

Chapter 2.48
EMERGENCY MEDICAL SERVICES COMMISSION

Sections:

- 2.48.010 Established.
- 2.48.020 Definitions.
- 2.48.030 EMS Commission—Composition/selection.
- 2.48.035 EMS Commission standing committee appointment authority.
- 2.48.040 EMS Commission—Powers and duties.
- 2.48.050 EMS Commission—Organization.
- 2.48.070 EMS Commission staff.
- 2.48.080 EMS Commission—Budget.
- 2.48.090 EMS Commission operations report.
- 2.48.100 Skagit County Board of Commissioners authority.
- 2.48.110 Dissolution of EMS Commission—Disposition of assets upon dissolution.
- 2.48.120 Tenure in office.
- 2.48.130 Limitation of liability.
- 2.48.140 Contracts for ambulance/emergency medical services.
- 2.48.143 Transition of assets.
- 2.48.146 Insurance.
- 2.48.150 Year 2003 transition.
- 2.48.160 Year 2004 transition.

2.48.010 Established.

A public commission to be called the Skagit County Emergency Medical Services Commission (“EMS Commission”) is established under the authority of RCW 35.21.730. The purpose of this Commission is to provide efficient and effective emergency medical and related services throughout Skagit County in compliance with state law. The EMS Commission shall be a public body comprised as set forth herein. Skagit County shall fund county-wide emergency medical services and the expenditure of County excess property tax levy revenues collected for those purposes through this Chapter. Skagit County shall make disbursements of emergency medical services excess property tax levy revenues to fund the EMS Commission and emergency medical services as approved in the budget and management plan established as set forth in this Chapter. (Ord. O20030003 § 1, 2003)

2.48.020 Definitions.

For the purpose of this Chapter, the words set out in this section shall have the following meanings:

(1) “Emergency medical services (EMS)” means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

(2) “Emergency Medical Services Medical Program Director” means a person who is an approved program director as defined by RCW 18.71.205(4).

(3) “Skagit County Emergency Medical Services Commission (EMS Commission)” means the public commission formed under this Chapter as authorized by RCW 35.21.730, with powers and duties as set forth in this Chapter.

(4) “Pre-hospital” means emergency medical care or transportation rendered to patients prior to hospital admission by licensed ambulance or aid service under Chapters 18.71 and 18.73 RCW or by facilities providing level V trauma care services. (Ord. O20090003 § 1, 2009; Ord. O20030003 § 2, 2003)

2.48.030 EMS Commission—Composition/selection.

(1) The EMS Commission shall consist of members selected from the following positions and the identified consumer representative:

- (a) One County Commissioner.
- (b) A member of the Skagit County Fire Chiefs' Association.
- (c) A member of the Skagit County Fire District Commissioners' Association.
- (d) A hospital administration representative.
- (e) The Skagit County Director of Emergency Management.
- (f) The Skagit County Director of Public Health.
- (g) A hospital emergency room doctor or registered nurse.
- (h) A consumer representative from District No. 1.
- (i) A consumer representative from District No. 2.
- (j) A consumer representative from District No. 3.
- (k) A city mayor or councilperson.
- (l) A town mayor or councilperson.
- (m) Emergency Medical Program Director (ex-officio, nonvoting member of the Commission).

(2) Selection of individuals to fill the positions on the EMS Commission shall be accomplished by having qualified, interested persons submit applications to the Board of County Commissioners, pursuant to notice and upon the timeframe established by the Board of County Commissioners, who shall then make the appointments to fill the respective positions on the EMS Commission. The appointments shall be for a term of two (2) years; provided, however, approximately one-half of the initial appointments shall be for a period of one (1) year to accomplish a limited staggering of the expiration of terms.

(3) Between the effective date of the ordinance codified in this Chapter and the date thereafter at which the Board of County Commissioners completes the appointments to the EMS Commission pursuant to Subsection (2) of this Section, an interim EMS Commission consisting of the former EMS Commission Executive shall have the authority and duties of the EMS Commission during the transition period.

