- References a new request for proposal (RFP) process for JJCPA funds, which is virtually identical to the process amended into the March 23, 2023 version of AB 702 by Assembly Member Jackson; specifies that a local agency other than a law enforcement related agency – with a stated preference for behavioral health-related local agencies – must administer the RFP; and
- Requires new, detailed reporting to the state about JJCC membership and meeting dates.

While previous measures referenced above expressly sought to redirect the majority of JJCPA funds to community-based organizations, similar provisions that specify an explicit reprioritization of funds to CBOs are not included in SB 1057. However, the far-reaching amendments to the existing local planning process and JJCC composition are certainly intended to have the same effect.

SB 1057 has been referred to the Senate Public Safety Committee but has not yet been scheduled for hearing.



CHIEF PROBATION OFFICERS
OF CALIFORNIA

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T 916.447.2762

www.cpoc.org

April 9, 2024

The Honorable Caroline Menjivar
California State Senate
1021 O Street, Suite 6720
Sacramento, CA 95814

Subject: SB 1057 – CPOC Oppose

On behalf of the Chief Probation Officers of California (CPOC), we write in opposition to SB 1057 which would repurpose and reprioritize new processes thereby redirecting the expenditure of critical juvenile justice investments which are expended in accordance with research-based standards and producing highly effective results. This funding has been foundational to supporting positive youth outcomes resulting in a 60 percent decline in youth detention rates and a 73 percent decline in juvenile arrest rates over the last decade. Additionally, the bill seeks to revise the composition of local Juvenile Justice Coordinating Councils and make changes to multiagency juvenile justice plans. In so doing, this bill seeks to do away with collaborative and multi-agency approaches currently relied upon which have been essential tools in supporting an entire continuum that prevents juveniles from becoming more formally system involved through effectuating successful and expeditious re-entry post system involvement. This measure largely mirrors failed previous legislative efforts – AB 1007 (Jones-Sawyer, 2020) and SB 493 (Bradford, 2021) and AB 702 (Jackson, 2023).

First, it is important to understand that the current system supports both transparency and multi-disciplinary voices as fundamental pieces to advise the direction of these plans in each of the 58 counties. County probation departments have invested resources and organizational culture changes in the evolution of the juvenile justice system for over the past two decades by integrating system responses and focusing on the development of a continuum from prevention to re-entry. JJCPA supports our ability to provide cognitively designed, evidence-based and trauma-informed care. These efforts manifest in

either partnerships with other system stakeholders, contracts with non-governmental entities where appropriate, or specific skill building within the probation department to deliver direct prevention services and programming. SB 1057 would create further instability at a time when we are absorbing the responsibility and liability of moving the entire continuum to probation and counties as continue to advance the historical progress made to divert youth away from detention.

Second, SB 1057 would impact county funding in several ways.

- New language in the bill would allow the State via the Board of State and Community Corrections to withhold the funding if a county fails to establish a juvenile justice coordinating council. This mechanism is subjective, unclear, and sets a precedent for funding to counties to be withheld for service delivery that is provided by counties.
- Establishes a new request for proposals process for these funds to be disbursed and would prohibit a law-enforcement related agency from overseeing the process. Utilizing this process can result in bifurcated processes to get funding out into the field and into programs and may further delink the ability to fund programs and efforts that reflect the multiagency plan.
- Redirection of important investments in local systems would create instability and diminution for the provision of necessary supports and services for youth in our communities. We would reiterate the constitutional concerns associated with the requirement to redirect JJCPA resources, given that this funding resides within the 2011 fiscal structure that is constitutionally protected under the provisions of Proposition 30 (2012).
- Changes and adds new elements and information within what is required to be included in the local plans.
- Changes and adds new requirements for information that is included in the annual report to the State.

Third, while we support and acknowledge the benefit of having multiple perspectives on this committee, the local councils currently include an at-large community member as well as representatives from nonprofit community-based organizations providing services to minors. However, we are concerned that the changes proposed in this bill will have the adverse impact to its stated goals. It is important to note that there are instances within the current committee composition that despite probation's best effort to obtain participation for all of the members, there have been challenges in doing so. By requiring, rather than authorizing, additional members, it would create considerable obstacles rather than opportunities to fulfill the goals of the committee. Further, the changes to the composition further exacerbate the issues noted above regarding the ability of the state to withhold funding if a council is not established. Counties and probation are statutorily responsible for the safety and rehabilitation of all youth across the juvenile continuum, yet this bill removes probation from the role of coordinating the planning process with these statutory duties. Therefore, probation and counties take on the responsibility and accountability for

outcomes of juvenile services without the ability to coordinate and guide the plans to meet the goals, outcomes and requirements.

In conclusion, it is unclear how the approach in this bill, for the reasons outlined above, would support the advancement of integrated and coordinated delivery of juvenile prevention and diversion services. The provisions in this bill further bifurcate planning, program funding, and holistic efforts towards the outcomes outlined in the locally developed plan and from the historical progress to prevent and divert through from the juvenile justice system. It is also unclear why this change is being proposed in light of the evolution and decline of youth in detention and with counties' significant focus on preventing youth from coming into contact with the juvenile justice system through efforts such as JJCPA over the last decade.

For these reasons, we respectfully oppose SB 1057.

Sincerely,

A handwritten signature in black ink that reads "Danielle Sanchez". The signature is written in a cursive, flowing style.

Danielle Sanchez
Legislative Director

Cc: All Members and Consultants of the Senate Public Safety Committee



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1114

Agenda Date: 4/16/2024

Agenda #: 6.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **AB 2973 (Hart) Emergency Services**

Submitted For: Legislation Committee

Department: County Administrator's Office

Referral No:

Referral Name: AB 2973

Presenter: Marshall Bennett, Director of Emergency Medical Services; Lewis Broschard, Fire Chief of Contra Costa County Fire Protection District

Contact: L. DeLaney, 925-655-2057

Referral History:

The Contra Costa County Board of Supervisors has a recent history of legislative advocacy related to Emergency Medical Services bills. In 2021, the County successfully sponsored and advocated for AB 389 (Grayson), a bill that authorizes the Fire District to continue to utilize the effective "Fire-EMS Alliance" model as well as provide this subcontracting model as an option for other counties and fire agencies to use for their own emergency ambulance deployment systems.

The County has also taken "Oppose" positions on two recent bills: SB 443 (2022) and AB 1168 (2023). See [Attachment E](#) for more information.

AB 2973 (Hart) was brought to the attention of Legislation Committee staff by both the County Director of Emergency Medical Services, Marshall Bennett, and the Fire Chief of Contra Costa County Fire Protection District, Lewis Broschard. Their respective statewide associations have taken opposing advocacy positions on the bill, with the EMSAAC on record to oppose the bill, and the California Fire Chiefs Association (CalChiefs) and the Fire Districts Association of California (FDAC) in support. The California State Association of Counties (CSAC) is presently reviewing the bill and has no formal position. The Urban Counties of California (UCC) has expressed concerns. (See [Attachment D](#) for position letters.)

The Board of Supervisors' adopted 2023-24 State Legislative Platform contains the following related policies:

- SUPPORT legislation to maintain or strengthen the authority and governing role of counties and their local emergency medical services agencies to plan, implement, and evaluate all aspects and components of the emergency medical services system.
- SUPPORT legislation to maintain or strengthen the administration and medical control of emergency medical services, pre-hospital emergency medical care, and ambulance services at the county level.

- SUPPORT legislation that provides adequate and stable funding for LEMSAs and EMS systems components including but not limited to: EMS administration, trauma systems, specialty centers (e.g. trauma, pediatric, cardiac, stroke), ambulance transport, emergency and disaster preparedness and response, reimbursable transport to alternate destinations, and uncompensated care by emergency department physicians and on-call specialists.
- OPPOSE legislation that would threaten or weaken the authority and governing role of counties or local medical control over the locally coordinated and standardized provision of emergency medical services.
- OPPOSE legislation that may result in the fragmentation of the emergency medical services systems, prehospital emergency medical care, and ambulance services.
- OPPOSE legislation that would prevent or weaken the ability of the LEMSA Medical Director to assure medical control of the EMS system.

Referral Update:

AB 2973 (Hart): For the bill text, see Attachment A. The analysis for the Assembly Committee on Emergency Management is Attachment B. For the Fact Sheet from the author, see Attachment C.

Summary

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, governs local emergency medical services (EMS) systems, authorizes each county to develop an EMS program and designate a local EMS agency, and requires the Emergency Medical Services Authority to receive plans for the implementation of EMS systems from local EMS agencies, as specified. Existing law requires a county to enter into a written agreement with a city or fire district that contracted for or provided prehospital EMS as of June 1, 1980. Existing law requires, until that written agreement is reached, prehospital EMS to be continued at not less than the existing level and the administration of prehospital EMS by cities and fire districts contracting for or providing those services as of June 1, 1980, to be retained by those cities and fire districts, as specified.

This bill would authorize a county board of supervisors to provide or support the provision of EMS to persons located within the county, as specified. The bill would require the county board of supervisors to review and approve a single-county local EMS agency's plans for the EMS system prior to the submission of the plans to the authority, and would require a multicounty local EMS agency's plans to be approved as provided for in the contract between the counties and the agency, as provided for in the joint powers agreement that created the agency, or by the board of supervisors in each of the counties served by the agency prior to the submission of the plans to the authority. This bill contains other related provisions and other existing laws. *(Based on text date 4/2/2024)*

Analysis of the bill from the Contra Costa County Director of Emergency Medical Services, Marshall Bennett, follows:

“AB 2973 is sponsored by Assembly Member Hart of Santa Barbara and attempts to depart from existing statutory emergency ambulance procurement process. The bill provides options for ambulance contracting at the sole discretion of counties' Boards without a requirement for any procurement process. This action would circumvent existing statutory process (California Health and Safety Code Section 1797.224) that provides for an objective, transparent, competitive, and anti-trust immune procurement process. The contracting pathways this bill intends to create would result in de facto exclusivity for an Operational Area, unless the Board authorized all ambulance providers that were qualified and interested in providing emergency ambulance service to do so. If the contracting pathways of this bill are codified and exercised by counties, the result will either be anti-trust exposure for the county or an unmanageable and fragmented EMS system with multiple providers.

For each county in California, the local Board of Supervisors designates either the Local Emergency Medical Services Agency (LEMSA) or engages in a Joint Powers Authority (JPA) model where a LEMSA has a multiple county jurisdiction. In both paradigms, each county's Board has the authority to approve or disapprove of the procurement process within their county that the LEMSA submits to them. Additionally, the authority to award the contract to a prospective bidder lies solely with the Board. In the event the Board is not satisfied with the outcome of the competitive procurement process, the Board can direct the LEMSA to begin a new procurement process that is aligned with statute. This bill intends to put the full discretion of procurement of emergency ambulance service and contracting on the board of supervisors without the benefit and protection of a structured, objective, competitive, and publicly transparent process. A multi-year service contract that protects the health and safety of the community should rely on a structured and publicly transparent process that is defensible, ensures the best available care for the public, and is immune from anti-trust exposure. The current statutory process supports these outcomes.

Over the last three years there has been a bill during each legislation season that seeks to reduce the public health and safety protection standards that the EMS Act (CA HSC) offers us today.”

The bill has been referred to the Assembly Committee on Health, having passed out of Assembly Committee on Emergency Management (6-0-2).

History

4/8/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Health] (PASS)

04/03/2024 Re-referred to Com. on E.M.

04/02/2024 From committee chair, with author's amendments: Amend, and re-refer to Com. on E.M. Read second time and amended.

04/01/2024 Re-referred to Com. on E.M.

03/21/2024 Referred to Coms. on E.M. and HEALTH. From committee chair, with author's amendments: Amend, and re-refer to Com. on E.M. Read second time and amended.

02/17/2024 From printer. May be heard in committee March 18.

02/16/2024 Read first time. To print.

Recommendation(s)/Next Step(s):

CONSIDER recommending a position on AB 2973 (Hart) to the Board of Supervisors on their May 14, 2024 consent agenda.

Fiscal Impact (if any): Unknown.

AMENDED IN ASSEMBLY APRIL 2, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2973

Introduced by Assembly Member Hart

February 16, 2024

An act to amend Section 1797.202 of, and to add Section 1797.234 to, the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2973, as amended, Hart. Emergency services.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, governs local emergency medical services (EMS) systems, authorizes each county to develop an EMS program and designate a local EMS agency, and requires the Emergency Medical Services Authority to receive plans for the implementation of EMS systems from local EMS agencies, as specified. Existing law requires a county to enter into a written agreement with a city or fire district that contracted for or provided prehospital EMS as of June 1, 1980. Existing law requires, until that written agreement is reached, prehospital EMS to be continued at not less than the existing level and the administration of prehospital EMS by cities and fire districts contracting for or providing those services as of June 1, 1980, to be retained by those cities and fire districts, as specified.

This bill would authorize a county board of supervisors to provide or support the provision of EMS to persons located within the county,

~~including indigent persons, as specified. The bill would require the county board of supervisors to review and approve a *single-county* local EMS agency's plans for the EMS system prior to the submission of the plans to the ~~authority~~. *authority, and would require a multicounty local EMS agency's plans to be approved as provided for in the contract between the counties and the agency, as provided for in the joint powers agreement that created the agency, or by the board of supervisors in each of the counties served by the agency prior to the submission of the plans to the authority.*~~

Existing law authorizes a local EMS agency to create one or more exclusive operating areas in the development of a local plan, if a competitive process is used to select the service provider pursuant to the plan, with specified exceptions.

This bill would require the county and the EMS agency that elect to use the above-described competitive process to meet certain requirements.

~~Existing law requires a local EMS agency to have a licensed physician and surgeon, as specified, as medical director to provide medical control and to assure medical accountability for the EMS system, as specified.~~

~~This bill would make the official conduct of the medical director and their staff subject to the supervision of a county board of supervisors, as specified.~~

The bill would make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The Legislature designed the Emergency Medical Services
- 4 System and the Prehospital Emergency Medical Care Personnel
- 5 Act, Division 2.5 of the Health and Safety Code (EMS Act) to
- 6 encourage coordination and planning among the state, local
- 7 governments, and private providers to achieve the most effective
- 8 and cost-effective prehospital emergency medical services (EMS)
- 9 on a countywide or regionwide basis.
- 10 (2) The EMS Act defines the roles, responsibilities, and
- 11 functions of the Emergency Medical Services Authority (Authority)
- 12 and the local EMS agencies, and some, but not all, of the roles,

1 responsibilities, and functions of the counties and boards of
2 supervisors regarding prehospital EMS and ambulance services.

3 ~~(3) Since the enactment of the EMS Act, the courts in Hunt v.~~
4 ~~Superior Court (1999) 21 Cal.4th 984, City of Lomita v. County~~
5 ~~of Los Angeles (1983) 148 Cal.App.3d 671, City of Lomita v.~~
6 ~~Superior Court (1986) 186 Cal.App.3d 479, and Fuchino v.~~
7 ~~Edwards-Buckley (2011) 196 Cal.App.4th 1128, determined that~~
8 ~~a county has the obligation to provide EMS and ambulance services~~
9 ~~to all persons located in the county and to relieve indigent county~~
10 ~~residents of the cost of paying for such services pursuant to Section~~
11 ~~17000 of the Welfare and Institutions Code (established prior to~~
12 ~~the EMS Act), and articulated the county's options for fulfilling~~
13 ~~such obligations.~~

14 ~~(4) In turn, Section 17001 of the Welfare and Institutions Code~~
15 ~~provides that the board of supervisors of each county, or the agency~~
16 ~~authorized by county charter, shall adopt standards for the medical~~
17 ~~care for indigent county residents.~~

18 ~~(5)~~

19 (3) Other statutory authorities and obligations of a county and
20 the board of supervisors regarding the *provision and* regulation of
21 ambulance services, whether by public or private agreement,
22 permit, license, or other means, and the provision of ambulance
23 services for indigent county residents are located in statutes outside
24 of the EMS Act including, but not limited to, Sections 25369.5,
25 26612, 29606, and 54980 through 54983, inclusive, of the
26 Government Code, Sections 1443 through 1445, inclusive, 1451
27 through 1455, inclusive, and 1473 through 1475, inclusive, of the
28 Health and Safety Code, Section 2512 of the Vehicle Code, and
29 Sections 14136 and 16817 of the Welfare and Institutions Code.

30 ~~(6)~~

31 (4) As a result of how and where these various statutory
32 authorities are codified, significant confusion and uncertainty in
33 the state exists regarding the statutory authorities, roles,
34 responsibilities, rights, obligations, and functions of counties,
35 boards of supervisors, and local EMS agencies regarding
36 prehospital EMS and ambulance services and the interplay of
37 statutes addressing these services within and outside of the EMS
38 Act.

39 (b) It is the intent of the Legislature in enacting this act to clarify
40 *do both of the following:*

1 (1) Clarify the statutory authorities, roles, responsibilities,
2 rights, obligations, and functions of counties, boards of supervisors,
3 and local EMS agencies regarding EMS and ambulance services.

4 (2) Reaffirm the authority of boards of supervisors to decide,
5 as a policy matter, whether to provide prehospital EMS and
6 ambulance services to persons located within the county's
7 jurisdiction through a county department or agency or by
8 contracting with other local agencies or private providers.

9 ~~SEC. 2. Section 1797.202 of the Health and Safety Code is~~
10 ~~amended to read:~~

11 ~~1797.202. (a) Every local EMS agency shall have a full- or~~
12 ~~part-time licensed physician and surgeon as medical director, who~~
13 ~~has substantial experience in the practice of emergency medicine,~~
14 ~~as designated by the county or by the joint powers agreement, to~~
15 ~~provide medical control and to assure medical accountability~~
16 ~~throughout the planning, implementation and evaluation of the~~
17 ~~EMS system. The authority director may waive the requirement~~
18 ~~that the medical director have substantial experience in the practice~~
19 ~~of emergency medicine if the requirement places an undue hardship~~
20 ~~on the county or counties.~~

21 ~~(b) The medical director of the local EMS agency may appoint~~
22 ~~one or more physicians and surgeons as assistant medical directors~~
23 ~~to assist the medical director with the discharge of the duties of~~
24 ~~medical director or to assume those duties during any time that~~
25 ~~the medical director is unable to carry out those duties as the~~
26 ~~medical director deems necessary.~~

27 ~~(c) The medical director may assign to administrative staff of~~
28 ~~the local EMS agency for completion under the supervision of the~~
29 ~~medical director, any administrative functions of their duties which~~
30 ~~do not require their professional judgment as medical director.~~

31 ~~(d) The official conduct of the local EMS agency's medical~~
32 ~~director, assistant medical directors, and administrative staff is~~
33 ~~subject to the supervision of the board of supervisors pursuant to~~
34 ~~Section 25303 of the Government Code.~~

35 ~~(e) Nothing in this section affects, modifies, limits, or otherwise~~
36 ~~impairs the medical control of the medical director of a local EMS~~
37 ~~agency granted under the EMS Act.~~

38 ~~(f) Nothing in this section affects, modifies, limits, or otherwise~~
39 ~~impairs the authority's enumerated powers and authority under~~
40 ~~the EMS Act.~~

1 ~~(g) The Legislature finds and declares that the changes made~~
 2 ~~by the act that added this subdivision are declaratory of existing~~
 3 ~~law.~~

4 ~~SEC. 3.~~

5 *SEC. 2.* Section 1797.234 is added to the Health and Safety
 6 Code, to read:

7 1797.234. (a) The county and the board of supervisors may
 8 exercise their statutory ~~authority~~ *authority, including their statutory*
 9 *authority* regarding prehospital EMS and ambulance services to
 10 perform their functions ~~and obligations~~ under this division ~~and~~
 11 ~~Part 5 (commencing with Section 17000) of Division 9 of the~~
 12 ~~Welfare and Institutions Code~~ and to support the local EMS
 13 agency's functions under this division.

14 (b) ~~The county and the~~ board of supervisors may ~~fulfill the~~
 15 ~~county's obligation to~~ provide ambulance services to persons
 16 located ~~in the county~~ *within the county's jurisdiction* under this
 17 division ~~and Part 5 (commencing with Section 17000) of Division~~
 18 ~~9 of the Welfare and Institutions Code~~ by any of the following
 19 means or combination of means:

20 (1) Creating a separate county department to provide ambulance
 21 services, providing the department with the necessary staffing,
 22 vehicles, and equipment, and operating such department as it staffs
 23 and operates other county departments.

24 (2) Assigning the duty of providing ambulance services to
 25 residents of the county to an existing county department and
 26 providing the department with the necessary staffing, vehicles,
 27 and equipment to provide ambulance services.

28 (3) Contracting with cities or local *public* agencies located
 29 within the county to provide ambulance services within areas under
 30 the jurisdiction of the county, the cities, or the local *public*
 31 agencies.

32 (4) Contracting with private ambulance companies as provided
 33 for by statute, including under this division.

34 (c) Contracts or assignments made under paragraph ~~(2)~~ (1), (2),
 35 or (3) of subdivision (b) *that restrict operations to a county*
 36 *department or agency or other local agency* do not constitute
 37 exclusive operating areas as defined by Section 1797.85.

38 (d) All county agreements for implementation of the EMS
 39 system, including for prehospital EMS and ambulance services,

1 shall be in the name of the county and shall be approved by the
2 board of supervisors.

3 (e) When a local EMS agency, upon the recommendation of the
4 county, elects to create an exclusive operating area using a
5 competitive process pursuant to Section 1797.224, all of the
6 following shall apply:

7 (1) The county's purchasing and acquisition personnel and the
8 EMS agency shall jointly develop and administer a competitive
9 process pursuant to the county's purchasing policies, rules, and
10 requirements and government procurement best practices.

11 (2) The board of supervisors shall review and approve a
12 competitive process prior to issuance of the competitive processes
13 to the public.

14 (3) The board of supervisors shall have the sole authority to
15 approve the award of agreements or operating rights for prehospital
16 EMS or ambulance services by the county or the local EMS agency
17 pursuant to a competitive process.

