

File No. 101036

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: September 29, 2010

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ethics Form 126                              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Victor Young

Date: September 24, 2010

Completed by: Victor Young

Date: \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Contract with the State of California Office of Administrative Hearings to Provide  
2 Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

3 **Resolution authorizing the Department of Emergency Management to enter into a**  
4 **contract with the State of California Office of Administrative Hearings to provide**  
5 **administrative law judges to serve as hearing officers on administrative appeals from**  
6 **certification actions by the San Francisco Emergency Medical Services Agency.**

7  
8 WHEREAS, The State of California adopted revised regulations for Emergency Medical  
9 Technicians (EMTs) effective July 1, 2010, called the "EMT 2010"; and

10 WHEREAS, County Emergency Medical Services Agencies (EMSAs) are charged with  
11 certifying EMTs, and must offer administrative appeals related to certification actions; and

12 WHEREAS, Under the EMT 2010, EMSAs are legally required to use Administrative  
13 Law Judges (ALJs) from the State of California Office of Administrative Hearings (OAH) as the  
14 hearing officer for administrative appeals; and

15 WHEREAS, EMSAs must contract with OAH to obtain those ALJ services, and the  
16 OAH requires parties contracting for ALJ services to use its form agreement without  
17 modification. Accordingly, the proposed agreement with OAH does not include many of the  
18 standard contract provisions required under San Francisco law; and

19 WHEREAS, The OAH form agreement does not set any term and the San Francisco  
20 EMSA requests authorization for a term of 20 years, to facilitate access to legally-required  
21 ALJ services for administrative appeals; and

22 WHEREAS, The form agreement allows either party to terminate the agreement with  
23 60 days advance written notice; and

1           WHEREAS, A copy of the OAH agreement, along with a letter from OAH describing its  
2 services, is on file with the Clerk of the Board of Supervisors in File No. 101036,  
3 which is hereby declared to be a part of this resolution as if set forth fully herein; and

4           WHEREAS, The San Francisco EMSA is a division of the Department of Emergency  
5 Management; now, therefore, be it

6           RESOLVED, That the San Francisco Board of Supervisors hereby authorizes the  
7 Executive Director of the Department of Emergency Management, or designee, to enter into  
8 an agreement with the State of California Office of Administrative Hearings, using the form  
9 agreement from OAH, on behalf of the City and County of San Francisco, and to take any  
10 other steps needed to obtain ALJ services from OAH; and, be it

11           FURTHER RESOLVED, That the agreement with OAH shall have a term of 20 years  
12 from the date the parties enter the agreement.



## OFFICE OF ADMINISTRATIVE HEARINGS

State of California

2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231  
General Jurisdiction – (916) 263-0550 phone / (916) 263-0554 fax  
Special Education – (916) 263-0880 phone / (916) 263-0890 fax  
www.oah.dgs.ca.gov

Department of General Services

July 20, 2010

Stephen La Plante  
EMS Agency  
Department of Emergency Management  
30 Van Ness Ave., #3300  
San Francisco, CA 94102

### **RE: AGREEMENT – SAN FRANCISCO EMERGENCY MEDICAL SERVICES**

Dear Mr. La Plante:

Thank you for your interest in retaining the Office of Administrative Hearings to conduct hearings. Please be advised that, if needed, we can also provide settlement conferences, mediations, and other alternative dispute resolution proceedings. Please have the enclosed "Agreement for Hearing Services" signed by the appropriate official and include that individual's title, mailing address, telephone and FAX numbers, and e-mail address. Please also attach a certified copy of the minute order or other authority granted by the Emergency Medical Services for the official who signs this Agreement. Return the undated, original Agreement (not a copy) to this office where we will add the date and return a fully executed copy to you.

Government Code section 11370.4 requires that all costs of the Office of Administrative Hearings be recovered from the agencies served. The hourly rate for Administrative Law Judge services is currently \$185.00, plus a \$80.00 filing fee per case. We will advise you of any changes. If a hearing is cancelled you must notify our office as quickly as possible. If notice is received in time to reassign the Administrative Law Judge, the reserved time will not be billed. You will otherwise be billed for the scheduled hearing time.

Once this Agreement has been executed, you can contact the nearest of our offices to schedule a hearing, mediation, or other proceeding. Please use the "Request to Set" form on our website at <http://www.oah.dgs.ca.gov>. Agencies typically arrange for a court reporter or tape recording of their hearings. If you need this office to make the arrangements for the court reporter, provide as much notice as possible and make that specific request when you contact the Calendar Clerk to set your hearing.

