

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA**

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ORDINANCE NO. 4231

**AN ORDINANCE REPLACING, IN TOTAL, TITLE 4, DIVISION 7
AMBULANCES OF THE ORDINANCE CODE OF SAN JOAQUIN COUNTY**

The Board of Supervisors of the County of San Joaquin, State of California,
ordains as follows:

**TITLE 4 PUBLIC SAFETY
DIVISION 7. AMBULANCES**

CHAPTER 1

GENERAL PROVISIONS

Sections:

- 4-7100 Title**
- 4-7101 Purpose**
- 4-7102 Exemptions**
- 4-7103 Authority within Incorporated Cities**
- 4-7104 Regulations**

4-7100 TITLE

This division shall be known as the "Ambulance Ordinance of San Joaquin County."

4-7101 PURPOSE

The purposes of this division are to:

- (1) Enact formal policies and regulations for licensing and regulating the operation of ambulances;
- (2) Protect the public by assuring that ambulances operate safely;
- (3) Allow for adequate, appropriate, and efficient emergency ambulance service and non-emergency ambulance services in all areas of the County; and
- (4) Allow for the orderly and lawful operation of a local emergency medical services system pursuant to the provisions of Health and Safety Code Section 1797 et seq.

4-7102 EXEMPTIONS

(1) This division shall not apply to vehicles operated as ambulances and to persons engaged in the ambulance service where ambulance services are rendered at the request of any County communications center or at the request of any law enforcement or fire protection agency during any "state of war emergency," "state of emergency," or "local emergency" as defined in Government Code Section 8558 or during any period (not over thirty (30) days, but renewable every thirty (30) days) when the county officials have determined that adequate emergency ambulance service will not be available from existing permittees;

(2) This division shall not prevent any peace officer, fire fighter, or physician licensed to practice medicine in this state, from arranging for the transportation of an individual, in need of emergency medical care when no ambulance with an appropriate ambulance service permit is available and such transportation is required immediately for the preservation of life or to avoid substantial impairment of the person to be transported.

4-7103 AUTHORITY WITHIN INCORPORATED CITIES

Upon adoption by a city of the ordinance codified in this division, the Permit Officer shall have enforcement powers within that city. However, lack of adoption of all or part of this ordinance by a city shall not be interpreted as limiting any authority granted to the San Joaquin County Emergency Medical Services Agency by Division 2.5 of the California Health and Safety Code or any regulations or guidelines promulgated thereunder.

4-7104 REGULATIONS

(1) The Permit Officer shall make necessary and reasonable rules and regulations covering ambulance service operation, ambulance transport equipment, ambulance personnel, and standards of dispatch for the effective and reasonable administration of this division.

(2) These regulations shall include, but not be limited to:

- (a) response time standards for emergency responses in each area of the county;
- (b) identification of required clinical or operational reports and dispatch records;
- (c) personnel requirements;
- (d) equipment requirements;
- (e) vehicle requirements;
- (f) countywide system status management plan;
- (g) other clinical, operational, and dispatch standards
- (h) clinical and operational data reports

CHAPTER 2

DEFINITIONS

Sections:

4-7200	Generally.
4-7201	Ambulance.
4-7202	Ambulance Service.
4-7203	Ambulance Provider.
4-7204	Approved Ambulance Dispatch Center.
4-7205	Emergency Response Permit Zones.
4-7206	Emergency Call.
4-7207	Emergency Service.
4-7208	Permit Officer.
4-7209	Post Location.

4-7200 GENERALLY

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this chapter.

4-7201 AMBULANCE.

"Ambulance" means a vehicle specially constructed, modified or equipped and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons. "Ambulance" does not include the nonemergency transportation of persons confined to wheelchairs.

4-7202 AMBULANCE SERVICE

"Ambulance service" means the activity, business or service, for hire, profit or otherwise, of transporting one or more persons by ambulance on or in any of the streets, roads, highways, alleys, or any public way or place in this County.

4-7203 AMBULANCE PROVIDER

"Ambulance provider" means a person, firm, partnership, corporation or other organization, which furnishes or offers to furnish ambulance service within a zone.

