



Office of the City Manager

PUBLIC HEARING
September 10, 2024

To: Honorable Mayor and Members of the City Council
 From: LaTanya Bellow, Interim City Manager
 Submitted by: David Sprague, Interim Fire Chief
 Subject: Ambulance Transport Fee Increase

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County’s approved ambulance user fee schedule made effective July 1, 2024, for the Cities of Alameda, Albany, Berkeley, and Piedmont and to adjust the First Responder Fee. The increase would be included as an updated addendum to the Ambulance Provider Agreement, and rescinding Resolution 71,063–N.S.

FISCAL IMPACTS OF RECOMMENDATION

The Alameda County Health Care Services Agency notified the City on July 16, 2024 that they had approved an increase in the Bundled Base Rate User Fee that may be charged by the County’s 911 Ambulance Transport Service Provider. Under the terms of the of Berkeley’s Emergency Medical Services Ambulance Transport Services Agreement, the City may increase its Bundled Base Rate to \$4,051.06, Mileage to \$91.41, Oxygen to \$302.64, and Treatment/Non-Transport to \$812.46 beginning July 1, 2024. Further, the Department is proposing to bring the City’s first responder fee into alignment with other first responder agencies. This fee will be consolidated (bundled) with the transport fee into a Bundled Base Rate of \$4551.06. The City will increase its rate effective September 11, 2024 and will not apply the increase retroactively. These adjustments account for the increased cost of ambulance transport, paramedic services, and medical equipment/supplies.

	Existing	Proposed
Base Rate	\$3,664.87	\$4,051.06
Mileage	\$82.69	\$91.41
Oxygen	\$273.79	\$302.64
Treatment / Non-Transport *	\$735.01	\$812.46

First Responder Fee**	\$300.00	\$500.00
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**This rate shall be limited to patients who receive a medical intervention, such as intravenous medication administration, and subsequently refuse transport. Patient assessment, including ECG monitoring, does not constitute treatment.*

***This fee would be limited to instances when a patient is transported.*

CURRENT SITUATION AND ITS EFFECTS

Under the terms of the Alameda County Ambulance Provider Agreement, Alameda County Board of Supervisors is responsible for setting and approving any fees that are applicable to all providers. The increases are either COLA or base rate adjustments. For the City of Berkeley, the last rate increase was approved by the City Council on October 3, 2023 (Resolution 71,063–N.S.); and the rate increase was made effective November 1, 2023.

BACKGROUND

Alameda County EMS is responsible for the procurement of emergency ambulance services for the local EMS system. The Berkeley Fire Department has an agreement with Alameda County to be the emergency transport provider for Berkeley since 1977. Albany, Piedmont, Alameda City, and Falck serve as the ambulance transport providers for other parts of Alameda County. Under the current agreement, all transport providers, including Berkeley, are in the Alameda County Emergency Medical Services District. Since 1986, the Berkeley Fire Department (Department) has provided ambulance transport service at the Advanced Life Support (ALS) or paramedic level.

Under the terms of the Alameda County Ambulance Provider Agreement, Alameda County Board of Supervisors is responsible for setting and approving any fees that are applicable to all agencies. The increases are either COLA or base rate adjustments. As the exclusive provider for transport services within the City of Berkeley, the Department may propose adjustments to the fees charged for these services. As background, in 1980, the California Legislature enacted the EMS Act “to achieve coordination and integration” for the prehospital EMS system.¹ The EMS Act establishes a two-tiered system of regulation of the California Emergency Medical Services Authority on the state level and local EMS agencies, such as the Alameda County local EMS agency (“Alameda LEMSA”), at the local level:²

If a county elects to establish an emergency medical services program, the duties of its designated local EMS agency include the following: (1) planning, implementing, and evaluating an emergency medical services system “consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures” (§ 1797.204); (2) developing a

¹ *County of San Bernardino v. City of San Bernardino* (1997) 15 Cal. 4th 909, 915.

² *Ibid.*

formal plan for the system in accordance with the Authority's guidelines and submitting the plan to the Authority on an annual basis (§§ 1797.250, 1797.254); (3) “consistent with such plan, coordinat[ing] and otherwise facilitat[ing] arrangements necessary to develop the emergency medical services system” (§ 1797.252). Once a local EMS agency implements its system, all providers of prehospital emergency medical services within its jurisdiction must operate within that system. (See § 1797.178 [“No person or organization shall provide advanced life support or limited advanced life support unless that person or organization is an authorized part of the emergency medical services system of the local EMS agency....”].)

