



# JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

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## Meeting Minutes October 19th, 2021

The October regular meeting of the Jefferson County Emergency Services Agency (JCESA) Board was held on Tuesday, October 19th, 2021, at the JCESA office.

### ROLL CALL

Member	Present	Member	Present
Bob Faas	Yes	Debbie Lancaster	Yes
Craig Simpson	Yes	Tony Troxel	Yes
Tricia Jackson	Yes	Bob Burner	Yes
Nathan Cochran	Yes*	Jacob Harris	Yes
Dr. Marney Treese	Yes*	Steve Harris	No
Joshua Stillwell	No	Ross Morgan	Yes

( \* ) Present via Zoom

### CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Faas, with a confirmed quorum.

### PLEDGE OF ALLEGIANCE

**PUBLIC COMMENT** - None

### APPROVAL OF MINUTES

- o Motion by Jackson, 2nd by Simpson to approve the September 21st, 2021, Regular meeting minutes as submitted - Motion carries unanimously on voice vote.

### TREASURER'S REPORT

Burner presented the overview of the accounts and expenses through September of 2021.

- o Motion by Troxel, 2<sup>nd</sup> by Simpson to approve - Motion carries unanimously on voice vote.

### CHAIRMAN'S REPORT – Bob Faas

1. Introduction/Presentation of IAFF Local 5351. Technicians Smith and Ryan announced the creation of a local chapter of the International Association of Firefighters, open to all full-time ESA staff and ECC dispatchers. Smith & Ryan stated the reason for formation is to work with, not against, ESA leadership, board, and commission citing the extensive resources that are available through IAFF to benefit the employees, agency, and community. Faas requested that a representative appear at the monthly ESA Board meetings and provide a brief

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update. Smith and Ryan agreed. The item "IAFF Local 5351 Update" will be added to the agenda for future regular meetings.

## JCFRA REPORT – *Chief Morgan*

1. The JCFRA presented a proposed Fire Fee Ordinance to the commission on September 16<sup>th</sup>. The Association is confident that the current commission will not support or enact a fire fee.
  - a. Faas noted that the ESA Board should be involved in volunteer funding requests and championing for the needs of the volunteer departments, provided the needs are clearly identified, separate from wants.
    - i. Morgan invited Faas to attend the November 2<sup>nd</sup> JCFRA meeting for this purpose.
    - ii. Burner asked Faas to confirm that the Board will be working with the volunteers to present their funding request for the FY23 budget, and the Director will not. Faas confirmed.
2. The Association has formed a committee, which will be led by Lt. Cluff (IFC) to review OGS specific to fire operations.

## DIRECTOR'S REPORT – *Bob Burner*

1. Breast Cancer Awareness T-Shirts remain available in most sizes. Proceeds benefit BCACV. Final campaign numbers for this year will be provided next month.
2. JCESA has submitted nominations for the Chamber of Commerce Annual Public Service Recognition, typically awarded at a banquet but expected to be announced by video again this year due to the pandemic.
3. A copy of the signed by-laws, as amended in March of 2020 by the ESA Board and Commission, have been received, and published on the JCESA website.
4. Capt. Horn and Lancaster developed a grant request to the Tuberculosis Association on 8/23, which was partially approved. The remainder of the request will be reconsidered in 2022.
5. Burner reported that the two vehicles approved by the JCC for purchase from capital in FY21 had been unfunded. He requested approval from the Board to purchase one vehicle at up to \$65k to be paid for from the ESA General Account. Motion by Faas, 2<sup>nd</sup> by Simpson to authorize up to \$65k for the purchase and upfitting of one vehicle. – Motion carries unanimously on voice vote.

## UNFINISHED BUSINESS

1. ESA's Role and Responsibilities as a fire board
  - a. Board members discussed relevant sections of WV Senate Bill 224, WV Code 7-17, as well as the JCESA by-laws and ordinance creating the JCESA. Members observed that JCESA is responsible for putting forth a fire fee request if indicated, prioritizing funding to the fire departments,

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financial accountability, and exploring possible alternative sources of revenue.


- b. Faas advises he will discuss these findings and the November JCFRA meeting so that the ESA and fire departments can begin preparing the fire departments' FY23 budget request and identifying needs and funding sources from now on.
- c. Faas and Jackson suggested that all board members thoroughly read SB224, WV 7-17, JCESA by-laws, and the ordinance creating the JCESA and prepare for continued discussion at upcoming board meetings regarding how the ESA will fulfill the obligations specified in these documents.

**NEW BUSINESS** - None

## ADJOURNMENT

- o Motion to adjourn by Jackson, 2<sup>nd</sup> by J. Harris - Motion carries unanimously on voice vote. Meeting adjourned at 7:49 p.m.

Respectfully submitted by Debbie Lancaster, Secretary.

  
\_\_\_\_\_  
Approved – Tony Troxel, JCESA Vice-Chairman

11/16/2021  
Date

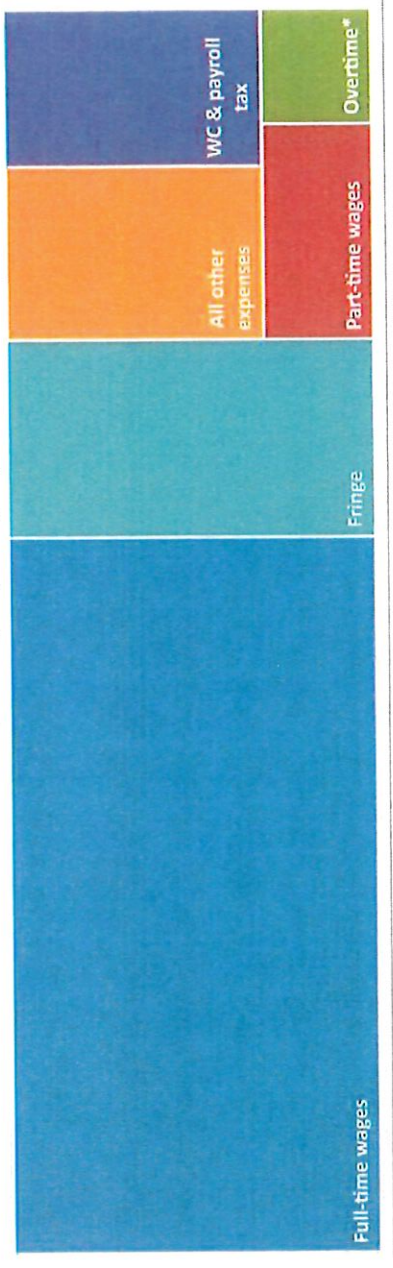
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Income	Expenses	Full-Year Allocation	YTD Spend	Full-Year Forecast	Variance
JCC - Gen. Fund	Full-time wages	\$ 2,173,060	\$ 566,792	\$ 2,203,370	\$ (30,310)
JCC - Amb. Fee	Part-time wages	\$ 179,560	\$ 51,409	\$ 169,662	\$ 9,898
TB Assn.	Overtime*	\$ 171,275	\$ 27,473	\$ 162,883	\$ 8,392
CARES/ARPA	WC & payroll tax	\$ 394,874	\$ 86,995	\$ 373,650	\$ 21,224
Sale of assets	Fringe	\$ 688,880	\$ 156,098	\$ 676,175	\$ 12,705
Other	All other expenses	\$ 464,664	\$ 95,527	\$ 463,432	\$ 1,232
<b>Some income (i.e., dedicated grants) may not be reflected here.</b>	<b>Total</b>	<b>\$ 4,072,313</b>	<b>\$ 984,294</b>	<b>\$ 4,049,172</b>	<b>\$ 23,141</b>

\*Includes Holiday pay paid at OT rate, which is not 'worked hours'

YTD Spending - by Category



Bank Account Balances as of: September 30, 2021

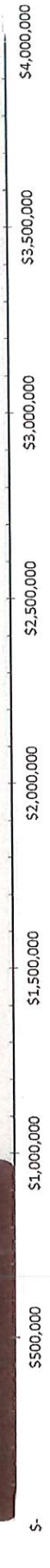
General	\$ 340,466
Payroll	\$ 59,383
Amb. Fee	\$ 522,863
Mortgage	\$ 91,312

Annual mortgage cost of \$81K not included in expenses as it is covered through impact fee budget.