4-7204 APPROVED AMBULANCE DISPATCH CENTER

"Approved Ambulance Dispatch Center" means a dispatch agency, center or organization which provides ambulance dispatch services and which complies with San Joaquin Emergency Medical Services (EMS) Agency dispatch policies and procedures as determined by the EMS Agency.

4-7205 EMERGENCY RESPONSE PERMIT ZONES

"Emergency response permit zones" means the areas shown on the map entitled "Emergency Response Permit Zones of San Joaquin County" on file in the Office of the Sheriff and Clerk of the Board, and as it may be changed from time to time by the San Joaquin County Board of Supervisors.

4-7206 EMERGENCY CALL

"Emergency call" means a request for an ambulance to transport or assist persons in apparent sudden need of medical attention; or, in medical emergency, as determined by a physician, to transport blood, or any therapeutic device, accessory to such device, or tissue or organ for transplant.

4-7207 EMERGENCY SERVICE

"Emergency service" means the service performed in response to an emergency call. "Emergency service" also includes transportation of a patient, regardless of a presumption of death of the patient, or transportation of a body for the purpose of making an anatomical gift, as provided in Section 12811, Vehicle Code, and the Uniform Anatomical Gift Act, Health and Safety Code.

4-7208 PERMIT OFFICER.

"Permit officer" means the Director of Health Care Services or his/her designee.

4-7209 POST LOCATION

"Post location" means any location designed to place resources for the most appropriate response to meet the demand for service, in accordance with a permittee's approved system status management plan or the countywide system status management plan.

CHAPTER 3

PERMITS

Sections:

- 4-7300 Emergency Ambulance Permit Zones**
- 4-7301 Permits Required**
- 4-7302 Competitively Granted Exclusive Operating Permits**
- 4-7303 Non-Competitively Granted Exclusive Operating Permits**
- 4-7304 Non-Exclusive Operating Permits**
- 4-7305 Air Ambulances**
- 4-7306 Non-Emergency Services**
- 4-7307 Permit Process**
- 4-7308 Renewal of Permit**

4-7300 EMERGENCY AMBULANCE PERMIT ZONES

(1) The EMS Agency shall recommend emergency ambulance permit zones to the Board of Supervisors for its approval. Zones shall be classified as either exclusive (competitive), exclusive (non-competitive), or non-exclusive.

(2) Exclusive (competitive) zones are those in which a permit will be granted to a single provider through a competitive process, in accordance with Section 1797.224, California Health and Safety Code.

(3) Exclusive (non-competitive) zones are those in which a permit will be granted to a single provider without a competitive process, in accordance with Section 1797.224, California Health and Safety Code.

(4) Non-exclusive emergency service zones are those in which permits will be granted to any qualified ambulance provider.

4-7301 PERMITS REQUIRED

(1) No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in ambulance service unless the person holds (and is entitled to hold) a currently valid ambulance operator's permit.

(2) No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in air ambulance service unless the person holds (and is entitled to hold) a currently valid ambulance operator's permit. This includes air ambulance services that are based outside of San Joaquin County that provide emergency response within San Joaquin County.

(3) No permit is required for the delivery into San Joaquin County of persons picked up outside the County boundaries. No permit is required for specialized teams (e.g. neonatal intensive care unit teams) that are permitted by another emergency medical services agency and that pick up patients in San Joaquin County for transportation to an acute care hospital based outside of the County.

4-7302 COMPETITIVELY GRANTED EXCLUSIVE OPERATING PERMITS

(1) The permit process for ambulance providers seeking a permit to operate within exclusive (competitive) zones shall be incorporated into the competitive process, as described in sub-section 2.

(2) A competitive process meeting the requirements of Section 1797.224, California Health and Safety Code shall be used to grant an exclusive operating permit to a single provider within any exclusive (competitive) zone. The County shall use a written request for proposals that shall identify the minimum and desired criteria that will be

used to select the ambulance service. It shall include, but not be limited to, all applicable requirements established by this ordinance.

(3) A contract shall be negotiated with the ambulance provider selected under the competitive process. It shall bind the ambulance provider to the requirements established by this ordinance and any greater requirements established through the competitive process.