An important aspect of the EMS Act is the Legislature’s acknowledgment of the continued role of cities and fire districts, such as the Berkeley Fire Department, through the enactment of Health and Safety Code section 1797.201, which states, in relevant part:

[Unless a city or fire district consents through agreement or waiver³], prehospital emergency medical services shall be continued at not less than the existing level, and the administration of prehospital EMS by cities and fire districts presently providing such services shall be retained by those cities and fire districts....

Section 1797.201 is “a grandfathering of existing emergency medical service operations [by cities or fire districts] until such time as these services are integrated into the larger EMS system. The apparent purpose of this grandfathering provision was to ‘allow such entities to protect the investments they had already made in various assets— emergency medical equipment, infrastructure, personnel, etc.’, as well as to ensure against the disruption of adequate emergency medical services.”⁴ The Department operates a grandfathered EMS system within the City of Berkeley, and has consistently done so since the enactment of the EMS Act.

The EMS Act defines “emergency medical services,” as “services utilized in responding” to “a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.” (Health and Safety Code §§ 1797.72, 1797.90.) This is reinforced by the ordinances in Alameda County that defines a 9-1-1 level of service, which includes “a 9-1-1 request for an ambulance to transport or assist persons

³ *Id.* at 924; Health & Saf. Code § 1797.201.

⁴ *Valley Med. Transp., Inc. v. Apple Valley Fire Prot. Dist.* (1998) 17 Cal. 4th 747, 758.

in apparent sudden need of medical attention; or an ambulance transport that is initially classified as a non-emergency call that becomes a 9-1-1 emergency call due to a change in the patient's medical condition.”⁵ Within the City of Berkeley, the Department is the sole entity authorized under state law to provide EMS transports. Within the City of Berkeley, any other ambulance that arrives and discovers that a patient appears to have a medical emergency is required to call 9-1-1, so that the Department or a subcontractor to the Department, can transport the patient.⁶ With the exception of the Department or a provider subcontracted to the Department, no private ambulance company or other entity is an authorized provider of EMS within the City of Berkeley.⁷

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

The Berkeley Fire Department is seeking Council approval to increase the base rate for ambulance user fees to match those approved by Alameda County and made effective on July 1, 2024 and to bring them in line with those of other regional transport providers. Additionally, the department is seeking to increase the first responder fee to be similar to those of other transporting fire department. Periodic rate increases help to recoup increasing costs incurred for providing ambulance services.

Government Code Section 6062(a) dictates the manner of publication for fee increase public hearings.

ALTERNATIVE ACTIONS CONSIDERED

Continue with the existing User Fee Schedule which was approved by the Alameda County Board of Supervisors and made effective July 1, 2023 and adopted by the City on October 3, 2023, implemented on November 1, 2023.

CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

⁵ Alameda County Code of Ordinances § 6.114.050

⁶ Alameda County Ordinance §§ 6.114.060(A), 6.114.270(B).

⁷ Health & Saf. Code § 1797.178.

RESOLUTION NO. ##,###-N.S.

AMBULANCE USER FEE ADJUSTMENT

WHEREAS, the County of Alameda and the City of Berkeley are in an Ambulance provider Agreement dated June 1, 1984; and

WHEREAS, the County of Alameda Board of Supervisors sets the rates applicable to all providers within the district for emergency ambulance transport; and

WHEREAS, the County of Alameda Board of Supervisors established and approved a new Contractor's User Fee schedule for ambulance transport providers. The rates were made effective July 1, 2024; and

WHEREAS, under the California Emergency Medical Services Act (the "EMS Act"), Health and Safety Code sections 1797, *et seq.* The Department operates a grandfathered EMS system within the City of Berkeley, and has consistently done so since the enactment of the EMS Act; and

WHEREAS, as the exclusive provider within the City of Berkeley, the Department may propose adjustments to fees that bring them in line with those of other regional transport providers and cover expenses related to providing said service; and

WHEREAS, the revenue collected will be deposited into General Fund revenue account 010-6405-341-7900; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the new ambulance user fee schedule is adopted in accordance with the rates established by the County of Alameda, effective July 1, 2024, as follows:

	User Fee Schedule
Base Rate	\$4,051.06
Mileage	\$91.41
Oxygen	\$302.64
Treatment / Non-Transport	\$812.46
First Responder Fee	\$500.00
Base Bundled Rate	\$4551.06

BE IT FURTHER RESOLVED that the new ambulance user fee schedule shall be effective and that Resolution No. 71,063–N.S. is rescinded, effective September 11, 2024.

September 10, 2024

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL AMBULANCE USER FEE ADJUSTMENT

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Fire Department is proposing to increase the Ambulance User Fee rates to match the ambulance transport provider fees set forth and approved by the County of Alameda and charged by other regional transport providers. Collected ambulance fees are deposited into a General Fund revenue account.

