



2016-035

STATE OF ALABAMA
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Honorable Kenneth Weems
Chairman, Bibb County E-911 Board
157 Southwest Davidson Drive, Suite 200
Centreville, Alabama 35042

Emergency Management Communications –
Districts – E-911 Boards – Ambulance Service –
Municipalities

The Bibb County E-911 Board (“Board”) has the authority to designate the areas of the county to which a particular ambulance service provider may be dispatched, except for municipalities that have agreements with a provider.

The Board must honor the agreements between the municipalities and the ambulance service provider for services provided within the municipalities.

Dear Chairman Weems:

This opinion of the Attorney General is issued in response to your request on behalf of the Bibb County E-911 Board.

QUESTION 1

Does the Bibb County E-911 Board have the authority to designate which areas of the county each ambulance service may cover?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that recently questions have arisen regarding the ability of the Bibb County E-911 Board to designate which areas of Bibb County each ambulance service may cover. Emergency telephone service is provided for in this state through local emergency management communications districts, often referred to as E-911 boards, that are

created pursuant to sections 11-98-1 through 11-98-15 of the Code of Alabama. ALA. CODE §§ 11-98-1 to 11-98-15 (2008 & Supp. 2015). The purpose of these sections is to provide a single primary three-digit number through which “emergency” services can be quickly and efficiently obtained. ALA. CODE § 11-98-3 (2008).

Section 11-98-2 states that the “creating authority may by ordinance or resolution, as may be appropriate, create within its respective jurisdiction communication districts composed of the territory lying wholly within the municipality or of any part or all of the territory lying wholly within the county.” ALA. CODE § 11-98-2 (2008). Consistently, this Office has determined that where the E-911 district includes an entire county, the E-911 Board makes the determination of how E-911 services are to be provided in the county. Opinions to Honorable Rebecca Narmore, Attorney, Colbert County E-911 Board, dated March 10, 2005, A.G. No. 2005-088; Honorable Darwin Clark, Chairman, Lawrence County E-911 Communications Board, dated October 20, 2003; A.G. No. 2004-009; Honorable Roy Sanderson, Mayor, City of Rainsville, dated June 19, 1997, A.G. No. 97-00210.

More particularly, your inquiry seeks clarification regarding the ability of an E-911 Board to designate service areas within the county for response by certain ambulance service providers. This Office is unaware of any statutory authority that limits the ability of an E-911 Board to determine which ambulance service providers receive dispatch calls or to designate certain service areas for particular ambulance services. *See also*, opinions to Honorable Julian D. Butler, Attorney, Morgan County Emergency Communications District, dated November 6, 2014, A.G. No. 2015-014, at 2; Honorable John Hollis Jackson, Jr., Attorney, City of Jemison, dated September 9, 2010, A.G. No. 2010-103 (stating that the E-911 Board has the authority to determine if a municipal or volunteer fire department, or both, are to receive dispatch calls, and if the latter, whether the departments are dispatched as primary, secondary, or third responders). “E-911 boards should strive to select ambulance service providers that will provide the best, most efficient service to persons within their districts.” *Butler*, at 2.

CONCLUSION

The Bibb County E-911 Board has the authority to designate the areas of the county to which a particular ambulance service provider may be dispatched.

QUESTION 2

Is the Bibb County E-911 Board bound by the agreements between the cities and AmServ?

FACTS AND ANALYSIS

In your request, you mention that several municipalities have chosen to directly contract with the ambulance service AmServ EMS, a division of Cahaba Valley Health Service, Inc., a nonprofit corporation. In these agreements, the municipalities signed three-year contracts to exclusively use the services provided by AmServ within the city limits.

You question whether an E-911 Board is bound by the agreements made by these municipalities in light of the longstanding interpretation of this Office, previously discussed, that service-provider determinations are made by the E-911 Board. This Office, however, departed from that rule for municipalities in an opinion to Honorable David H. Bradford, Mayor, City of Muscle Shoals, dated August 14, 2012, A.G. No. 2012-077. That opinion stated that an E-911 Board must honor a municipal resolution to dispatch a particular ambulance service provider within the corporate limits. The *Bradford* opinion relied on section 11-87-3 of the Code of Alabama, which authorizes municipalities to contract for ambulance service. ALA. CODE § 11-87-3 (2008). Accordingly, the E-911 Board may not disregard the wishes of a municipality that has exercised this authority.

CONCLUSION

The Bibb County E-911 Board must honor the agreements between the municipalities and an ambulance service provider for services provided within the municipalities.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:



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