18 (f) (1) *Contracts for ambulance services developed pursuant*
19 *to this section shall comply with the requirements of subdivisions*
20 *(c) and (d) of Section 1797.230.*

21 (2) *Subcontracts for emergency ambulance services developed*
22 *pursuant to this section shall comply with the requirements of*
23 *subdivisions (b), (c), and (d) of Section 1797.231.*

24 ~~(f) The board of supervisors shall review and approve a local~~
25 ~~EMS agency's plans for the EMS system prior~~

26 (g) *Prior to the submission of the plans to the authority of the*
27 *local EMS agency's plans for the EMS system pursuant to this*
28 *division including, but not limited to, Article 2 (commencing with*
29 *Section ~~1797.250~~. 1797.250), one of the following shall apply:*

30 (1) *For a single-county local EMS agency, the board of*
31 *supervisors shall review and approve the local EMS agency's*
32 *plans.*

33 (2) *For a multicounty local EMS agency, the local EMS agency's*
34 *plans shall be approved through one of the following:*

35 (A) *As provided for in the contract for local emergency medical*
36 *services administration between the counties and the local EMS*
37 *agency.*

38 (B) *As provided for in the joint powers agreement that created*
39 *the local EMS agency.*

1 (C) *By the board of supervisors of each of the counties served*
2 *by the local EMS agency.*

3 ~~(g)~~

4 (h) This section does not supersede Section 1797.201.

5 ~~(h)~~

6 (i) Nothing in this section affects, modifies, limits, or otherwise
7 impairs the authority's enumerated powers and authorities under
8 the EMS Act.

9 (j) *Nothing in this section affects, modifies, limits, or otherwise*
10 *impairs the medical control of the medical director of a local EMS*
11 *agency granted under the EMS Act.*

12 ~~(i)~~

13 (k) The Legislature finds and declares that the provisions of this
14 section are declaratory of existing law.

O

Date of Hearing: April 8, 2024

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Freddie Rodriguez, Chair

AB 2973 (Hart) – As Amended April 1, 2024

SUBJECT: Emergency medical services

SUMMARY: Would authorize a county board of supervisors to provide or support the provision of emergency medical services (EMS) to persons located within the county, as specified. Specifically, **this bill:**

- 1) Would authorize a county board of supervisors to provide or support the provision of EMS to persons located within the county by any of the following means or combination of means:
 - (a) Creating a separate county department to provide ambulance services, as specified
 - (b) Assigning the duty of providing ambulance services to residents of the county to an existing county department, as specified.
 - (c) Contracting with cities or local public agencies located within the county to provide ambulance services, as specified.
 - (d) Contracting with private ambulance companies, as specified.
- 2) Would require all county agreements for implementation of the EMS system, including for prehospital EMS and ambulance services, to be in the name of the county and approved by the board of supervisors.
- 3) Provides when a local EMS agency, upon the recommendation of the county, elects to create an exclusive operating area using a competitive process, shall ensure such process is reviewed and approved by the board of supervisors, as specified.
- 4) Would require the county board of supervisors to review and approve a single-county local EMS agency's (LEMSA) plans for the EMS system prior to the submission of the plans to the Emergency Medical Services Authority (EMSA).
- 5) Would require a multicounty local EMS agency's plans to be approved, as provided for in the contract between the counties and the agency, as provided for in the joint powers agreement that created the agency, or by the board of supervisors in each of the counties served by the agency prior to the submission of the plans to the authority.
- 6) Would specify that the authorities of the medical director of a local EMS granted under the EMS Act are not affected, modified, limited or otherwise impaired under Section 1797.234.
- 7) Would make related findings and declarations.

EXISTING LAW:

- 1) Establishes the Emergency Medical Services Authority, under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, which is responsible for the coordination of various state activities concerning emergency medical services. (Health and Safety Code Section 1797)
- 2) Requires, among other things, EMSA 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. (Health and Safety Code Section 1797.103-105)
- 3) Provides each county may develop an emergency medical services program. Each county developing such a program shall designate a local EMS agency (LEMSA) which shall be the county health department, an agency established and operated by the county, an entity with which the county contracts for the purposes of local emergency medical services administration, or a joint powers agency created for the administration of emergency medical services by agreement between counties or cities and counties, as specified. (Health and Safety Code Section 1797.200)
- 4) Requires a county to enter into a written agreement with a city or fire district that contracted for or provided prehospital EMS as of June 1, 1980. Until such written agreement is reached, prehospital EMS to be continued at not less than the existing level and the administration of prehospital EMS by cities and fire districts contracting for or providing those services as of June 1, 1980, to be retained by those cities and fire districts, as specified. (Health and Safety Code Section 1797.201)
- 5) Allows LEMSAs to create one or more exclusive operating areas in the development of a local EMS plan, if a competitive process is utilized to select the provider or providers of the services pursuant to the plan. *No competitive process is required if the local EMS agency develops or implements a local plan that continues the use of existing providers operating within a local EMS area in the manner and scope in which the services have been provided without interruption since January 1, 1981.* (Health and Safety Code Section 1797.224)
- 6) Requires LEMSAs to annually submit an EMS plan to EMSA in accordance with specified standards and guidelines. (Health and Safety Code Section 1797.254)
- 7) Requires a local EMS agency to have a licensed physician and surgeon, as specified, as medical director to provide medical control and to assure medical accountability for the EMS system, as specified. (Health and Safety Code Section 1797.202)

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

Purpose of the bill: According to the author, “Despite the enactment of the EMS Act and relevant case law, confusion persists regarding the roles, responsibilities, and statutory authorities of counties, boards of supervisors, and LEMSAs. This ambiguity extends to EOAs and County responsibilities and authorities governing ambulance services, creating uncertainty about their interplay and implementation. AB 2973 clarifies the statutory responsibilities of counties, boards of supervisors, and local emergency medical service agencies regarding EMS and ambulance services and reaffirms the authority of the boards of supervisors to decide, as a policy matter, whether to provide EMS and ambulance services to persons within their counties’ jurisdiction on an in house basis through new or existing county departments or agencies, by contracting with local public agencies or private service providers, or a combination of those options.”

The author continues, “The bill also provides for procedural requirements regarding competitive processes for the award of exclusive services rights under Health & Safety Code § 1797.224 and approval of LEMSA’s EMS system plans. This bill is declaratory of existing statute and case law and reflects historical and existing practices. AB 2973 will enhance the accessibility of emergency medical services in California while promoting accountability, transparency, and coordination among all stakeholders involved in providing EMS services and avoiding disruptions to EMS systems by preserving the existing statutory authorities of cities and fire districts, EMSA, and LEMSAs under the EMS Act.”

Equity Impact: According to the author’s staff, “By reaffirming the authority of the county boards of supervisors to make policy decisions regarding the provision of EMS and ambulance services and creating procedural requirements for the development of EOAs and EMS plans that provide for the opportunity of public input, AB 2973 will allow for greater and more public discussion, analysis, and consideration of health equity issues in the provision of EMS and ambulance services by the counties, LEMSAs, stakeholders, and community members.”

EMSA, LEMSAs and Hospital Emergency Departments: EMSA provides statewide oversight for the 33 local emergency medical services agencies or LEMSAs. Together they form the state’s pre-hospital emergency medical system. The pre-hospital emergency medical system and hospital emergency departments operate as separate and distinct entities, but are linked through policies, procedures and regulations. Collectively, these entities provide effective patient care from the initial notification of an emergency and response in the field to the time the EMS provider drops off the patient at the emergency department and returns to the community, while the patient receives evaluation, care and hospitalization, if needed.

EMSA’s Mission and Emergency Medical Services Act: According to EMSA, their mission is to ensure equitable administration, coordination, and integration of the statewide EMS system to reduce suffering and save lives throughout California. With the passage of the Emergency Medical Services Act in 1980, California created a framework for a two-tiered system of EMS governance through both the EMSA (state) and LEMSAs (county). Counties are required by the EMS Act to create a local EMS system that is timely, safe, and equitable for all residents. To do so, counties honor HSC 1797.201 authorities and contract with both public and private providers to ensure coverage of underserved areas regardless of the challenges in providing uniform services throughout geographically diverse areas.

American Medical Response West (AMR) v. County of Santa Barbara: Advocates for and against the bill have cited ongoing litigation concerning the EMS Act and Santa Barbara County's application of its new permitting regime for ambulance services in their arguments for and against this bill. In brief, AMR is suing (Case No. 23CVO4250) the County of Santa Barbara in Superior Court regarding the County's permit to the Santa Barbara County Fire District to provide emergency ambulance services.

EMSA's Amicus Curiae Brief of the Emergency Medical Services Authority (EMSA): Attorney General Rob Bonta submitted an amicus curiae brief of EMSA on November 22, 2023. "EMSA submits this amicus brief to provide a state-level assessment of the significant legal issues in this case." The EMSA amicus brief discusses the EMS Act, Santa Barbara County ordinance No. 5182, and the extent to which the County's application of this permitting ordinance is consistent with the EMS Act. Among other things, EMSA's amicus brief raises policy questions regarding the power of the county board of supervisors to choose an EMS provider and approve EMS plans vs the power of the LEMSAs to do so.

Policy direction in this bill: According to advocates of this bill, the overarching goal is to reaffirm the board of supervisors authority to provide or support the provision of emergency medical services with one of or a combination of the following policy options: creating a separate county department to provide ambulance services; assigning the duty of providing ambulance services to residents of the county to an existing county department; contracting with cities or local public agencies located within the county to provide ambulance services; and/or contracting with private ambulance companies, as specified.

Arguments in support: The California Fire Chiefs Association (CalChiefs) and the Fire Districts Association of California (FDAC), write in support, "This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California."

The Berkley Fire Department adds, "AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS."

The President of the Western Placer Fire Chiefs Association, adds in support, "AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care."

Arguments in opposition: The Emergency Medical Services Administrators Association of California (EMSAAC), writes in opposition, "This bill would place the LEMSA medical director and LEMSA staff directly under the supervision of the elected County Board of Supervisors, outside the long-standing and proven LEMSA structure, creating a volatile and political situation and negatively impacting California's emergency medical services (EMS) system. A potential consequence of AB 2973 would be to erode this long-standing effective two-tiered EMS system in the State of California. As it currently stands, the EMSA promulgates the regulations

governing the administration of EMS and the LEMSAs provide the local policies, protocols, and procedures to ensure all EMS system participants (regardless of type/affiliation) adhere to current EMS statutes/regulations. The current two-tiered system affords the flexibility of LEMSAs to administer their EMS programs based on local EMS system needs. This bill undermines the two-tiered system by mandating a specific supervisory structure for each County.

American Medical Response (AMR) writes in opposition, “as California’s largest provider I am writing to register our OPPOSED position to AB 2973. Despite the author’s claims, this bill seeks to completely undermine the California EMS Act by eliminating the competitive process for exclusive ambulance contracts. AB 2973 is simply an attempt to legitimize the illegal actions of Santa Barbara County to award Santa Barbara County Fire Department (SBCFD) exclusive rights to provide the County’s ambulance service despite losing to AMR in a competitive bid process established under the requirements of the EMS Act.”

The American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, adds in opposition, “AFSCME writes to express our regretful opposition to AB 2973 (Hart) which unravels centralized, established, and integrated countywide ambulance systems that have been in place for over four decades.”

Concerns: The Urban Counties of California (UCC) write, “AB 2973 raises significant concerns with ho counties currently select providers for exclusive operating areas, how competitive processes for selecting providers should be structured, and what elements Boards of Supervisors are required to approve in the EMS plan. Urban areas strongly urge that further conversation about exclusive operating areas and how competitive processes for selecting providers should be structured occur before the bill proceeds.”

Committee Comments and Amendments: Committee staff is aware of the ongoing deliberations on the policy questions this bill raises. Based upon the concerns raised by advocates for the Emergency Medical Services Administrators Association of California and the Rural Counties Representatives of California, with respect to the role joint powers agencies designated as the local EMS agency by the board of supervisors have in the overall EMS systems, the author may wish to amend the bill to read:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The Legislature designed the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 of the Health and Safety Code (EMS Act) to encourage coordination and planning among the state, local governments, and private providers to achieve the most effective and cost-effective prehospital emergency medical services (EMS) on a countywide or regionwide basis.

(2) The EMS Act defines the roles, responsibilities, and functions of the Emergency Medical Services Authority (Authority) and the local EMS agencies, and some, but not all, of the roles, responsibilities, and functions of the counties and boards of supervisors regarding prehospital EMS and ambulance services.

(3) Other statutory authorities of a county and the board of supervisors regarding the provision and regulation of ambulance services, whether by public or private agreement, permit, license, or other means, and the provision of ambulance services for indigent county residents are

located in statutes outside of the EMS Act including, but not limited to, Sections 25369.5, 26612, 29606, and 54980 through 54983, inclusive, of the Government Code, Sections 1443 through 1445, inclusive, 1451 through 1455, inclusive, and 1473 through 1475, inclusive, of the Health and Safety Code, Section 2512 of the Vehicle Code, and Sections 14136 and 16817 of the Welfare and Institutions Code.

(4) As a result of how and where these various statutory authorities are codified, significant confusion and uncertainty in the state exists regarding the statutory authorities, roles, responsibilities, rights, obligations, and functions of counties, boards of supervisors, and local EMS agencies regarding prehospital EMS and ambulance services and the interplay of statutes addressing these services within and outside of the EMS Act.

(b) It is the intent of the Legislature in enacting this act to do both of the following:

(1) Clarify the statutory authorities, roles, responsibilities, rights, and functions of counties, boards of supervisors, and local EMS agencies regarding EMS and ambulance services.

(2) Reaffirm the authority of boards of supervisors, or the governing body of an entity or joint powers agency designated as the local EMS agency by the board of supervisors under section 1797.200, to decide, as a policy matter, whether prehospital EMS and ambulance services will be provided to persons located within the county's jurisdiction through a county department or agency or by contracting with other local agencies or private providers.

SEC. 2. Section 1797.234 is added to the Health and Safety Code, to read:

1797.234. (a) The board of supervisors, or the governing body of an entity or joint powers agency designated as the local EMS agency by the board of supervisors under section 1797.200 may exercise their statutory authority, including their statutory authority regarding prehospital EMS and ambulance services to perform their functions under this division and to support the local EMS agency's functions under this division.

(b) The board of supervisors, or the governing body of an entity or joint powers agency designated as the local EMS agency by the board of supervisors under section 1797.200 may provide ambulance services to persons located within the county's jurisdiction under this division by any of the following means or combination of means:

(1) Creating a separate county department to provide ambulance services, providing the department with the necessary staffing, vehicles, and equipment, and operating such department as it staffs and operates other county departments.

(2) Assigning the duty of providing ambulance services to residents of the county to an existing county department and providing the department with the necessary staffing, vehicles, and equipment to provide ambulance services.

(3) Contracting with cities or local public agencies located within the county to provide ambulance services within areas under the jurisdiction of the county, the cities, or the local public agencies.

(4) Contracting with private ambulance companies as provided for by statute, including under this division.

(c) Contracts or assignments made under paragraph (1), (2), or (3) of subdivision (b) that restrict operations to a county department or agency or other local agency do not constitute exclusive operating areas as defined by Section 1797.85 and do not require the local EMS agency to utilize a competitive process under Section 1797.224.

(d)(1) No contract for ambulance services pursuant to this section shall be entered into unless the board of supervisors, or the governing body of an entity or joint powers agency designated as the local EMS agency by the board of supervisors under section 1797.200, has adopted, by ordinance or resolution, a written policy setting forth issues to be considered for inclusion in the contract for emergency ambulance services, which may include, but are not limited to, all of the following:

(a) Employment retention requirements for the employees of the incumbent ambulance service.

(b) Demonstrated experience serving similar populations and geographic areas.

(c) Diversity and equity efforts addressing the unique needs of vulnerable and underserved populations of the service area.

(d) Financial requirements, including requiring a private ambulance service provider to show proof of insurance and bonding.

(e) A description of the ambulance service provider's public information and education activities and community involvement.

(2) A contract entered into pursuant to this section shall demonstrate how the contract will provide for the payment of comparable wages and benefits to all ambulance service employees that are generally consistent with those provided to ambulance service employees in the same geographic region. The contract shall also demonstrate that the staffing levels for ambulance service employees will be comparable to the staffing levels under the previous contract for these services.

(e) Subcontracts for emergency ambulance services developed by a local agency that enters into a contract under (3) of subdivision (b) shall comply with the requirements of subdivisions (b), (c), and (d) of Section 1797.231.

(f) This section does not supersede Section 1797.201.

(g) Nothing in this section affects, modifies, limits, or otherwise impairs the authority of the board of supervisors or the governing body of an entity or joint powers agency designated as the local EMS agency under any other provision of law.

(h) Nothing in this section affects, modifies, limits, or otherwise impairs the authority's enumerated powers and authorities under the EMS Act.

(i) Nothing in this section affects, modifies, limits, or otherwise impairs the medical control of the medical director of a local EMS agency granted under the EMS Act.

(j) The Legislature finds and declares that the provisions of this section are declaratory of existing law.

Double referral: Should this bill be approved, it will be referred to the Assembly Committee on Health.

Prior legislation: AB 379 (Rodriguez) of this Session. Requires LEMSAs to adopt policies and procedures for calculating and reporting ambulance patient offload times, as specified. (Held in Assembly Committee on Appropriations)

AB 1168 (Bennett) of this Session. Would overturn existing “Oxnard” decision, and instead requires a city or fire district that contracted for, or provided, as of June 1, 1980, prehospital EMS, to be deemed to retain its authorities regarding, and administration of, the prehospital EMS when a city or fire district enters into an agreement with a county for the joint exercise of powers regarding prehospital EMS, or ceased to contract for, provide, or administer prehospital EMS as a result of a judicial finding, or contracts with a county to provide prehospital EMS in areas outside of that city or fire district. (Senate Inactive File)

AB 389 (Grayson), Chapter 460, Statutes of 2021. Permits a county to contract for emergency ambulance services with a fire agency that will provide those services, in whole or in part, through a written subcontract with a private ambulance service; and permits a fire agency to enter into a written subcontract with a private ambulance service for the purpose of contracting with a county.

AB 1544 (Gipson), Chapter 138, Statutes of 2020) enacted the Community Paramedicine or Triage to Alternate Destination Act of 2019, which permits local emergency medical services agencies, with approval by the Emergency Medical Services Authority, to develop programs to provide community paramedic or triage to alternate destination services, as specified.

SB 438 (Hertzberg), Chapter 389, Statutes of 2019. Prohibited a public agency from entering into a contract for 911 call processing regarding the dispatch of emergency response resources unless the contract is with another public agency, with specified exceptions.

REGISTERED SUPPORT / OPPOSITION:

Support

Alturas Rural Fire Protection District
 Berkeley Fire Department
 California Fire Chiefs Association
 Carpinteria-Summerland Fire Protection District
 City of Albany
 City of Merced
 City of Roseville
 Fire Districts Association of California
 Lake County Fire Protection District
 Marina Fire Department
 Mendocino County Fire Chiefs Association
 Northshore Fire Protection District
 Petaluma Fire Department
 Sonoma Valley Fire District
 Ukiah Valley Fire Authority

Opposition

911 Ambulance Provider's Medical Alliance
American Federation of State, County and Municipal Employees
Emergency Medical Services Administrators' Association of California (EMSAAC)
Global Medical Response

Other

Urban Counties of California (UCC)

Analysis Prepared by: Mike Dayton / E.M. / (916) 319-3802



ASSEMBLY BILL 2973

Emergency Medical Services Coordination

SUMMARY

Assembly Bill 2973 codifies relevant case law and clarifies the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies regarding EMS and ambulance services within counties throughout the state.

This bill is declaratory of existing statute and case law.

BACKGROUND

The Emergency Medical Services (EMS) Act is designed to encourage coordination and planning among the State, counties, cities, fire districts, and private providers in order to achieve the most effective and responsive ambulance transport within each county.

Counties have the authority to develop EMS programs and designate a Local EMS Agency (LEMSA) to manage day-to-day operations and service delivery. The California Emergency Medical Services Authority (EMSA) serves as the central agency overseeing emergency and disaster medical services statewide.

The City of Lomita vs. County of Los Angeles (Cal.App.3d 1983, 1986), determined that counties have an obligation to provide emergency medical care and transport to all persons located in the county. This responsibility can be fulfilled by creating a separate county department, assigning the duty to an existing department, contracting

with local agencies, or hiring private ambulance companies.

Under the EMS Act, a LEMSA, on the recommendation of a county, may create an Exclusive Operating Area (EOA), incorporating one or more service providers as exclusive providers of emergency ambulance services within a defined geographic area if a competitive process is utilized to select the provider or providers.

PROBLEM

Despite the enactment of the EMS Act and relevant case law, confusion persists regarding the roles, responsibilities, and statutory authorities of counties, the board of supervisors, and LEMSAs. The ambiguity extends to EOAs and the counties responsibilities and authorities governing ambulance services.

SOLUTION

AB 2973 clearly outlines the authorities and responsibilities of counties, the board of supervisors, and LEMSAs concerning emergency ambulance services. This bill is consistent with longstanding state law (EMS Act) and case law.

The bill reaffirms that the county board of supervisors holds the responsibility for providing ambulance services. It also clarifies that a county can assign its responsibility to a new or existing county department, contract with cities and/or fire districts, contract with a private ambulance provider, or employ a combination of these four

options (Lomita Case Law) using existing county policy and ordinance.

AB 2973 requires the board of supervisors to review and approve the plans developed by a LEMSA before these plans are submitted to the statewide EMSA. It is important to note that the EMSA will have the final ability to approve or reject the plan, creating another check and balance in the process.

AB 2973 also enacts the following procedural requirements for when a LEMSA creates an EOA pursuant to a competitive process: (1) the county's purchasing department and the LEMSA shall jointly develop and administer the competitive process pursuant to existing county procurement rules and best practices; (2) the board of supervisors shall review and approve the competitive process before issuance to the public; and (3) the board of supervisors has the sole authority to approve contracts and operating rights awarded pursuant to a competitive process. These procedural requirements are intended to ensure that EOA competitive processes are the product of county personnel with the most relevant expertise, and subject to oversight by county policymakers.

AB 2973 will enhance the accessibility of emergency medical services in California while promoting accountability, transparency, and coordination among all stakeholders involved in providing EMS services.