(4) The Commission shall supervise its membership responsibilities and accountability pursuant to provisions specified in its by-laws. Any action by the Commission to remove a Commission member as specified in the by-laws shall be subject to approval by the Board of County Commissioners. (Ord. O20090003 § 2, 2009)

2.48.035 EMS Commission standing committee appointment authority.

(1) The EMS Commission shall have the authority to appoint such standing committees, including any technical committees, as may be necessary to accomplish the purposes of this Chapter, as amended, and the EMS Management Plan.

(2) The method of creation of standing committees and appointment of members shall be specified in the Commission by-laws. (Ord. O20090003 § 3, 2009)

2.48.040 EMS Commission—Powers and duties.

The EMS Commission shall, according to the powers, duties, and procedures authorized by this Chapter (as currently enacted or as may be amended hereafter) and in compliance with applicable laws and regulations, coordinate, operate, provide, and maintain those services necessary for a countywide emergency medical services program as follows:

(1) Supervise the management of the emergency medical system in Skagit County and monitor the performance of contracts for the provision of emergency medical services, including inter-facility transfer of patients and other support functions, as are required to implement the EMS Management Plan.

(2) Develop and approve a proposed budget (and budget amendments) on an annual basis, which shall include the means of financing including the allocation of EMS tax levy funds, for consideration and action by the Skagit County Board of Commissioners.

(3) The EMS Commission shall approve an EMS Management Plan which shall be submitted as an

attachment to the budget in the process for consideration and action on the budget by the Skagit County Board of Commissioners, which Plan shall be updated at least every two (2) years. All budgets and financial documents must be consistent with Skagit County's accounting and budget system and in the form and timeline specified by Skagit County's Budget and Finance Director. The Management Plan shall include:

(a) Standards applicable to the provision of emergency medical services in Skagit County in accordance with the County's Pre-Hospital Medical Care System Plan, adopted pursuant to Chapter 70.168 RCW;

(b) A financial plan, including the allocation of EMS levy funds; and

(c) A capital equipment replacement and facilities plan.

If the Skagit County Board of Commissioners identifies issues with either the proposed budget or the EMS Management Plan as recommended by the EMS Commission, it shall remand the proposed budget or EMS Management Plan to the EMS Commission for further consideration in light of the issues identified by the Skagit County Board of Commissioners.

(4) The EMS Commission shall quarterly present a financial report detailing the Commission's activity and expenditure of the EMS levy funds to Skagit County Board of Commissioners.

(5) Provide for emergency medical services in Skagit County consistent with the approved EMS Management Plan. The EMS Commission shall identify qualified EMS service providers and initiate contract negotiations and execute contracts for the County's ambulance/emergency medical services and review proposed contracts for conformance with the EMS Management Plan; provided, that all contracts executed for the provision of emergency medical services shall require the service provider to procure and maintain insurance for the activities related to the advanced life support ambulance service and all other activities performed by the contracted emergency medical service provider. The coverage provided shall include medical malpractice for the medical technicians associated with the service provided in the amount no less than five million dollars (\$5,000,000) and automobile liability of at least one million dollars (\$1,000,000) with coverage for owned, non-owned, hired, and/or leased vehicles. Coverage must be provided by an insurance company authorized to write insurance in the State of Washington and has an A- or better rating in the AM Best Rating Guide. Unless the required insurance is obtained through membership of a risk pool, which prohibits naming others as additional insured, the EMS Commission, Skagit County, its elected officials, officers, and employees shall be named as additional insured on all policies.

(6) Select and appoint personnel as necessary to accomplish the duties of the Commission including, without limitation, a Medical Program Director and Commission Manager, and establish personnel policies as the Commission deems appropriate. Establish procedures for the review and approval of all invoices, payroll, and requests for disbursements prior to submittal to the Skagit County Auditor or upon the consent of Skagit County's Budget and Finance Director, an authorized accounting resource service for payment as required by the laws of the State of Washington. Further, the Commission is authorized to delegate such authority as is necessary to accomplish the purposes of this Chapter, as amended, and the EMS Management Plan.

