

# OFFICE OF THE ATTORNEY GENERAL



94-00085

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FEB 22 1994

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Honorable Hulon Newton  
Mayor  
Town of Anderson  
P. O. Box 95  
Anderson, AL 35610

**Municipalities - Rescue  
Squads - Liability**

The authority of the Town of Anderson over the Anderson Rescue Squad is determined by whether the Rescue Squad is sanctioned by the Town and/or by any agreement or contract entered into by the Town and the Rescue Squad.

The Town Council could, under certain circumstances, be liable for the negligent acts or omissions of the members of the rescue squad.

The funds of a rescue squad sanctioned by the city become municipal funds and the town council is responsible therefor.

Dear Mayor Newton:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION NO. 1

Does the Town Council of the Town of Anderson have any authority over the Anderson Volunteer Rescue Squad and to what extent?

FACTS AND ANALYSIS

Whether the Anderson Volunteer Rescue Squad is sanctioned by the Town of Anderson or has an agreement or contract with the Rescue Squad is a question of fact which cannot be determined by the Attorney General's Office. Since we cannot determine the status of the relationship between the two entities, we cannot answer your question except to say that the authority of the town is determined by whether it has sanctioned the Rescue Squad and/or the terms of any agreement or contract between the entities.

CONCLUSION

The authority of the Town of Anderson over the Anderson Rescue Squad is determined by whether the Rescue Squad is sanctioned by the Town and/or by any agreement or contract entered into by the Town and the Rescue Squad.

QUESTION NO. 2

Is the Town Council of the Town of Anderson liable for the actions of the members of the Anderson Rescue Squad and to what extent?

FACTS AND ANALYSIS

There are no precise answers concerning a question of liability. Basically, all this office can do is state the general laws and principles and point out what the courts have held in the past.

In the Attorney General's opinion to Honorable Charles Little, dated December 7, 1990, A.G. No. 91-00104, this office wrote:

"Once a municipality undertakes to provide a rescue squad service, the

municipality may be held liable for any acts of negligence by the officers and employees of the rescue squad department while acting in the line of duty. In an effort to avoid liability, the members of the department should be properly trained and the department and the municipality should develop policies which deal with various situations faced by the department and which explain to members of the department how to respond. This office cannot specifically state under what circumstances a municipality may be held liable for the actions of its rescue squad."

Pursuant to Code of Alabama 1975, § 11-47-190, a municipality can be held liable for the injuries or damages caused by its officers and employees which are due to "neglect, carelessness or unskillfulness" of the employee while acting within the line of duty. The amount of damages awardable against a municipality is limited to \$100,000 per person and \$300 per occurrence based on personal injuries and \$100,000 per occurrence based on property damage or loss. Code of Alabama 1975, § 11-93-2. The extent of the Town's potential liability, if any, can only be fully determined after the nature of the relationship between the Town and the Rescue Squad is clarified.

Factual circumstances could arise under which the city has liability for the negligent actions or omissions of its sanctioned rescue squad. For example, if the rescue squad fails to respond to a call, there may be circumstances under which the city could be held liable. If a unit is not available because a person failed to report for duty and there is no backup, the city may be held liable. On the other hand, if the unit is out on another call and cannot respond to a second call, the city may not be liable.

The best way for the city to avoid potential liability is to ensure that its volunteers are properly trained. The city and the rescue squad should work together to develop policies which deal with various situations faced by the department and which explain to the members of the department how to respond.

CONCLUSION

The Town of Anderson could, under some circumstances, be liable for the negligent acts or omissions of the members of the rescue squad.

QUESTION NO. 3

Is the Town of Anderson responsible for the finances of Anderson Rescue Squad?

FACTS AND ANALYSIS

The funds of a volunteer rescue squad sanctioned by the city become municipal funds and are under the control of the mayor and town council. These funds are to be audited with other municipal funds. Attorney General's opinion to Mayor Mike Maddox, Town of Collinsville, dated February 11, 1988, A.G. No. 88-00169; Attorney General's opinion to Mayor Charles I. Grover, City of Trussville, under date of November 24, 1993, A.G. No. 94-00061.

CONCLUSION

The funds of a volunteer rescue squad sanctioned by the city become municipal funds and the town council is responsible therefor.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR.  
Chief, Opinions Division