

AN ORDINANCE TO DISSOLVE AND RECONSTITUTE
THE JEFFERSON COUNTY
EMERGENCY SERVICES AGENCY

WHEREAS, by Ordinance dated September 7, 1995 the Jefferson County Commission created the Jefferson County Ambulance Authority pursuant to Chapter Seven, Article Fifteen, Section One, et. seq. of the Code of West Virginia, as amended, which statute is also known as the “Emergency Ambulance Service Act of 1975”; and

WHEREAS, on March 27, 2008 the Commission adopted a technical correction amendment conforming the name of the agency to the Jefferson County Ambulance Authority (JCAA) to conform the name of the agency with common convention and usage; and

WHEREAS, this agency has operated successfully and continuously over the intervening years; and

WHEREAS, the Commission recognized the need to augment the paid JCAA ambulance service with paid fire service to meet the current and future needs of the citizens of Jefferson County; and

WHEREAS, the West Virginia legislature has recognized those needs by adopting Senate Bill 224 during the 2008 legislative session authorizing the Commission to create a joint emergency services agency providing both ambulance and fire services;

WHEREAS, in 2008 the Jefferson County Commission created a joint Emergency Services Agency but did not enact an Ambulance Fee nor a Fire Fee as permitted by West Virginia Code, but funded both services out of general revenue of the County;

WHEREAS, in 2014, the Jefferson County budget cannot continue to support the Agency from general revenue;

WHEREAS, at this time budget considerations require the consideration of an Ambulance Fee upon users of emergency ambulance services;

WHEREAS the current Emergency Services Agency Board composition is cumbersome and less suitable to the changed economic conditions and needs to be reconstituted to handle the future needs of Jefferson County, especially in light of the potential need to handle separate ambulance and fire fees;

NOW THEREFORE, be it enacted and ordained by the Jefferson County Commission as follows:

Section 1. Dissolution of the current Jefferson County Emergency Services Agency and Creation of a new Jefferson County Emergency Services Agency

- 1) The current Jefferson County Emergency Services Agency (created in 2008) and its Board shall be dissolved and shall cease to exist and operate as of the date of creation of the successor Agency and the appointment of a new Board. Existing debt obligations, assets and property owned by the current Emergency Services Agency shall be transferred to the new Agency. All employees employed at the time of the adoption of this ordinance will become employees of the new Agency and shall receive the same or comparable salary and benefits unless the Board deems a modification in employment, salary, benefits, or job classification is warranted.
- 2) Effective upon the dissolution of the prior Agency and Board, Pursuant to S.B. 224, Ch. 234, Acts, Reg. Sess. (W.Va. 2008), the new Jefferson County Emergency Services Agency (hereinafter referred to as “the Agency”), a public corporation, is hereby created and reconstituted. The Agency shall be a joint emergency services agency authorized to provide ambulance and emergency medical services and improve fire protection services in the incorporated and unincorporated areas of Jefferson County. Dissolution of the current Jefferson County Emergency Service Agency Board shall not be effective until the County Commission appoints a new Board pursuant to the provisions of this Ordinance.

Section 2. Powers

- 1) The Agency shall possess all the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law or this ordinance, including, but not limited to:
 - (a) The management and control of the operations, business and affairs of the Agency, including hiring and firing employees of the Agency;
 - (b) Preparing Budgets and financial statements as required in Section 7 herein;
 - (c) Spending and distributing funds within its budget as the Agency determines best to provide for most effective and efficient provision of emergency ambulance and fire protection services to businesses and residents of Jefferson County, West Virginia.
 - (d) The ability to contract services and/or enter into mutual aid agreements with volunteer fire companies.
 - (e) The Agency shall consult with existing fire departments, with the Jefferson County E911 Center, with the West Virginia Office of Emergency Medical Services, State Fire Marshall and with other

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appropriate Agencies and Officials to establish policies for the orderly dispatch of all emergency ambulance and fire protections services in Jefferson County.