4-7303 NON-COMPETITIVELY GRANTED EXCLUSIVE OPERATING PERMITS

(1) Application to existing ambulance services: Any ambulance service permitted in San Joaquin County on the effective date of the ordinance codified in this division and operating in a zone that has been designated as exclusive (non-competitive) may apply for a non-competitively granted exclusive operating permit. Only one exclusive operating permit may be granted within any zone.

(2) The permit process for ambulance providers seeking a permit to operate within exclusive (non-competitive) zones shall be conducted as described in Section 4-7307. In addition, the applicant shall provide sufficient information to show that it qualifies for an exclusive operating permit without a competitive process pursuant to Section 1797.224, California Health and Safety Code.

(3) Upon receipt of an application for the issuance of a non-competitively granted exclusive operating permit, the Ambulance Permit Officer shall determine whether the applicant service does meet the requirement of Section 1797.224, California Health and Safety Code and shall recommend issuance or denial of the requested permit.

The Board of Supervisors may:

- (a) Grant the issuance of the permit; or
- (b) Deny the issuance of the permit and redesignate the zone in question as an exclusive (competitive) zone or a non-exclusive zone. If the Board redesignates the zone as an exclusive (competitive) zone, the EMS Agency shall conduct a competitive process to select an ambulance provider for that zone.

(4) A contract shall be negotiated with the ambulance provider granted a non-competitively granted exclusive operating permit. It shall bind the ambulance provider to the requirements established by this ordinance and regulations promulgated thereunder. If the County is unable to successfully negotiate a contract with the provider, the Board shall redesignate the zone as an exclusive (competitive) zone and the EMS Agency shall conduct a competitive process to select an ambulance provider for that zone.

4-7304 NON-EXCLUSIVE EMERGENCY SERVICE PERMITS

The permit process for ambulance providers seeking an emergency service permit to operate within non-exclusive zones shall be conducted as described in Section 4-7307.

4-7305 AIR AMBULANCES

(1) The permit process for ambulance providers seeking a permit to provide air ambulance service only shall be conducted as described in Section 4-7307.

(2) In addition to the information shown in Section 4-7307, the application shall provide:

- (a) Proof of any required FAA permit
- (b) Proof that the applicant possesses and maintains Department of Transportation permission for use of the landing site where the aircraft is based and submits a copy of the permit or letter of permission.

4-7306 NON-EMERGENCY SERVICES

The permit process for ambulance providers seeking a permit to provide non-emergency service only shall be conducted as described in Section 4-7307.

4-7307 PERMIT PROCESS

(1) Application: Each application for an ambulance operator's emergency and non-emergency permit shall be made upon forms prescribed by the Permit Officer.

(2) Required data: Each applicant who desires an ambulance operator's permit shall submit the following:

- (a) The names and addresses of the applicant, registered owner, partner, officer, director and controlling shareholder(s);
- (b) The name under which the applicant has engaged, does, or proposes to engage in ambulance service;
- (c) A financial statement for the previous fiscal year, prepared by a certified public accountant;
- (d) A statement that the applicant owns or has under his control, in good mechanical condition, required equipment to consistently provide quality ambulance service in the area for which he is applying, and that the applicant owns or has access to suitable facilities for maintaining equipment in a clean and sanitary condition;
- (e) A description of the company's program for maintenance of the vehicles;
- (f) A description of the locations from which ambulance services will be offered, noting the hours of operation;
- (g) Statement of the legal history of the applicant, including criminal and civil convictions;
- (h) Evidence of insurance coverage under Section 4-7500;
- (i) Any other information the Permit Officer deems necessary for determination of compliance with this division.

(3) In addition, except for applicants for a permit to provide non-emergency service only, each applicant shall show:

- (a) The ability of the applicant to provide emergency ambulance service within established response times for each emergency response area applied for, twenty-four (24) hours per day, seven (7) days per week, year round;
- (b) All service charges and rates to be charged, showing compliance with any maximum charges established by the County; and (c) the number of emergency ambulances to be deployed on each shift;

(4) Investigation: Upon receipt of a completed application and the required fee, the Permit Officer shall make or cause to be made such investigation to determine if:

- (a) The applicant meets the requirements of this division and of other applicable laws, ordinances, and regulations; and
- (b) That the applicant's vehicles, equipment, and appurtenances, including radios are in good working order, the applicant has received a license issued by the Commissioner of the California Highway Patrol, in accordance with Section 2501, California Vehicle Code.