SUPPORT

Fire Chiefs Association of Santa Barbara County
(Sponsor)
California Fire Chiefs Association (CalChiefs)

AB 2628 Fact Sheet
Contact: Jimmy Wittrock
jimmy.wittrock@asm.ca.gov | (916) 319-2037



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 Sierra-Sac Valley
 Solano
 Stanislaus
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 Ventura
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April 9, 2024

Assemblymember Mia Bonta, Chair
 Assembly Health Committee
 1020 N Street, Suite 390
 Sacramento, CA 95814

RE: AB 2973 (Hart) Emergency services – OPPOSE

Dear Assemblymember Bonta,

The Emergency Medical Services Administrators Association of California (EMSAAC), representing the interests of all 34 California Local EMS Agencies (LEMSAs) covering all 58 California counties, write to express our opposition to AB 2973 (Hart). The bill would significantly reduce the medical control authority of the LEMSA medical director and allow a county to establish a de facto monopoly on ambulance services, independent of the the fair and impartial statutory process that has been in place since the enactment of the EMS Act. Alternatively, EMSAAC is supportive of the work that the Emergency Medical Services Authority (EMSA) has recently undertaken to promulgate clear and collaborative regulations to address these important EMS system design matters (specifically, CCR, Title 22, Chapter 1 – previously referred to as ‘Chapter 13’ regulations).

AB 2973 places important, medically related, design aspects of local EMS systems under the sole purview of the elected Board of Supervisors, who have minimal or no experience in the practice of EMS. To ensure that local EMS policy flows primarily from professional medical judgment, rather than external or political factors, the Legislature mandated that LEMSAs have a medical director, that the medical director and assistant medical directors be licensed physicians, and that the medical director have “substantial experience in the practice of emergency medicine.” (Health and Safety code 1797.202, subds. (a) & (b).). Further, current statute provides that “The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS agency. This medical control shall be maintained in accordance with standards for medical control established by the authority.”

AB 2973, as proposed, allows a county Board of Supervisors to establish a de facto monopoly on ambulance services without the input of the LEMSA medical director or the strict oversight and approval by the EMSA that would otherwise be mandated by current law to ensure that EMS services provided are equitable and of high quality. This would be true even if a county were allowed to restrict ambulance operations to a private ambulance provider that was not required to participate in an EMSA reviewed/approved and LEMSA managed competitive procurement process. It directly conflicts with the current processes required to establish an exclusive operating area pursuant to HSC 1797.224.



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 Ventura
 Yolo

The Emergency Services Act outlines the important roles and responsibilities of the LEMSA in the design, implementation, evaluation, and management of local EMS systems, including the contracting of ambulance providers. According to the California Attorney General's recent Amicus Brief related to these matters:

“And, under the EMS Act, such oversight plays a vital role in the legislative balancing struck between the administrative need for exclusive providers and the risk that exclusivity poses for patients. While exclusivity can play an important role in the administration of a local EMS plan (County of San Bernardino, supra, 15 Cal.4th at pp. 931-932), it remains the case that local monopoly of emergency services can risk numerous harms to patients. The absence of competition may inevitably lead to higher costs for emergency services, as well as operational inefficiencies that ultimately diminish the quality of care and the equitable access to care. (See United States v. Syufy Enterprises (9th Cir. 1990) 903 F.2d 659, 669 [“Fostering an environment where businesses fight it out using the weapon of efficiency and consumer goodwill is what the antitrust laws are meant to champion.”]; see also Berkey Photo, Inc. v. Eastman Kodak Co. (2d Cir. 1979) 603 F.2d 263, 294 [excessive prices, maintained through a monopolist's control of the market, constitute one of the primary evils addressed by antitrust laws].) Of course, it may be true in most instances that the administrative need for an EOA will outweigh these concerns, but EMSA oversight and approval of such arrangements, as the Legislature mandated in section 1797.224, serves to guarantee an independent evaluation of these considerations.”

EMSAAC remains opposed to AB 2973, as recently amended as it would still place unnecessary and inappropriate control of the EMS system in the hands of elected officials with limited medical experience and could create structural imbalances, due to lack of a competitive procurement process. The efforts of this bill are also in direct conflict they work that the EMSA has initiated to promulgate regulations to address these important EMS system design matters.

Please reach out to EMSAAC at governmentaffairs@emsaac.org and our lobbyist Darby Kernan at dkernan@mosaicsof.com for any questions or if you would like to discuss our concerns.

Thank you,

John Poland
 EMSAAC Legislative Chair



Supervisor Nora Vargas, Chair
San Diego County

Supervisor Rich Desmond, Vice-Chair
Sacramento County

April 2, 2024

The Honorable Freddie Rodriguez
Chair, Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

**RE: AB 2973 (Hart): Emergency Services
As Amended March 21, 2024 — CONCERNS
Set for Hearing April 8, 2024, in Assembly Emergency Management Committee**

Dear Assemblymember Rodriguez:

On behalf of the Urban Counties of California (UCC), I am writing with respectful concerns to Assembly Bill 2973 (Hart).

The March 21st amendments make several consequential changes to the Emergency Medical Services (EMS) system. First, the bill would place the local emergency medical services agency (LEMSA) medical director and their staff directly under the supervision of the county board of supervisors outside of the existing emergency medical services (EMS) agency structure. Additionally, AB 2973 would require Boards of Supervisors to engage in a competitive process for selecting providers for exclusive operating areas (EOAs) and then exempts contracts with county, city or special district agencies from being exclusive operating areas, in effect exempting those contracts from a competitive process. Finally, the amendments require the Board of Supervisors to review and approve EMS plans.

AB 2973 raises significant concerns with how counties currently select providers for exclusive operating areas, how competitive processes for selecting providers should be structured, and what elements Boards of Supervisors are required to approve in the EMS plan. AB 2973 solely focuses on supervision of the EMS Agency and ambulance services but requires the Board to approve EMS Plans, staying silent on many other LEMSA core functions. It is unclear whether AB 2973 is intended to affect all LEMSA core functions, including disaster response or the designation of Specialty Care Centers. We have concerns that the regional and multi-jurisdictional work being done in urban counties could be undermined by the bill.

AB 2973 seeks to overturn an extensive statutory and case law record that has repeatedly affirmed county responsibility for the administration of emergency medical services and with that, the flexibility to design systems to equitably serve residents throughout their jurisdiction. The measure will result in more litigation and fragmentation of the EMS system.

AB 2973 will have significant consequences on the delivery of emergency medical services. Urban counties strongly urge that further conversation about exclusive operating areas and how competitive processes for selecting providers should be structured occur before the bill proceeds. While AB 2973 may be

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workable in smaller counties, urban counties typically rely on a mix of public and private sector ambulance providers for EMS services. What is the policy rationale for exempting some EMS providers from competitive selection processes and how do urban counties communicate that to the public?

For the reasons outlined above, UCC has significant concerns with AB 2973. Please do not hesitate to contact me for additional information at 916-441-6222 or bgiroux@lhgkgr.com.

Sincerely,



Bob Giroux
Legislative Advocate

cc: The Honorable Gregg Hart, Member, California State Assembly
Members and Consultants, Assembly Committee on Emergency Management



April 4, 2024

Assemblymember Freddie Rodriguez, Chair
Assembly Emergency Management Committee
1020 N Street, Room 360B
Sacramento, CA 95814

Re: Oppose AB 2973

Dear Assembly Member Rodriguez,

On behalf of 911 Ambulance Provider's Medi-Cal Alliance (Alliance) I am writing to register our OPPOSED position to AB 2973. Despite the author's claims, this bill seeks to completely undermine the California EMS Act by eliminating the competitive process for exclusive ambulance contracts. Specifically, the author is seeking to eliminate competitive bidding for exclusive ambulance contracts so that California fire agencies and local governments can access billions in Medicaid funding by using questionable cost reports to generate reimbursement rates nine times higher than what private providers receive.

What the author has failed to disclose in the bill's fact sheet is that the Assemblymember's district fire agency, Santa Barbara County Fire Department (SBCFD), was soundly defeated by a private provider in a competitive bidding process initiated by the County LEMSA, and in accordance with the California EMS Act, for an exclusive ambulance contract. SBCFD lost despite having a nonprofit tax-exempt status, and the financial advantage of what the Alliance believes is an anti-competitive and illegal Medicaid reimbursement structure that generates Medicaid reimbursement above actual cost without taxpayer approval and outside the guidelines of the State Plan Amendment declaration submitted to CMS.

Ultimately, the independent review committee of medical and EMS professionals determined that the services SBCFD offered in its bid were inferior to the competing incumbent private provider, and not in the best interests of the community or patients as is required by the California EMS Act. This decision was further solidified when two subsequent appeals initiated by SBCFD determined the selection of the private provider was valid and in the best interests of patient care.

However, the Santa Barbara County Board of Supervisors, facing political pressure to access profits from Medicaid funds, overruled their own LEMSA and the independent committee, and issued the exclusive

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contract to their own County fire department via a county permit in violation of the EMS Act. This resulted in the private provider filing suit and securing an injunction against the County's actions. The California Attorney General filed an amicus brief in support of the private provider's position. The amicus brief is attached to this letter.

Despite the author's claims that this legislation clarifies ambiguity in existing law, the revisions AB 2973 makes to Health & Safety Code 1797.234(b) and (c), sidesteps well-established public contracting requirements and completely undermines the intent of the EMS Act, which is to ensure political pressure does not override equitable access to emergency services and quality patient care. These changes are also contrary to the holding in County of Butte v. Emergency Medical Services Authority (2010) 187 Cal.App.4th 1175, which holds that if the county chooses to delegate its responsibility to provide ambulance services to a LEMSA, it cannot reserve some of the authority for itself. This case further states that the EMS Act authorizes a county to designate a single LEMSA, not two that will share statutory power and duties of the EMS Act.

Moreover, the author's position that AB 2973 is declaratory of existing law is completely contradicted by decades of case law and the State's own Attorney General. In its recent amicus brief filed in support of the private provider challenging Santa Barbara County's illegal actions, the Attorney General reaffirmed the following:

"Prior to passage of the EMS Act, the legal landscape for delivery of prehospital emergency services was "haphazard." (County of San Bernardino v. City of San Bernardino (1997) 15 Cal.4th 909, 914 (County of San Bernardino).) State law required no coordination or integration of operation for EMS, either between neighboring counties or between the State and counties. (Ibid.) The EMS Act brought order to the overall system, creating a two-tiered scheme of regulation and governance touching on "virtually every aspect of prehospital emergency medical services." (Id. at p. 915.)

"...the County's conduct, in canceling its competitive proposal process and exercising unilateral discretion to award a single operating permit to its own fire department, raises serious concerns that cut at the intended functionality and purpose of the EMS Act."

..." in exercising this substantive authority under the permitting ordinance, the County, by awarding a single operating permit, may have created a de facto monopoly on ambulance services without the

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strict oversight and approval by EMSA that would otherwise be mandated by law to ensure that services provided are equitable and of high quality. These alleged facts, if true, would undercut the careful balancing of interests struck in the EMS Act and, in doing so, weaken the law's patient-focused protections that ensure a statewide quality and equitable access of EMS care."

..." The permitting scheme at issue here, at least as allegedly applied in this case, stands in conflict with this critical component of the EMS Act. Though the County's ordinance purported to establish a non-exclusive system where multiple providers could obtain authorization to operate ambulance services, in the end, County Fire was the only provider issued a permit, creating a de facto EOA for emergency transportation in Santa Barbara County. This result, because it occurred under local regulation that, in theory, allowed for more than one provider to obtain a permit, falls outside of section 1797.224's requirement of state-level review and approval.

"And, under the EMS Act, such oversight plays a vital role in the legislative balancing struck between the administrative need for exclusive providers and the risk that exclusivity poses for patients. While exclusivity can play an important role in the administration of a local EMS plan (County of San Bernardino, supra, 15 Cal.4th at pp. 931-932), it remains the case that local monopoly of emergency services can risk numerous harms to patients. The absence of competition may inevitably lead to higher costs for emergency services, as well as operational inefficiencies that ultimately diminish the quality of care and the equitable access to care. (See United States v. Syufy Enterprises (9th Cir. 1990) 903 F.2d 659, 669 ["Fostering an environment where businesses fight it out using the weapon of efficiency and consumer goodwill is what the antitrust laws are meant to champion."]; see also Berkey Photo, Inc. v. Eastman Kodak Co. (2d Cir. 1979) 603 F.2d 263, 294 [excessive prices, maintained through a monopolist's control of the market, constitute one of the primary evils addressed by antitrust laws].)

There is no ambiguity or uncertainty in the decades of case law that have clearly established the requirements of the EMS Act, or the competitive requirements required when issuing exclusivity for ambulance services. Ultimately, the anti-competitive reimbursement structure that the state has established between public and private ambulance providers has destabilized the market and initiated a gold rush by local governments seeking to capitalize on profits from the Medicaid program at the

1001 21ST STREET
BAKERSFIELD, CA 93301
(661) 322-8741
FAX (661) 716-4194

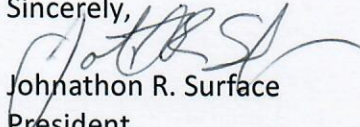


detriment to patient care, equitable service, and the 911 ambulance business owners who have served Californian for over 50 years.

AB 2973 is just an attempt to eliminate the competitive process designed to protect patients from unnecessary charges and ensure equitable care. The author's local fire department lost in a competitive bid reviewed by an independent committee, they appealed the loss twice and lost twice, the County attempted to throw out the competitive process and just give their fire department an exclusive ambulance contract, and the courts and the Attorney General said that is illegal.

This bill does not clarify uncertainty or ambiguity in the law, it undermines the EMS Act. For these reasons, stated above, the Alliance must appose AB 2973.

Please contact Jonathan Feldman should you wish to discuss further at 916-341-0808.

Sincerely,

Johnathon R. Surface
President

PRESIDENT
JOHN SURFACE
HALL AMBULANCE SERVICE, INC.

SECRETARY
TODD VALERI
AMERICAN AMBULANCE

TREASURER
TOM WAGNER
AMERICAN MEDICAL RESPONSE

DIRECTORS
TROY HAGEN
CARE AMBULANCE SERVICE

1001 21ST STREET
BAKERSFIELD, CA 93301
(661) 322-8741
FAX (661) 716-4194

The Board of Supervisors

County Administration Building
1025 Escobar St., 4th floor
Martinez, California 94553

John Gioia, 1st District
Candace Andersen, 2nd District
Diane Burgis, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



Monica Nino
Clerk of the Board
and
County Administrator
(925) 655-2075

June 21, 2022

The Honorable Assemblymember Jim Wood
Chair, Assembly Health Committee
1020 N Street, Room 390
Sacramento CA 95814

RE: SB 443 (Hertzberg) Emergency Medical Services (EMS): Prehospital EMS – OPPOSE *As amended June 16, 2022*
Set for hearing on June 28, 2022

Dear Chair Wood:

As Chair of the Board of Supervisors of Contra Costa County, I write to inform you that Contra Costa County joins with the California State Association of Counties, Urban Counties of California, Rural County Representatives of California, the County Health Executives Association of California, and the Health Officers Association of California to oppose Senate Bill 443.

The stated purpose of the bill is to clarify the intent of SB 438 (Chapter 389, Statutes of 2019), which addressed emergency medical services (EMS) dispatch centers and the response of fire resources. However, as written, SB 443 undermines 40 years of EMS system planning and severely restricts local medical control of the county EMS systems. In 2019 county and state entities were assured that SB 438 was not intended to undermine local emergency medical services agency (LEMSA) medical control or EMS system planning. Unfortunately, SB 443 would essentially fragment county EMS systems across the state - undoing 40 years of work to coordinate EMS system delivery and progress towards ensuring medical equity to millions of Californians across the state.

In its construction, the EMS Act created a comprehensive two-tiered system governing virtually every aspect of prehospital emergency medical services. Tier 1 is state level oversight and planning led by the California Emergency Medical Services Authority (EMSA). Tier 2 is local EMS leadership and planning led by the county LEMSAs medical director. The local EMS agency and its physician medical director are dispassionate agents of the county focused on serving patient needs through planning, implementing, and evaluating the local EMS system.

Chapter 5 of the EMS Act states in pertinent part that "The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS agency. This medical control shall be maintained in accordance with standards for medical control established by the authority [i.e., the state authority]." Moreover, Section 1797.220 of the EMS Act is clear that "The local EMS agency, using state minimum standards, shall establish policies and

procedures approved by the medical director of the local EMS agency to assure medical control of the EMS system.” For over 40 years, it has been accepted that the EMS Act defines local LEMSA medical control as broad and expansive, encompassing matters directly related to regulating the quality of emergency medical services provided to residents in each county.

SB 443 would permit certain cities and special districts to act outside of the medical control of the LEMSA medical director in the response and delivery of prehospital emergency care. Those agencies would have the ability to separate themselves from the County’s organized EMS system and its oversight, thereby impeding the County’s ability to assure the coordination, integration, and availability of equitable prehospital medical services countywide. Rural and/or lower income areas of counties could consequently experience reduced or limited services.

LEMSA medical directors are highly qualified and experienced EMS physicians, who are currently tasked with overseeing regional EMS systems of care, including understanding medical disparities that exist within those systems of care. In practical terms, this bill makes it possible for certain cities and special districts to administratively determine whether to operate within the clinical system of care – a decision that should be reserved for qualified county LEMSA medical directors.

In summary, SB 443 would erode the authority of counties and their LEMSAs, specifically by weakening the ability of each county’s physician EMS medical director to maintain medical control and to ensure standardization of the EMS system. The organized EMS system established under the EMS Act 40 years ago provides for coordination, integration, medical equity, and evidence-based practice in the delivery of high-quality emergency medical services. If SB 443 passes, the result will likely be widespread fragmentation of the organized, efficient, and effective EMS system of today and reversion to the disjointed state that existed prior to the implementation of the EMS Act in 1980.

It is for these reasons that we strongly oppose SB 443 and respectfully urge your ‘NO’ vote on the measure.

Respectfully,



KAREN MITCHOFF
Chair, Board of Supervisors

cc: Honorable Members, Assembly Health
Honorable Members, Contra Costa County Board of Supervisors
Monica Nino, County Administrator
Anna Roth, CCHS Director
James Gross, Michelle Rubalcava & Rachael Blucher, Nielsen Merksamer

The Board of Supervisors

County Administration Building
1025 Escobar St., 4th floor
Martinez, California 94553

John Gioia, 1st District
Candace Andersen, 2nd District
Diane Burgis, 3rd District
Ken Carlson, 4th District
Federal D. Glover, 5th District

Contra Costa County



Monica Nino
Clerk of the Board
and
County Administrator
(925) 655-2075

July 11, 2023

The Honorable Senator Steven Glazer
Senate District 07
1021 O Street, Suite 7520
Sacramento, CA 95814

**RE: AB 1168 (Bennett) Emergency Medical Services (EMS): Prehospital EMS—
OPPOSE**

Dear Senator Glazer:

As Chair of the Board of Supervisors of Contra Costa County, I write to inform you that Contra Costa County joins with the California State Association of Counties, Urban Counties of California, Rural County Representatives of California, and County Health Executives Association of California to oppose Assembly Bill 1168. This bill would harm the public by fracturing the delivery of emergency medical services.

AB 1168 circumvents existing statute and case law by conferring 1797.201 authority to the City of Oxnard. If the Legislature grants such authority to an entity when not supported by case law¹, existing statute will be effectively undermined and become vulnerable to similar specious arguments, litigation, and instability.

Ultimately, AB 1168 represents a door that, if opened, will return emergency medical services delivery to the fragmented system that the Legislature intended to fix with the EMS Act.

To be clear, Oxnard joined a Joint Powers Agreement in 1971; Oxnard has not administered, operated, or contracted for ambulance service in the last 52 years. Therefore, it does not have “201 rights,” and should not be granted them in contravention to state law. Furthermore, and contrary to the statement in 1797.11(d), the appellate court decision did not create confusion about a JPA entity’s 1797.201 authority because Oxnard has never possessed such authority--the decision was lawfully upheld with distinct clarity.

AB 1168 attempts to create a third tier of governance that supersedes county discretion by conferring 1797.201 authority on entities without a legitimate claim to such authority. If AB 1168 passes, Oxnard v. Ventura is abrogated, and/or the Legislature confers 1797.201 authority to city of Oxnard, the EMS Act will become vulnerable and EMS systems eroded.

¹ City of Oxnard v. County of Ventura (2021) 71 Cal.App.5th 1010

If AB 1168 is enacted, Contra Costa County expects to experience the following disruption to its established EMS system that has existed for over 40 years:

- Long established Exclusive Operating Areas (EOAs) competitively bid according to statute², that assure equitable and sustainable delivery of EMS, will be challenged by cities and districts who want to take advantage of Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program³ (PP-GEMT) reimbursement. This will result in:
 - Increased litigation.
 - Disruption and fragmentation of Contra Costa County EMS system.
 - Inability to leverage economy of scale where competitive bidders are incentivized to serve an entire area including disadvantaged and under resourced populations.
 - Continued instability of EMS system that will lead to unsustainable operations that deliver EMS to the public.

Each bullet above is antithetical to our shared mission to protect the public health and safety. **EMS systems will ultimately fail if fragmentation of local systems begins, and in an unstable environment with eroding boundaries, those systems may not recover for years or without intervention by the Legislature to fix this potentially fatal mistake.**

Aside from the wasted taxpayer dollars that will be needed to deal with the administrative fallout of 1797.201 erosion, the public will bear the ultimate cost as the degradation of the EMS system prevents effective, equitable, and reliable EMS response.

It is for these reasons that we strongly oppose AB 1168 and respectfully urge your “NO” vote on the measure.

