

Bond Case Briefs

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City of Oxnard v. County of Ventura

Court of Appeal, Second District, Division 6, California - November 23, 2021 - Cal.Rptr.3d - 2021 WL 5460725 - 21 Cal. Daily Op. Serv. 11,559 - 2021 Daily Journal D.A.R. 12,037

City brought action against surrounding county seeking preliminary injunction to prevent county from providing ambulance services within city limits pursuant to joint powers agreement.

The Superior Court denied city's motion for preliminary injunction. City appealed.

The Court of Appeal held that:

- City lacked authority under Emergency Medical Services Systems and the Prehospital Emergency Medical Care Personnel Act to resume administration of its own ambulance services;
- City's authority to provide and administer ambulance services, even if police power, was subject to limits set forth in the Act; and
- Any withdrawal by city from joint powers agreement did not provide basis for city to resume providing ambulance services absent county's consent.

City lacked authority under Emergency Medical Services Systems and the Prehospital Emergency Medical Care Personnel Act to resume administration of its own ambulance services after it had entered into joint powers agreement with surrounding county regarding ambulance services; joint powers agreement empowered county, not city, to contract for and administer ambulance services, and fact that city was indirectly contracting for such services by being signatory to joint powers agreement did not make it eligible under Act's grandfathering provision which allowed cities to continue to provide existing services until such services were integrated into larger emergency medical services system.

City's authority to provide and administer ambulance services was subject to limits set forth in the Emergency Medical Services Systems and the Prehospital Emergency Medical Care Personnel Act, even if provision of ambulance services was police power; city had power to make and enforce only those ordinances and regulations that were not in conflict with general laws, and the Act was a general law.

Any withdrawal by city from joint powers agreement with surrounding county regarding ambulance services did not provide basis for city to resume providing ambulance services absent county's consent; as of date specified in section of the Emergency Medical Services Systems and the Prehospital Emergency Medical Care Personnel Act allowing cities to continue to provide existing services until they entered into an agreement with a county to provide such services, county's authority to provide ambulance services in city limits did not come from joint powers agreement, but from Act, and under Act, city could not expand its control by excluding county from provision of ambulance services.

