

ORDINANCE NO. _____

Creating the Skagit County Emergency Medical Services Commission

WHEREAS, the Skagit County Board of Commissioners recognizes the need for comprehensive emergency medical services program in Skagit County and has authority under RCW 36.01.095 to establish such a program, and

WHEREAS, the voters of Skagit County approved a six-year Emergency Medical Services ("EMS") levy in 2000 to support the local EMS program; and

WHEREAS, management of emergency medical services has been historically provided by the Skagit EMS Council, a non-profit organization which contracts with government and private ambulance companies to provide emergency medical services; and

WHEREAS, the County desires to place the operation, maintenance and control of the EMS system with a public entity, and

WHEREAS, state law requires the County to maintain fiscal control over the revenues generated by the property tax levy for continued emergency medical services,

NOW, THEREFORE, BE IT ORDAINED by the Skagit County Board of Commissioners that:

1. A public commission to be called the Skagit County Emergency Medical Services Commission ("EMS Commission") is established under the authority of RCW 35.21.730. The purpose of this Commission is to provide efficient and effective emergency medical and related services throughout Skagit County in compliance with state law. The EMS Commission shall be a public body comprised as set forth herein. Skagit County shall fund county-wide emergency medical services and the expenditure of County excess property tax levy revenues collected for those purposes through this Ordinance. Skagit County shall make disbursements of Emergency Medical Services excess property tax levy revenues to fund the EMS Commission and Emergency Medical Services as approved in the Budget and Management Plan established as set forth in this Ordinance.
2. Definitions. For the purpose of this ordinance, the words set out in this section shall have the following meanings:

- A. Emergency Medical Services ("EMS") means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.
- B. Emergency Medical Services Medical Program Director means a person who is an approved program director as defined by RCW 18.71.205(4).
- C. Skagit County Emergency Medical Services Commission ("EMS Commission") means the public commission formed under this ordinance as authorized by RCW 35.21.730, with powers and duties as set forth in this Ordinance.
- D. Pre-Hospital means emergency medical care or transportation rendered to patients prior to hospital admission by licensed ambulance or aid service under Chapters 18.71 and 18.73 RCW or by facilities providing level V trauma care services.
- E. EMS Commission Executive Board ("Executive Board") means the board elected from among the full EMS Commission as may be provided by EMS Commission by-laws to be adopted pursuant to this ordinance, including the EMS Medical Program Director who shall be a standing member of the Executive Board.
3. EMS Commission – Composition.
- A. The EMS Commission shall consist of members selected to fill the following positions for four (4) year terms:
- Advanced Life Support (ALS) Provider Agencies (one per agency)
 - Skagit County Sheriff (1)
 - Police Chiefs (1)
 - Washington State Patrol (1)
 - At-Large (interested parties not otherwise represented) (4)
 - Consumer (2)
 - Skagit County Coroner
 - Critical Incident Stress Management Team (1)
 - EMS Medical Program Director (1)
 - Field Care Personnel:
 - ALS Field Care Personnel (2)
 - BLS Field Care Personnel (2)
 - Hospitals & Designated Trauma Facilities (1 per facility):

Affiliated Health Services (1)
Island Hospital (1)
MPD Designated Supervising Physicians (1 per ALS agency
and 1 BLS physician)
Director of Skagit 9-1-1 () (1)
Skagit County Department of Emergency Management (1)
Skagit County Emergency Management Council (1)
Elected Officials of Incorporated Cities/Towns within Skagit
County (5)
(1 per City; 1 for all Towns)
Skagit County Fire Chief's Association (1)
City and/or Town Fire Departments (1)
Skagit County Fire Commissioner's Association (1)
Rural Fire Districts (2)
Skagit County Health Department (1)

B. The Board desires a diversified and objective membership that, in addition to participation based upon professional qualifications or employment, is open to residents of both the incorporated and unincorporated areas of the County.