Respectfully,



JOHN GIOIA
Chair, Board of Supervisors

cc:

The Honorable Members Board of Supervisors
Monica Nino, County Administrator
Marshall Bennett, CCC Director of EMS
Michelle Rubalcava & Geoff Neill, Nielsen Merksamer

² CA HSC 1797.224

³ Assembly Bill (AB) 1705 (chapter 544, Statutes of 2019)



ALTURAS RURAL FIRE DEPARTMENT

310 Rine Street · Alturas, CA 96101 · Phone: (530) 653-4300

Fire Chief, Erick Kinney
 1st Assistant Fire Chief, John Sweet
 2nd Assistant Fire Chief, Jacob Hughes

April 5, 2024

The Honorable Freddie Rodriguez, Chair
 Assembly Committee on Emergency Management
 1021 O Street, Room 5140
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
 Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of Alturas Rural Fire Protection District, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

 C4300
 Chief, Erick Kinney
 Alturas Rural Fire Department
 310 N. Rine St.
 Alturas, CA 96101
 (530) 653-4300

cc:
 Honorable Members, Assembly Committee on Emergency Management
 Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
 Nick Dokoozlian, Consultant; Assembly Republican Caucus



April 5, 2024

The Honorable Freddie Rodriguez, Chair
 Assembly Committee on Emergency Management
 1021 O Street, Room 5140
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024

Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf the Berkeley Fire Department, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

DAVID SPRAGUE / FIRE CHIEF
 2100 MARTIN LUTHER KING JR WAY 510.981.3473
 DSPRAGUE@BERKELEYCA.GOV



1015 K Street, Suite 200
 Sacramento, CA 95814-3803
 Tel 916.441.0702
 Fax 916.441.3549

April 3, 2024

The Honorable Gregg Hart
 California State Assembly, District 37
 1021 O Street, Room 6230
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Assembly Member Hart:

On behalf of our clients, the **California Fire Chiefs Association (CalChiefs)** and the **Fire Districts Association of California (FDAC)**, I write to express their support for your Assembly Bill 2973. This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons, CalChiefs and FDAC support AB 2973 and urge an "AYE" vote when the bill is heard in committee.

Sincerely,
 Public Policy Advocates, LLC

A handwritten signature in black ink that reads "Julee Malinowski-Ball".

Julee Malinowski-Ball, Managing Partner

JMB/OF/kmg

cc:

Honorable Members, Assembly Committee on Emergency Management
 Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
 Nick Dokoozlian, Consultant; Assembly Republican Caucus



CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

April 4, 2024

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of the Carpinteria-Summerland Fire Protection District, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

Robert Kovach, Fire Chief

cc: Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus

"Pride in Service"

1140 Eugenia Place, Suite A • Carpinteria, California 93013 • (805) 684-4591 Fax (805) 684-8242



City of Merced Fire Department

Casey Wilson, Acting Fire Chief

April 5, 2024

The Honorable Freddie Rodriguez, Chair
 Assembly Committee on Emergency Management
 1021 O Street, Room 5140
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf the City of Merced Fire Department, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.



99 E. 16th Street, Merced, CA 95340-5020
 209.385.6891 voice 209.388.7930 fax www.cityofmerced.org

Sincerely,

Casey Wilson
Acting Fire Chief
City of Merced Fire Department
(209)388-8835
WilsonC@CityofMerced.org

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus

April 07, 2024

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

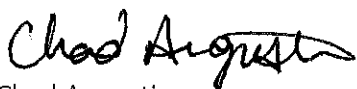
On behalf of Pasadena Fire Department, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,



Chad Augustin
Pasadena Fire Chief

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus

City of El Paso de Robles

Fire and Emergency Services Department



April 6, 2024

The Honorable Freddie Rodriguez, Chair
 Assembly Committee on Emergency Management
 1021 O Street, Room 5140
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of Paso Robles Fire and Emergency Services, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

Jonathan Stornetta
 Fire Chief, City of Paso Robles

cc: Honorable Members, Assembly Committee on Emergency Management
 Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
 Nick Dokoozlian, Consultant; Assembly Republican Caucus

900 Park Street, Paso Robles, CA 93446 Phone: (805) 227-7560 Fax (805) 237-4138
 E-mail: ESChief@PRcity.com



AN ORGANIZATION DEDICATED TO THE DELIVERY OF EXCEPTIONAL FIRE AND LIFE SAFETY SERVICES THROUGH COLLABORATION AND TEAMWORK

April 4, 2024

The Honorable Freddie Rodriguez, Chair
 Assembly Committee on Emergency Management
 1021 O Street, Room 5140
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

As President of the Western Placer Fire Chiefs Association, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

Rick Bartee

Rick Bartee, CFO

Fire Chief

Roseville Fire Department

cc:

Honorable Members, Assembly Committee on Emergency Management

Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management

Nick Dokoozlian, Consultant; Assembly Republican Caucus

Chief Rick Bartee, President
 Roseville Fire Department
 316 Vernon St., Ste. 480, Roseville, CA 95678

Chief Brian Estes, Vice President
 CAL FIRE – Nevada-Yuba-Placer Unit
 Placer County Fire Department
 13760 Lincoln Way, Auburn, CA 95603

Chief Reginald Williams, Secretary
 Rocklin Fire Department
 4060 Rocklin Road, Rocklin, CA 95677



April 5, 2024

The Honorable Gregg Hart
State Assembly
1021 O Street, Suite 6230
Sacramento, CA 95814

Re: SUPPORT for Assembly Bill 2973 (Hart)—Emergency Services

Dear Assemblymember Hart:

On behalf of the City of Santa Rosa, I am writing to express our support for your bill, Assembly Bill 2973). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California.

NATALIE ROGERS
Mayor

MARK STAPP
Vice Mayor

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

EDDIE ALVAREZ
VICTORIA FLEMING
DIANNA MACDONALD
JEFF OKREPKIE
CHRIS ROGERS

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons, the City of Santa Rosa supports AB 2973. Thank you for your leadership on this important issue. Should you have any questions, please contact our legislative advocate Alyssa Silhi with Renne Public Policy Group at (916) 974-9270.

Sincerely,

Natalie Rogers, Mayor

DAS WILLIAMS

First District, Chair

LAURA CAPPS

Second District

JOAN HARTMANN

Third District, Chair

BOB NELSON

Fourth District

STEVE LAVAGNINO

Fifth District, Vice Chair



BOARD OF SUPERVISORS

County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

COUNTY OF SANTA BARBARA

April 8, 2024

The Honorable Gregg Hart
California State Assembly
1021 O Street, Suite 6230
Sacramento, CA 95814

Re: **AB 2973 (Hart): Emergency services
As Proposed to be Amended – SUPPORT
Set for hearing 4/8/24 – Assembly Emergency Management Committee**

Dear Assembly Member Hart:

On behalf of the Santa Barbara County Board of Supervisors, I write in support of your Assembly Bill 2973, a measure that will help ensure that the County of Santa Barbara can choose to utilize its county fire department personnel to provide prehospital emergency medical services (EMS) and ambulance services in the County.

The County of Santa Barbara is seeking the authority to call upon its own staff to provide critical community services that it is demonstrably capable of providing, and in fact, already provides in certain areas of the county. We appreciate the amendments to AB 2973 – including those that are proposed today– to ensure that the Board of Supervisors’ goals are met.

AB 2973 maintains the appropriate level of oversight and authority for Boards of Supervisors in designing prehospital EMS and ambulance services. As the elected body, it’s important that county supervisors have the authority to decide what local services look like in their communities.

The Board of Supervisors recently approved the 2024 Legislative Platform, which includes a local control principle that expresses support for ensuring “local authority and control over governance issues, land use policies and the delivery of services, including flexibility and customization in designing and implementing policies and services that are responsive to the community’s preferences.” To that

end, we are grateful for the efforts of you and your staff to help facilitate a resolution on this important measure and are pleased to offer our support for AB 2973. Please do not hesitate to reach out with any questions at (916) 272-0010, or jkh@hbeadvocacy.com.

Sincerely,



Jean Kinney Hurst
Legislative Representative

cc: The Honorable Freddie Rodriguez, Chair, Assembly Emergency Management Committee
Members and Consultants, Assembly Emergency Management Committee
The Honorable Mia Bonta, Chair, Assembly Health Committee
Members and Consultants, Assembly Health Committee
County of Santa Barbara Legislative Delegation

April 7, 2024

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf Fremont Fire Department, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,



Fire Chief

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus

LAKE VALLEY FIRE PROTECTION DISTRICT

“Serving the Community Since 1947”

Chad Stephen, Fire Chief

Board of Directors

John Rice
Leona Allen
Brian Hogan
Irene Kaelin
Tim Cain



April 8, 2024

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of the Lake Valley Fire Protection District, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an “AYE” vote when the bill is heard in committee.

Sincerely,
Chad Stephen
Fire Chief

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus

Respect, Integrity, Dedication, Positive Attitude and Teamwork

2211 Keetak St., So. Lake Tahoe, CA. 96150 • (530) 577-3737 • Fax 577-3739 • www.LakeValleyFire.org



April 8, 2024

The Honorable Gregg Hart
Member, California State Assembly
1021 O Street, Room 6230
Sacramento, California 95814

RE: AB 2973 (Hart) Emergency Medical Services Coordination
Notice of SUPPORT *(As Amended April 2 2024)*

Dear Assembly Member Hart,

The League of California Cities (Cal Cities) is pleased to **support** your measure AB 2973 (Hart). This measure would clarify the statutory responsibility of counties, board of supervisors, and local emergency medical services agencies regarding EMS and ambulance services.

Specifically, AB 2973 would provide that counties may provide ambulance services to persons located within their jurisdiction by any of the following means:

- Creating a separate county department to provide ambulance services
- Assigning the duty of providing ambulance services to residents of the county to an existing county department
- Contracting with cities or local public agencies located within the county to provide ambulance services within areas under the jurisdiction of the county, the cities, or the local public agencies
- Contracting with private ambulance companies as provided under statute.

This bill also states that the board of supervisors will have the authority to approve the award of agreements or operating rights for prehospital EMS or ambulance services by the county or the local EMS agency under a competitive process.

Most importantly, this bill states that nothing in this bill shall supersede section 1797.201.

This bill would provide important clarifications regarding the process of awarding contracts and at the same time would not change any of the existing law regarding 201 rights. Therefore, Cal Cities is in support of AB 2973.

For these reasons, Cal Cities supports your measure AB 2973 (Hart). If you have any questions, do not hesitate to contact me at jvoorhis@calcities.org.



Sincerely,

A handwritten signature in blue ink, appearing to read "Jolena Voorhis", is written over a faint, light blue circular stamp.

Jolena Voorhis
Legislative Affairs, Lobbyist

cc: Members, Assembly Emergency Management Committee



Marina Fire Department
211 Hillcrest Ave.
Marina, CA 93933
Office - 831-275-1700
FAX - 831-884-1222



April 5, 2024

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of the Marina Fire Department, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

Doug McCoun
Fire Chief, Marina Fire

dmccoun@cityofmarina.org

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus



NAPA COUNTY FIRE CHIEFS ASSOCIATION

April 6, 2024

The Honorable Freddie Rodriguez, Chair
 Assembly Committee on Emergency Management
 1021 O Street, Room 5140
 Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of the Napa County Fire Chiefs Association, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely, Zach Curren, President

Napa County Fire Chiefs Association
zcurren@napacountyfirechiefs.com

cc:
 Honorable Members, Assembly Committee on Emergency Management
 Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
 Nick Dokoozlian, Consultant; Assembly Republican Caucus

President, Zach Curren | zcurren@napacountyfirechiefs.com
 Vice President, Mike Marcucci | mmarcucci@napacountyfirechiefs.com

P.O. Box 502
 Napa, CA 94559



North County Fire Authority

Serving the Cities of Brisbane, Daly City, Pacifica

Ron D. Myers
Fire Chief

10 Wembley Drive
Daly City, California 94015-4314

Administration
Phone 650-991-8138
Fax 650-991-8090

April 5, 2024

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024

Dear Chair Rodriguez:

I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

Ron D. Myers
Fire Chief

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Kevin McDonnell
Mayor

April 4, 2024

Brian Barnacle
Janice Cader-Thompson, *Dist. 1*
Mike Healy
Karen Nau, *Dist. 3*
Dennis Pocekay
John Shribbs, *Dist. 2*
Councilmembers

The Honorable Freddie Rodriguez, Chair
Assembly Committee on Emergency Management
1021 O Street, Room 5140
Sacramento, CA 95814

Re: Assembly Bill 2973 (Hart), As Amended 04/02/2024
Hearing: 04/08/2024; Assembly Committee on Emergency Management

Dear Chair Rodriguez:

On behalf of Petaluma Fire Department, I write to express our support for Assembly Bill 2973 (Hart). This critical legislation aims to clarify and codify the statutory responsibilities of counties, the board of supervisors, and local emergency medical services agencies (LEMSAs) in managing emergency medical and ambulance services within California. AB 2973 seeks to eliminate ambiguities and streamline the coordination and delivery of emergency medical services (EMS) across the state.

The Emergency Medical Services (EMS) Act has left room for confusion regarding the roles and responsibilities of various stakeholders. AB 2973 addresses this by providing much-needed clarity that will enhance the efficiency and effectiveness of providing emergency medical services. Specifically, the bill provides for the establishment of Exclusive Operating Areas (EOAs) through a competitive process, the requirement for board of supervisors' approval of LEMSA-developed plans, and the outlined procedural requirements for EOAs underscore a commitment to transparency, accountability, and best practices in the provision of EMS.

AB 2973 enhances the accessibility, accountability, and coordination of EMS, and promises to strengthen our emergency response infrastructure and ensure that Californians receive timely and effective medical care.

For these reasons we urge an "AYE" vote when the bill is heard in committee.

Sincerely,

Jeff Schach, Petaluma Fire Chief

cc:

Honorable Members, Assembly Committee on Emergency Management
Mike Dayton, Chief Consultant; Assembly Committee on Emergency Management
Nick Dokoozlian, Consultant; Assembly Republican Caucus

Fire Department
198 "D" Street
Petaluma, CA 94952

Phone (707) 778-4390
Fax (707) 931-0668

Email:
firedept@cityofpetaluma.org

Fire Prevention Bureau
11 English Street
Petaluma, CA 94952

Phone (707) 778-4389
Fax (707) 206-6036

Email:
firemarshal@cityofpetaluma.org



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1115

Agenda Date: 4/16/2024

Agenda #: 7.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **AB 2557 (Ortega) and AB 2489 (Ward)**

Submitted For: Legislation Committee

Department: County Administrator's Office

Referral No:

Referral Name: AB 2557 and AB 2489

Presenter: Geoff Neill and Michelle Rubalcava, Nielsen Merksamer

Contact: L. DeLaney, 925-655-2057

Referral History:

AB 2557 (Ortega) and AB 2489 (Ward) are bills that have been flagged by the California State Association of Counties (CSAC) and the Urban Counties of California (UCC); the County's state lobbyists have reached out for County input as well. CSAC has an "Oppose" position on AB 2557. The Board of Supervisors took an "Oppose" position on a related bill, AB 1250 from 2017.

The adopted 2023-24 State Legislative Platform includes the following policy:

"OPPOSE the establishment of specific or stricter standards for the use of personal services contracts by counties that would make contracting with community-based organizations more difficult."

Referral Update:

While local governments are still analyzing these bills, it is clear that they would limit the ability of local agencies to contract for many services (likely including homelessness, health, behavioral health, and youth services), make it more expensive and cumbersome for many contractors to provide services to local agencies, and potentially give employee organizations a new role in preventing contractors from receiving payment in certain circumstances.

AB 2557 (Ortega) requires:

1. At least 10 months prior to a procurement process to contract for special services that are currently or in the past 10 years provided by a member of an employee organization, the governing body must notify the employee organization affected by the contract of its determination to begin a procurement process.
2. Each person who enters into a contract with the governing body to perform functions that are currently, or were in the prior 10 years, performed by employees of the local agency represented by an employee organization shall submit quarterly performance reports, every 90 days, to the governing body and the

- exclusive representative of the employee organization.
3. The quarterly performance reports shall include all of the following: (1) A list of contract objectives; (2) A description of all deliverables the contractor has provided as a result of the contract; (3) A description of the contractor's progress towards contract objectives; (4) A list of all financial expenditures incurred for services provided, including personnel costs, direct expenses, and indirect expenses, and their corresponding deliverables; (5) The number of each contractor and subcontractor's employees, organized by job category, sex, race, and ethnicity, and the number of each contractor and subcontractor's independent contractors by job category, sex, race, and ethnicity; (6) The names of any subcontractors providing services under the contract and the names of the employees of the contractor and any subcontractors providing services pursuant to the contract; the hourly rates, total compensation, and pay scales for the individuals, including applicable hourly pay, overtime pay, benefits, and retirement, organized by job classification; the names of any workers providing services pursuant to the contract as independent contractors; the hourly rates, total compensation, and pay scales for the individuals, including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement, organized by job classification; (7) performance standard metrics for individual contractor and subcontractor employees performing work pursuant to the contract.
 4. The governing body must monitor quarterly performance reports to evaluate the quality of services and must withhold payment to the contractor under any of the following circumstances, which constitute a breach of contract: (1) Three or more consecutive quarterly performance reports are deemed as underperforming by a representative of the governing body or a representative of the exclusive bargaining unit; (2) The contractor fails to provide the quarterly reports required by this section or provides a report that is incomplete. The governing body shall withhold further payments until all complete reports are provided. The governing body shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the governing body, the employee organization, or assigned representatives reject the reports as incomplete and explain the reasons for the rejection.
 5. Contract terms exceeding two years must undergo a performance audit by an independent auditor approved by the governing body to determine whether the performance standards are being met. Audits must be conducted at least one year before the contract expires or qualifies for renewal or extension. The independent auditor shall present the findings of the audit report during a public session of the governing body. The governing body shall not renew or extend a contract before receiving and evaluating the audit report in conference with a representative of the exclusive bargaining unit. The contractor shall reimburse the governing body for the cost of the audit. A contractor shall not factor the costs of the audit into the contract costs with the governing body.
 6. All provisions also apply to temporary workers, as well.

AB 2489 (Ward) requires:

1. At least 10 months prior to a procurement process to contract for special services that are currently or in the past 10 years provided by a member of an employee organization, the governing body must notify the employee organization affected by the contract of its determination to begin a procurement process.
2. Persons with whom the governing body enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the local agency must use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, which may include, but are not limited to, the following qualifications and standards, as applicable: (A) Criminal history and

background checks before beginning employment; (B) Academic attainment; (C) Licensure; (D) Years of experience; (E) Child and elder abuse reporting; (F) Physical requirements; (G) Assessment exams; (H) Performance standards.

3. Persons with whom the governing body enters into a contract for special services must provide information to the local agency sufficient to show that their employees meet the minimum qualifications and standards described and must retain this information for at least two years.
4. All provisions also apply to temporary workers, as well.

Both AB 2489 and AB 2557 will be heard during a special order of the Assembly Public Employment and Retirement Committee on Wednesday, April 17.

AB 2489 (Ward) Local agencies: contracts for special services and temporary help: performance reports.

History

04/01/2024 Re-referred to Com. on P.E. & R.

03/21/2024 Referred to Coms. on P.E. & R. and JUD. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

02/14/2024 From printer. May be heard in committee March 15.

02/13/2024 Read first time. To print.

AB 2557 (Ortega) Local agencies: contracts for special services and temporary help.

History

04/09/2024 Re-referred to Com. on P.E. & R.

04/08/2024 From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

04/01/2024 Re-referred to Com. on P.E. & R.

03/21/2024 Referred to Coms. on P.E. & R. and JUD. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

02/15/2024 From printer. May be heard in committee March 16.

02/14/2024 Read first time. To print.

See Attachment A for the text of the bills.

Recommendation(s)/Next Step(s):

CONSIDER recommending a position of "Oppose" to the Board of Supervisors on AB 2557 (Ortega) and AB 2489 (Ward).

Fiscal Impact (if any): Potentially significant but unknown at this time.

AMENDED IN ASSEMBLY APRIL 8, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2557

Introduced by Assembly Member Ortega

February 14, 2024

An act to amend Sections 31000, 31000.4, 37103, and 53060 of the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, Ortega. Local agencies: contracts for special services and temporary help: performance reports.

(1) Existing law relating to the government of counties authorizes a county board of supervisors to contract for certain types of special services on behalf of the county, any county officer or department, or any district or court in the county. Existing law requires those special services contracts to be with persons who are specially trained, experienced, expert, and competent to perform those services.

This bill would require each contract for special services to include specific performance standards and requirements. The bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the prior 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would require each person who enters into such a contract with the board of supervisors to submit quarterly performance reports, as prescribed,

every 90 days, to the board of supervisors and the exclusive representative of the employee organization. The bill would require the board or its representative to monitor quarterly performance reports to evaluate the quality of services and withhold payments to the contractor under prescribed circumstances, which circumstances the bill would deem to be a breach of contract. The bill would require contract terms exceeding 2 years to undergo a performance audit, as prescribed, by an independent auditor approved by the board to determine whether the performance standards are being met.

(2) Existing law authorizes a county board of supervisors to contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, if the board determines that it is in the economic interest of the county to do so. Existing law limits the use of temporary help to no more than 90 days for any single peak load, temporary absence, or emergency situation.

This bill would impose requirements similar to those described in paragraph (1) for board contracts for temporary help, with reports and monitoring on a monthly basis.

(3) Existing law relating to the government of cities authorizes the legislative body of a city to contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

This bill would impose requirements similar to those described in paragraph (1) for city council contracts for special services.

(4) Existing law authorizes the legislative body of a public or municipal corporation or district to contract with persons performing special services in regard to financial, economic, accounting, engineering, legal, and administrative matters if those persons are specially trained and experienced and competent to perform the special services required.

This bill would impose requirements similar to those described in paragraph (1) for legislative body contracts for special services.

(5) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all counties and cities, including charter counties and charter cities.

(6) By imposing new duties on local government agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31000 of the Government Code is
2 amended to read:

3 31000. (a) (1) The board of supervisors may contract for
4 special services on behalf of the following public entities: the
5 county, any county officer or department, or any district or court
6 in the county. Such contracts shall be with persons specially
7 trained, experienced, expert and competent to perform the special
8 services.

9 (2) The special services shall consist of services, advice,
10 education or training for such public entities or the employees
11 thereof. The special services shall be in financial, economic,
12 accounting, including the preparation and issuance of payroll
13 checks or warrants, engineering, legal, medical, therapeutic,
14 administrative, architectural, airport or building security matters,
15 laundry services or linen services. They may include maintenance
16 or custodial matters if the board finds that the site is remote from
17 available county employee resources and that the county's
18 economic interests are served by such a contract rather than by
19 paying additional travel and subsistence expenses to existing county
20 employees.

21 (3) The board may pay from any available funds compensation
22 it deems proper for these special services. The board of supervisors
23 may, by ordinance, direct the purchasing agent to enter into
24 contracts authorized by this section within the monetary limit
25 specified in Section 25502.5 of the Government Code.

26 (4) Each contract for special services shall include specific
27 performance standards and requirements, including, but not limited
28 to, objectives and deliverables.