WE ARE HERE (Stipends of ~#135k causes appearance of spending outpacing time.)



Full-Year Allocation



22% of fiscal year complete based on 5.7 out of 26 pay periods finalized.



Expenses	Jul		Aug		Sep		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun		Total	
	Actual	7%	Actual	7%	Actual	7%	Forecast	8%	Forecast	8%	Forecast	12%	Forecast	8%	Forecast	8%	Forecast	7%	Forecast	7%	Forecast	7%	Forecast	14%	Forecast	26
Full Time	110,478		228,496		126,188		139,718		139,718		209,578		139,718		139,718		122,254		122,254		122,254		244,507		1,844,881	
Part Time	-		-		-		-		-		-		-		-		-		-		-		-		-	
Overtime	-		-		-		-		-		-		-		-		-		-		-		-		-	
Worker Comp	9,218		9,218		9,218		10,535		10,535		15,802		10,535		10,535		9,218		9,218		9,218		18,436		131,685	
FICA/Med	8,034		17,062		9,193		10,654		10,654		15,980		10,654		10,654		9,322		9,322		9,322		18,644		139,493	
<b>Subtotal</b>	<b>127,730</b>		<b>254,776</b>		<b>144,599</b>		<b>160,907</b>		<b>160,907</b>		<b>241,360</b>		<b>160,907</b>		<b>160,907</b>		<b>140,793</b>		<b>140,793</b>		<b>140,793</b>		<b>281,587</b>		<b>2,116,059</b>	
Hosp	18,035		24,632		22,168		26,321		26,321		26,321		26,321		26,321		26,321		26,321		26,321		26,321		301,725	
Life	3,280		6,840		3,164		3,542		3,542		3,542		3,542		3,542		3,542		3,542		3,542		3,542		45,161	
Retirement	11,521		23,582		12,666		14,670		14,670		22,006		14,670		14,670		12,837		12,837		12,837		25,673		192,640	
<b>Subtotal</b>	<b>32,836</b>		<b>55,054</b>		<b>37,998</b>		<b>44,533</b>		<b>44,533</b>		<b>51,869</b>		<b>44,533</b>		<b>44,533</b>		<b>42,700</b>		<b>42,700</b>		<b>42,700</b>		<b>55,536</b>		<b>539,526</b>	
Fuel	747		985		1,399		1,000		1,000		1,000		1,000		1,000		1,000		1,000		1,000		1,000		12,131	
Rep & Maint (Auto)	345		614		815		500		500		500		500		500		500		500		500		500		6,274	
License / Svc Contracts	1,001		1,001		517		15,000		6,145		500		500		500		500		500		500		3,335		28,998	
Medical Exp	35		70		14,970		16,000		200		200		200		200		200		200		200		400		33,275	
Ems Supplies	1,825		-		5,734		2,917		2,917		2,917		2,917		2,917		2,917		2,917		2,917		2,917		33,812	
Uniforms/Fire Gear	5,304		4,420		2,349		5,000		6,000		5,000		5,000		5,000		5,000		5,000		5,000		6,000		73,073	
Trav/Train (non-wage)	1,651		2,020		1,911		1,500		1,500		1,500		1,500		1,500		1,500		1,500		1,500		1,500		19,082	
<b>Subtotal</b>	<b>9,907</b>		<b>9,110</b>		<b>27,695</b>		<b>41,917</b>		<b>18,262</b>		<b>11,617</b>		<b>11,617</b>		<b>11,617</b>		<b>12,617</b>		<b>11,817</b>		<b>11,817</b>		<b>27,652</b>		<b>206,645</b>	
Auto & Liability Ins.	3,580		3,580		3,580		3,580		3,580		3,580		3,580		3,580		3,580		3,580		3,580		3,580		42,960	
Prof Svc	2,125		2,125		2,125		3,083		3,083		3,083		3,083		3,083		3,083		3,083		3,083		3,083		34,122	
Tech Svc	853		1,357		1,062		7,158		1,468		1,468		1,468		1,468		1,468		1,468		1,468		3,575		29,533	
Office Exp/Equip Rent	3,168		1,142		2,248		1,250		1,250		1,250		1,250		1,250		1,250		1,250		1,250		1,250		17,808	
Utilities	2,190		2,755		2,245		2,250		2,250		2,250		2,250		2,250		2,250		2,250		2,250		2,250		27,440	
Rep & Maint (Facility)	226		211		-		200		200		200		200		200		200		200		200		200		2,237	
Audit Costs	-		-		-		11,000		-		-		-		-		-		-		-		-		11,000	
Other (Unemp./Conting)	95		-		-		-		-		-		-		-		-		-		-		-		35,095	
<b>Subtotal</b>	<b>12,237</b>		<b>11,170</b>		<b>11,260</b>		<b>17,521</b>		<b>22,831</b>		<b>11,831</b>		<b>14,960</b>		<b>11,831</b>		<b>11,831</b>		<b>11,831</b>		<b>11,831</b>		<b>13,938</b>		<b>48,954</b>	
Equipment Dep.	3,523		3,523		3,523		3,523		3,523		3,523		3,523		3,523		3,523		3,523		3,523		3,523		42,276	
<b>Total</b>	<b>186,233</b>		<b>333,633</b>		<b>225,075</b>		<b>268,401</b>		<b>250,056</b>		<b>320,200</b>		<b>235,540</b>		<b>210,664</b>		<b>210,464</b>		<b>213,771</b>		<b>213,771</b>		<b>417,252</b>		<b>3,104,700</b>	
<b>Cumulative Expenses</b>	<b>186,233</b>		<b>519,866</b>		<b>744,941</b>		<b>1,013,342</b>		<b>1,263,398</b>		<b>1,583,598</b>		<b>1,819,138</b>		<b>2,052,549</b>		<b>2,263,013</b>		<b>2,473,677</b>		<b>2,687,448</b>		<b>3,104,700</b>		<b>3,104,700</b>	

Jefferson County Emergency Services Agency Monthly Expense Budget - FY2022 (July 2021 - June 2022) Through September Amb. Fee