- (f) In the event an Ambulance Fee and/or a Fire Fee is imposed by the County Commission, the County Commission shall have the sole authority to set the rate of said fee(s). The Agency shall submit any and all information required by the County Commission for that body to periodically review the appropriate level of said fee(s) to cover the reasonable and actual costs of the provision of the emergency services for which said fees are instituted.
- 2) To the extent a conflict exists between the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities and those conferred upon county fire associations and county fire boards, the Agency shall be deemed to possess the broader of the two powers.

Section 3. Joint Emergency Services Board

- 1) The prior Jefferson County Emergency Services Board being abolished as set forth in Section 1, There is hereby created a new Joint Emergency Services Board which has full lawful authority to oversee, manage and control the Jefferson County Emergency Services Agency.
- 2) The new Joint Emergency Services Board (the “Board”) shall consist of six members appointed by the County Commission who are citizens of the United States, registered voters in and official residents of Jefferson County constituted as follows:
 - a) One member of the Jefferson County Commission (who shall only be eligible to serve on the Board so long as he/she remain a member of the County Commission);
 - b) One representative of the emergency medical services community in Jefferson County; selected from three nominees submitted by the Fire and Rescue Association
 - c) One representative of the fire protection services community in Jefferson County selected from three nominees submitted by the Fire and Rescue Association;
 - d) Three citizen members of the board;

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- e) President of Fire & Rescue Association, shall be a non-voting Board member.
- f) No citizen member of the Board may provide fire service or emergency ambulance service in Jefferson County. Nor may any member of the Board have any immediate family member who provides fire service or emergency ambulance service in Jefferson County.
- g) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation association engaged in the business of providing ambulance or fire services, nor in the manufacture, sale or lease of ambulance or fire equipment of facilities. For purposes of this ordinance, immediate family member shall mean a spouse or other person with whom a member is living as husband and wife and any child or children, grandchild or grandchildren and parent or parents.
- h) Employees of the Agency are not eligible to serve as members of the Board.
- i) Four members of the Board constitute a Quorum;
- j) After appointment, each member shall take an oath of office before they may serve.
- k) The initial members will serve staggered terms. Two of citizen members' initial terms shall expire on June 30th, 2015. The third citizen member's initial term shall expire on June 30th, 2016. The County Commissioner shall be appointed each January at the organization meeting of the Commission. The initial terms of the appointee from the emergency medical services community and of the appointee from the fire protection services community shall expire on June 30th, 2016.
- l) After the expiration of the initial staggered terms in item "k" above, every position on the Board shall have a three-year term, with the exception of the County Commission member.
- m) Notwithstanding the limitation on length and number of successive terms, Board Members whose terms have expired shall continue to serve until their successors have been appointed and sworn in.
- n) In the event of a vacancy on the Board, the County Commission shall appoint a replacement member to serve for the amount of time remaining in the now-vacant term. The replacement shall be from the same category of member as the person being replaced.

- o) The Board shall serve without compensation, but may, with prior approval of the Board, be reimbursed for all reasonable and necessary expenses actually incurred in the discharge of their duties. The members shall submit a written verified request for reimbursement at least quarterly and at least five days before a regularly scheduled meeting. Any expense not submitted within 180 days of being incurred may not be reimbursed.
- p) Annually the Board shall elect one of its appointed members as chairman, another as vice chairman, and another as treasurer, and shall appoint a secretary.
- q) Board members are limited to two consecutive terms.

Section 4. Bylaws and Standards of Operation

- 1) The Bylaws for governance of the Agency shall be submitted to, and approved by, the Jefferson County Commission.
- 2) The County Commission shall retain continuing jurisdiction with respect to amendment and adoption of such Bylaws.
- 3) The Board and Agency shall comply with the requirements of the West Virginia Ethics Act and the WV Open Meetings Act and shall attend training on the same within 90 days of their appointment.

Section 5. Borrowing Money

Neither the Agency nor its Board may borrow money, pledge assets as security, issue and sell revenue bonds or otherwise encumber assets or income of the Agency without the advanced formal approval of the County Commission. Any funding or fund raising, other than by donation or grants, shall require the advanced approval of the County Commission.