The County of Alameda has established and approved a new base rate Contractor’s User Fee schedule for ambulance transport providers effective July 1, 2024. The City of Berkeley fee increase would be effective September 11, 2024. For the City of Berkeley, the last rate increase was approved by the City Council on October 3, 2023 (Resolution 71,063–N.S.); and the rate increase was made effective November 1, 2023.

	Existing	Proposed
Base Rate	\$3,664.87	\$4,051.06
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Treatment / Non-Transport *	\$735.01	\$812.46
First Responder Fee		\$500.00
Base Bundled Rate		\$4551.06

**This rate shall be limited to patients who receive a medical intervention, such as intravenous medication administration, and subsequently refuse transport. Patient assessment, including ECG monitoring, does not constitute treatment.*

The hearing will be held on September 10, 2024 **at 6:00 p.m.** in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact David McPartland, EMS Assistant Chief, at (510) 981-3473.

A copy of the staff report for this hearing will be available on the City’s website at www.berkeleyca.gov as of **August 29, 2024**. **Once posted, the agenda for this**

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meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

Published: August 30 and September 6, 2024 – The Berkeley Voice
Per Government Code 6062A

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on August 29, 2024.

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Mark Numainville, City Clerk



Alameda County Health  
**Emergency Medical Services**

July 16, 2024

Dee Williams-Ridley  
City Manager  
City of Berkeley  
2180 Milvia St.,  
Berkeley, CA 94704

Dear Ms. Williams-Ridley:

This letter constitutes notice that the EMS Director of the Alameda County EMS Agency has approved an increase in the user fees that may be charged by the County's contracted 9-1-1 ambulance transport service provider Falck. Under the terms of the City of Berkeley's current Emergency Medical Services Ambulance Transport Agreement Section 10.2, your City may consequently increase its user fees to remain equivalent to the County's Contracted Private Provider rates effective July 1, 2024.

**UPDATED EXHIBIT G**  
**CITY'S USER FEES - 911 SYSTEM**

|                                     | <b>Current</b> | <b>Effective 7/1/2024*</b> |
|-------------------------------------|----------------|----------------------------|
| <b>Bundled Base Rate</b>            | \$ 3,664.87    | \$ 4,051.06                |
| <b>Mileage/Mile</b>                 | \$ 82.69       | \$ 91.41                   |
| <b>Oxygen</b>                       | \$ 273.79      | \$ 302.64                  |
| <b>** Treat, Non-transport Rate</b> | \$ 735.01      | \$ 812.46                  |

\* It is understood that these rate increases are conditional on each city's ability to demonstrate that the charges are not considered taxes under the California Constitution (art. XIII C sec. 1e). Each city will be responsible for vetting this issue for their individual Councils. Actual effective date based on City Council approval.

\*\* Treat, Non-transport rate applies to patients who receive a treatment intervention (such as 50% Dextrose) and subsequently refuse transport. Assessment (vital signs, EKG, etc.) does not constitute treatment interventions. The Treat, Non-Transport rate also applies to patients who receive treatment via referral to EMS Agency Director-approved telehealth providers under Contractor's pilot or permanent telehealth program.

All other terms and conditions of your Agreement with the County shall remain in full force and effect. Please acknowledge receipt and understanding of this notification as provided below, and return an original signed copy to the Alameda County Emergency Medical Services Agency no later than August 23, 2024 at the following address:

Alameda County Emergency Medical Services Agency  
Attention: Michelle Barrientos  
1000 San Leandro Blvd, Suite 200  
San Leandro, CA 94577

Colleen Chawla  
Alameda County Health  
Director

Lauri McFadden  
EMS Director

Zita Konik, MD  
EMS Medical Director

1000 San Leandro Boulevard  
Suite 200  
San Leandro, CA 94577

TEL (510) 618-2050  
FAX (510) 618-2099

Health.AlamedaCountyCA.gov



Alameda County Health  
**Emergency Medical Services**

Please also forward a copy of any documentation reflecting approval of the user fee increase by your City Council, if applicable, upon receipt.

Should you have any questions, please feel free to contact me at (510) 618-2055.

Sincerely,

A handwritten signature in black ink that reads "Lauri McFadden".

Lauri McFadden  
EMS Director  
Alameda County EMS Agency

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Acknowledged by (Signature)  
For: City of Berkeley

Dee Williams-Ridley, City Manager  
Name and Title

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Date

CC: Chief David Sprague, Berkeley Fire Department  
Còlleen Chawla, Director, Alameda County Health  
Scott Dickey, Alameda County Assistant County Counsel