Expenses	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
	1.7	2	2	2	2	3	2	2	2	2	2	3.3	26
	7%	7%	7%	8%	8%	12%	8%	8%	7%	7%	7%	14%	
Actual	Forecast	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Full Time	22,279	37,382	41,969	26,011	26,011	39,017	26,011	26,011	22,760	22,760	22,760	45,519	358,489
Part Time	22,461	16,255	12,693	11,920	11,920	18,427	11,920	11,920	10,430	10,430	10,430	20,859	169,662
Overtime	9,378	6,118	11,977	13,702	13,702	20,553	13,702	13,702	11,989	11,989	11,989	24,081	162,883
Worker Comp	3,787	3,787	3,787	3,893	3,893	5,881	3,893	3,893	3,406	3,406	3,406	6,821	49,854
FICA/Med	4,113	4,526	5,052	3,937	3,937	5,947	3,937	3,937	3,445	3,445	3,445	6,898	52,618
<b>Subtotal</b>	<b>62,018</b>	<b>68,068</b>	<b>75,478</b>	<b>59,463</b>	<b>59,463</b>	<b>89,825</b>	<b>59,463</b>	<b>59,463</b>	<b>52,030</b>	<b>52,030</b>	<b>52,030</b>	<b>104,178</b>	<b>793,506</b>
Hosp	4,270	4,230	5,894	6,417	6,417	6,417	6,417	6,417	6,417	6,417	6,417	6,418	72,145
Life	633	821	1,054	833	833	833	833	833	833	833	833	833	10,008
Retirement	3,084	4,560	5,664	4,170	4,170	6,255	4,170	4,170	3,649	3,649	3,649	7,308	54,496
<b>Subtotal</b>	<b>7,987</b>	<b>9,611</b>	<b>12,612</b>	<b>11,420</b>	<b>11,420</b>	<b>13,505</b>	<b>11,420</b>	<b>11,420</b>	<b>10,899</b>	<b>10,899</b>	<b>10,899</b>	<b>14,559</b>	<b>136,649</b>
Fuel	-	-	-	-	-	-	-	-	-	-	-	-	-
Rep & Maint (Auto)	-	-	-	-	-	-	-	-	-	-	-	-	-
License / Svc Contracts	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical Exp	-	-	-	-	-	-	-	-	-	-	-	-	-
Erms Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-
Uniforms/Fire Gear	-	-	-	-	-	-	-	-	-	-	-	-	-
Trav/Train (non-wage)	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Auto & Liability Ins.	1,193	1,193	1,193	1,193	1,193	1,193	1,193	1,193	1,193	1,193	1,193	1,193	14,316
Prof Svc	-	-	-	-	-	-	-	-	-	-	-	-	-
Tech Svc	-	-	-	-	-	-	-	-	-	-	-	-	-
Office Exp/Equip Rent	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-	-	-	-	-	-	-
Rep & Maint (Facility)	-	-	-	-	-	-	-	-	-	-	-	-	-
Audit Costs	-	-	-	-	-	-	-	-	-	-	-	-	-
Other (Cars/Gear)	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>1,193</b>	<b>14,316</b>
Equipment Dep.	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>71,198</b>	<b>78,872</b>	<b>89,283</b>	<b>72,075</b>	<b>72,075</b>	<b>104,523</b>	<b>72,075</b>	<b>72,075</b>	<b>64,121</b>	<b>64,121</b>	<b>64,121</b>	<b>119,930</b>	<b>944,471</b>
<b>Cumulative Expenses</b>	<b>71,198</b>	<b>150,070</b>	<b>239,353</b>	<b>311,428</b>	<b>383,504</b>	<b>488,027</b>	<b>560,102</b>	<b>632,178</b>	<b>696,299</b>	<b>760,420</b>	<b>824,542</b>	<b>944,471</b>	

FisYr 2022

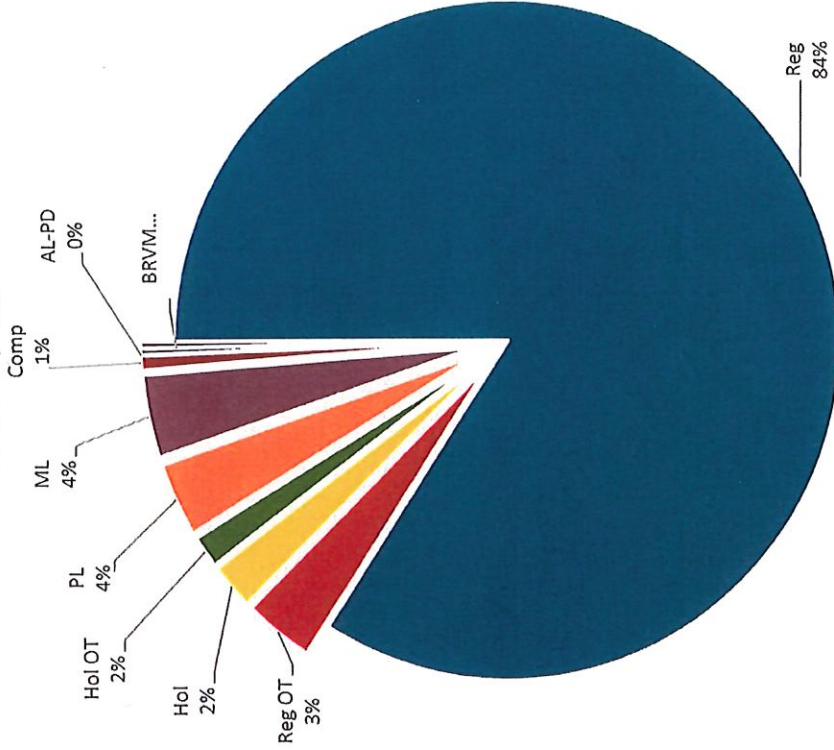
PayMo. 9

Pay Type	Hours
Reg	7,015
Reg OT	282
Hol	184
Hol OT	128
PL	295
ML	330
Comp	56
MIL	-
AL-PD	-
Alt Duty	24
BRVMT	24
UL	24