(5) Issuance: Within ninety (90) days of receipt of a complete application, the Permit Officer shall determine:

- (a) whether the applicant meets all requirements of this division, and
- (b) whether the applicant is able to provide the requested service, and
- (c) whether the applicant has knowingly made a false statement of fact in such application, and
- (d) whether the applicant has knowingly failed to disclose facts pertinent to the application, and
- (e) whether the applicant was previously a holder of a Permit issued under this chapter which has been revoked or not renewed based on the provisions of this division; and
- (f) whether the applicant proposes to provide service in a zone that has been designated as an either exclusive (competitive) or exclusive (non-competitive) zone.

(6) Approval or denial: If it is determined that the applicant does not meet all requirements within this division, then the Permit Officer shall deny the application and notify the applicant in writing within ninety (90) days of the receipt of the application. Otherwise, the Permit Officer shall approve the application.

(7) Appeal from denial of issuance: Except when an application is denied because the applicant proposes to provide service in a zone that has been designated as either an exclusive (competitive) or exclusive (non-competitive) zone, whenever the Permit Officer denies an application for a permit, the applicant may request a hearing on the denial at which the applicant will have the burden of proof. The appeal will be made to the Board of Supervisors and a hearing scheduled within thirty (30) days of the applicant's written request for a hearing. When the Permit Officer issues an emergency ambulance service permit, the existing service within the response zone may file an appeal with the Board of Supervisors. A hearing on the request shall be scheduled within thirty (30) days of the written request for an appeal.

(8) Decisions—finality: The decision of the Permit Officer rendered pursuant to this chapter shall be final, unless appealed to the Board of Supervisors within thirty (30) days after such decision is rendered in writing, and notice of the same is given to the applicant by certified mail.

(9) Term:

(a) Permits shall be continued upon payment of the annual renewal fee unless earlier suspended, revoked or terminated for cause or unless the Board of Supervisors changes the designation of the zone to exclusive (competitive);

(b) Notice of intent to discontinue service: A permittee providing emergency ambulance service may discontinue such services, in one or more zones, only after providing one-hundred and eighty (180) days notice in writing of intent to discontinue services to the Permit Officer. The permittee may discontinue service in less than one hundred and eighty (180) days after written agreement of the Permit Officer;

(c) Discontinuation of service without required notice shall be considered a major breach of the permit. In the event of a major breach, the Permit Officer shall take the steps necessary to execute the performance bond specified in Section 4-7502 and to continue emergency ambulance service.

(10) Existing ambulance service: Within sixty (60) days of the effective date of the ordinance codified in this division, the ambulance companies that have been continuously providing ambulance services for a minimum of one hundred eighty (180) days prior to the effective date of the ordinance codified in this division, may apply for and obtain an ambulance operator's permit. The existing ambulance service may submit changes only, in writing, to the last application on file with the EMS Agency to comply with this section. The Permit Officer shall issue or deny a permit to each existing company within sixty (60) days of receipt of an application for such a permit, based on their ability to meet the requirements as set forth in this division. The fee for the initial license for existing companies shall be the fee set for new applicants. The fee for applications filed under this section may be prorated if the term of the permit renewal is less than one year.

(11) Change of data: An applicant or permittee shall report to the Permit Officer any change in the data required in Section 4-7307 or in any regulation adopted pursuant to this Division within ten (10) days of the effective date of the change.

(12) Transfer of permit: No permit shall be transferred to another person except upon prior approval of the Permit Officer. Application for transfer of any ambulance operator's permit shall be subject to the same terms, conditions, and requirements as if the application were for an original permit.

4-7308 RENEWAL OF PERMIT

(1) Except for ambulance services granted a competitive exclusive operating permit, applicants for renewal of an ambulance operator's permit or emergency ambulance service permit under this division shall annually file with the Permit Officer an application

in writing, on a form furnished by the Permit Officer, which shall include information required in Section 4-7307. The application for renewal shall be accompanied by a renewal fee.