- (i) Within 30 days of the effective date of this ordinance, the Skagit County Emergency Medical Services and Trauma Care Council, an existing Washington private, not for profit corporation, shall provide the Board with a list of individuals meeting the requirements of Section 3A, except for the Cities and Towns, whom the Council recommends for initial appointment to the EMS Commission.
- (ii) With respect to the City/Town representatives, within thirty (30) days of the effective date of this Ordinance, the City Council for each City shall inform the Board of County Commissioners of that City's representative, and the Towns jointly shall inform the Board of County Commissioners of their representative. By resolution the Board of County Commissioners will either reject or ratify the appointments of identified nominees.
- (iii) Thereafter, nominations for appointment to the EMS Commission (for either a full term or to fill a vacancy) shall be made to the Board of County Commissioners by the EMS Commission according to procedures in the EMS Commission bylaws to be adopted according to this ordinance. Such nominations shall be

submitted to the Board of County Commissioners who shall either reject or ratify the appointments of identified nominees.

- C. The EMS Commission's by-laws shall address which of the members shall be voting members and which shall be ex officio, if any. The by-laws shall also address any conflict of interest issues and the requirement of members to recuse themselves. EMS Commission members shall be considered "municipal officers" for the purposes of Chapter 42.23 RCW, Code of Ethics for Municipal Officers – Contract Interests.
4. EMS Commission – Powers and Duties. The EMS Commission shall, according to the powers, duties and procedures authorized by this ordinance (as currently enacted or as may be amended hereafter) coordinate, operate, provide and maintain those services necessary for a countywide emergency medical services program as follows:
- A. Supervise the management of the emergency medical system in Skagit County and monitor the performance of contracts for the provision of emergency medical services.
 - B. Within 60 days of the adoption of this Ordinance, develop and recommend a budget for the year 2003 and develop and recommend a budget (and budget amendments) on an annual basis thereafter, which shall include the means of financing, for consideration and action by the Skagit County Board of Commissioners.
 - C. Within 180 days of adoption of this Ordinance, the EMS Commission shall recommend an EMS Management Plan for consideration and action by the Skagit County Board of Commissioners, which Plan shall be updated at least every two (2) years. The Management Plan shall include:
 - i. standards applicable to the provision of emergency medical services in Skagit County in accordance with the County's Pre-Hospital Medical Care System Plan, adopted pursuant to Chapter 70.168 RCW;
 - ii. a financial plan, including the allocation of EMS levy funds; and
 - iii. a capital equipment replacement and facilities plan.

If the Skagit County Board of Commissioners identifies issues in the EMS Management Plan as recommended by the EMS Commission, it shall remand the EMS Management Plan to the EMS Commission for further consideration in light of the issues identified by the Skagit County Board of Commissioners. The EMS Commission, upon remand, shall specifically address, in writing, the issues identified by the Skagit County Board of Commissioners and resubmit the EMS Management Plan, with modifications, if determined appropriate, for consideration and action by the Board of Commissioners. After resubmittal, the Skagit County Board of Commissioners shall consider the EMS Management Plan and adopt it as resubmitted or with modifications.

- D. Develop annual reports of the EMS Commission's activity and expenditure of the EMS levy funds.
- E. Provide for emergency medical services in Skagit County consistent with the approved EMS Management Plan. The EMS Commission may provide such services directly or it may initiate contract negotiations and draft contracts for the County's ambulance/EMS services, and review proposed contracts for conformance with the EMS Management Plan; provided that for the year 2003, the allocation of ambulance/emergency medical services shall be allocated as set forth in Attachment A and further provided that all 2003 contracts for ambulance/emergency medical services shall be reviewed and adopted by the Skagit County Board of Commissioners.
- F. Provide training, as determined to be required by the EMS Commission, for emergency medical services personnel in accordance with standards adopted in the Management Plan.
- G. Monitor the maintenance of emergency medical services equipment.
- H. Maintain any records regarding the provision of emergency medical services required by state law.
- I. In carrying out its duties under this Ordinance, the EMS Commission shall have those powers set forth in RCW 35.21.745 as currently enacted or as may be amended.