1 (b) At least 10 months before beginning a procurement process
2 to contract with persons for special services that are currently, or
3 were in the prior 10 years, performed by employees of the county
4 represented by an employee organization, as defined in subdivision
5 (a) of Section 3501, the board of supervisors, or a representative
6 of the board, shall notify, in writing, the exclusive employee
7 representative of the workforce affected by the contract of its
8 determination to begin that process.

9 (c) Each person who enters into a contract with the board of
10 supervisors pursuant to subdivision (a) to perform functions that
11 are currently, or were in the prior 10 years, performed by
12 employees of the county represented by an employee organization,
13 as defined in subdivision (a) of Section 3501, shall submit quarterly
14 performance reports, every 90 days, to the board of supervisors
15 and the exclusive representative of the employee organization.

16 (d) The quarterly performance reports shall include all of the
17 following:

18 (1) A list of all contract objectives that describe the goals of the
19 contract.

20 (2) A description of all deliverables the contractor has provided
21 that include tangible and intangible services or goods that are
22 measurable and produced as a result of the contract.

23 (3) A description of the contractor's progress towards contract
24 objectives identified in paragraph (1).

25 (4) A list of all financial expenditures incurred for services
26 provided, including, but not limited to, personnel costs, direct
27 expenses, and indirect expenses, and their corresponding
28 deliverables.

29 (5) The number of each contractor and subcontractor's
30 employees, organized by job category, sex, race, and ethnicity,
31 and the number of each contractor and subcontractor's independent
32 contractors by job category, sex, race, and ethnicity.

33 (6) (A) The names of any subcontractors providing services
34 under the contract and the names of the employees of the contractor
35 and any subcontractors providing services pursuant to the contract.

36 (B) The hourly rates, total compensation, and pay scales for the
37 individuals identified in subparagraph (A), ~~including, but not~~
38 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
39 ~~retirement,~~ (A) organized by job classification.

1 (C) The names of any workers providing services pursuant to
2 the contract as independent contractors.

3 (D) The hourly rates, total compensation, and pay scales for the
4 individuals identified in subparagraph ~~(C)~~, ~~including, but not~~
5 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
6 ~~retirement,~~ (C) organized by job classification.

7 (7) Performance standard metrics for individual contractor and
8 subcontractor employees performing work pursuant to the contract.

9 (e) The board of supervisors or its representative shall monitor
10 quarterly performance reports to evaluate the quality of services.
11 The board shall withhold payment to the contractor under any of
12 the following circumstances, which constitute a breach of contract:

13 (1) (A) Three or more consecutive quarterly performance
14 reports are deemed as underperforming by a representative of the
15 board of supervisors or a representative of the exclusive bargaining
16 unit.

17 (B) If a contractor submits a plan to achieve substantial
18 compliance with the contract and this section, the board of
19 supervisors shall immediately resume making payments to the
20 contractor, including all previously withheld payments unless,
21 within a reasonable time, the board of supervisors, the employee
22 organization, or assigned representatives reject the plan as
23 insufficient and explain the reasons for the rejection.

24 (2) (A) The contractor fails to provide the quarterly reports
25 required by this section or provides a report that is incomplete.

26 (B) The board of supervisors shall withhold further payments
27 until all complete reports are provided. The board of supervisors
28 shall immediately resume making payments to the contractor,
29 including all previously withheld payments unless, within a
30 reasonable time, the board of supervisors, the employee
31 organization, or assigned representatives reject the reports as
32 incomplete and explain the reasons for the rejection.

33 (f) The quarterly performance reports shall not be required for
34 contracts between governmental entities.

35 (g) Contract terms exceeding two years shall undergo a
36 performance audit by an independent auditor approved by the
37 board of supervisors, to determine whether the performance
38 standards are being met. Audits shall be conducted at least one
39 year before the contract expires or qualifies for renewal or
40 extension. The independent auditor shall present the findings of

1 the audit report during a public session of the board of supervisors.
 2 The board shall not renew or extend a contract before receiving
 3 and evaluating the audit report in conference with a representative
 4 of the exclusive bargaining unit.

5 (h) The contractor shall reimburse the board of supervisors for
 6 the cost of the audit. A contractor shall not factor the costs of the
 7 audit into the contract costs with the board of supervisors.

8 (i) The contract shall provide that all records provided to the
 9 county by the contractor shall be subject to the California Public
 10 Records Act (Division 10 (commencing with Section 7920.000)
 11 of Title 1). In furtherance of this subdivision, contractors and any
 12 subcontractors shall maintain records related to performance of
 13 the contract that ordinarily would be maintained by the county in
 14 performing the same functions.

15 (j) *For purposes of this section, the following definitions apply:*

16 (1) *“Deliverables” means the agreed upon services set forth in*
 17 *the contract, the expected rate of delivery, and the success of those*
 18 *services.*

19 (2) *A plan is “insufficient” if service falls below the average*
 20 *rate of completion by the workers of the affected bargaining unit.*

21 (3) *“Total compensation” means the complete payment provided*
 22 *to a contracted employee throughout the duration of the contract,*
 23 *including, but not limited to, applicable hourly pay, overtime pay,*
 24 *benefits, and retirement.*

25 (4) *A performance report is “underperforming” if the contractor*
 26 *fails to meet the expected delivery of services in a manner that*
 27 *would lead to an extension of the contract or at a rate below the*
 28 *agreed upon standards.*

29 (j)

30 (k) The provisions of this section are severable. If any provision
 31 of this section or its application is held invalid, the invalidity shall
 32 not affect other provisions or applications that can be given effect
 33 without the invalid provision or application.

34 (k)

35 (l) The Legislature finds and declares that ~~this section addresses~~
 36 *ensuring that the replacement of bargaining unit work with*
 37 *contracted employees does not undermine public employee*
 38 *relations is a matter of statewide concern for purposes of Section*
 39 *4 of Article XI of the California Constitution. Therefore, this*
 40 *section applies to all counties, including charter counties.*

1 ~~(t)~~

2 (m) The amendments to this section adding this subdivision
3 shall apply on and after January 1, 2025. These amendments shall
4 apply prospectively only and shall not be construed, applied, or
5 otherwise interpreted to have any effect on or application to any
6 contract entered into before January 1, 2025.

7 SEC. 2. Section 31000.4 of the Government Code is amended
8 to read:

9 31000.4. (a) (1) The board of supervisors may contract with
10 temporary help firms for temporary help to assist county agencies,
11 departments, or offices during any peak load, temporary absence,
12 or emergency other than a labor dispute, provided the board
13 determines that it is in the economic interest of the county to
14 provide that temporary help by contract, rather than employing
15 persons for that purpose. Use of temporary help under this section
16 shall be limited to a period of not to exceed 90 days for any single
17 peak load, temporary absence, or emergency situation.

18 (2) Each contract for temporary help shall include specific
19 performance standards and requirements, including, but not limited
20 to, objectives and deliverables.

21 (b) At least 90 days before beginning a procurement process to
22 contract with persons for temporary help that are currently, or were
23 in the prior 10 years, performed by employees represented by an
24 employee organization, as defined in subdivision (a) of Section
25 3501, shall notify, in writing, the exclusive employee representative
26 of the workforce affected by the contract of its determination to
27 begin that process.

28 (c) Each person who enters into a contract exceeding 60 days
29 with the board of supervisors pursuant to subdivision (a) to perform
30 functions that are currently, or were in the prior 10 years, performed
31 by employees represented by an employee organization, as defined
32 in subdivision (a) of Section 3501, shall submit monthly
33 performance reports, every 30 days, to the funding agency and the
34 exclusive representative of the employee organization.

35 (d) The monthly performance reports shall include all of the
36 following:

37 (1) A list of all contract objectives that describe the goals of the
38 contract.

1 (2) A description of all deliverables the contractor has provided
2 that include tangible and intangible services or goods that are
3 measurable and produced as a result of the contract.

4 (3) A description of the contractor's progress towards contract
5 objectives identified in paragraph (1).

6 (4) A list of all financial expenditures incurred for services
7 provided, including, but not limited to, personnel costs, direct
8 expenses, and indirect expenses, and their corresponding
9 deliverables.

10 (5) The number of each contractor and subcontractor's
11 employees, organized by job category, sex, race, and ethnicity,
12 and the number of each contractor and subcontractor's independent
13 contractors by job category, sex, race, and ethnicity.

14 (6) (A) The names of any subcontractors providing services
15 under the contract, and the names of the employees of the
16 contractor and any subcontractors providing services pursuant to
17 the contract.

18 (B) The hourly rates, total compensation, and pay scales for the
19 individuals identified in subparagraph ~~(A)~~, ~~including, but not~~
20 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
21 ~~retirement~~, (A) organized by job classification.

22 (C) The names of any workers providing services pursuant to
23 the contract as independent contractors.

24 (D) The hourly rates, total compensation, and pay scales for the
25 individuals identified in subparagraph ~~(C)~~, ~~including, but not~~
26 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
27 ~~retirement~~, (C) organized by job classification.

28 (7) Performance standard metrics for individual contractor and
29 subcontractor employees performing work pursuant to the contract.

30 (e) The board of supervisors or its representative shall monitor
31 monthly performance reports to evaluate the quality of services.
32 The board shall withhold payment to the contractor under any of
33 the following circumstances, which constitute a breach of contract:

34 (1) (A) Three or more consecutive monthly performance reports
35 are deemed as underperforming by a representative of the board
36 of supervisors or a representative of the exclusive bargaining unit.

37 (B) If a contractor submits a plan to achieve substantial
38 compliance with the contract and this section, the board of
39 supervisors shall immediately resume making payments to the
40 contractor, including all previously withheld payments unless,

1 within a reasonable time, the board of supervisors, the employee
2 organization, or assigned representatives reject the plan as
3 insufficient and explain the reasons for the rejection.

4 (2) (A) The contractor fails to provide the monthly reports
5 required by this section or provides a report that is incomplete.

6 (B) The board of supervisors shall withhold further payments
7 until all complete reports are provided. The board of supervisors
8 shall immediately resume making payments to the contractor,
9 including all previously withheld payments unless, within a
10 reasonable time, the board of supervisors, the employee
11 organization, or assigned representatives reject the reports as
12 incomplete and explain the reasons for the rejection.

13 (f) The monthly performance reports shall not be required for
14 contracts between governmental entities.

15 (g) The contract shall provide that all records provided to the
16 county by the contractor shall be subject to the California Public
17 Records Act (Division 10 (commencing with Section 7920.000)
18 of Title 1). In furtherance of this subdivision, contractors and any
19 subcontractors shall maintain records related to performance of
20 the contract that ordinarily would be maintained by the county in
21 performing the same functions.

22 (h) *For purposes of this section, the following definitions apply:*

23 (1) *“Deliverables” means the agreed upon services set forth in*
24 *the contract, the expected rate of delivery, and the success of those*
25 *services.*

26 (2) *A plan is “insufficient” if service falls below the average*
27 *rate of completion by the workers of the affected bargaining unit.*

28 (3) *“Total compensation” means the complete payment provided*
29 *to a contracted employee throughout the duration of the contract,*
30 *including, but not limited to, applicable hourly pay, overtime pay,*
31 *benefits, and retirement.*

32 (4) *A performance report is “underperforming” if the contractor*
33 *fails to meet the expected delivery of services in a manner that*
34 *would lead to an extension of the contract or at a rate below the*
35 *agreed upon standards.*

36 ~~(h)~~

37 (i) The provisions of this section are severable. If any provision
38 of this section or its application is held invalid, the invalidity shall
39 not affect other provisions or applications that can be given effect
40 without the invalid provision or application.

1 (i)

2 (j) The Legislature finds and declares that ~~this section addresses~~
3 *ensuring that the replacement of bargaining unit work with*
4 *contracted employees does not undermine public employee*
5 *relations* is a matter of statewide concern for purposes of Section
6 4 of Article XI of the California Constitution. Therefore, this
7 section applies to all counties, including charter counties.

8 (i)

9 (k) The amendments to this section adding this subdivision shall
10 apply on and after January 1, 2025. These amendments shall apply
11 prospectively only and shall not be construed, applied, or otherwise
12 interpreted to have any effect on or application to any contract
13 entered into before January 1, 2025.

14 SEC. 3. Section 37103 of the Government Code is amended
15 to read:

16 37103. (a) (1) The legislative body may contract with any
17 specially trained and experienced person, firm, or corporation for
18 special services and advice in financial, economic, accounting,
19 engineering, legal, or administrative matters.

20 (2) The legislative body may pay compensation to these experts
21 as it deems proper.

22 (3) Each contract for special services shall include specific
23 performance standards and requirements, including, but not limited
24 to, objectives and deliverables.

25 (b) At least 10 months before beginning a procurement process
26 to contract with persons for special services that are currently, or
27 were in the prior 10 years, performed by employees of the city
28 represented by an employee organization, as defined in subdivision
29 (a) of Section 3501, the legislative body, or its representative, shall
30 notify, in writing, the exclusive employee representative of the
31 workforce affected by the contract of its determination to begin
32 that process.

33 (c) Each person who enters into a contract with the legislative
34 body pursuant to subdivision (a) to perform functions that are
35 currently, or were in the prior 10 years, performed by employees
36 of the city represented by an employee organization, as defined in
37 subdivision (a) of Section 3501, shall submit quarterly performance
38 reports, every 90 days, to the legislative body and the exclusive
39 representative of the employee organization.

1 (d) The quarterly performance reports shall include all of the
2 following:

3 (1) A list of all contract objectives that describe the goals of the
4 contract.

5 (2) A description of all deliverables the contractor has provided
6 that include tangible and intangible services or goods that are
7 measurable and produced as a result of the contract.

8 (3) A description of the contractor's progress towards contract
9 objectives identified in paragraph (1).

10 (4) A list of all financial expenditures incurred for services
11 provided, including, but not limited to, personnel costs, direct
12 expenses, and indirect expenses, and their corresponding
13 deliverables.

14 (5) The number of each contractor and subcontractor's
15 employees, organized by job category, sex, race, and ethnicity,
16 and the number of each contractor and subcontractor's independent
17 contractors by job category, sex, race, and ethnicity.

18 (6) (A) The names of any subcontractors providing services
19 under the contract, and the names of the employees of the
20 contractor and any subcontractors providing services pursuant to
21 the contract.

22 (B) The hourly rates, total compensation, and pay scales for the
23 individuals identified in subparagraph ~~(A)~~, ~~including, but not~~
24 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
25 ~~retirement~~, (A) organized by job classification.

26 (C) The names of any workers providing services pursuant to
27 the contract as independent contractors.

28 (D) The hourly rates, total compensation, and pay scales for the
29 individuals identified in subparagraph ~~(C)~~, ~~including, but not~~
30 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
31 ~~retirement~~, (C) organized by job classification.

32 (7) Performance standard metrics for individual contractor and
33 subcontractor employees performing work pursuant to the contract.

34 (e) The legislative body or its representative shall monitor
35 quarterly performance reports to evaluate the quality of services.
36 The legislative body shall withhold payment to the contractor under
37 any of the following circumstances, which constitute a breach of
38 contract:

39 (1) (A) Three or more consecutive quarterly performance
40 reports are deemed as underperforming by a representative of the

1 legislative body or a representative of the exclusive bargaining
2 unit.

3 (B) If a contractor submits a plan to achieve substantial
4 compliance with the contract and this section, the legislative body
5 shall immediately resume making payments to the contractor,
6 including all previously withheld payments unless, within a
7 reasonable time, the legislative body, the employee organization,
8 or assigned representatives reject the plan as insufficient and
9 explain the reasons for the rejection.

10 (2) (A) The contractor fails to provide the quarterly reports
11 required by this section or provides a report that is incomplete.

12 (B) The legislative body shall withhold further payments until
13 all complete reports are provided. The legislative body shall
14 immediately resume making payments to the contractor, including
15 all previously withheld payments unless, within a reasonable time,
16 the legislative body, the employee organization, or assigned
17 representatives reject the reports as incomplete and explain the
18 reasons for the rejection.

19 (f) The quarterly performance reports shall not be required for
20 contracts between governmental entities.

21 (g) Contract terms exceeding two years shall undergo a
22 performance audit by an independent auditor approved by the
23 legislative body, to determine whether the performance standards
24 are being met. Audits shall be conducted at least one year before
25 the contract expires or qualifies for renewal or extension. The
26 independent auditor shall present the findings of the audit report
27 during a public session of the legislative body. The legislative
28 body shall not renew or extend a contract before receiving and
29 evaluating the audit report in conference with a representative of
30 the exclusive bargaining unit.

31 (h) The contractor shall reimburse the legislative body for the
32 cost of the audit. A contractor shall not factor the costs of the audit
33 into the contract costs with the legislative body.

34 (i) The contract shall provide that all records provided to the
35 city by the contractor shall be subject to the California Public
36 Records Act (Division 10 (commencing with Section 7920.000)
37 of Title 1). In furtherance of this subdivision, contractors and any
38 subcontractors shall maintain records related to performance of
39 the contract that ordinarily would be maintained by the county in
40 performing the same functions.

1 (j) For purposes of this section, the following definitions apply:

2 (1) “Deliverables” means the agreed upon services set forth in
3 the contract, the expected rate of delivery, and the success of those
4 services.

5 (2) A plan is “insufficient” if service falls below the average
6 rate of completion by the workers of the affected bargaining unit.

7 (3) “Total compensation” means the complete payment provided
8 to a contracted employee throughout the duration of the contract,
9 including, but not limited to, applicable hourly pay, overtime pay,
10 benefits, and retirement.

11 (4) A performance report is “underperforming” if the contractor
12 fails to meet the expected delivery of services in a manner that
13 would lead to an extension of the contract or at a rate below the
14 agreed upon standards.

15 ~~(j)~~

16 (k) The provisions of this section are severable. If any provision
17 of this section or its application is held invalid, the invalidity shall
18 not affect other provisions or applications that can be given effect
19 without the invalid provision or application.

20 ~~(k)~~

21 (l) The Legislature finds and declares that ~~this section addresses~~
22 *ensuring that the replacement of bargaining unit work with*
23 *contracted employees does not undermine public employee*
24 *relations* is a matter of statewide concern rather than a municipal
25 affair as that term is used in Section 5 of Article XI of the
26 California Constitution. Therefore, this section applies to all cities,
27 including charter cities.

28 ~~(l)~~

29 (m) The amendments to this section adding this subdivision
30 shall apply on and after January 1, 2025. These amendments shall
31 apply prospectively only and shall not be construed, applied, or
32 otherwise interpreted to have any effect on or application to any
33 contract entered into before January 1, 2025.

34 SEC. 4. Section 53060 of the Government Code is amended
35 to read:

36 53060. (a) (1) The legislative body of any public or municipal
37 corporation or district may contract with and employ any persons
38 for the furnishing to the corporation or district special services and
39 advice in financial, economic, accounting, engineering, legal, or

1 administrative matters if such persons are specially trained and
2 experienced and competent to perform the special services required.

3 (2) The authority given to contract shall include the right of the
4 legislative body of the corporation or district to contract for the
5 issuance and preparation of payroll checks.

6 (3) The legislative body of the corporation or district may pay
7 from any available funds compensation to persons as it deems
8 proper for the services rendered.

9 (4) Each contract for special services shall include specific
10 performance standards and requirements, including, but not limited
11 to, objectives and deliverables.

12 (b) At least 10 months before beginning a procurement process
13 to contract with persons for special services that are currently, or
14 were in the prior 10 years, performed by employees of corporation
15 or district represented by an employee organization, as defined in
16 subdivision (a) of Section 3501, the legislative body, or its
17 representative, shall notify, in writing, the exclusive employee
18 representative of the workforce affected by the contract of its
19 determination to begin that process.

20 (c) Each person who enters into a contract with a legislative
21 body pursuant to subdivision (a) to perform functions that are
22 currently, or were in the prior 10 years, performed by employees
23 of the corporation or district represented by an employee
24 organization, as defined in subdivision (a) of Section 3501, shall
25 submit quarterly performance reports, every 90 days, to the
26 legislative body and the exclusive representative of the employee
27 organization.

28 (d) The quarterly performance reports shall include all of the
29 following:

30 (1) A list of all contract objectives that describe the goals of the
31 contract.

32 (2) A description of all deliverables the contractor has provided
33 that include tangible and intangible services or goods that are
34 measurable and produced as a result of the contract.

35 (3) A description of the contractor's progress towards contract
36 objectives identified in paragraph (1).

37 (4) A list of all financial expenditures incurred for services
38 provided, including, but not limited to, personnel costs, direct
39 expenses, and indirect expenses, and their corresponding
40 deliverables.

1 (5) The number of each contractor and subcontractor's
2 employees, organized by job category, sex, race, and ethnicity,
3 and the number of each contractor and subcontractor's independent
4 contractors by job category, sex, race, and ethnicity.

5 (6) (A) The names of any subcontractors providing services
6 under the contract, and the names of the employees of the
7 contractor and any subcontractors providing services pursuant to
8 the contract.

9 (B) The hourly rates, total compensation, and pay scales for the
10 individuals identified in subparagraph ~~(A)~~, ~~including, but not~~
11 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
12 ~~retirement~~, (A) organized by job classification.

13 (C) The names of any workers providing services pursuant to
14 the contract as independent contractors.

15 (D) The hourly rates, total compensation, and pay scales for the
16 individuals identified in subparagraph ~~(C)~~, ~~including, but not~~
17 ~~limited to, applicable hourly pay, overtime pay, benefits, and~~
18 ~~retirement~~, (C) organized by job classification.

19 (7) Performance standard metrics for individual contractor and
20 subcontractor employees performing work pursuant to the contract.

21 (e) The legislative body or its representative shall monitor
22 quarterly performance reports to evaluate the quality of services.
23 The legislative body shall withhold payment to the contractor under
24 any of the following circumstances, which constitute a breach of
25 contract:

26 (1) (A) Three or more consecutive quarterly performance
27 reports are deemed as underperforming by a representative of the
28 legislative body or a representative of the exclusive bargaining
29 unit.

30 (B) If a contractor submits a plan to achieve substantial
31 compliance with the contract and this section, the legislative body
32 shall immediately resume making payments to the contractor,
33 including all previously withheld payments unless, within a
34 reasonable time, the legislative body, the employee organization,
35 or assigned representatives reject the plan as insufficient and
36 explain the reasons for the rejection.

37 (2) (A) The contractor fails to provide the quarterly reports
38 required by this section or provides a report that is incomplete.