Total:	8,337
OT/Total	3.4%

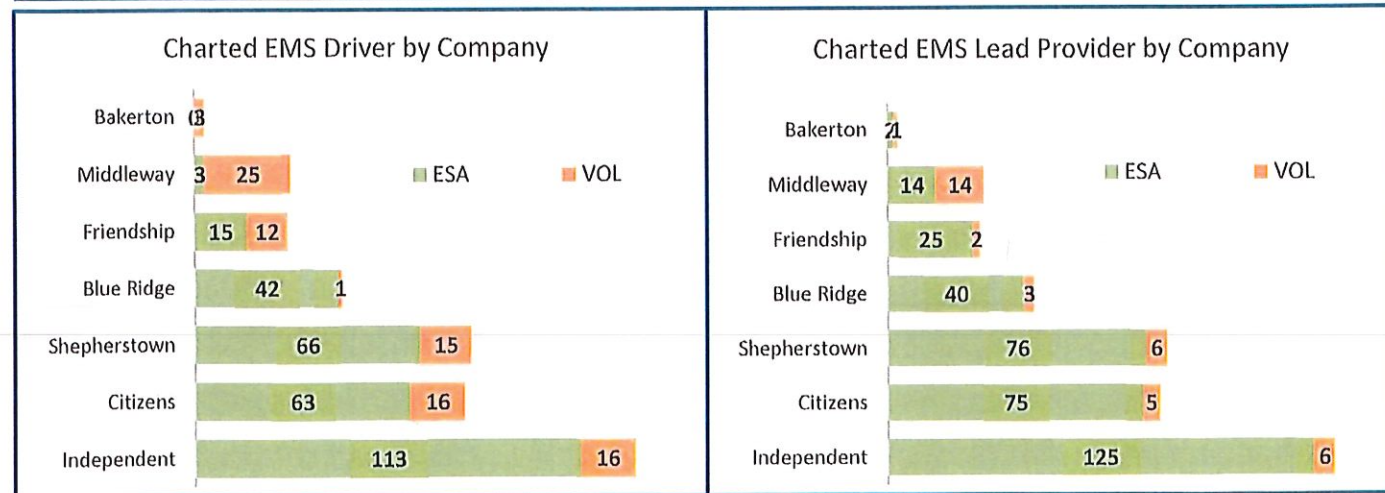
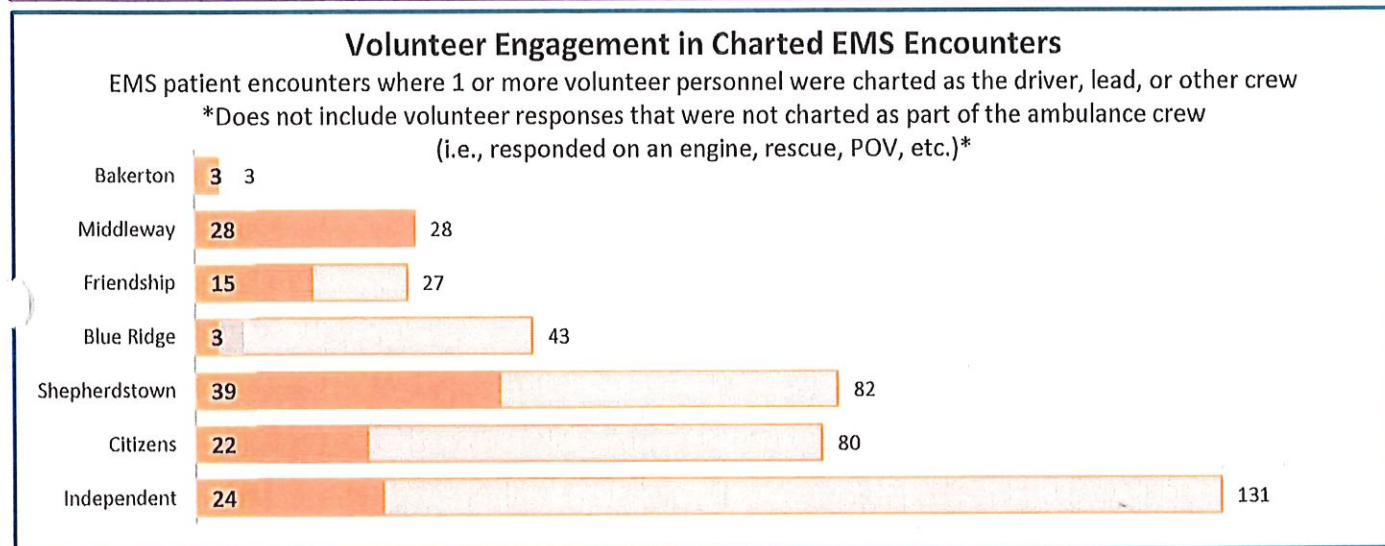
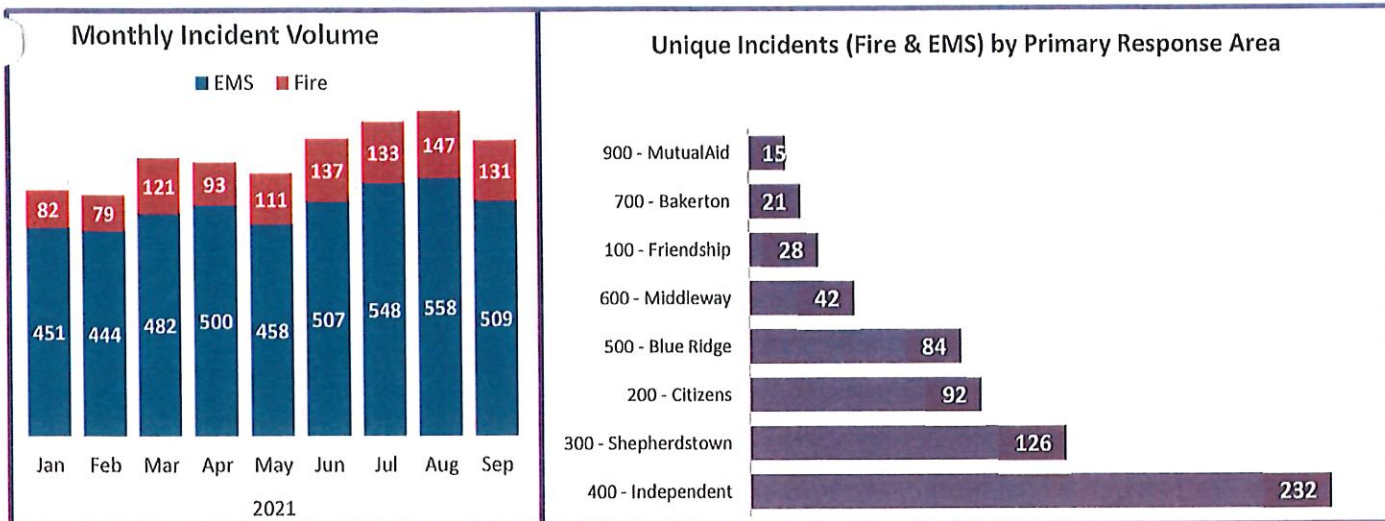
Worked:	7,296
OT/Worked	3.9%

Hours by Type



Definitions	
Reg	Regular worked hours (Straight time)
Reg OT	Regular worked OT (1.5x Reg rate)
Hol	Holiday (8hrs at Reg. rate per emp., per Holiday OT (8hrs at OT rate per emp., per holiday, if they worked it)
Hol OT	Holiday OT (8hrs at OT rate per emp., per holiday, if they worked it)
PL	Personal Leave
ML	Medical Leave
Comp	Comp Time used
MIL	Military Leave
AL-PD	Paid Admin Leave (incl. COVID leave)
Alt Duty	Alternative Duty
BRVMT	Bereavement
UL	Unpaid Leave

September, 2021



## BYLAWS

*Of the*

### Jefferson County Emergency Services Agency

Amended March 6, 2020

**WHEREAS**, on July 31, 2014, the Jefferson County Commission (the Commission) adopted an Ordinance to dissolve and reconstitute the Jefferson County Emergency Services Agency (JCESA)(the Agency) pursuant to Senate Bill 224; and that Ordinance was subsequently amended in May of 2015;

**WHEREAS**, it is desirable to have Bylaws for governance by the JCESA Board of Directors (Board), the Board hereby adopts these Bylaws to effectuate the purposes of the Act and to enable the Board to conduct its business in an open, efficient, orderly, responsible and accountable manner.

#### ARTICLE 1. FISCAL YEAR

The fiscal year the Jefferson County Emergency Services Agency shall commence on July 1 of each year. The fiscal year shall constitute the budget year and shall delineate terms of office for Officers.

