



Legislation Text

File #: 22-2046, **Version:** 1

County Counsel recommending the Board of Supervisors approve and authorize the Chair to execute the Legal Services Agreement between El Dorado County and Cole Huber, LLP to engage Cole Huber, LLP as outside counsel for the County to provide legal services as requested by County Counsel related to Emergency Medical Services.

FUNDING: Emergency Medical Services Agency, County Service Area 7 funds (EMS: CSA 7 Ambulance) and/or County Service Area 3 funds (EMS: CSA 3 SLT) depending on the issue(s) being addressed.

DISCUSSION / BACKGROUND

The County has engaged a consultant to conduct a formal assessment of the County's emergency medical services ground ambulance system to analyze current practices and to determine whether improvements and/or changes to the system should be considered or undertaken. To allow time for the completion of the system assessment, including time to consider potential changes to the system, the County entered into a two-year extension of its current contract with the El Dorado County Emergency Medical Services Authority (West Slope JPA) which extends the contract to 2025. The County also has an existing contract with the Cal Tahoe Emergency Medical Services Authority (CSA 3 JPA) for ground ambulance services in the Tahoe Basin.

In anticipation of an increased workload due to issues and questions that will potentially be raised by the results of the system assessment, potential changes to the system, potential need for a request for proposals, future contract negotiation issues, and other ongoing EMS issues, County Counsel and the Emergency Medical Services Agency want to be prepared in advance for the potential increase in the workload. Accordingly, County Counsel and the Emergency Medical Services Agency desire to have a contract in place with qualified outside counsel so that legal resources are available on an "as needed" basis which would enable County Counsel to request the assistance of outside counsel on specified issues if deemed in the best interest of the County. These services may include, but are not limited to, legal advice regarding ambulance transportation, new legislation related to EMS, medical transportation, interfacility transfers, critical care transfers, EMS contracts and issues related to the transportation of people subject to Welfare & Institutions Code §5000 et seq. County Counsel will be the contract administrator and all assignments to outside counsel under the proposed legal services contract will come directly from County Counsel.

Derek P. Cole, managing partner of Cole Huber, LLP, will be the attorney primarily responsible for the services provided under the Agreement. Cole Huber LLP is a private law firm that focuses on the representation of municipal clients. Mr. Cole serves as a contract city attorney for two cities and previously served as a contract county counsel. He is currently the General Counsel for the Mountain Counties EMS Agency (formerly known as the Mountain Valley EMS Agency). He has also served as counsel to another EMS agency in significant EMS litigation matters and has represented private ambulance companies in a number of matters. Mr. Cole has a broad range of experience concerning the many laws and regulations that local EMS agencies must enforce in regulating EMS systems.

ALTERNATIVES

The Board could reject the Legal Services Agreement, in which case County Counsel will continue to provide legal services related to Emergency Medical Services.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Emergency Medical Services Agency/Chief Administrative Office

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

No impact to the General Fund. This Agreement is entirely funded by CSA 7 and CSA 3 ground ambulance funding.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. Obtain signatures on the Legal Services Agreement
2. Return a copy to County Counsel

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Kathleen Markham

Sr. Deputy County Counsel