- J. Comply with all general laws regulating local governments as provided in RCW 35.21.759 as currently enacted or as may be amended.
5. EMS Commission – Organization. Within 60 days after its first meeting, the EMS Commission shall adopt recommended by-laws, rules and procedures to accomplish its functions authorized herein. The EMS Commission's recommended by-laws shall be submitted to the Skagit County Board of Commissioners for ratification. Such by-laws shall include provisions for the election and/or appointment of an Executive Board consisting of members of the EMS Commission, subject to the following:
- A. The Emergency Medical Services Medical Program Director shall be a standing member of the Executive Board; and
 - B. A President, Vice President, Secretary and Treasurer shall be elected from among EMS Commission members for such terms as shall be identified in the by-laws and shall hold positions on the Executive Board.
6. EMS Executive Board – Powers and Duties.
- A. The Executive Board shall be responsible for selecting and appointing the position of Executive Director of the EMS Commission who shall serve as primary staff to the EMS Commission.
 - B. The Executive Board shall review the performance of the EMS Commission Executive Director. The EMS Executive Director shall review the performance of the EMS Commission Staff and provide that performance review information to the EMS Commission Executive Board; provided that the Executive Board may conduct its own review(s) of the EMS Commission Staff should it determine that to be appropriate.
 - C. The Executive Board shall establish procedures for the review and approval of all invoices, payroll and requests for disbursements prior to submittal to the Skagit County Auditor for payment in accord with the procedures for approval of claims by the Board of County Commissioners.
 - D. Additional powers and duties shall be set forth in the Commission's by-laws.

7. EMS Commission Staff. The Executive Director shall serve as the primary staff to the EMS Commission and have the functions and duties described in this chapter and the EMS Commission's by-laws. The EMS Commission shall employ such additional staff as necessary to carry out the EMS Management Plan within the budget adopted by the Board of County Commissioners. Revenues required to support the direct and indirect expenses of the Executive Director and additional staff as may be deemed necessary shall be derived solely from the EMS levy fund.

8. EMS Commission –Budget.
 - A. The EMS Commission will prepare an annual budget, for submission to the Skagit County Board of Commissioners, to be funded through revenues collected under the EMS Levy, revenues generated from EMS Commission operations, and other revenues as may be received by the EMS Commission. The EMS Commission's annual budget shall be processed in accord with the County's annual budgeting process and will comply with all County budgeting requirements for the coming budget year and shall minimally specify:
 1. The annual administration costs of the EMS Commission shall be held to the those amounts reasonably required to administer the EMS Commission efficiently and properly.
 2. The expenditure required to operate the EMS system (including administrative and overhead estimates, and estimated expenditures for services and other EMS Commission activities).
 3. A proposed capital expenditure budget for purchased items having a value in excess of five thousand dollars (\$5,000).
 4. A proposed management plan.

 - B. The proposed budget shall be adopted by the EMS Commission and submitted, in accord with County requirements, for approval by the Skagit County Board of Commissioners during the adoption of the annual County budget. The Skagit County Board of Commissioners shall determine whether the proposed budget is consistent with and will accomplish the EMS Management Plan, as approved. In the event that the Skagit County Board of

Commissioners identifies inconsistencies with the proposed budget and the EMS Management Plan, it shall remand the proposed budget to the EMS Commission with written direction as to the issues of inconsistency. Upon such remand, the EMS Commission shall promptly review the direction of the Board of Commissioners and the proposed budget. The EMS Commission shall forward its subsequent recommendation and proposed budget including specific responses to the issues identified by the Board of Commissioners. The Board of Commissioners shall then take final action on the proposed budget. The budget may provide for contingencies. The Skagit County Board of Commissioners may make changes to the EMS Commission's proposed budget as it deems necessary and appropriate. The budget may be amended, in accord with County requirements for amending the County budget, upon adoption by the EMS Commission and subsequent approval by the Skagit County Board of Commissioners.

- C. Prior to adoption of a proposed annual budget and any amendments to the budget, the Commission shall hold at least one public meeting and provide an opportunity for public comment. A draft budget shall be made available for public review ten (10) days before the date of any Commission public meeting concerning adoption of the proposed budget.
 - D. The EMS Commission shall adopt its proposed annual budget in accordance with its by-laws following the public meeting.
 - E. After approval by the Executive Board, the EMS Commission shall submit all claims for payment by or on behalf of the EMS Commission to the Skagit County Auditor for payment. The EMS Commission shall submit all its revenues to the Skagit County Treasurer.
9. EMS Commission Operations Report. As part of the EMS Commission preparation of its annual budget, it shall prepare an annual operations report summarizing the last year's activities.
10. Skagit County Board of Commissioners Authority.