(2) Renewal of an ambulance operator's permit shall require conformance with all requirements of this division as upon issuance of an initial permit. Nothing in this division shall be construed as requiring the granting of a permit upon expiration of a previous permit, and the burden of proof respecting compliance with all the requirements for a period and of entitlement of a permit shall remain at all times with the applicant for renewal.

(3) In addition, an application for renewal of an ambulance operator's permit within exclusive (non-competitive) zones shall provide sufficient information to show that the permittee continues to qualify for an exclusive operating permit without a competitive process pursuant to Section 1797.224, California Health and Safety Code.

(4) An ambulance provider shall annually submit, within ninety (90) days of the close of each business year, a financial statement of its business activities, prepared by a certified public accountant. Renewal of a permit is contingent upon submission of a financial statement within the proper time frames.

CHAPTER 4

FEES

Sections:

4-7400 Fees

4-7400 FEES

(1) An application for an ambulance permit shall be accompanied by payment of an application fee, which shall include the ambulance permit fee for the first year's permit

(2) An application for renewal of an ambulance permit shall be accompanied by payment of an annual permit fee.

(3) The Board of Supervisors shall set the fees by resolution. The fees shall not exceed the reasonable cost of administering and enforcing this division as determined by the Board of Supervisors.

CHAPTER 5

PERMIT REQUIREMENTS

Sections:

4-7500	Liability Insurance
4-7501	Financial Responsibility
4-7502	Performance Security
4-7503	Service Level
4-7504	Dispatch Services
4-7505	Response Standards
4-7506	Unauthorized Response
4-7507	Advertising
4-7508	Rates
4-7509	System Status Management Plans

4-7500 LIABILITY INSURANCE

(1). Each ambulance permittee, except for permits granted under Section 4-7302, at its sole cost and expense, shall obtain, maintain, and comply with all County insurance coverage(s) and requirements. Such insurance coverage shall be acceptable to County Counsel and Risk Management Offices and shall be primary coverage as respects County. Any insurance or self-insurance maintained by County shall be in excess of Contractor's insurance coverage and shall not contribute to it.

- (a) Worker's Compensation in the minimum statutorily required coverage amounts.
- (b) Automobile Liability Insurance for each of the permittee's vehicles used in the performance of its permit, including owned, non-owned (e.g. owned by the permittee's employees), leased or hired vehicles.
- (c) Comprehensive or Commercial General Liability Insurance coverage, including coverage for: (a) bodily injury, (b) personal injury, (c) broad form property damage, (d) contractual liability, and (e) cross-liability.
- (d) Professional Liability Insurance.

(2) The Board of Supervisors shall by resolution set the minimum limits for the required insurance coverage. These shall take effect ninety (90) days after adoption by the Board of Supervisors.

4-7501 FINANCIAL RESPONSIBILITY

An ambulance provider shall provide the Permit Officer with information in reference to any pending action or unpaid judgments or liens against the provider, and the notice of the transactions or acts giving rise to the judgments or liens. The ambulance provider shall notify the Permit Officer in writing of the actions within one (1) week of the notification from the levying agency. The reported information will be reviewed by the

Permit Officer who will make a determination regarding the effect this information will have on the agency's ability to provide continuous service in accordance with this division.

4-7502 PERFORMANCE SECURITY

(1) The Board of Supervisors shall, by resolution, set the amount of a performance security for ambulance permittees. The amount shall be that required to ensure continuous availability of emergency ambulance service in the event of a major breach by the permittee. Air ambulance providers based outside of San Joaquin County who have a permit to operate in San Joaquin County are exempted from this section.

(2) The permittee, except for permits granted under Section 4-7302, prior to beginning service, shall provide a performance bond or other security method to the Permit Officer in the amount set in a form acceptable to the Permit Officer. Acceptable methods may include a cash bond, insurance bond, irrevocable letter of credit, and/or lien on vehicles and equipment.

(3) The performance security shall be structured so that in the event of a major breach by the permittee, the security is immediately transferred to San Joaquin County, with any challenge or appeal to follow.

(4) For the purpose of this section, a major breach is defined as discontinuation of service without sufficient notice as required by Section 4-7307(9) (b) or any event that results in revocation of any ambulance permit as described in Section 4-7601.