39 (B) The legislative body shall withhold further payments until
40 all complete reports are provided. The legislative body shall

1 immediately resume making payments to the contractor, including
2 all previously withheld payments unless, within a reasonable time,
3 the legislative body, the employee organization, or assigned
4 representatives reject the reports as incomplete and explain the
5 reasons for the rejection.

6 (f) The quarterly performance reports shall not be required for
7 contracts between governmental entities.

8 (g) Contract terms exceeding two years shall undergo a
9 performance audit by an independent auditor approved by the
10 legislative body, to determine whether the performance standards
11 are being met. Audits shall be conducted at least one year before
12 the contract expires or qualifies for renewal or extension. The
13 independent auditor shall present the findings of the audit report
14 during a public session of the legislative body. The legislative
15 body shall not renew or extend a contract before receiving and
16 evaluating the audit report in conference with a representative of
17 the exclusive bargaining unit.

18 (h) The contractor shall reimburse the legislative body for the
19 cost of the audit. A contractor shall not factor the costs of the audit
20 into the contract costs with the legislative body.

21 (i) The contract shall provide that all records provided to the
22 legislative body by the contractor shall be subject to the California
23 Public Records Act (Division 10 (commencing with Section
24 7920.000) of Title 1). In furtherance of this subdivision, contractors
25 and any subcontractors shall maintain records related to
26 performance of the contract that ordinarily would be maintained
27 by the county in performing the same functions.

28 (j) *For purposes of this section, the following definitions apply:*

29 (1) *“Deliverables” means the agreed upon services set forth in*
30 *the contract, the expected rate of delivery, and the success of those*
31 *services.*

32 (2) *A plan is “insufficient” if service falls below the average*
33 *rate of completion by the workers of the affected bargaining unit.*

34 (3) *“Total compensation” means the complete payment provided*
35 *to a contracted employee throughout the duration of the contract,*
36 *including, but not limited to, applicable hourly pay, overtime pay,*
37 *benefits, and retirement.*

38 (4) *A performance report is “underperforming” if the contractor*
39 *fails to meet the expected delivery of services in a manner that*

1 *would lead to an extension of the contract or at a rate below the*
2 *agreed upon standards.*

3 ~~(j)~~

4 (k) The provisions of this section are severable. If any provision
5 of this section or its application is held invalid, the invalidity shall
6 not affect other provisions or applications that can be given effect
7 without the invalid provision or application.

8 ~~(k)~~

9 (l) The Legislature finds and declares that ~~this section addresses~~
10 *ensuring that the replacement of bargaining unit work with*
11 *contracted employees does not undermine public employee*
12 *relations is a matter of statewide concern rather than a municipal*
13 *affair as that term is used in Section 5 of Article XI of the*
14 *California Constitution and for purposes of Section 4 of Article*
15 *XI of the California Constitution. Therefore, this section applies*
16 *to all cities and all counties, including charter cities and charter*
17 *counties.*

18 ~~(l)~~

19 (m) The amendments to this section adding this subdivision
20 shall apply on and after January 1, 2025. These amendments shall
21 apply prospectively only and shall not be construed, applied, or
22 otherwise interpreted to have any effect on or application to any
23 contract entered into before January 1, 2025.

24 SEC. 5. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.

O

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2489

Introduced by Assembly Member Ward

February 13, 2024

An act to amend ~~Section 31000~~ *Sections 31000, 31000.4, 37103, and 53060* of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as amended, Ward. ~~Special services contracts. Local agencies: contracts for special services and temporary help.~~

(1) Existing law relating to the government of counties authorizes a county board of supervisors to contract for certain types of special services on behalf of the county, any county officer or department, or any district or court in the county. Existing law requires those special services contracts to be with persons who are specially trained, experienced, expert, and competent to perform those services.

This bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the previous 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would require persons with whom the board of supervisors enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district or court in the county represented by an employee organization to use employees who meet or exceed the minimum qualifications and

standards required of bargaining unit civil service employees who perform or performed the same job functions, as specified. The bill would also require those persons to provide information to the county sufficient to show that their employees meet the minimum qualifications and standards. The bill would specify that these provisions do not apply to contracts between governmental entities.

(2) Existing law authorizes a county board of supervisors to contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, if the board determines that it is in the economic interest of the county to do so. Existing law limits the use of temporary help to no more than 90 days for any single peak load, temporary absence, or emergency situation.

This bill would impose requirements similar to those described in (1) for board contracts for temporary help, except that notice must be provided 90 days before beginning a procurement process to contract for temporary help.

(3) Existing law relating to the government of cities authorizes the legislative body of a city to contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

This bill would impose requirements similar to those described in (1) for city council contracts for special services.

(4) Existing law authorizes the legislative body of a public or municipal corporation or district to contract with persons performing special services in regard to financial, economic, accounting, engineering, legal, and administrative matters if those persons are specially trained and experienced and competent to perform the special services required.

This bill would impose requirements similar to those described in (1) for legislative body contracts for special services. The bill would clarify that special services include those for transit operation.

(5) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all counties and cities, including charter counties and charter cities.

(6) By imposing new duties on local government agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law authorizes a county board of supervisors to contract for special services on behalf of the county, any county officer or department, or any district or court in the county.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31000 of the Government Code is
2 amended to read:

3 31000. (a) (1) The board of supervisors may contract for
4 special services on behalf of the following public ~~entities: the~~
5 ~~county, any county officer or department, or any district or court~~
6 ~~in the county. Such entities:~~

7 (A) *The county.*

8 (B) *Any county officer or department.*

9 (C) *Any district or court in the county.*

10 (2) *Such contracts shall be with persons specially trained,*
11 *experienced, expert and competent to perform the special services.*

12 ~~The~~

13 (3) *The special services shall consist of services, advice,*
14 ~~education~~ *education, or training for such public entities or the*
15 *employees thereof.* ~~The~~

16 (4) *The special services shall be in financial, economic,*
17 ~~accounting (including accounting, including the preparation and~~
18 *issuance of payroll checks or warrants); warrants, engineering,*
19 *legal, medical, therapeutic, administrative, architectural, airport*
20 *or building security matters, laundry services services, or linen*
21 *services.* ~~They~~ *The special services may include maintenance or*
22 *custodial matters if the board finds that the site is remote from*
23 *available county employee resources and that the county's*

1 economic interests are served by such a contract rather than by
 2 paying additional travel and subsistence expenses to existing county
 3 employees. ~~The~~

4 (5) *The board of supervisors may pay from any available funds*
 5 *such compensation as it deems proper for these special services.*
 6 ~~The~~

7 (6) *The board of supervisors may, by ordinance, direct the*
 8 *purchasing agent to enter into contracts authorized by this section*
 9 *within the monetary limit specified in Section 25502.5 of the*
 10 *Government Code.*

11 (b) (1) *At least 10 months before beginning a procurement*
 12 *process to contract for special services that are currently, or were*
 13 *in the previous 10 years, performed by employees of the county,*
 14 *any county officer or department, or any district or court in the*
 15 *county represented by an employee organization, the board of*
 16 *supervisors, or its representative, shall notify, in writing, the*
 17 *exclusive employee representative of the workforce affected by the*
 18 *contract of its determination to begin that process.*

19 (2) *Persons with whom the board of supervisors enter into a*
 20 *contract for special services to perform functions that are currently,*
 21 *or were in the previous 10 years, performed by employees of the*
 22 *county, any county officer or department, or any district or court*
 23 *in the county represented by an employee organization shall use*
 24 *employees who meet or exceed the minimum qualifications and*
 25 *standards required of bargaining unit civil service employees who*
 26 *perform or performed the same job functions, which may include,*
 27 *but are not limited to, the following qualifications and standards,*
 28 *as applicable:*

29 (A) *Criminal history and background checks before beginning*
 30 *employment.*

31 (B) *Academic attainment.*

32 (C) *Licensure.*

33 (D) *Years of experience.*

34 (E) *Child and elder abuse reporting.*

35 (F) *Physical requirements.*

36 (G) *Assessment exams.*

37 (H) *Performance standards.*

38 (3) *Persons with whom the board of supervisors enter into a*
 39 *contract for special services shall provide information to the county*
 40 *sufficient to show that their employees meet the minimum*

1 *qualifications and standards described in paragraph (2), and shall*
2 *retain this information for at least two years.*

3 *(4) A contract for special services subject to this subdivision*
4 *shall require that all records provided to the county pursuant to*
5 *paragraph (3) shall be subject to the California Public Records*
6 *Act (Division 10 (commencing with Section 7920.000) of Title 1).*
7 *In furtherance of this subdivision, contractors and any*
8 *subcontractors shall maintain records related to performance of*
9 *the contract that ordinarily would be maintained by the county in*
10 *performing the same functions.*

11 *(5) (A) This subdivision does not apply to contracts between*
12 *governmental entities.*

13 *(B) This subdivision does not limit the applicability of the*
14 *California Public Records Act (Division 10 (commencing with*
15 *Section 7920.000) of Title 1) to contracts between governmental*
16 *entities.*

17 *(6) This subdivision shall apply to contracts with persons for*
18 *special services entered into on and after January 1, 2025. This*
19 *subdivision shall apply prospectively only and shall not be*
20 *construed, applied, or otherwise interpreted to have any effect on*
21 *or application to any contract entered into before the effective*
22 *date of the act adding this subdivision.*

23 *(7) For purposes of this subdivision:*

24 *(A) "Contract for special services" means a contract entered*
25 *into by the board of supervisors pursuant to subdivision (a).*

26 *(B) "Employee organization" means the same as defined in*
27 *subdivision (a) of Section 3501.*

28 *(8) The Legislature finds and declares that this subdivision*
29 *addresses a matter of statewide concern rather than a municipal*
30 *affair as that term is used in Section 4 of Article XI of the*
31 *California Constitution. Therefore, this subdivision applies to all*
32 *counties, including charter counties and the provisions of this*
33 *subdivision shall supersede any inconsistent provisions in the*
34 *charter of any county.*

35 *(9) The provisions of this subdivision are severable. If any*
36 *provision of this subdivision or its application is held invalid, that*
37 *invalidity shall not affect other provisions or applications that can*
38 *be given effect without the invalid provision or application.*

39 *SEC. 2. Section 31000.4 of the Government Code is amended*
40 *to read:*

1 31000.4. (a) The board of supervisors may contract with
2 temporary help firms for temporary help to assist county agencies,
3 departments, or offices during any peak load, temporary absence,
4 or emergency other than a labor dispute, provided the board
5 determines that it is in the economic interest of the county to
6 provide such temporary help by contract, rather than employing
7 persons for such purpose. Use of temporary help under this section
8 shall be limited to a period of not to exceed 90 days for any single
9 peak load, temporary absence, or emergency situation.

10 (b) (1) *At least 90 days before beginning a procurement process*
11 *to contract for temporary help to perform functions that are*
12 *currently, or were in the previous 10 years, performed by*
13 *employees of the county agency, department, or office in the county*
14 *represented by an employee organization, the board of supervisors,*
15 *or its representative, shall notify, in writing, the exclusive employee*
16 *representative of the workforce affected by the contract of its*
17 *determination to begin that process.*

18 (2) *Persons with whom the board of supervisors enter into a*
19 *contract for special services to perform functions that are currently,*
20 *or were in the previous 10 years, performed by employees of the*
21 *county agency, department, or office represented by an employee*
22 *organization shall use employees who meet or exceed the minimum*
23 *qualifications and standards required of bargaining unit civil*
24 *service employees who perform or performed the same job*
25 *functions, which may include, but are not limited to, the following*
26 *qualifications and standards, as applicable:*

27 (A) *Criminal history and background checks before beginning*
28 *employment.*

29 (B) *Academic attainment.*

30 (C) *Licensure.*

31 (D) *Years of experience.*

32 (E) *Child and elder abuse reporting.*

33 (F) *Physical requirements.*

34 (G) *Assessment exams.*

35 (H) *Performance standards.*

36 (3) *Persons with whom the board of supervisors enter into a*
37 *contract for special services shall provide information to the county*
38 *sufficient to show that their employees meet the minimum*
39 *qualifications and standards described in paragraph (2), and shall*
40 *retain this information for at least two years.*

1 (4) A contract for special services subject to this subdivision
2 shall require that all records provided to the county pursuant to
3 paragraph (3) shall be subject to the California Public Records
4 Act (Division 10 (commencing with Section 7920.000) of Title 1).
5 In furtherance of this subdivision, contractors and any
6 subcontractors shall maintain records related to performance of
7 the contract that ordinarily would be maintained by the county in
8 performing the same functions.

9 (5) (A) This subdivision does not apply to contracts between
10 governmental entities.

11 (B) This subdivision does not limit the applicability of the
12 California Public Records Act (Division 10 (commencing with
13 Section 7920.000) of Title 1) to contracts between governmental
14 entities.

15 (6) This subdivision shall apply to contracts with persons for
16 special services entered into on and after January 1, 2025. This
17 subdivision shall apply prospectively only and shall not be
18 construed, applied, or otherwise interpreted to have any effect on
19 or application to any contract entered into before the effective
20 date of the act adding this subdivision.

21 (7) For purposes of this subdivision:

22 (A) “Contract for temporary help” means a contract entered
23 into by the board of supervisors pursuant to subdivision (a).

24 (B) “Employee organization” means the same as defined in
25 subdivision (a) of Section 3501.

26 (8) The Legislature finds and declares that this subdivision
27 addresses a matter of statewide concern rather than a municipal
28 affair as that term is used in Section 4 of Article XI of the
29 California Constitution. Therefore, this subdivision applies to all
30 counties, including charter counties and the provisions of this
31 subdivision shall supersede any inconsistent provisions in the
32 charter of any county.

33 (9) The provisions of this subdivision are severable. If any
34 provision of this subdivision or its application is held invalid, that
35 invalidity shall not affect other provisions or applications that can
36 be given effect without the invalid provision or application.

37 SEC. 3. Section 37103 of the Government Code is amended to
38 read:

39 37103. (a) (1) The legislative body may contract with any
40 specially trained and experienced person, firm, or corporation for

1 special services and advice in financial, economic, accounting,
2 engineering, legal, or administrative matters.

3 ~~It~~

4 (2) *The legislative body may pay such compensation to these*
5 *experts as it deems proper.*

6 (b) (1) *At least 10 months before beginning a procurement*
7 *process to contract for special services that are currently, or were*
8 *in the previous 10 years, performed by employees of the city*
9 *represented by an employee organization, the legislative body, or*
10 *its representative, shall notify, in writing, the exclusive employee*
11 *representative of the workforce affected by the contract of its*
12 *determination to begin that process*

13 (2) *Persons with whom the legislative body enters into a contract*
14 *for special services to perform functions that are currently, or*
15 *were in the previous 10 years, performed by employees of the city*
16 *represented by an employee organization shall use employees who*
17 *meet or exceed the minimum qualifications and standards required*
18 *of bargaining unit civil service employees who perform or*
19 *performed the same job functions, which may include, but are not*
20 *limited to, the following qualifications and standards, as*
21 *applicable:*

22 (A) *Criminal history and background checks before beginning*
23 *employment.*

24 (B) *Academic attainment.*

25 (C) *Licensure.*

26 (D) *Years of experience.*

27 (E) *Child and elder abuse reporting.*

28 (F) *Physical requirements.*

29 (G) *Assessment exams.*

30 (H) *Performance standards.*

31 (3) *Persons with whom the legislative body enter into a contract*
32 *for special services shall provide information to the city sufficient*
33 *to show that their employees meet the minimum qualifications and*
34 *standards described in paragraph (2), and shall retain this*
35 *information for at least two years.*

36 (4) *A contract for special services subject to this subdivision*
37 *shall require that all records provided to the city pursuant to*
38 *paragraph (3) shall be subject to the California Public Records*
39 *Act (Division 10 (commencing with Section 7920.000) of Title 1).*
40 *In furtherance of this subdivision, contractors and any*

1 *subcontractors shall maintain records related to performance of*
2 *the contract that ordinarily would be maintained by the city in*
3 *performing the same functions.*

4 (5) (A) *This subdivision does not apply to contracts between*
5 *governmental entities.*

6 (B) *This subdivision does not limit the applicability of the*
7 *California Public Records Act (Division 10 (commencing with*
8 *Section 7920.000) of Title 1) to contracts between governmental*
9 *entities.*

10 (6) *This subdivision shall apply to contracts with persons for*
11 *special services entered into on and after January 1, 2025. This*
12 *subdivision shall apply prospectively only and shall not be*
13 *construed, applied, or otherwise interpreted to have any effect on*
14 *or application to any contract entered into before the effective*
15 *date of the act adding this subdivision.*

16 (7) *For purposes of this subdivision:*

17 (A) *“Contract for special services” means a contract entered*
18 *into by the legislative body pursuant to subdivision (a).*

19 (B) *“Employee organization” means the same as defined in*
20 *subdivision (a) of Section 3501.*

21 (8) *The Legislature finds and declares that this subdivision*
22 *addresses a matter of statewide concern rather than a municipal*
23 *affair as that term is used in Section 5 of Article XI of the*
24 *California Constitution. Therefore, this subdivision applies to all*
25 *cities, including charter cities and the provisions of this subdivision*
26 *shall supersede any inconsistent provisions in the charter of any*
27 *city.*

28 (9) *The provisions of this subdivision are severable. If any*
29 *provision of this subdivision or its application is held invalid, that*
30 *invalidity shall not affect other provisions or applications that can*
31 *be given effect without the invalid provision or application.*

32 *SEC. 4. Section 53060 of the Government Code is amended to*
33 *read:*

34 53060. (a) (1) *The legislative body of any public or municipal*
35 *corporation or district may contract with and employ any persons*
36 *for the furnishing to the corporation or district special services and*
37 *advice in financial, economic, accounting, engineering, legal,*
38 *transit operation, or administrative matters if such persons are*
39 *specially trained and experienced and competent to perform the*
40 *special services required.*

1 ~~The~~

2 (2) *The* authority herein given to contract shall include the right
3 of the legislative body of the corporation or district to contract for
4 the issuance and preparation of payroll checks.

5 ~~The~~

6 (3) *The* legislative body of the corporation or district may pay
7 from any available funds such compensation to such persons as it
8 deems proper for the services rendered.

9 (b) (1) *At least 10 months before beginning a procurement*
10 *process to contract for special services that are currently, or were*
11 *in the previous 10 years, performed by employees of the*
12 *corporation or district represented by an employee organization,*
13 *the legislative body, or its representative, shall notify, in writing,*
14 *the exclusive employee representative of the workforce affected*
15 *by the contract of its determination to begin that process.*

16 (2) *Persons with whom the legislative body enter into a contract*
17 *for special services to perform functions that are currently, or*
18 *were in the previous 10 years, performed by employees of the*
19 *corporation or district represented by an employee organization*
20 *shall use employees who meet or exceed the minimum*
21 *qualifications and standards required of bargaining unit civil*
22 *service employees who perform or performed the same job*
23 *functions, which may include, but are not limited to, the following*
24 *qualifications and standards, as applicable:*

25 (A) *Criminal history and background checks before beginning*
26 *employment.*

27 (B) *Academic attainment.*

28 (C) *Licensure.*

29 (D) *Years of experience.*

30 (E) *Child and elder abuse reporting.*

31 (F) *Physical requirements.*

32 (G) *Assessment exams.*

33 (3) *Persons with whom the legislative body enter into a contract*
34 *for special services shall provide information to the corporation*
35 *or district sufficient to show that their employees meet the minimum*
36 *qualifications and standards described in paragraph (2), and shall*
37 *retain this information for at least two years.*

38 (4) *A contract for special services subject to this subdivision*
39 *shall require that all records provided to the corporation or district*
40 *pursuant to paragraph (3) shall be subject to the California Public*

1 *Records Act (Division 10 (commencing with Section 7920.000) of*
2 *Title 1). In furtherance of this subdivision, contractors and any*
3 *subcontractors shall maintain records related to performance of*
4 *the contract that ordinarily would be maintained by the county in*
5 *performing the same functions.*

6 (5) (A) *This subdivision does not apply to contracts between*
7 *governmental entities.*

8 (B) *This subdivision does not limit the applicability of the*
9 *California Public Records Act (Division 10 (commencing with*
10 *Section 7920.000) of Title 1) to contracts between governmental*
11 *entities.*

12 (6) *This subdivision shall apply to contracts with persons for*
13 *special services entered into on and after January 1, 2025. This*
14 *subdivision shall apply prospectively only and shall not be*
15 *construed, applied, or otherwise interpreted to have any effect on*
16 *or application to any contract entered into before the effective*
17 *date of the act adding this subdivision.*

18 (7) *For purposes of this subdivision:*

19 (A) *“Contract for special services” means a contract entered*
20 *into by the legislative body pursuant to subdivision (a).*

21 (B) *“Employee organization” means the same as defined in*
22 *subdivision (a) of Section 3501.*

23 (8) *The Legislature finds and declares that this subdivision*
24 *addresses a matter of statewide concern rather than a municipal*
25 *affair as that term is used in Sections 4 and 5 of Article XI of the*
26 *California Constitution. Therefore, this subdivision applies to all*
27 *cities and counties, including charter cities and charter counties*
28 *and the provisions of this subdivision shall supersede any*
29 *inconsistent provisions in the charter of any city or county.*

30 (9) *The provisions of this subdivision are severable. If any*
31 *provision of this subdivision or its application is held invalid, that*
32 *invalidity shall not affect other provisions or applications that can*
33 *be given effect without the invalid provision or application.*

34 *SEC. 5. If the Commission on State Mandates determines that*
35 *this act contains costs mandated by the state, reimbursement to*
36 *local agencies and school districts for those costs shall be made*
37 *pursuant to Part 7 (commencing with Section 17500) of Division*
38 *4 of Title 2 of the Government Code.*

39 ~~SECTION 1. Section 31000 of the Government Code is~~
40 ~~amended to read:~~

1 ~~31000. The board of supervisors may contract for special~~
2 ~~services on behalf of the county, any county officer or department,~~
3 ~~or any district or court in the county. These contracts shall be with~~
4 ~~persons specially trained, experienced, expert, and competent to~~
5 ~~perform the special services. The special services shall consist of~~
6 ~~services, advice, education, or training for these public entities or~~
7 ~~the employees thereof. The special services shall be in financial,~~
8 ~~economic, accounting, including the preparation and issuance of~~
9 ~~payroll checks or warrants, engineering, legal, medical, therapeutic,~~
10 ~~administrative, architectural, airport or building security matters,~~
11 ~~laundry services, or linen services. The special services may include~~
12 ~~maintenance or custodial matters if the board finds that the site is~~
13 ~~remote from available county employee resources and that the~~
14 ~~county's economic interests are served by the contract rather than~~
15 ~~by paying additional travel and subsistence expenses to existing~~
16 ~~county employees. The board may pay from any available funds~~
17 ~~compensation as it deems proper for these special services. The~~
18 ~~board of supervisors may, by ordinance, direct the purchasing~~
19 ~~agent to enter into contracts authorized by this section within the~~
20 ~~monetary limit specified in Section 25502.5.~~

O



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1116

Agenda Date: 4/16/2024

Agenda #: 8.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **AB 3233 (Addis) Oil and Gas: Operations: Restrictions: Local Authority**

Submitted For: Legislation Committee

Department: County Administrator's Office

Referral No:

Referral Name: AB 3233 (Addis)

Presenter: L. DeLaney

Contact: (925) 655-2057

Referral History:

AB 3233 (Addis) was brought to the attention of the Committee staff through a referral from Supervisor Gioia's office. The Board's adopted 2023-24 State Legislative Platform contains the following related policies:

"MAINTAIN local agency land use authority." (p. 26)

"SUPPORT actions that...reduce exposure to toxic air pollutants and greenhouse gases..." (p.9)

"OPPOSE actions that result in reduced level of services to families, children, adults and seniors, or that lead to preemption of local control." (p. 21)

"SEEK more robust local regulatory and enforcement authority relative to the storage, transport, processing, recovery, and disposal of hazardous or solid waste within our jurisdictional boundaries." (p. 30)

Referral Update:

See Attachment A for the bill text of AB 3233. The Committee analysis of the bill is as follows:

Date of Hearing: April 8, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 3233 (Addis) - As Amended March 21, 2024

SUBJECT: Oil and gas: operations: restrictions: local authority.