#### ARTICLE 2. BOARD OF DIRECTORS

(a) **Governance.** Management of the Agency shall be vested in a Joint Emergency Services Board. The Board shall consist of seven voting and two non-voting 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:

- 1) 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);
- 2) One representative of the emergency medical services community in Jefferson County; selected from three nominees submitted by the Fire and Rescue Association
- 3) One representative of the fire protection services community in Jefferson County selected from three nominees submitted by the Fire and Rescue Association;
- 4) Four citizen members of the board;
- 5) The President of the Fire & Rescue Association shall be a non-voting Board member.
- 6) The Medical Director who is employed by the Agency shall be a non-voting Board member.
- 7) 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.
- 8) 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 or 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.

- 9) Employees of the Agency are not eligible to serve as members of the Board, with the exception of the Medical Director.

For additional requirements for Board members, refer to Section 3, the Joint Emergency Services Board, of the May 2015 ordinance.

**(b) Terms of Office.** Individuals appointed to the Board shall serve for the term specified by the Commission, or until their successors have been appointed and qualified. Board members are limited to two consecutive terms.

**(c) Compensation.** Members and Officers of the Board shall serve without compensation other than reimbursement of approved reasonable and necessary expenses incurred in the discharge of their duties, unless a majority of the Board shall vote to establish such compensation. Pursuant to W.Va. Code § 7-15-6, such compensation shall not exceed twenty dollars for each meeting actually attended, and no compensation paid to any member shall exceed in the aggregate the sum of six hundred dollars in any fiscal year.

**(d) Meetings.** Meetings of the Board shall be classified as Regular, Special, Emergency or Work Session. All meetings shall be conducted in accordance with the West Virginia Open Governmental Proceedings Act. In addition to requirements of West Virginia law, meetings shall be conducted in accordance with Roberts Rules of Order. Any member of the news media or the public may record the open portion of any meeting, subject to reasonable limitations on placement.

**(1) Regular Meetings.** Regular meetings of the Board shall be held on the third Tuesday of each calendar month commencing at 7:00 p.m. at 419 Sixteenth Avenue, Ranson, West Virginia 25438 or at such other date, time and place as the Board may from time to time determine by resolution. All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the Board. The notice of and agenda for any Regular Meeting shall comply with the requirements of Article 2, Section (f) of these Bylaws so that the public and the news media may be properly informed of the particulars of matters to be discussed at any Regular Meeting.

**(2) Special Meetings.** Special Meetings of the Board may be called by the Chairman or by any two members upon written request to the Secretary. Upon receipt of a proper request for a Special Meeting, the Secretary shall send to all members, at least two business days in advance of any Special Meeting, a written notice setting forth the date, time and place of the Special Meeting and the matters to be considered at the Special Meeting. The notice of, and agenda for, any Special Meeting shall comply with the requirements of Article 2, Section (f) of these Bylaws so that the public and the news media may be properly informed of the particulars of matters to be discussed at any Special Meeting.

**(3) Emergency Meetings.** Emergency meetings may be called at any time with such advance public notice as is practicable in light of the immediacy of the official action that is required and the nature of the emergency. Notice of the date, time, place and particulars requiring such emergency action shall be given as soon as is practicable in advance of the Emergency Meeting. The notice must explain the facts and circumstances warranting the emergency, and such explanation must also be included in the minutes for the meeting.

**(4) Work Sessions.** Work Sessions are meetings subject to the requirements of the Open Meetings Act. Notice of the date, time, place, and agenda of a work session should be provided at least two business days in advance of the work session. A Work Session constitutes an Open Meeting where the public and the media are reasonably able to hear and observe the discussions which take place, subject to the same Executive Session exceptions that apply in a formal meeting. Minutes for Work Sessions must be prepared in the same manner as for Regular, Special and Emergency meetings.

**(5) Executive Sessions.** Executive Sessions are only authorized to consider matters that fall within the exceptions to the West Virginia Open Governmental Proceedings Act or any exceptions as otherwise provided by law. Executive Sessions may only be held in the course of a properly noticed public meeting. In order to proceed into Executive Session, a Board member must first move that the governing body meet in Executive Session to discuss a particular agenda item. The Chairman or other presiding officer must identify the purpose for, and statutory exception justifying convening an Executive Session. The motion to convene an Executive Session must be seconded and shall require the affirmative vote of the majority of the Board members who are present.

**(e) Quorum.** Four voting members of the Board shall constitute a quorum. Each voting member shall have one vote on all matters coming before the Board. The vote of the majority of the voting members present at any meeting of the Board shall be necessary to take any action. Votes on all matters that come before the Board shall be by recorded vote in open session.

**(f) Agendas.** Agendas shall be prepared for all Regular, Special and Emergency meetings, as well as for the Work Sessions. Agendas should list each matter requiring official action which the Board expects to address in the course of each meeting. Agenda items for any Regular meeting must be submitted in writing to the Secretary at least one week prior to the meeting. Agenda items must be described with sufficient specificity to inform the public of the nature of the issue to be considered by the Board.

The Director or designee shall prepare agendas in consultation with Chairman. Agendas should be posted at JCESA's principal office and on the Agency website in compliance with the Open Meetings Act at least three business days in advance of a Regular meeting and at least two business days in advance of any Special meeting or Work Session. When the agenda is posted before the close of business on a regular JCESA business day, that day shall be considered a business day for calculating the requisite notice under this subsection. Notice of an Emergency Meeting shall be posted as soon as is practicable.

Once an agenda has been published, it may not be amended absent an emergency requiring immediate official action. Although citizens, Board members, or other individuals may raise or ask questions about an issue, if the issue is not on the published agenda, Board members may not make a decision on such matters at the meeting. Rather the Chairman, or other presiding officer, shall rule such deliberations out of order and, if further consideration is to be given to the matter, it must be set on the agenda for a subsequent meeting. Any decisions made in contravention of these provisions shall be declared legally void.

**(g) Minutes.** Secretary shall be responsible for keeping minutes of all Regular, Special, Emergency and Work Session meetings. Draft minutes shall be made available to the members of the public or news media within a reasonable time after each meeting. After corrections and amendments to the minutes have been approved by the Board at a subsequent meeting, the approved minutes shall be signed by the

Chairman or Secretary and shall be a public record available to any member of the public or the news media.

### ARTICLE 3. OFFICERS

(a) **Designation.** The Board shall elect one of its appointed members as chairman, another as vice chairman, and another as treasurer, and shall appoint a secretary. Additional officers may be elected as the Board may from time to time deem necessary or desirable, and such additional officers need not be members of the Board.

(b) **Duties of Officers.** The Chairman shall preside over all meetings of the Board. The Vice Chairman shall act in the Chairman's absence or incapacity, or in cases where the Chairman has a conflict of interest. The Secretary, appointed by the Board, shall ensure that minutes of all Board meetings are kept, and shall make all necessary certifications. The Treasurer shall be responsible for preparing and presenting the annual budget for the Board's consideration, shall have charge of all JCESA financial records, and shall provide financial reports to the Board at its regular meetings.

(c) **Term of Office.** Officers shall take office upon election each year and shall serve for the ensuing fiscal year.