#### Regional Offices

<b>Los Angeles</b> 320 West Fourth Street Suite 630 Los Angeles, CA 90013 (213) 576-7200 Fax (213) 576-7244	<b>Oakland</b> 1515 Clay Street Suite 206 Oakland, CA 94612 (510) 622-2722 Fax (510) 622-2743	<b>San Diego</b> 1350 Front Street. Suite 3005 San Diego, CA 92101 (619) 525-4475 Fax (619) 525-4419	<b>Laguna Hills</b> 23046 Avenida De La Carlota Suite 750 Laguna Hills, CA 92653 (949) 598-5850 Fax (949) 598-5860	<b>Van Nuys</b> 15350 Sherman Way Suite 300 Van Nuys, CA 91406 (818) 904-2383 Fax (818) 904-2360
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Stephen La Plante  
July 20, 2010  
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Again, thank you for contacting us. If you have any questions about the Office of Administrative Hearings, or your cases in particular, please feel free to contact me or my assistant, Kay Stubbings. We can be reached at (916) 263-0512.

Sincerely,

*Kay J. Stubbings*

*for* LINDA A. CABATIC  
Deputy Director and Assistant Chief Administrative Law Judge  
Office of Administrative Hearings

LAC/ks

Enclosure

## A G R E E M E N T

**THIS AGREEMENT, made and entered into on \_\_\_\_\_, at Sacramento, County of Sacramento, State of California, by and between the State of California, hereinafter called STATE, through its duly appointed Director of the Office of Administrative Hearings, and CITY OF SAN FRANCISCO EMERGENCY MEDICAL SERVICES AGENCY, hereinafter called EMS AGENCY.**

### WITNESSETH:

**WHEREAS, the services of the Office of Administrative Hearings, Department of General Services, may be needed by EMS AGENCY for conducting hearings and issuing proposed decisions; and**

**WHEREAS, STATE has the authority to contract with EMS AGENCY for the rendering of hearing services pursuant to Government Code Section 27727, and is amenable to the furnishing of such services when required personnel are available by STATE,**

**NOW THEREFORE, IT IS MUTUALLY AGREED between the parties hereto as follows:**

**1. Upon request of EMS AGENCY, STATE will furnish the services of Administrative Law Judges to EMS AGENCY for the purpose of conducting hearings under the authority of Government Code Section 27727. The assignment of Administrative Law Judges for hearings will be at the discretion of the Director and/or Presiding Administrative Law Judges, who may elect to hear the matter themselves.**

**2. In consideration of the performance of such services by STATE, EMS AGENCY agrees to pay to STATE the cost of rendering such services. In the event a calendared case is taken off calendar, or needs to be re-calendared, other than by the Office of Administrative Hearings, and the Office of Administrative Hearings is unable to schedule the Administrative Law Judge for another case, EMS AGENCY agrees to pay STATE for the original hearing time or until the Judge is assigned to another case, whichever occurs first. Every effort will be made to promptly reassign the scheduled administrative law judge in the event a calendared matter is cancelled, taken off calendar, settled, re-calendared or continued. Costs shall be computed in accordance with the rates set forth in the Department of General Services Price Book current with the term of this Agreement. STATE agrees to submit invoices for services which are rendered hereunder.**

**3. This Agreement commences effective the date of first above written and shall continue in full force and effect until either party shall notify in writing the other party of its determination to terminate the Agreement, which termination shall occur sixty (60) days after the mailing of such notice.**

**IN WITNESS WHEREOF, this Agreement has been executed by and on behalf of the parties hereto, the day and year first above written.**

**CITY OF SAN FRANCISCO EMERGENCY MEDICAL SERVICES**

\_\_\_\_\_  
Title

**OFFICE OF ADMINISTRATIVE HEARINGS**

\_\_\_\_\_  
**NOAH VALADEZ, Chief Administrative Law Judge**  
(OAH 22, REV. 1/05)



Gavin Newsom  
Mayor

**Department of Emergency Management**  
1011 Turk Street, San Francisco, CA 94102

Division of Emergency Communications  
Phone: (415) 558-3800 Fax: (415) 558-3843

Division of Emergency Services  
Phone: (415) 487-5000 Fax: (415) 487-5043



Vicki L. Hennessy  
Executive Director

*File 101036*

September 3, 2010

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP - 3 AM 11:23

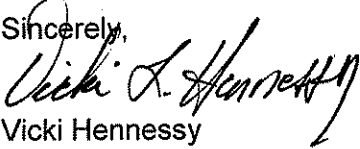
Angela Calvillo  
Clerk of the Board  
City Hall  
San Francisco, CA 94102

Dear Ms. Calvillo:

The Department of Emergency Management is requesting the attached Resolution be submitted to the Board for consideration at the September 7, 2010 meeting. This Resolution authorizes the Department to enter in to a contract with the State Office of Administrative Hearings in order to be in compliance with recently enacted regulations related to the issuance of Emergency Medical Technician certificates.

These regulations require that the City utilize the services of an Administrative Law Judge in cases where a denial of or an action against a certificate is challenged by the applicant or Emergency Medical Technician. Further, the Office of Administrative Hearings requires that the City utilize their contract template, which is significantly different than the standard City contract template. Given the nature of the agreement our assigned Deputy City Attorney has advised that a Resolution by the Board is necessary.

Thank you for your assistance in this matter. Should you have concerns or questions, please contact me at 415-558-2745.

Sincerely,  
  
Vicki Hennessy  
Executive Director