Section 6. Fiscal Year and Required Accounts

- (a) The fiscal year for the Agency shall commence on July 1.
- (b) Each year hereafter, the Board shall provide to the County Commission an audited financial statement of the Agency showing income and expenditures from the past fiscal year, including the actual costs associated with providing emergency services broken down by type of service provided, agency which provided said services, fund collected from every

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source and all other income and outlets of the Agency. The report shall be published as a Class 1 legal advertisement in a newspaper with circulation in Jefferson County.

- (c) The Agency shall make a quarterly written report to the County Commission containing an itemized statement of the receipts and expenditures of the Agency.
- (d) The Board shall provide to the County Commission, on the date directed by the County Administrator, a formal written budget request for the Agency for the fiscal year beginning July 1, of said year. The Board shall conduct a Public Hearing with notice with a Class 1 legal advertisement of meeting in a newspaper with circulation in Jefferson County.
- (e) In the event that an Emergency Ambulance Fee is instituted, the Board shall keep the funds from said fee segregated from the general funds of the Agency. Said funds shall only be used to pay the reasonable and necessary expenses actually incurred to provide emergency ambulance service to the residents of Jefferson County and to cover the reasonable and actual operation of the Agency required to provide said services. The Agency, as part of the annual financial statement and annual budget request shall show a separate accounting of income and expenditure associated with said fee.
- (f) In the event that an Emergency Fire Fee is instituted the Board shall keep the funds from said fee segregated from the general funds of the Agency. Said funds shall only be used to pay the reasonable and necessary expenses actually incurred to provide emergency fire service to the residents of Jefferson County and to cover the reasonable and actual operation of the Agency required to provide said services. The Agency, as part of the annual financial statement and budget request, shall show a separate accounting of income and expenditure associated with said fee.
- (g) The Board shall only allocate funds to emergency ambulance service and fire protection providers based on their ability to serve demonstrated public need for emergency ambulance and fire protection services and based upon the actual and reasonable cost of providing said services.
- (h) To properly account for the expenditure of public funds and to most effectively target public funding, the Agency shall fully account for expenditures and revenue generated by public expenditures.
- (i) In addition to the special emergency ambulance service fee imposed by the County Commission, the Agency may bill as permitted by law for ambulance services provided to a patient treated or transported to a hospital.

- (j) The Agency may bill and collect the actual and reasonable costs of fire protection services the Agency provides directly to members of the public. For residents and businesses of Jefferson County that have paid the applicable Fire Fee, the Agency may only collect to the extent that insurance, private or public, will reimburse providers of such services, e.g., in the event of an emergency fire call, the Agency shall bill and collect for the cost of such fire protection services but only to the extent provided has insurance coverage. In any event, the charge for fire protection services shall not exceed \$500 or the amount covered by insurance whichever is less.
- (k) The Agency shall require a written financial accounting from every person, agency, association, corporation or business which provides emergency ambulance services or fire protection services (a “recipient”) which receives assets, money, resources or services of any kind, including but not limited to provision of paramedics, EMTs or other personnel, (all considered “funds”) from the Agency. Said accounting shall be provided periodically, as the Agency shall direct, and shall be a verified written financial statement of the recipient’s total operations including an accounting for the use of all funds provided to the recipient by the Agency.
- (l) As often as required by the Agency but not less than annually, recipients of Agency funds will provide to the Agency a verified written accounting of any agency provided funds and any revenue derived from said funds.
- (m) If a recipient fails to provide any verified written account as directed by the Agency, the Agency shall stop funding allocations to the recipient until the recipient provides the required accounts.
- (n) Any purchase of or contract for supplies, equipment and materials for the Agency or for the construction, or improvement of facilities of the Agency which exceeds the sum of \$10,000.00 (Ten Thousand Dollars) shall be based upon competitive sealed bids obtained by public notice published as a Class II legal advertisement within Jefferson County as required by WV Code §7-15-16 or as otherwise required by law.

Section 7. Severability and Construction

- 1) The provisions of this ordinance shall be liberally construed to effectively carry on its purposes in the interest of promoting and protecting the public health, safety and welfare.
- 2) If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent

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jurisdiction, such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance, which shall continue in full force and effect.

NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

Given under my hand and seal this ____ day of _____, 20__.

Walt Pellish, President