(d) **Qualification.** The Chairman and Vice-Chairman must have been members of the Board for at least one year prior to the beginning of the fiscal year for which they are nominated for election; and must have attended at least eight regular meetings, and a majority of Special and Emergency meetings, during the year proceeding the commencement of the fiscal year for which they are seeking office. The Secretary shall certify attendance records and requisite times of service prior to a vote on any nominees.

(e) **Nominations and Election.** The Chairman shall issue a call for nominations for each office for presentation at the June meeting, or at such other Regular or Special meeting as may be designated by a majority of the Board for election of Officers. Individuals may nominate themselves, or be nominated by other members. Prior to commencement of any election, nominees shall indicate their willingness to accept the nomination and to serve if elected. Elections shall be held as the first order of business at the July meeting following the nomination. Officers shall be elected by majority vote of the Board in open session.

(f) **Continuity.** Officers shall continue in their position until such time as their successors are elected and qualified. In the event an Officer position shall become vacant for any reason, the Chairman shall cause an election to be held at a Regular or Special meeting of the Board to fill the vacant Officer position.

### ARTICLE 4. COMMITTEES

The Chairman may appoint committees as necessary to assist the Board in the conduct of the Agency's business. The Chairman shall also designate the chair of each such committee. Committee meetings shall be held in accordance with the Open Meetings Act as more specifically set out in Article 2 of these Bylaws.

**ARTICLE 5. CONTINUING JURISDICTION**

The Commission shall retain continuing jurisdiction and the Agency shall in all respects remain subject to the jurisdiction and authority of the Commission.

**ARTICLE 6. AMENDMENT**

Amendments to these Bylaws must be approved by a vote of two-thirds of the members of the Board. Proposed amendments must be presented at the Regular Meeting immediately preceding the Regular Meeting at which any vote on the proposed amendments is taken. Such amendments shall be submitted to and approved by the Commission.

**ARTICLE 7. SEVERABILITY & CONSTRUCTION**

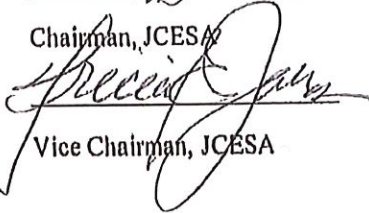
In the event of a conflict between the terms of these Bylaws and those of the Ordinance, the terms of the Ordinance shall govern. If any section, subsection, clause, phrase or portion of these Bylaws is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of these Bylaws, nor impair or nullify the remainder of these Bylaws, which shall continue in full force and effect.

**THESE BYLAWS** were adopted/ amended by duly constituted vote of the Board at a regular meeting on the 21 day of April, 2020.

WITNESS:




Chairman, JCESA



Vice Chairman, JCESA

These amended By-Laws were APPROVED by majority vote at a regularly called meeting of the County Commission of Jefferson County, West Virginia.

Given under my hand and seal this the 5th day of MARCH, 2020.

  
President, Jefferson County Commission

**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 6 herein;
  - (c) Billing and collecting the costs of fire protection and ambulance services the Agency provides to members of the public as stated in Section 6 (i) and (j) herein;
  - (d) 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.
  - (e) The ability to contract services and/or enter into mutual aid agreements with volunteer fire companies.

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

(g) 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 seven voting and two non-voting members, all of whom are appointed by the County Commission, and 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

Amended Version March 6, 2020

- c) One representative of the fire protection services community in Jefferson County selected from three nominees submitted by the Fire and Rescue Association;
- d) Four citizen members of the board;
- e) The President of the Fire & Rescue Association shall be a non-voting Board member.
- f) The Medical Director who is employed by the Agency shall be a non-voting Board member.
- g) 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.
- h) 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.
- i) Employees of the Agency are not eligible to serve as members of the Board, with the exception of the Medical Director.
- j) Four voting members of the Board constitute a Quorum;
- k) After appointment, each member shall take an oath of office before they may serve.
- l) The initial members will serve staggered terms. Two of citizen members' initial terms shall expire on June 30<sup>th</sup>, 2015. The third citizen member's initial term shall expire on June 30<sup>th</sup>, 2016. The fourth citizen member's initial term shall expire on June 30<sup>th</sup>, 2023. 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 30<sup>th</sup>, 2016.
- m) 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.

- n) 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.
- o) 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.
- p) 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.
- q) 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.
- r) 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 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 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 AMENDED ORDINANCE IS ENACTED AND  
ORDAINED BY MAJORITY VOTE OF A REGULARLY CALLED MEETING OF  
THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

Given under my hand and seal this 5<sup>th</sup> day of MARCH, 2020

  
\_\_\_\_\_  
Jane Tabb, President

## ARTICLE 17. COUNTY FIRE BOARDS.

### §7-17-1. FINDINGS.

The Legislature finds that fire protection and saving lives and property are important to the health and welfare of the citizens of the state and that it is desirable for county governments to provide fire protection services to county residents.

### §7-17-2. DEFINITIONS.

As used in this article unless the context clearly indicates otherwise:

- (1) "User" means any person to whom fire service is made available under the provisions of this article.
- (2) "County commission" means the county commission or tribunal in lieu thereof of every county within the State of West Virginia as provided in section nine, article nine of the Constitution of the State of West Virginia.
- (3) "County fire association" means an association created in section three of this article.
- (4) "County fire board" means that board created in section six of this article.
- (5) "Fire service" means an organization that provides fire prevention and fire protection to a community, the members of such an organization or the fire fighting profession as a whole.
- (6) "Qualified voters" means registered voters who reside in the affected fire service district and are users or prospective users of the fire prevention and fire protection services provided by the fire service under the provisions of this article.

### §7-17-3. COUNTY FIRE ASSOCIATION CREATION; PROHIBITING ENTRANCE BY A MUNICIPALITY MAINTAINING A FULL TIME PAID FIRE DEPARTMENT.

The fire departments within each county are hereby authorized to create and establish a county fire association, hereinafter referred to as "fire association." The county fire association is created to discuss fire protection services to address fire protection problems at the county level.

Upon the creation of a fire association, any full-time paid fire department located in a municipality, as defined in §8-15-9 of this code is excluded from the provisions of this article.

However, this provision shall not prohibit the county commission or the fire board with the approval of the county commission from contracting with the fire department of any political subdivision for fire protection services rendered to the county.

### §7-17-4. MANAGEMENT AND CONTROL VESTED IN THE COUNTY FIRE ASSOCIATION; APPOINTMENT.

The management and control of the fire association, its property, operations, business, and affairs shall be lodged with the representatives from each state Fire Commission recognized fire department

forming the fire association. For the purpose of forming the membership of the fire association, each fire department shall appoint one representative, by a majority vote of the members of the fire department, to serve on the fire association: Provided, That in the event three or less fire departments form the fire association each fire department shall elect two representatives, by a majority vote of the members of each fire department, to serve on the fire association: Provided, however, That in the event only one fire department forms the fire association the members of the fire department shall conduct the fire association's business. The members of the fire association shall serve for a term of three years with the initial appointments beginning on July 1, 1984. If a member resigns or for any other reason his position terminates during his term of membership, a successor shall be elected by majority vote of the members of the represented department to fill out the remainder of the vacated term. Members in office at the expiration of their respective terms shall continue to serve until their successors have been appointed and have qualified.