The following actions of the EMS Commission shall require approval by the Skagit County Board of Commissioners:

- A. The EMS Commission's annual budget.
- B. The EMS Management Plan.
- C. Contracts for ambulance/EMS services.
- D. The EMS Commission's receipt of gifts of real property, personal property or cash.
- E. EMS Commission by-laws and by-law amendments.

The above list shall not limit the authority of the Board of County Commissioners as provided in state law.

11. Dissolution of EMS Commission/Disposition of Assets Upon Dissolution. The EMS Commission may be dissolved by the Skagit County Board of Commissioners upon adoption of an ordinance directing the dissolution; provided that, unless the Skagit County Board of Commissioners make written findings that earlier dissolution is required, any such dissolution shall provide three hundred sixty-five (365) days advance notice prior to the effective date of dissolution. Upon dissolution of the EMS Commission and the winding up of its affairs the Skagit County Board of Commissioners may provide for the transfer of the rights, assets and property of the EMS Commission to a qualified entity or entities which will fulfill the purposes for which the EMS Commission was created. Otherwise title to all remaining property and assets of the EMS Commission vests in Skagit County upon the dissolution of the EMS Commission.
12. Tenure in Office. Any EMS Commission member or employee may be removed from any office or position in such manner as the by-laws prescribe. Upon removal from an office or position, such member or employee shall have no power of office.
13. Limitation of Liability. Any party having a claim against the EMS Commission, however arising, shall have recourse only to the extent of the assets and properties of the EMS Commission and shall have no recourse against Skagit County, its assets or credits. The limitations of liability provided in RCW chapters 35.21 and 18.71 shall apply.
14. Contracts for Ambulance/EMS Services. Contracts for providing ambulance/emergency medical services shall be initiated by the EMS Executive Director and reviewed for conformance with the EMS Management Plan prior to submittal to the Board of County Commissioners for approval. The Administrator for Skagit County, with advice and assistance from the Skagit County Prosecutor's Office, shall

review the contracts before submittal of the contracts to the EMS Commission for review and preparation of its recommendation to the Board of County Commissioners for approval. The Skagit County Board of Commissioners shall review the proposed contract(s) for providing ambulance/emergency medical services for final approval. If the Skagit County Board of Commissioners determines in writing that the proposed contract(s) for ambulance/EMS is not consistent with the approved Management Plan or if, in the reasonable discretion of the Board, no adequate service provider(s) can perform the desired emergency medical services, it may pursue a Request for Proposal process for the provision of ambulance/emergency medical services.

15. Year 2003 Transition.

1. There shall be a 90-day time period to allow for the winding up of the EMS Council's affairs related to the provision of ambulance/emergency medical services for Skagit County and for the transition to a Commission form of management of ambulance/emergency medical services. During this time period, the County and the EMS Council will arrange for the orderly transfer of business related to ambulance/emergency services, and the transfer of inventory and assets.
2. The Skagit County Board of Commissioners hereby adopts the budget as set forth in Attachment B as the budget for the EMS Commission and the provision of emergency medical services for the year 2003, to be adjusted by the levy allocations in Attachment A.
3. All invoices shall be submitted to the Skagit County Auditor for payment, in accord with Section 8.E.

This Ordinance is effective as of December 30, 2002.

IN TESTIMONY WHEREOF, we hereunto set our hands and affix the official seal of our office.

PASSED this 21ST day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Don Munks
Don Munks, Chairman

Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson
Ted W. Anderson, Commissioner

ATTEST:

Joanne Giesbrecht
Joanne Giesbrecht, Clerk
Skagit County Board of Commissioners

Approved as to form:

Hilary A. Thomas
Hilary A. Thomas, Civil Deputy
Skagit County Prosecuting Attorney