SUMMARY: Authorizes a local entity, by ordinance, to limit or prohibit oil and gas operations or development in its jurisdiction, as provided, notwithstanding any other law or any notice of intention, supplemental notice, well stimulation permit, or similar authorization issued by the supervisor or district deputy.

EXISTING LAW:

- 1) Establishes the Geologic Energy Management Division (CalGEM) in the Department of Conservation under the direction of the State Oil and Gas Supervisor (supervisor), who is required to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells. (Public Resources Code (PRC) 3000 *et seq.*)
- 2) Requires the supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production. (PRC 3106)
- 3) Requires CalGEM to make all public information collected or maintained by CalGEM, including well records, well logs, notices of intention (NOI), notice of violation, supplementary notices, field reports, inspection reports, and correspondence, and requires CalGEM to develop and implement an education and outreach program to provide training to local governmental entities on materials collected and maintained by CalGEM related to oil and gas operations. (PRC 3115)
- 4) Requires the owner of any well to file a monthly statement with the supervisor that provides certain information relating to the well, including the source, volume, treatment, and disposition of water produced in oil and gas activities. (PRC 3227)
- 5) Authorizes the state to obtain primary enforcement responsibility for regulating the underground injection of fluids associated with oil and gas production through the state's own state underground injection control program. (Federal Safe Drinking Water Act 1425)
- 6) Requires the State Water Resources Control Board to develop model groundwater monitoring criteria, to be implemented either on a well-by-well basis for a well subject to well stimulation treatment or on a regional scale. Provides that the model criteria for either a well-by-well basis for a well subject to well stimulation treatment, or for a regional groundwater monitoring program, shall be used to satisfy the permitting requirements for well stimulation treatments (WST) on oil and gas wells pursuant to PRC 3160. (Water Code 10783)
- 7) Pursuant to Governor Newsom's direction, requires the State Air Resources Board (ARB) to evaluate how to phase out oil extraction by 2045 through the climate change scoping plan, the state's comprehensive, multi-year regulatory and programmatic plan to achieve required reductions in greenhouse gas (GHG) emissions. (Executive Order N-79-20)
- 8) Authorizes a county or city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. (Article XI, section 7 of the California Constitution)

THIS BILL:

- 1) Revises the stated purposes of the Division of Oil and Gas operation regulation to include preserving

California’s air, water, environment, natural resources, and advancing the state’s climate goals, and requires CalGEM to minimize harm from oil and gas operation activities.

- 2) Authorizes, notwithstanding any other law, and notwithstanding any NOI, supplemental notice, well stimulation permit, or similar authorization issued by the supervisor or district deputy, a local entity to, by ordinance, prohibit oil and gas operations in its jurisdiction or impose regulations, limits, or prohibitions on oil and gas development that are more protective of public health, the climate, or the environment than those prescribed by a state law, regulation, or order.
- 3) Authorizes these limitations or prohibitions to include, but not be limited to, limitations or prohibitions related to the methods of oil and gas operations and the locations of oil and gas operations.
- 4) Requires, if a local entity limits or prohibits oil and gas operations of an owner or operator, the owner or operator to be responsible for plugging and abandoning its wells, decommissioning attendant production facilities, and related measures, pursuant to the rules of the oil and gas statutory division.
- 5) Defines, for purposes of this bill, “local entity” as a city, county, or city and county.
- 6) Provides that the provisions of this bill are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author’s statement:**

Pollution from oil and gas production causes grave harm to our health, climate, and environment. For more than a century, cities and counties have protected their residents’ health and safety by deciding whether, where, and under what conditions to allow oil and gas projects to operate. As California transitions away from its dependency on fossil fuels, more cities and counties have introduced ordinances to ban oil and gas operations. Assembly Bill 3233 uplifts the voices of our local communities by codifying their right to enact these policies.

2) **Oil production in CA.** Oil production began in earnest in California in the late 1800s. In 1929, at the peak of oil development in the Los Angeles Basin, California accounted for more than 22% of total world oil production. California’s oil production reached an all-time high of almost 400 million barrels in 1985 and has generally declined 2.2% annually since then. Despite that decline, California remains the third largest oil and gas producing state, and as of 2022, produced 3% of the crude oil of the nation. That same year, California supplied about 26% of all oil going into the state’s 17 oil refineries.

CalGEM has jurisdiction over more than 242,000 wells, including nearly 101,300 defined as active or idle oil producers. CalGEM's authority extends from onshore to three miles offshore.

About 112,000 people are employed in California’s fossil fuel-based industries, amounting to about 0.6% the state’s total workforce in 2019. The total job figure includes oil and gas extraction operations, as well as support activities for all oil and gas projects, and other ancillary sectors, such as fossil fuel-based power generation. According to the Western States Petroleum Association, the petroleum industry paid \$26 billion in wages and benefits in California to employees doing research, exploration, production and shipping, refining, delivery, sales, and company operations.

3) **State oversight of oil & gas production.** In 1915, the Legislature created what is now CalGEM to ensure the safe development and recovery of energy resources. CalGEM is charged with protecting public health,

safety, and the environment as it oversees and regulates the drilling, operation, and eventual permanent closure of oil, gas, and geothermal wells. The supervisor has broad authority to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production. The supervisor is also equipped with authority to oversee the operation of wells and the methods to increase oil and gas extraction.

Further, CalGEM administers state regulations for the permitting, drilling, inspecting, testing, and sealing of underground injection wells, which covers two types of wells: 1) those that inject water or steam for enhanced oil recovery and 2) those that return the briny groundwater that comes up from oil formations during production - typically unusable for drinking or agriculture-back into the underground source from which it came.

4) **Local oversight.** Depending on the well location and other factors, the jurisdictional powers of a local government vary. Some jurisdictions have taken action to confirm their authority through ordinances or local ballot measures.

In 2014, San Benito County voters approved Measure J with 58.9% of the vote to prohibit hydraulic fracturing and related gas and oil extraction activities, as well as other "high-intensity petroleum operations," including acid well stimulation and cyclic steam injection. Measure J also banned any new gas or oil drilling activity - even conventional, low-intensity activity - in areas of the county zoned for residential or rural land use.

Citadel Exploration's plan to drill up to 1,000 steam-injection wells at its Bitterwater oilfield, was prevented by Measure J. Citadel filed a lawsuit against the county almost immediately after Measure J was approved, claiming that local governments in California do not have the authority to ban fracking. Ultimately, Citadel dropped the lawsuit.

In 2021, Culver City adopted an ordinance to prohibit the drilling of any new or re-drilling of any existing oil wells within the Culver City portion of the Inglewood Oil Field and require the phasing out, plugging and restoration of all existing oil and gas wells by no later than November 24, 2026. Sentinel Peak Resources California LLC challenged the ordinance, and on December 7, 2023, Culver City and Sentinel executed a Settlement Agreement to resolve Sentinel's potential legal claims relating to the City's Oil Termination Ordinance. Under the agreement, Sentinel must plug and abandon a minimum of 15 wells by December 31, 2027, at a rate of a minimum of three wells per calendar year over the five-year period between 2023-2027.

Also in 2021, in response to the September 15, 2021, motion by the Los Angeles (LA) County Board of Supervisors, LA County Planning prepared an ordinance to amend Title 22 - Planning and Zoning of the Los Angeles County Code. For the unincorporated areas of LA County, the proposed ordinance prohibits new oil wells and production facilities in all zones, designates existing oil wells and production facilities as nonconforming uses in all zones, and establishes regulations for existing oil wells and production facilities.

In 2015, after Monterey County Supervisors rejected a fracking moratorium in 2015, local residents drafted an initiative to ban fracking and limit certain oil operations. The resultant Measure Z sought to do several things: ban fracking, acidizing, and other WSTs; ban new wastewater injection wells and wastewater ponds and phase out existing wastewater injection wells and ponds; and, ban new oil and gas wells within Monterey County. The initiative did not cover Monterey County's 1,500+ existing oil and gas wells. Measure Z won with 56% of the votes on November 8, 2016.

While there is no fracking in Monterey County, Measure Z's other two provisions, banning wastewater injection and impoundment and drilling new wells, would have dramatically reduced oil production in Monterey County.

On December 14, 2016, Chevron filed a petition for writ of mandate and complaint, alleging, among other things, that Measure Z is preempted by state and federal law and would result in an unconstitutional taking of their property.

On January 25, 2018, the superior court filed its statement of decision. (31:AA.7545-7593.) In relevant part, the superior court concluded Policies LU-1.22 and LU-1.23 are each preempted by state and federal law.

In particular, the Superior Court found that Measure Z was contrary to the express state policy set forth in PRC 3106, which mandates that the supervisor to permit the owners or operators of the wells to utilize all methods and practices known to the oil and gas industry for the purpose of increasing the ultimate recovery of underground hydrocarbons.

The Supreme Court granted review to decide whether PRC 3106 preempts Measure Z and concluded it does because Measure Z is contradictory to, and therefore conflicts with, PRC 3106.

5) **This bill.** AB 3233 affirms local control over oil and gas operations by authorizing a local entity to, by ordinance, prohibit oil and gas operations or development in its jurisdiction or impose regulations, limits, or prohibitions on oil and gas operations or development that are more protective of public health, the climate, or the environment than those prescribed by a state law, regulation, or order. It authorizes those limitations or prohibitions to cover methods of oil and gas operations or development and the locations of oil and gas operations or development.

Notably, this bill is permissive, not mandatory. It extends authority to local jurisdictions to regulate oil and gas operations in accordance with the public health and environmental needs of their communities, and maintains state regulatory oversight where local control is not enacted.

6) **Double referral.** This bill is also referred to the Utilities and Energy Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

1000 Grandmothers for Future Generations

350 Bay Area Action

350 Conejo / San Fernando Valley

350 Humboldt

350 Petaluma

350 Sacramento

350 Santa Barbara

Acterra: Action for A Healthy Planet

Asian Pacific Environmental Network

Azul

Bay Area-system Change Not Climate Change

Bicycling Monterey

Black Women for Wellness Action Project

California Climate Voters
California Environmental Voters
California Nurses for Environmental Health & Justice
California Youth Versus Big Oil
Californians for Disability Rights INC
Center for Biological Diversity
Center for Community Action and Environmental Justice
Center for Food Safety; the
Center on Race, Poverty & the Environment
Central California Environmental Justice Network
Central Coast Alliance United for A Sustainable Economy
Central Coast Environmental Voters
Central Valley Air Quality Coalition
Central Valley Partnership
CERBAT
Cleaneearth4kids.org
Climate Action California
Climate Breakthrough
Climate First: Replacing Oil & Gas
Climate Hawks Vote
Climate Health Now
Climate Reality Bay Area
Climate Reality Project Riverside County Chapter
Climate Reality Project, California Coalition
Climate Reality Project, Monterey Bay Chapter
Climate Reality Project, San Fernando Valley
Climatebrunch
Coalition for Clean Air
Communities for A Better Environment
Consumer Watchdog
Corporate Ethics International
Earthjustice
Earthworks
Eco Equity
Eco Team
Ecology Center
Elders Climate Action Northern California Chapter
Elders Climate Action Southern California Chapter
Elected Officials to Protect America - Code Blue
Endangered Habitats League
Environmental Defense Center
Environmental Protection Information Center
Environmental Working Group
Esperanza Community Housing
Extinction Rebellion San Francisco Bay Area

Food & Water Watch
Fossil Free California
Fractracker Alliance
Fresnans Against Fracking
Fridays for Future Fresno
Fridays for Future Sacramento
Friends of The Earth
Glendale Environmental Coalition
Good Neighbor Steering Committee of Benicia
Greenaction for Health and Environmental Justice
Greenpeace USA
Harvey Milk LGBTQ Democratic Club
Holman United Methodist Church
Idle No More Sf Bay
Indivisible Marin
Indivisible San Francisco
Indivisible San Jose
Indivisible South Bay LA
LA Jolla Environmental Action
Local Clean Energy Alliance
Los Padres Forestwatch
Manhattan Beach Huddle
Methane Action
MLK Coalition of Greater Los Angeles
Mothers Out Front
Natural Resources Defense Council
Nextgen California
Oil & Gas Action Network
Oil Change International
Pacific Environment
Physicians for Social Responsibility - Los Angeles
Physicians for Social Responsibility - Sacramento Chapter
Planning and Conservation League
Protect Monterey County
Protect Playa Now!
Queers X Climate
Redeemer Community Partnership
Rising Communities
Rootsaction.org
San Diego350
San Francisco Bay Physicians for Social Responsibility
San Francisco Baykeeper
San Joaquin Valley Democratic Club
Santa Barbara Standing Rock Coalition
Santa Cruz Climate Action Network

Sequoia Forestkeeper
Sierra Club California
Society of Fearless Grandmothers - Santa Barbara
Stand Together Against Neighborhood Drilling
Stand.Earth
Sunrise Movement LA
Sunrise Santa Barbara
Sustainable Mill Valley
The Climate Alliance of Santa Cruz County
The Climate Center
The Climate Reality Project Los Angeles Chapter
The Climate Reality Project Orange County Chapter
The Climate Reality Project: Silicon Valley
The Phoenix Group
Voting 4 Climate & Health
West Berkeley Alliance for Clean Air and Safe Jobs
Women's Earth and Climate Action Network
Youth for Earth
Youth Vs. Oil

Opposition

Western States Petroleum Association

Analysis Prepared by: Paige Brokaw / NAT. RES. /

History

04/09/2024 From committee: Do pass and re-refer to Com. on U. & E. (Ayes 8. Noes 3.) (April 8). Re-referred to Com. on U. & E.

04/01/2024 Re-referred to Com. on NAT. RES.

03/21/2024 Referred to Coms. on NAT. RES. and U. & E. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

02/17/2024 From printer. May be heard in committee March 18.

02/16/2024 Read first time. To print.

Recommendation(s)/Next Step(s):

CONSIDER finding AB 3233 consistent with the adopted 2023-24 State Legislative Platform or recommending a position of "Support" to the Board of Supervisors on their May 14, 2023 agenda.

Fiscal Impact (if any):

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3233

Introduced by Assembly Member Addis
(Coauthor: Senator Wiener)

February 16, 2024

An act to amend Section 3011 of, and to add Section 3106.1 to, the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 3233, as amended, Addis. Oil and gas: operations: restrictions: local authority.

Under existing law, the Geologic Energy Management Division in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. Existing law specifies that the purposes of the provisions relating to oil and gas include protecting public health and safety and environmental quality, including reduction and mitigation of greenhouse gas emissions associated with the development of hydrocarbon and geothermal resources in a manner that meets the energy needs of the state.

This bill would instead specify that the purposes of the provisions relating to oil and gas include protecting public health and safety and environmental quality, preserving California's air, water, environment, and natural resources, and advancing the state's climate goals in a manner that meets the energy needs of the state, and that these provisions create a mandate to minimize harm from oil and gas operation activities.

Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the

operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production, so as to prevent damage to life, health, property, and natural resources, as provided; to permit owners and operators of wells to utilize all known methods and practices to increase the ultimate recovery of hydrocarbons; and to perform the supervisor's duties in a manner that encourages the wise development of oil and gas resources to best meet oil and gas needs in this state. *Existing California Supreme Court case law holds that these provisions preempt certain local ordinances that ban certain oil production methods, as provided.* Existing law provides that the laws relating to oil and gas regulation apply to any land or well situated within the boundaries of an incorporated city in which the drilling of oil wells is now or may hereafter be prohibited, as provided.

~~This bill would express the intent of the Legislature to enact subsequent legislation that would amend the authority of local entities to place prohibitions on oil and gas operations within their jurisdiction.~~

Existing law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Existing law authorizes the supervisor to require other pertinent information to supplement the notice. Existing law requires an operator proposing to perform a well stimulation treatment to apply to the supervisor or district deputy for a permit to perform the well stimulation treatment and imposes other requirements and conditions on the use of well stimulation treatments.

This bill would authorize a local entity, as defined, by ordinance, to limit or prohibit oil and gas operations or development in its jurisdiction, as provided, notwithstanding any other law or any notice of intention, supplemental notice, well stimulation permit, or similar authorization issued by the supervisor or district deputy. The bill would authorize these limitations or prohibitions to include, but not be limited to, limitations or prohibitions related to the methods and locations of oil and gas operations or development. If a local entity limits or prohibits oil and gas operations or development of an owner or operator, the bill would require that owner or operator to comply with existing rules related to plugging and abandoning wells, decommissioning attendant production facilities, and related measures, as provided.

This bill would state that its provisions are severable.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares both of the*
2 *following:*

3 (a) *Protecting public health, safety, and the environment is of*
4 *the utmost importance to all Californians. In order to protect*
5 *public health and safety, cities and counties must have the authority*
6 *to regulate oil and gas operations within their jurisdictions,*
7 *including operations that may otherwise be approved by the State*
8 *Oil and Gas Supervisor.*

9 (b) *Empowering cities and counties to regulate, limit, or prohibit*
10 *oil and gas operations in their jurisdictions will therefore enable*
11 *communities to make decisions that align with their needs.*

12 SEC. 2. *Section 3011 of the Public Resources Code is amended*
13 *to read:*

14 3011. (a) *The purposes of this division include protecting*
15 *public health and safety and environmental quality, ~~including~~*
16 *~~reduction and mitigation of greenhouse gas emissions associated~~*
17 *~~with the development of hydrocarbon and geothermal resources~~*
18 *preserving California's air, water, environment, and natural*
19 *resources, and advancing the state's climate goals in a manner*
20 *that meets the energy needs of the state. This division creates a*
21 *mandate to minimize harm from oil and gas operation activities.*

22 (b) *The supervisor shall coordinate with other state agencies*
23 *and entities described in subdivision (f) of Section 38501 of the*
24 *Health and Safety Code in furtherance of the goals of the California*
25 *Global Warming Solutions Act of 2006 (Division 25.5*
26 *(commencing with Section 38500) of the Health and Safety Code)*
27 *and to help support the state's clean energy goals.*

28 SEC. 3. *Section 3106.1 is added to the Public Resources Code,*
29 *to read:*

30 3106.1. (a) *Notwithstanding any other law, and*
31 *notwithstanding any notice of intention, supplemental notice, well*
32 *stimulation permit, or similar authorization issued by the*
33 *supervisor or district deputy, a local entity may, by ordinance,*
34 *prohibit oil and gas operations or development in its jurisdiction*
35 *or impose regulations, limits, or prohibitions on oil and gas*

1 operations or development that are more protective of public
2 health, the climate, or the environment than those prescribed by
3 a state law, regulation, or order. These limitations or prohibitions
4 may include, but are not limited to, limitations or prohibitions
5 related to the methods of oil and gas operations or development
6 and the locations of oil and gas operations or development.

7 (b) If a local entity limits or prohibits oil and gas operations or
8 development of an owner or operator pursuant to subdivision (a),
9 the owner or operator shall be responsible for plugging and
10 abandoning its wells, decommissioning attendant production
11 facilities, and related measures, pursuant to the rules of this
12 division.

13 (c) For purposes of this section, “local entity” means a city,
14 county, or city and county, including a charter city, county, and
15 city and county.

16 SEC. 4. The provisions of this act are severable. If any
17 provision of this act or its application is held invalid, that invalidity
18 shall not affect other provisions or applications that can be given
19 effect without the invalid provision or application.

20 ~~SECTION 1. It is the intent of the Legislature to enact~~
21 ~~subsequent legislation that would amend the authority of local~~
22 ~~entities to place prohibitions on oil and gas operations within their~~
23 ~~jurisdiction.~~



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 24-1117

Agenda Date: 4/16/2024

Agenda #: 9.

LEGISLATION COMMITTEE

Meeting Date: April 16, 2024

Subject: **FY 24-25 State Budget and Bills of Interest**

Submitted For: Legislation Committee

Department: County Administrator's Office

Referral No: 2024-03

Referral Name: State Budget and Bills of Interest

Presenter: Geoff Neill and Michelle Rubalcava, Nielsen Merksamer

Contact: L. DeLaney

Referral History:

The Legislation Committee regularly receives reports on the State Budget and bills of interest to the County, providing direction and/or input as needed.

Referral Update:

See Attachments A, B, and C.

Recommendation(s)/Next Step(s):

RECEIVE the report and provide direction and/or input as needed.

Fiscal Impact (if any): There may be significant fiscal impacts to the County from the adoption of the FY 24-25 State Budget.