**§7-17-5. SALE OR LEASE OF PROPERTY; REVERSION OF ASSETS UPON DISSOLUTION.**

The fire association shall fix and determine the terms and conditions of any property or equipment to be leased or sold by the fire association. Upon dissolution of the fire association, all of its assets and property contributed by the county commission shall revert to and become the property of the county for which the board was created.

**§7-17-6. COUNTY FIRE BOARD CREATION AND MANAGEMENT; MEMBERSHIP; TERMS OF MEMBERS; VACANCIES.**

The county fire association upon two-thirds vote of its membership shall submit an application to the county commission requesting that the county commission create the county fire board. Upon receipt of such application the county commission may by majority vote create such a fire board and if so, created the county fire board, if authorized, shall be a corporation. The county fire board shall establish the funding priorities for the fire departments forming the fire association and shall present a list of those priorities to the county commission. However, no fire department or representative of a fire department who is a member of the fire board or fire association may apply for county funding from the county commission except as provided for in subsection seven, section ten of this article. The bylaws of the county fire board and standards of operation of the fire association shall be submitted to, and approved by, the state Fire Commission and county commission.

The county fire board shall consist of seven members. The initial appointment to the county fire board shall begin on July 1, 1984. One county commissioner, chosen by the county commission, shall serve on the board. The county commission shall make the initial appointments to the fire board so that one third of the fire association members and the citizen members to be so appointed shall be appointed for a term of one year, one third of the fire association members and the citizen members shall be appointed for a term of two years and one third of the fire association members and the citizen members shall be appointed for a term of three years. As the term of each such initial appointee expires, the successor to fill the vacancy created by such expired term shall be appointed by the county commission for a term of three years. The county fire association shall submit to the county commission the names of five members of the fire association, three of whom shall be appointed by the county commission to serve a term of three years. Such members are limited to two consecutive terms. Three citizen members shall be appointed by the county commission to serve on the board. The citizen members may not be associated with fire service or the county commission. The citizen members must be residents of the county of which the county fire board is formed and not more than one citizen member may be appointed from the same magisterial district in the county.

The citizen members shall serve for a term of three years but are limited to two consecutive terms. If a member resigns or for any other reason his membership terminates during his term of office, a successor shall be appointed from the same representative area to fill out the remainder of his term. Members in office at the expiration of their respective terms shall continue to serve until their successors have been appointed and have qualified.

Annually the board shall elect one of its appointed members as chairman and another as vice chairman and shall appoint a secretary-treasurer. Four members of the board shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by vote of the board. No vacancy in the membership of the authority shall impair the rights of a quorum by such vote to exercise all the rights and perform all duties of the board.

**§7-17-7. RESIDENT REQUIREMENT OF COUNTY FIRE BOARD MEMBERS; MUNICIPALITY LOCATION.**

All members of the county fire board shall be residents of the county in which the county fire board is intended to operate. If a county boundary line divides a municipality's city limits, the area of the municipality in which the majority of the municipality's population resides determines the county in which the municipality is located for this purpose.

**§7-17-8. COMPENSATION; EXPENSES.**

No member of the board may receive any compensation in connection with his services as a member. Each member, however, is entitled to reimbursement by the county fire board for any necessary expenses actually incurred in connection with the performance of his duties. However, not more than one percent of the annual appropriations to the board may be used for administrative expenses by the board.

**§7-17-9. BOARD TO BE A PUBLIC CORPORATION.**

The county fire board shall constitute and if authorized be created a public corporation under the name provided for in its articles of incorporation and, as such, shall have perpetual succession, may contract with and be contracted with, sue and be sued, and have and use a corporate seal.

**§7-17-10. POWERS GENERALLY.**

The county fire board may:

- (1) Make and adopt all necessary bylaws, rules and regulations for its organization and operations not inconsistent with law;
- (2) Elect its own officers, appoint committees and employ and fix compensation for personnel necessary for its operation;
- (3) Enter into contracts with any person, agency, governmental department, firm or corporation, including both public and private corporations, and renew, amend or supplement such contracts;
- (4) Generally do any and all things necessary or convenient for the purpose of improving fire service protection within the area to be served;

- (5) Borrow money, apply for, receive and use grants-in-aid, donations and contributions from any source or sources and accept and use bequests, devises, gifts and donations from any person, firm or corporation;
- (6) Raise funds by the issuance and sale of revenue bonds in the manner provided by law;
- (7) Formulate and present a petition for funds to the county commission: Provided, That not more than one percent of such funds be used for purposes other than the prioritized needs of the member departments;
- (8) Purchase or otherwise acquire, own, hold, sell and dispose of real and personal property; and
- (9) Expend its funds in the execution of the powers and authority herein given, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest and for the general welfare of the people of West Virginia.

#### **§7-17-11. LIMITATIONS.**

County fire associations and county fire boards shall be subject to the authority of the governing body in which said association and boards are primarily located.

#### **§7-17-12. COUNTY FIRE SERVICE FEES; PETITION; ELECTION; DEDICATION; AND AMENDMENT.**

(a) Every county commission which provides fire protection services has plenary power and authority to provide by ordinance for the continuance or improvement of such service, to make regulations with respect thereto and to impose by ordinance, upon the users of such services, reasonable fire service rates, fees and charges to be collected in the manner specified in the ordinance.

(b) Any fees imposed under this article are dedicated to the county fire board for the purposes provided in this article.

(c) A county commission can impose by ordinance, upon the users of such service, a reasonable fire service fee, by one of two methods:

- (1) Ten percent of the qualified voters shall present a petition duly signed by them in their own handwriting, and filed with the clerk of the county commission, directing that the county commission impose such a fee. The county commission shall not have a lien on any property as security for payments due under the ordinance. Any ordinance enacted under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code, and the publication area for such publication shall be the county in which the county fire board is located. In the event 30 percent of the qualified voters of the county by petition duly signed by them in their own handwriting and filed with the clerk of the county commission within 45 days after the expiration of such publication protest against such ordinance as enacted or amended, the ordinance may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of such county at any primary, general or special election as the county commission directs. Voting thereon may not take place until after notice of the submission has been given by publication as above provided for the publication of the ordinance after it is adopted. The powers and authority hereby granted to county commissions are in addition to and supplemental to the powers and authority otherwise granted to them by other provisions of this code; or

(2) If the county fire board determines an amendment in the fee imposed in subsection (a) of this article is necessary, it may, by resolution, request the county commission for such a change. Upon receipt of the resolution from the county fire board, the county commission shall, by ballot referendum, amend the ordinance imposing a fire fee and adopt the changes in the fee requested by the county fire board.

(A) This referendum, to determine whether it is the will of the voters of a county that an amendment to the fire fee is necessary, may be held at any regular primary or general election, or, in conjunction with any other countywide election. Any election at which the question of amending the fire fee is voted upon shall be held at the voting precincts established for holding primary or general elections. All of the provisions of the election laws, when not in conflict with the provisions of this article, shall apply to voting and elections hereunder, insofar as practicable. The county commission shall, not less than 90 days before the election, order that the issue be placed on the ballot and referendum held at the next primary, general, or special election to determine whether it is the will of the voters of the county that a fire fee be amended: *Provided*, That prior to issuing the order, the county commission shall publish the ordinance which must contain the anticipated allocation of any fees or charges and which would be enacted should the referendum succeed as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code, and the publication area for such publication shall be the county in which the county fire board is located.

