

OFFICE OF THE ATTORNEY GENERAL

98-00100



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STATE OF ALABAMA

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MAR - 3 1998

Honorable Paige M. Carpenter
Attorney, City of Northport
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**Municipalities - Emergency
Medical Services - Fire
Departments**

Case law supports city's authority to discontinue duplicative emergency response in corporate limits and police jurisdiction, but only a court of competent jurisdiction can determine whether city would incur liability from such action.

Dear Ms. Carpenter:

This opinion of the Attorney General is issued in response to your request.

QUESTION

May the City of Northport, having initiated a First Responder Program through the Northport Fire Department, legally discontinue the program provided that the City of Northport continues to contract with the City of Tuscaloosa to respond to emergency

medical calls within the City of Northport?

FACTS, LAW, AND ANALYSIS

The City of Northport contracts with the City of Tuscaloosa to respond to emergency medical calls in the City of Northport on a per-call fee basis. The Northport Fire Department has also initiated a First Responder Program that sends a fire truck in addition to the Tuscaloosa Rescue Unit to all emergency medical calls. A private ambulance also responds to all emergency medical calls.

The City of Northport proposes to continue to contract with the City of Tuscaloosa to respond to the emergency medical calls and the private ambulance company will continue to respond, but Northport proposes to discontinue its First Responder Program in the police jurisdiction and the city limits.

There is no specific statutory duty requiring a municipality to maintain a service like First Responder. Opinion to Mayor Charles E. Little, Town of Satsuma, under date of December 7, 1990 (A.G. No. 91-00104).

We agree with you that the decision of the Supreme Court in City of Prattville v. Joiner, 698 So. 2d 122 (Ala. 1997), supports the position that the First Responder Program can be terminated in the police jurisdiction, if the city is not collecting sufficient revenue in the police jurisdiction.

It is our opinion that changing the type of emergency response provided in the corporate limits by deleting a service which is duplicated by a service which will continue to be provided would not, in any event, give rise to liability on the part of the municipality. Since questions of municipal liability cannot be fully resolved by an opinion of this Office, but only by a court of competent jurisdiction, we suggest that you may wish to file a declaratory judgment action to obtain a dispositive answer to your question.

CONCLUSION

Case law supports authority of a municipality to delete a duplicated emergency response service which it provides in its police jurisdiction and its corporate limits, and it is the opinion of this Office that the municipality may do so without incurring liability; only a court of competent jurisdiction can determine whether city could incur liability from such action.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Carol Jean Smith of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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