FY 24-25 State Budget Update

On Thursday, April 4, the Governor, Senate President pro Tempore Mike McGuire, and Speaker of the Assembly Robert Rivas announced an agreement on \$17 billion in early actions to reduce the projected budget shortfall. [Early-Action-Agreement-Overview-.pdf \(ca.gov\)](#)

The early action budget bills are in print as identical bills [SB 106](#) and [AB 106](#). The Legislature voted to support them on Thursday, after they were heard in the two houses' budget committees.

The bills contain the following cuts of interest to local agencies (some of these cuts might be characterized as “delays” if the Governor and Legislature intend to include funding in a future budget year):

- \$275 million from the Jobs First / CERF program.
- \$34 million from the State Library's program to increase broadband connections at local libraries.
- \$20 million from the CPUC's broadband capacity building grants.
- \$8 million (all funding) for the Extreme Heat Action Plan.

All member requests remain funded. However, the bills give the Administration blanket authority to “suspend” any one-time funding included in the 2021, 2022, or 2023 Budget Acts for the remainder of the fiscal year, after giving 10-day notice to the Joint Legislative Budget Committee. The Administration can use this authority to delay any regular one-time appropriations, such as grants and capital expenditures, until next year's budget is in place, but cannot use it to suspend funding for member requests.

State Bills of Interest

The CSAC 2024 Legislative Conference returns to Sacramento April 17-19, 2024. The CSAC Legislative Priorities are included in [Attachment B](#). The bills that Contra Costa County are actively tracking are included in [Attachment C](#).



2024 Legislative Priorities

Counties lead. Californians look to counties for the protection of public health and safety, as well as the maintenance and provision of a broad array of services: transportation, business regulation, planning, agriculture, natural environment, and social services. As the closest level of government to the people, the state entrusts counties with the responsibility to administer and deliver these services to California's constituents.

Counties are on the frontlines. It is imperative that counties have a voice at the table to ensure legislation reflects the capacity, funding, and workforce availability at the local level.

The following are the primary advocacy priorities on CSAC's docket for the 2024 legislative session.



Homelessness

Advocate for sustainable funding to meet the comprehensive needs of unhoused individuals and policies that address the causes of homelessness



Social Safety Net

Advocate for protecting and strengthening county health and human services programs that provide essential services to vulnerable populations



Housing

Advocate for the expansion of responsible construction and preservation of affordable housing



Protecting Local Revenue

Advocate for decisions about local revenues to be made and retained at the local level and reduce the backlog of payments owed to counties



Behavioral Health

Advocate for adequate, sustained funding to support new services and administration requirements



Workforce Challenges

Advocate for policies that can help counties more effectively recruit, hire, and retain qualified workers



CARE Court

Advocate to secure adequate, flexible, and sustained funding to support counties' efforts in this new statewide initiative



SB 1383 Implementation

Advocate for essential reforms and supports for Senate Bill 1383 (2016), which aims to reduce organic waste from landfills



Emergency Preparedness

Advocate for state and federal support of local emergencies, investments in emergency preparedness, and aid for all communities affected by disasters



Felony IST

Advocate for changes to the growth cap and penalty program to reflect the shared goal of reducing the number of individuals who are deemed IST



Public Records Act

Advocate to reduce vexatious filers using the PRA to grind government work to a halt



Juvenile Justice Reform

Advocate for funding to meet infrastructure, programming, and individualized treatment needs, and preserve local authority over responsibilities

For more information on CSAC's legislative priorities, please visit www.counties.org.

2024 Contra Costa County
Bills of Interest

BILL	TITLE	AUTHOR	SUMMARY	LAST STATUS	UPCOMING DATES	POSITION
1	AB 817 Open Meetings: Teleconferencing: Subsidiary Body	Pacheco (D)	Provides that the Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings. Provides that existing law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency. Authorizes, until specified date, a subsidiary body to use alternative teleconferencing provisions and imposes requirements for notice, agenda, and public participation.	01/25/2024: In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.		Support
2	AB 1820 Housing Development Projects: Applications: Fees	Schiavo (D)	Authorizes a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate. Requires the local agency to provide the estimate within a specified number of business days of the submission of the preliminary application. Requires, for development fees imposed by an agency other than a city or county, the development proponent to request the preliminary fee and exaction estimate from the agency that imposes the fee.	04/10/2024: From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass as amended to Committee on LOCAL GOVERNMENT.	04/15/2024: Hearing Date	
3	AB 1957 Public Contracts: Best Value Construction Contracting	Wilson (D)	Provides that existing law establishes a pilot program to allow the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba to select a bidder on the basis of best value for construction projects in excess of a specified amount. Authorizes any county of the State to utilize this program and extends the operation of provisions until specified date.	04/08/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.	04/17/2024: Hearing Date	
4	AB 1961 End Hunger in California Act of 2024	Wicks (D)	Requires the Strategic Growth Council, in consultation with specified entities, to appoint and convene the End Hunger in California Master Plan Task Force to make recommendations for future comprehensive strategies aimed at addressing access to healthy and culturally relevant food for all Californians. Requires the task force to meet at least quarterly and to be composed of up to a specified number of members from agencies and with specified knowledge and expertise in various food-related subject matters.	04/09/2024: From ASSEMBLY Committee on HUMAN SERVICES: Do pass to Committee on AGRICULTURE.	04/24/2024: Hearing Date	
5	AB 1970 Mental Health: Black Mental Health Navigator	Jackson (D)	Requires the Department of Health Care Services to develop criteria for a specialty certificate program and specialized training requirements for a Black Mental Health Navigator Certification. Requires the department to collect and regularly publish data, not less than annually, including, but not limited to, the number of individuals certified, including those who complete a specialty certificate program and the number of individuals who are actively employed in a community health worker role.	04/10/2024: In ASSEMBLY. Coauthors revised.		
6	AB 1999 Electricity: Fixed Charges	Irwin (D)	Repeats provisions under existing law concerning authorization of the Public Utilities Commission for fixed charges for any rate schedule applicable to a residential customer account. Permits the commission to authorize fixed charges that, as of January 1, 2015, do not exceed \$5 per residential customer account per month for low-income customers enrolled in the California Alternate Rates for Energy (CARE) program and that do not exceed \$10 per residential customer account per month for specified customers.	02/12/2024: To ASSEMBLY Committee on UTILITIES AND ENERGY.		
7	AB 2089 Local Government: Collection of Demographic Data	Holden (D)	Requires a city, county, or city and county, when collecting demographic data as to the ancestry or ethnic origin of employees of the city, county, or city and county, to include the additional collection categories and tabulations for specified Black or African American groups.	04/08/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.	04/16/2024: Hearing Date	
8	AB 2132 Health Care Services	Low (D)	Requires an adult patient receiving primary care services in a facility, clinic, unlicensed clinic, center, office, or other setting to be offered a tuberculosis (TB) risk assessment and TB screening test, if TB risk factors are identified, to the extent these services are covered under the patients health insurance, unless the health care provider reasonably believes certain conditions apply. Requires the health care provider to offer the patient follow up health care.	04/10/2024: In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.		Support
9	AB 2200 Guaranteed Health Care for All	Kalra (D)	Provides for the California Guaranteed Health Care for All Act. Creates the California Guaranteed Health Care for All Program, or CalCare, to provide comprehensive universal single-payer health care coverage and a health care cost control system for the benefit of all State residents. Provides that CalCare cover a wide range of medical benefits and other services and would incorporate the health care benefits and standards of other existing federal and State provisions, including the Medicare Program.	04/09/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on HEALTH.	04/23/2024: Hearing Date	
10	AB 2236 Solid Waste: Reusable Grocery Bags: Plastic Film	Bauer-Kahan (D)	Revises the single-use carryout bag exception to include a bag a bag provided to a customer before the customer reaches the point of sale, that is designed to protect a purchased item from damaging or contaminating other purchased items in a checkout bag, or to contain an unwrapped food item. Requires a reusable grocery bag sold by a store to a customer at the point of sale to meet different requirements, including that it not be made from plastic film.	04/10/2024: In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.		
11	AB 2263 The California Guaranteed Income Study and Funding Act	Friedman (D)	Establishes the California Guaranteed Income Study and Funding Act Coordinating Council, consisting of 6 members, appointed by the Legislature, as specified.	03/21/2024: To ASSEMBLY Committee on HUMAN SERVICES.	04/23/2024: Hearing Date	

2024 Contra Costa County
Bills of Interest

BILL	TITLE	AUTHOR	SUMMARY	LAST STATUS	UPCOMING DATES	POSITION
12	AB 2284 County Employees Retirement Compensation	Grayson (D)	Authorizes a retirement system, to the extent it has not defined grade under specified circumstances, to define grade to mean a number of employees considered together because they share similarities in job duties, schedules, unit recruitment requirements, work location, collective bargaining unit, or other logical work-related grouping.	02/26/2024: To ASSEMBLY Committee on PUBLIC EMPLOYMENT AND RETIREMENT.	04/17/2024: Hearing Date	
13	AB 2302 Open Meetings Local Agencies Teleconferences	Addis (D)	Relates to existing law which imposes prescribed restrictions on remote participation by a member of a legislative body of a local agency under alternative teleconferencing provisions. Revises the limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.	04/10/2024: From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass.	04/15/2024: Hearing Date	
14	AB 2330 Incidental Take Wildfire Preparedness Activities	Holden (D)	Authorizes to submit to the department a locally designed voluntary program to conduct wildfire preparedness activities on land designated as a fire hazard severity zone, as defined, that minimizes impacts to wildlife and habitat for candidate, threatened, and endangered species, and meets specified criteria.	04/01/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.	04/23/2024: Hearing Date	
15	AB 2404 State and Local Public Employees Labor Relations	Lee (D)	Provides that it is not unlawful or a cause for discipline or other adverse action against a public employee for that public employee to refuse to enter property that is the site of a primary strike, perform work for a public employer involved in a primary strike, or go through or work behind a primary strike line. Prohibits a public employer from directing a public employee to take those actions. Authorizes recognized employee organization to inform employees of and encourage them to exercise these rights.	03/21/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYMENT AND RETIREMENT.	04/17/2024: Hearing Date	
16	AB 2421 Employer-Employee Relations Confidential Communication	Low (D)	Prohibits a local public agency employer, a state employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation.	04/03/2024: From ASSEMBLY Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS.		
17	AB 2474 Retirement County Employees Retirement Law of 1937	Lackey (R)	Relates to the County Employees Retirement Law of 1937. Authorizes the monthly warrant, check, or electronic fund transfer for the retirement allowance or benefit to be delivered to a prepaid account. Defines account of the retired member or survivor of a deceased retired member to include an account held in a living trust or an income-only trust.	02/26/2024: To ASSEMBLY Committee on PUBLIC EMPLOYMENT AND RETIREMENT.	04/17/2024: Hearing Date	
18	AB 2502 Public Contracts Emergencies	Rivas (D)	Defines an emergency as an immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services caused by the impacts of homelessness.	03/04/2024: To ASSEMBLY Committee on LOCAL GOVERNMENT.		
19	AB 2557 Local Agencies Contracts for Special Services	Ortega (D)	Provides that existing law authorizes a county board of supervisors to contract for certain types of special services. Requires the board or a representative, at least a specified number of months before beginning a procurement process to contract for special services that are currently, or were previously, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination.	04/08/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYMENT AND RETIREMENT.	04/17/2024: Hearing Date	
20	AB 2561 Local Public Employees Vacant Positions	McKinnor (D)	Provides that the Meyers-Mitias-Brown Act authorizes local public employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. Requires each public agency with bargaining unit vacancy rates exceeding a specified percent for more than a specified number of days to meet and confer with a representative of the recognized employee organization to implement a plan to fill all vacant positions.	03/11/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYMENT AND RETIREMENT.	04/17/2024: Hearing Date	Oppose
21	AB 2631 Local Agencies Ethics Training	Fong M (D)	Requires the Fair Political Practices Commission, in consultation with the Attorney General, to create, maintain, and make available to local agency officials an ethics training course, as specified.	04/10/2024: In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.		
22	AB 2710 Peace Officers Active Shooter Incidents	Lackey (R)	Requires the Commission on Peace Officer Standards and Training to convene a panel of law enforcement experts to report to the Legislature and the commission, by specified date, specified topics related to active shooter incidents, including successful trainings and response protocols that have been demonstrated in active shooter incidents and the use of school resource officers on campus for threat prevention, detection, and assessment.	04/08/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.	04/23/2024: Hearing Date	
23	AB 2751 Employer Communications During Nonworking Hours	Haney (D)	Requires a public or private employer to establish a workplace policy that provides employees the right to disconnect from communications from the employer during nonworking hours, with certain exceptions. Defines the right to disconnect. Requires nonworking hours to be established by written agreement between an employer and employee. Authorizes an employee to file a complaint of a pattern of violation of the bill's provisions with the Labor Commissioner, punishable by a specified civil penalty.	03/21/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on LABOR AND EMPLOYMENT.	04/17/2024: Hearing Date	

2024 Contra Costa County
Bills of Interest

BILL	TITLE	AUTHOR	SUMMARY	LAST STATUS	UPCOMING DATES	POSITION
24	AB 2882 California Community Corrections Performance	McCarty (D)	Adds a representative of a community-based organization with experience in successfully providing behavioral health treatment services to persons who have been convicted of a criminal offense and a representative of a Medi-Cal managed care plan that provides the Enhanced Care Management benefit to the membership of a local Community Corrections Partnership.	04/02/2024: From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS.	04/17/2024: Hearing Date	Oppose
25	AB 2973 Emergency Services	Hart (D)	Requires the county board of supervisors to review and approve a single-county local emergency medical services agency's plans for the EMS system prior to the submission of the plans to the Emergency Medical Services Authority. Requires a multicounty local EMS agency's plans to be approved as provided for in the contract between the counties and the agency or by the board of supervisors in each of the counties served by the agency.	04/08/2024: From ASSEMBLY Committee on EMERGENCY MANAGEMENT: Do pass as amended to Committee on HEALTH.	04/15/2024: Hearing Date	
26	AB 3222 Drug Court Success Incentives Pilot Program	Wilson (D)	Authorizes the superior courts in the Counties of Sacramento, San Diego, Contra Costa, and Solano to conduct a pilot program to provide specific supportive services to adult defendants who participate in the county's drug court. Requires the Judicial Council to administer the program and authorizes the council to establish guidelines and reporting requirements for the participating drug courts.	04/01/2024: In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.	04/23/2024: Hearing Date	
27	AB 3233 Oil and Gas: Operations: Restrictions: Local Authority	Addis (D)	Provides that existing law requires the operator of a well to file a written notice of intention to commence drilling with the State Oil and Gas Supervisor or district deputy. Authorizes a local entity, by ordinance, to limit or prohibit oil and gas operations or development in its jurisdiction, notwithstanding any other law or any notice of intention, supplemental notice, well stimulation permit, or similar authorization issued by the supervisor or district deputy.	04/08/2024: From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on UTILITIES AND ENERGY.		
28	SB 294 Health Care Coverage: Independent Medical Review	Wiener (D)	Requires a health care service plan or disability insurer that provides coverage for mental health or substance use disorders to treat a modification, delay, or denial issued in response to an authorization request for coverage of treatment for a mental health or substance use disorder for an insured up to a specified age as if the modification, delay, or denial is also a grievance submitted by the enrollee or insured.	01/29/2024: In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.		
29	SB 402 Involuntary Commitment	Wahab (D)	Provides that the Lanterman-Petris-Short Act authorizes the involuntary commitment and treatment of persons with specified mental disorders. Provides that under the act, when a person, as a result of a mental health disorder, is a danger to self or others, or gravely disabled, the person may, upon probable cause, be taken into custody by specified individuals and placed in a facility for evaluation and treatment. Authorizes a person to be taken into custody by a licensed mental health professional.	01/29/2024: In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.		
30	SB 937 Development Projects: Permits and Other Entitlements	Wiener (D)	Provides that the Permit Streamlining Act requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Extends by a specified number of months the period for the expiration, effectuation, or utilization of a housing entitlement for a priority residential development project that was issued before specified date, and that will expire before specified date, with certain exceptions.	04/08/2024: In SENATE. Read second time and amended. Re-referred Committee on HOUSING.	04/16/2024: Hearing Date	
31	SB 964 Property Tax: Tax-Defaulted Property Sales	Seyarto (R)	Provides that existing law governs the sale to certain entities of a property that has been tax defaulted. Provides that existing law authorizes certain excess proceeds from sales of property to be transferred to the county general fund. Requires those excess proceeds from sales of property to be transferred to the Controller for deposit in the Defaulted Tax Sale Subaccount.	03/05/2024: In SENATE. Read second time and amended. Re-referred to Committee on REVENUE AND TAXATION.	04/24/2024: Hearing Date	Oppose
32	SB 1011 Encampments: Penalties	Jones (R)	Prohibits a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street or sidewalk if a homeless shelter, as defined, is available to the person.	02/14/2024: To SENATE Committee on PUBLIC SAFETY.	04/16/2024: Hearing Date	
33	SB 1013 Taxation: Property Tax Assistance	Bradford (D)	Establishes the Property Tax Assistance for Descendants of Enslaved Persons Program for purposes of making, upon appropriation by the Legislature, moneys available to persons who meet specified criteria, including that the person currently live in a formerly redlined neighborhood in the State and is a descendant of a person enslaved in the United States, for purposes of providing financial assistance equal to a percentage of property taxes on a residential dwelling.	04/03/2024: Re-referred to SENATE Committee on REVENUE AND TAXATION.	04/24/2024: Hearing Date	Support
34	SB 1017 Available Facilities for Inpatient Treatment	Eggman (D)	Requires the Department of Health Care Services, with the Department of Public Health and the Department of Social Services, and by conferring with specified stakeholders, to develop a solution to collect, aggregate, and display information about beds in specified types of facilities, including licensed community care facilities and licensed residential alcoholism or drug abuse recovery or treatment facilities, identify the availability of inpatient and residential mental health or substance use treatment.	04/02/2024: From SENATE Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS.	04/15/2024: Hearing Date	

2024 Contra Costa County
Bills of Interest

BILL	TITLE	AUTHOR	SUMMARY	LAST STATUS	UPCOMING DATES	POSITION
35	SB 1032 Housing Finance: Portfolio Restructuring	Padilla (D)	Provides that existing law authorizes the Department of Housing and Community Development to monitor and fund various multifamily housing loans. Requires that projects receiving loan forgiveness meet specified requirements, including that the projects maintain the same number of affordable units at the same affordable housing cost as provided in the project's regulatory agreement.	04/08/2024: In SENATE Committee on APPROPRIATIONS: To Suspend File.		
36	SB 1034 California Public Records Act: State of Emergency	Seyarto (R)	Revises the unusual circumstances under which the time limit for an agency to determine whether a records request seeks copies of disclosable public records in the possession of the agency, and to notify the person of the determination, may be extended to include the need to search for, collect, appropriately examine, and copy records during a state of emergency when the emergency has affected the agency's ability to timely respond to requests, with specified exceptions.	04/04/2024: In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	04/22/2024: Hearing Date	
37	SB 1057 Juvenile Justice Coordinating Council	Menjivar (D)	Provides that under existing law there is established in each county treasury a Supplemental Law Enforcement Services Account. Provides that existing law requires the moneys to be allocated in specified amounts, including a specified percent to a county or city to implement a comprehensive multiagency juvenile justice plan. Requires a county or city to establish a juvenile justice coordinating council in order to obtain funding under these provisions.	04/03/2024: Re-referred to SENATE Committee on PUBLIC SAFETY.	04/23/2024: Hearing Date	
38	SB 1082 Augmented Residential Care Facilities	Eggman (D)	Requires the State Department of Health Care Services, jointly with the County Behavioral Health Directors Association of California, to implement a certification program to provide augmented services to adults with serious mental illness in homelike community settings, and requires those settings to be licensed by the State Department of Social Services as a type of enhanced behavioral supports home known as an augmented residential care facility.	04/10/2024: From SENATE Committee on HEALTH: Do pass to Committee on HUMAN SERVICES.	04/15/2024: Hearing Date	
39	SB 1124 Deceptive Practices: Service Members and Veterans	Menjivar (D)	Expands the definition of public social services to also include other veterans benefits. Expands the definition of an unreasonable fee to include a fee charged with respect to federal veterans benefits that exceeds the amount that could be charged for those services by an attorney or claims agent accredited by the United States Department of Veterans Affairs.	04/09/2024: From SENATE Committee on JUDICIARY: Do pass to Committee on MILITARY AND VETERANS AFFAIRS.	04/22/2024: Hearing Date	
40	SB 1159 Environmental Quality Act: Roadside Wildfire Risk	Dodd (D)	Relates to categorical exemptions to the requirements of the California Environmental Quality Act. Requires the Office of Planning and Research to evaluate, and the Secretary of the Natural Resources to consider, the inclusion of roadside projects no more than a specified number of road miles from a municipality or census designated place that are undertaken solely for the purpose of wildfire risk reduction in the classes of projects subject to a categorical exemption.	04/03/2024: From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on NATURAL RESOURCES AND WATER.	04/23/2024: Hearing Date	Support
41	SB 1254 CalFresh: Enrollment of Incarcerated Individuals	Becker (D)	Requires the State Department of Social Services to partner with the Department of Corrections and Rehabilitation and county jails to enroll otherwise eligible applicants for the CalFresh program to ensure that an applicant's benefits may begin before the reentry of the applicant into the community from the State prison or county jail. Requires the department to create a workgroup. Requires the workgroup to create a report by specified date with their recommendations for a State reentry process.	04/03/2024: In SENATE. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.	04/23/2024: Hearing Date	
42	SB 1317 Inmates: Psychiatric Medication: Informed Consent	Wahab (D)	Makes permanent by repealing the sunset date for using informed consent when administering psychiatric medications to inmates.	02/29/2024: To SENATE Committee on PUBLIC SAFETY.	04/16/2024: Hearing Date	
43	SB 1432 Health Facilities: Seismic Standards	Caballero (D)	Provides that the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 establishes a program of seismic safety building standards for certain hospitals constructed on and after the specified date. Provides that existing law requires that owners of these hospitals must either demolish, replace, or change to nonacute care use all hospital buildings that are not in compliance with these standards. Revises the compliance deadline for these requirements.	04/03/2024: Re-referred to SENATE Committee on HEALTH.	04/24/2024: Hearing Date	Support