

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: MARCH 24, 2005
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #6 – Consideration of Exemption Request for
LAFCO SC#249 – Out-of-Agency Service Contract for
Ambulance Service, Big Bear City Community Services District**

REQUESTED BY:

Big Bear City Community Services District

RECOMMENDATION:

Determine that LAFCO SC#249 complies with the exemption listed within Government Code Section 56133 Subsection (e) and, therefore, does not require Commission approval to proceed.

BACKGROUND:

Beginning January 1, 2002, contracts between two or more public agencies were required to be reviewed and approved by the Commission pursuant to the provisions of Government Code Section 56133. This amendment was intended to ensure LAFCO a voice in the review of service delivery patterns. However, in approving this amendment, the Legislature also noted that there could be instances where an exemption to these requirements would be appropriate. In recognition of those instances, the Legislature included specific exemption language in Subsection (e) of Government Code Section 56133. The portion of the Section related to the present consideration reads in part:

“This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to

be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider...”

The Big Bear City Community Services District (hereinafter “BCCSD”) is a multi-function special district located in the eastern end of the Big Bear Valley (maps included as Attachment #1). BCCSD has submitted a request for a determination by the Commission that the assumption of ambulance and paramedic services by the District is exempt from the provisions of Government Code Section 56133 (copy of request included as Attachment #2) as outlined above.

The history of the ambulance/paramedic service in the Big Bear Valley began in 1988 when the Big Bear Valley Hospital District (the predecessor of the Big Bear Valley Healthcare District hereinafter identified as “Healthcare District”) began to provide ambulance and paramedic service within its boundaries. This service was commonly known as “Bear Valley Paramedics”. Bear Valley Paramedics operated under permit from the Inland Counties Emergency Medical Agency (ICEMA) utilizing personnel from the BCCSD. Beginning in 1992, BCCSD began to play an increasing role in the overall management of personnel providing this service. In 1998, the Healthcare District and BCCSD entered into a formal Joint Powers Agreement (hereinafter JPA) as a means to provide coordinated operation of the ambulance and emergency medical services throughout the Big Bear Valley. The JPA outlined the responsibilities of each of the entities for such items as management of personnel, billing, ownership of equipment, etc. In 2000, a contract was entered into between County Service Area 38, County Service Area 53 Improvement Zone B, BCCSD, and the Healthcare District to allow for location of an ambulance within the Fawnskin community. In 2003, the JPA was again amended to include the territory of the City of Big Bear Lake (through the Big Bear Lake Fire Protection District) and the provision of an ambulance within this area. These actions resulted in a cooperative method of providing ambulance and paramedic services within what was classified as the Exclusive Operating Area (hereinafter “EOA”) for Big Bear as defined by ICEMA utilizing the Healthcare District as the holder of the permit. An outline of this EOA is included on maps within Attachment #1. This EOA is much larger than the existing boundary and sphere of influence for BCCSD, and is larger than the existing boundary and sphere of influence of the Healthcare District.

During the discussions regarding the potential consolidation of fire services within the Big Bear Valley, the Healthcare District indicated its intention to transfer its permit for ambulance and paramedic services to the consolidated agency in order that the operation of the service would come under a single

governmental agency. However, the fire consolidation effort has been shelved by the participants. The Healthcare District then reiterated its desire to transfer the responsibility for this service, noting its intent that the transfer occur by April 1, 2005. The BBCCSD has expressed its interest in succeeding to this service responsibility and has had ongoing discussions regarding this transfer which have included the other entities within Big Bear Valley. The BBCCSD application includes copies of written support for their assumption of this service from the City of Big Bear Lake and ICEMA.

The staff believes that the language of Government Code Section 56133 Subsection (e) exempts from LAFCO review the contract between the BBCCSD and the Healthcare District transferring the ambulance/paramedic permit and contract to the BBCCSD on the basis of the following findings:

1. The contract to transfer service is between the Big Bear Valley Healthcare District and the Big Bear City Community Services District – both public agencies.
2. The services to be provided are ambulance and paramedic services within the area identified by the ICEMA as the “EOA #20” – Bear Valley Paramedics-- services already being provided through a JPA between the BBCCSD, Healthcare District and City of Big Bear Lake. This EOA includes territory outside the boundaries and sphere of influence of the BBCCSD. A copy of the map for this operating area is included in Attachment #1 to the staff report.
3. Through this transfer, BBCCSD will assume full operating responsibilities for the permit and EOA, rather than continuing the contractual relationship with the Healthcare District. This would be as an alternative to the provision of these services through the Healthcare District as they have existed for more than 20 years.
4. The level of service to be provided through this contract is consistent with the level of service currently provided for ambulance/paramedic services through the JPA within the Big Bear EOA determined by ICEMA. The succession of BBCCSD to the operating permit preserves the existing arrangements for the provision of ambulance and paramedic services within the area.

On the basis of the findings outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 Subsection (e), the ambulance/paramedic contract between the Big Bear City Community Services District and the Big Bear Valley Healthcare District is not subject to the provisions requiring review and approval of the Commission.

KRM/

Attachments:

- #1 -- Maps of the Exclusive Operating Area for the Big Bear Valley and affected jurisdictions
- #2 -- Request for Exemption by the Big Bear City Community Services District