(B) The ballot, or the ballot labels where voting machines are used, shall have printed thereon substantially the following:

"Shall the county commission be permitted to amend the fire fee in \_\_\_\_\_ County, West Virginia?

For the fee amendment.

Against the fee amendment.

(Place a cross mark in the square opposite your choice.)"

(C) If a majority of legal votes cast upon the question be for the fire fee amendment, the county commission shall, after the certification of the results of the referendum, thereafter adopt an ordinance, within 60 days of certification, establishing the fire fee amendment in the county: *Provided*, That such program shall be implemented and operational no later than 12 months following certification. If a majority of the legal votes cast upon the question be against the fire fee amendment, then the policy shall not take effect, but the question may again be submitted to a referendum at any subsequent election in the manner herein provided.

#### **§7-17-13. INCURRING INDEBTEDNESS; RIGHTS OF CREDITORS.**

The county fire board may incur any proper indebtedness and issue any obligations and give any security therefor which it considers necessary or advisable in connection with carrying out its purposes as hereinbefore mentioned. No statutory limitation with respect to the nature, or amount, interest rate or duration of indebtedness which may be incurred by municipalities or other public bodies applies to indebtedness of the county fire board.

No indebtedness or obligation incurred by the board shall give any right against any member of the governing body of any participating government or any member of the board. Any obligation or indebtedness of any nature of the board shall never constitute an obligation or indebtedness of any

participating government or the governing body of any participating government, within the meaning of any Constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of any participating government or the governing body of any participating government or be a charge against the general credit or taxing power of any participating government or the governing body of any participating government. The rights of creditors of the board shall be solely against the board as a corporate body and shall be satisfied only out of revenues, moneys or property received or held by it in its corporate capacity.

#### **§7-17-14. AGREEMENTS IN CONNECTION WITH OBTAINING FUNDS.**

The county fire board may, in connection with obtaining funds for its purposes, enter into any agreement with any person, firm or corporation, including the federal government; or any agency or subdivision thereof, containing provisions, covenants, terms and conditions as the county fire board considers advisable.

#### **§7-17-15. PROPERTY, BONDS AND OBLIGATIONS OF AUTHORITY EXEMPT FROM TAXATION.**

The county fire board is exempt from the payment of any taxes or fees to the state or any subdivision thereof or to any officer or employee of the state or other subdivision thereof. The property of the county fire board is exempt from all local and municipal taxes. Bonds, notes, debentures and other evidence of indebtedness of the county fire board are declared to be issued for a public purpose and to be public instrumentalities and are exempt from taxes.

#### **§7-17-16. APPROPRIATIONS AUTHORIZED.**

The county commission and any municipality therein, or any one or more of them, jointly and severally, may contribute by appropriation from any funds available, to the cost of the operation and projects of the county fire board.

#### **§7-17-17. CONTRIBUTIONS BY COUNTY COMMISSIONS, MUNICIPALITIES AND OTHERS; FUNDS AND ACCOUNTS; REPORTS; AUDIT AND EXAMINATION OF BOOKS, RECORDS AND ACCOUNTS AND PENALTIES.**

Contributions may be made to the county fire board from time to time by the county commission of the county or any municipal corporation therein, and by any persons, firms or corporations which desire to do so. All such funds and all other funds received by the county fire board shall be deposited in such bank or banks as the county fire board may direct and shall be withdrawn therefrom in such manner as the county fire board may direct. The county fire board shall keep strict account of all its receipts and expenditures and shall each quarter make a quarterly report to the county commission and municipalities containing an itemized statement of its receipts and disbursements during the preceding quarter. Within sixty days after the end of each fiscal year, the county fire board shall make an annual report containing an itemized statement of its receipts and disbursements for the preceding fiscal year. The annual report shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for such publication shall be the county in which the county fire board is located. The books, records and accounts of the board are subject to audit and examination by the office of the State Tax Commissioner of West Virginia and by any other proper public official or body in the manner provided by law. For failure to comply with the provisions of this section the county fire board shall be fined not less than ten nor more than \$25.

**§7-17-18. SALE OR LEASE OF PROPERTY; REVERSION OF ASSETS UPON DISSOLUTION.**

The county fire board shall fix and determine the terms and conditions of any property or equipment to be leased or sold by the county fire board. Upon the dissolution of the county fire board, all of its assets and property shall revert to and become the property of the county for which the board was created.

**§7-17-19. EMPLOYEES TO BE COVERED BY WORKERS' COMPENSATION.**

All employees of the county fire board eligible thereto are considered to be within the Workers' Compensation Act of West Virginia, and premiums on their compensation shall be paid by the county fire board as required by law.

**§7-17-20. LIBERAL CONSTRUCTION OF ARTICLE.**

It is the purpose of this article to provide for the improvement, development, and advancement of fire protection services within the counties and this article shall be liberally construed as giving to the county fire board full and complete power reasonably required to give effect to the purposes hereof.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 224

(By Senators Tomblin, Mr. President, and Caruth,

By Request of the Executive)

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[Passed March 8, 2008; in effect ninety days from passage.]

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AN ACT to authorize the county commission of Jefferson County to create a joint emergency services agency; legislative findings; and management by a joint emergency services board .

*Be it enacted by the Legislature of West Virginia:*

**JEFFERSON COUNTY JOINT EMERGENCY SERVICES AGENCY.**

**§1. Legislative findings.**

(a) The Legislature finds that:

- (1) Jefferson County has a demonstrated population growth rate history;
- (2) Small separate volunteer emergency services agencies cannot adequately serve the people of Jefferson County;
- (3) The municipalities, communities and the county cannot separately finance individual volunteer emergency services agencies;
- (4) Jefferson County is in a unique position that it has the only national historical park in the state which attracts thousands of visitors annually;
- (5) The national historical park with its historical buildings and visitors places an undue burden on the small individual emergency services agencies in Jefferson County; and
- (6) An agency that combines joint emergency services would enhance Jefferson County's ability to serve its people.

(b) Therefore, the Legislature declares that since Jefferson County is in a unique situation, it is in the public interest that the county commission of Jefferson County be authorized to create a joint emergency services agency.

**§2. Authorizing creation of the Jefferson County Joint Emergency Services Agency.**

- (a) In lieu of creating both an emergency ambulance service authority and a separate county fire association or county fire board, the county commission of Jefferson County may enact an ordinance creating a combined joint emergency services agency to provide emergency services and emergency response services .
- (b) The agency shall possess all of the rights and responsibilities conferred upon emergency

ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law and local ordinance.

**§3. Joint Emergency Services Board.**

(a) By ordinance, the county commission of Jefferson County may create a Joint Emergency Services Board to oversee the management and control of the agency.

(b) The board shall consist of at least the following individuals who shall be appointed by the county commission:

(1) A representative from an emergency medical service;

(2) A representative from a fire protection service; and

(3) A citizen member who is not employed with an emergency medical service, a fire protection service or the county commission.

(c) All board members shall be residents of Jefferson County.

(d) The board members shall serve for staggered terms of three years and are limited to two consecutive terms. In the event of a vacancy, a successor shall be appointed from the same service area as the unexpired representative's term. Members shall continue to serve until their successors have been appointed.

(e) A majority of the members of the board constitutes a quorum.