4-7503 SERVICE LEVEL

The permittee, unless holding a permit to provide non-emergency service only, shall be approved by the San Joaquin County EMS Agency as an advanced life support provider prior to beginning service.

4-7504 DISPATCH SERVICES

Permittees shall engage or perform dispatch services on a twenty-four (24) hour a day basis and shall train dispatchers in accordance with a curriculum approved by the Permit Officer to radio operation and protocols and to the emergency response zones served before the dispatcher begins dispatching emergency calls. Dispatch services shall comply with the EMS Agency dispatch policies and procedures.

4-7505 RESPONSE STANDARDS

(1) All emergency ambulances in regular services shall be staffed and equipped at the advanced life support level (ALS).

(2) Any response to an emergency request for ambulance service that is responded to by a unit not staffed and equipped at the ALS level shall be reported immediately to the EMS Agency.

4-7506 UNAUTHORIZED RESPONSE

No ambulance service shall cause or allow its ambulances to respond to a location without first receiving a specific request from a San Joaquin County approved dispatch center.

4-7507 ADVERTISING

(1) No person or organization shall announce, advertise, offer, or in any way claim that it provides emergency ambulance service unless it possesses a current, valid, emergency ambulance service permit.

(2) No person or organization shall announce, advertise, offer, or in any way claim that it provides advanced life support services unless it has been approved as an advanced life support provider by the San Joaquin County EMS Agency.

(3) No permittee under this division shall announce, advertise, offer, or in any way publicize any seven digit phone number for use in emergencies. Any use of a seven-digit number for non-emergency ambulance service shall include the phrase "FOR EMERGENCIES, CALL 9-1-1" in capital letters that are at least as big as the letters used for the seven-digit telephone number.

4-7508 RATES

(1) The allowable rates that the holder of a competitively granted exclusive permit may charge for providing emergency service shall be established as part of the competitive process and incorporated into the contract described in Section [3.3].

(2) The Board of Supervisors may set by resolution the emergency rates that all other ground ambulance permittees may charge for providing emergency service.

(3) The Board of Supervisors may set by resolution the emergency rates that air ambulance permittees may charge for providing emergency service or may approve the rate structure submitted by an air ambulance permittee.

4-7509 SYSTEM STATUS MANAGEMENT PLANS

(1) The permittee shall, at least annually, submit its system status management plan to the Permit Officer for approval. The plan shall identify:

- Ambulance station locations
- Posting locations
- Policies and procedures regarding posting or otherwise placing ambulances at locations other than ambulance stations
- The number of ambulances normally available for emergency response by time of day and day of week, with any seasonal variations.

Any changes to the plan shall be submitted to the Permit Officer for approval prior to implementation.

(2) A permittee shall move ambulances to post locations as directed by an approved San Joaquin County dispatch center in order to maximize countywide ambulance availability.

(3) Nothing in this section should be interpreted as precluding a permittee from moving ambulances into different locations on a temporary basis in response to unanticipated circumstances. These shall be reported to the Permit Officer on the next business day.

CHAPTER 6

ENFORCEMENT

Sections:

4-7600	Investigations and Inspections
4-7601	Penalties
4-7602	Notice Issuances
4-7603	Hearings
4-7604	Appeals
4-7605	Emergency Action
4-7606	Decision

4-7600 INVESTIGATIONS AND INSPECTIONS

(1) The ambulance service permittee shall cooperate with the Permit Officer, or designee, in any investigations of possible violations of this section and shall make all dispatch logs and similar dispatch records available for inspection and copying at reasonable times at the permittee's regular place of business.

(2) At the request of the Permit Officer or his designee the ambulance provider shall submit self-inspections of all ambulances on a form to be provided by the Permit Officer. The ambulance provider shall allow the Permit Officer or designee, to inspect, on a pre-announced or unannounced basis, all ambulances used to provide ambulance service. The inspections should be held, whenever possible, during normal business hours at the ambulance operations center. The purpose of such inspections may include, but shall not be limited to, determining if the ambulance and its equipment and appurtenances, including radios, are in good working order properly maintained and equipped for the provision of ambulance service.

