

**AN ORDINANCE TO REORGANIZE 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 operated successfully and continuously over the intervening years but changing demographics, increased population and rising need for emergency services required improvements to the JCAA; and

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

WHEREAS, the West Virginia legislature 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; and

WHEREAS, in 2014, the Commission determined that the Jefferson County budget could not continue to support the Agency from general revenue and adopted an Ambulance Fee for users of emergency ambulance services; and

WHEREAS, the Commission subsequently determined that the current Emergency Services Agency Board is less suitable to changed economic conditions and to funding requirements, and further determined that the management structure of the Agency needs to be reorganized to more efficiently, responsively and effectively meet the changing emergency services needs of the twenty-first century, especially in light of the potential need to handle separate ambulance and fire fees; and

WHEREAS, the Jefferson County Commission has dedicated significant public funds to purchase ambulances for greater efficiency and protection of the citizens;

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

Section 1. Reorganization of the current Jefferson County Emergency Services Agency and Creation of a new County Department named the Jefferson County Emergency Services Agency

- 1) Pursuant to W. Va. Code, § 7-15-1, *et. seq* and S.B. 224, Ch. 234, Acts, Reg. Sess. (W.Va. 2008), the entity called the Jefferson County Emergency Services Agency (hereinafter referred to as "the Agency") (a public corporation), is hereby reorganized as a County department under the direct authority of the Jefferson County Commission. The Agency shall be a joint emergency services agency authorized to provide ambulance and emergency medical services and fire protection services in the incorporated and unincorporated areas of Jefferson County. The current Jefferson County Emergency Services Agency Board is hereby dissolved with thanks for their service. The Jefferson County Emergency Services Agency, a public corporation, continues in uninterrupted existence with day to day executive control under an Agency Director. The existing debt obligations, assets and property owned by the current Emergency Services Agency remain in full force and effect. In the future, the obligations, assets and property may be transferred, redeemed or re-allocated directly to a department or to another County related entity.
- 2) The Jefferson County Commission shall appoint a Director of the Agency and establish the Director's compensation and benefits. The Agency shall at all times operate under the authority of the Director who shall be appointed by the Jefferson County Commission and shall serve at the will and pleasure of the Commission. The Commission shall appoint the initial Director for the Agency at the time of the adoption of this Ordinance. The Director shall be a direct employee of the Commission and answerable to the County Administrator. The Director shall serve at the will and pleasure of the Commission.
- 3) With the exception of the Director, all employees of the Agency at the time of the adoption of this Ordinance, shall initially remain employees of the Agency, a public corporation, and serve at the will and pleasure of the Agency Director. The Agency shall undertake and complete a transition period, during which the Jefferson County Commission will add all current Jefferson County Emergency Services Agency employees to the integrated County payroll structure, fully transition all licenses, permits, contracts, assets, obligations to department status and obtain any Auditor approval necessary for a revised budget reflecting the full inclusion of the Agency into the overall County Budget. Upon completion of the transition period the Commission shall, by additional Resolution, dissolve the existing public corporation and transfer all remaining employees, assets and operations directly to a department within the County Commission management structure.

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, outside jurisdictions and other public agencies. All mutual aid agreements in effect at the time of the adoption of this Ordinance shall remain in full force and effect but shall be subject to review by the County Commission which may adopt, reject such agreements at any time. All mutual aid agreements after the adoption of this Ordinance shall be by written agreement only, which must be presented to and approved by the Jefferson County Commission.
 - (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 may exist or arise 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 4. Standards of Operation

- 1) The rules 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 rules.
- 3) The Agency Director shall have full and complete authority to manage the Agency's affairs, operations and employees. However, the Director shall at all times be subject to the control of the Jefferson County Commission and its Administrator and shall serve at the will and pleasure of the Jefferson County Commission.

Section 5. Borrowing Money

The Agency may not borrow money, pledge assets as security, issue and sell revenue bonds or otherwise encumber assets or income of the Agency without the advanced written 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 Agency 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 Agency 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 Agency shall conduct a Public Hearing with notice with a Class 1 legal advertisement of meeting in a newspaper with circulation in Jefferson County.
- (e) The Agency shall keep the funds from all Emergency Ambulance Fees segregated from the general funds of the Agency. Said funds shall only be used as directed by the County Commission 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 Agency shall keep the funds from said fee segregated from the general funds of the Agency. Said funds

shall only be used as directed by the County Commission 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 Agency 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 all expenditures and revenue. The County Commission shall have ultimate control of the revenue and expenditures of the Agency and shall in future budget years directly set and adopt the Agency budget as part of the annual County budget process.
- (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. In the event a fire fee is imposed, 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 \$500.00 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, fire protection services or any other professional 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. The accounting shall contain all information requested by the Jefferson County Commission in the format designated.
- (l) As a condition of receiving public funds, all recipients shall as often as required by the Agency but not less than annually provide to the Agency and the County Commission a detailed and verified written accounting of any agency provided

funds and any revenue derived from said funds in the format and level of detail which may be required by the Agency, Commission or State Auditing requirements.

- (m) If a recipient fails to provide a full, complete and verified written accounting as directed by the Agency in the format requested, the Agency shall stop funding allocations to the recipient until the recipient provides the required accounting.
- (n) Any purchase of or contract for supplies, equipment, repairs 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 18 day of May, 2023