4-7601 PENALTIES

(1)The Permit Officer may suspend or revoke an ambulance operator's permit for:

- (a) failure to comply and maintain compliance with, or for violation of, any applicable provision, standard or requirement of state law or regulation, of this division, or of any regulations promulgated under this division or
- (b) failure to make and retain records showing its operations in any area covered by this ordinance, including but not limited to dispatching, response, personnel, vehicles, medical treatment or billing, or fails to make such records available for inspection by the Permit Officer or designee; or
- (c) accepting an emergency call when it is either unable or unwilling to provide the requested service or fails to inform the person requesting such service of any delay and fails to obtain consent of such person before causing an ambulance to respond from a location more distant than the one to which the request was directed; or
- (d) failure to pay any fine issued pursuant to this section within ten (10) business days; or
- (e) except for holders of a permit to provide non-emergency service only, failure to maintain approval as a San Joaquin County approved advanced life support service.

(2) Suspension is not a condition precedent to revocation.

(3) The Board of Supervisors shall set by resolution maximum fines for violation of this Division.

(4) Fines, not exceeding the amount established by the Board of Supervisors may be issued by the Permit Officer for:

- (a) Failure to respond to an emergency call within the required response times; or
- (b) Failure to provide required clinical or operational reports, including dispatch records;
- (c) Failure to respond to an emergency call with an advanced life support unit;
- (d) Failure to comply with countywide system status management plan;
- (e) Failure to comply with requirements for personnel, equipment, and vehicles;
- (f) Failure to comply with any other section of this ordinance or any regulation adopted pursuant to Section this division.

4-7602 NOTICE ISSUANCES

Before any suspension or revocation, the Permit Officer shall give written notice to the permittee specifying why such action is contemplated and giving the permittee a reasonable period of time (not less than five (5) nor more than fifteen (15) business days) to comply with the provisions in question or to show cause against suspension or revocation and setting a date for hearing thereon.

4-7603 HEARINGS

Hearing officer: Hearings conducted pursuant to this chapter shall be conducted before a Hearing Officer designated by the County Administrator. The Hearing Officer may

issue subpoenas for the production of documents or the attendance of witnesses. The Hearing Officer shall determine whether the hearing shall be recorded. Supplemental transcripts or recordings may be allowed at the permittee's expense. At the conclusion of the hearings, the Hearing Officer shall promptly prepare a written summary of the evidence and proposed findings and conclusions for consideration by the Permit Officer. The parties shall equally bear the expense of the hearing officer and the cost of the hearing. Each party shall bear its own expenses.

Hearing procedure: At the hearing, the Permit Officer has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the permittee.

Evidence: In hearings conducted pursuant to this chapter, evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. So far as practicable, the hearing shall be conducted under Section 11513 of the Government Code and witnesses may be examined under Section 776 of the Evidence Code.

4-7604 APPEALS

Appeals: The permittee may file a written appeal with the Board of Supervisors within ten (10) days of the issuance of the Permit Officer's written decision. Appeals will be heard at a regularly scheduled Board of Supervisor meeting, but no later than thirty (30) days from the date of the Board of Supervisor receipt of such a request. The Board of Supervisor's decision shall be final.

4-7605 EMERGENCY ACTION

The Permit Officer may reduce the period of time for compliance under a suspension or revocation notice to no less than twenty-four (24) hours and set the matter for hearing immediately upon expiration of the period when the Permit Officer makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a permit is suspended or revoked, the permittee may request an additional hearing at which the permittee will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearing will be commenced within five (5) days of the permittee's request. The request for, or the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.

4-7606 DECISION

The Permit Officer shall issue a written decision within thirty (30) days after conclusion of the hearing.

This ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once in the Stockton Record, a newspaper of general circulation, published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this 19th day of October, 2004, by the following vote of the Board of Supervisors, to wit:

AYES: Mow, Sieglock, Gutierrez, Ornellas

NOTES: None

ABSENT: Marengo

Leroy Ornellas
LEROY ORNELLAS, Chairman
Board of Supervisors
County of San Joaquin

ATTEST: LOIS SAYHOUN
Clerk of the Board of Supervisors
Of the County of San Joaquin,
State of California

By Caroline Junco
Deputy Clerk