(7) Provide training, as determined to be required by the EMS Commission, for emergency medical services personnel in accordance with standards adopted in the Management Plan.

(8) Monitor the maintenance of emergency medical services equipment under its supervision.

(9) Review data and provider performance. Maintain any records regarding the provision of emergency medical services required by state law.

(10) In carrying out its duties under this Chapter, the EMS Commission shall have those powers set forth in RCW 35.21.745 as currently enacted or as may be amended.

(11) Comply with all general laws regulating local governments as provided in RCW 35.21.759 as currently enacted or as may be amended.

(12) Additional powers and duties shall be set forth in the Commission's by-laws. (Ord. O20090003 § 4, 2009; Ord. O20030029, 2003; Ord. O20030003 § 4, 2003)

2.48.050 EMS Commission—Organization.

The EMS Commission shall adopt by-laws, rules, and procedures to accomplish its functions authorized herein. The EMS Commission's by-laws shall be consistent with and carry out the purposes of this Chapter. The EMS Commission by-laws and any changes to the by-laws shall be subject to the approval of the Skagit County Board of Commissioners. Without limitation, such by-laws shall include a provision providing that the Emergency Medical Services Medical Program Director shall be an ex-officio, nonvoting member of the Commission. (Ord. O20090003 § 5, 2009; Ord. O20030003 § 5, 2003)

2.48.070 EMS Commission staff.

The Commission Manager shall serve as the primary staff to the EMS Commission and have the functions and duties described in this Chapter and the EMS Commission's by-laws. The EMS Commission shall employ such additional staff as necessary to carry out the EMS Management Plan within the budget adopted by the Board of County Commissioners. Revenues required to support the direct and indirect expenses of the Commission Manager and additional staff as may be deemed necessary shall be derived solely from the EMS levy fund. (Ord. O20090003 § 7, 2009; Ord. O20030003 § 7, 2003)

2.48.080 EMS Commission—Budget.

(1) The EMS Commission will prepare an annual budget, for submission to the Skagit County Board of Commissioners, to be funded through revenues collected under the EMS levy, revenues generated from EMS Commission operations, and other revenues as may be received by the EMS Commission. The EMS Commission's annual budget shall be processed in accord with the County's annual budgeting process and will comply with all County budgeting requirements for the coming budget year and shall minimally specify:

- (a) The annual administration costs of the EMS Commission shall be held to the those amounts reasonably required to administer the EMS Commission efficiently and properly.
- (b) The expenditure required to operate the EMS system (including administrative and overhead estimates, and estimated expenditures for services and other EMS Commission activities).
- (c) A proposed capital expenditure budget for purchased items having a value in excess of five thousand dollars (\$5,000).
- (d) A proposed management plan.

(2) The proposed budget shall be adopted by the EMS Commission and submitted, in accord with County requirements, for approval by the Skagit County Board of Commissioners during the adoption of the annual County budget. The Skagit County Board of Commissioners shall determine whether the proposed budget is consistent with and will accomplish the EMS management plan, as approved. In the event that the Skagit County Board of Commissioners identifies inconsistencies with the proposed budget and the EMS management plan, it shall remand the proposed budget to the EMS Commission with written direction as to the issues of inconsistency. Upon such remand, the EMS Commission shall promptly review the direction of the Board of Commissioners and the proposed budget. The EMS Commission shall forward its subsequent recommendation and proposed budget including specific responses to the issues identified by the Board of Commissioners. The Board of Commissioners shall then take final action on the proposed budget. The budget may provide for contingencies. The Skagit County Board of Commissioners may make changes to the EMS Commission's proposed budget as it deems necessary and appropriate. The budget may be amended, in accord with County requirements for amending the County budget, upon adoption by the EMS Commission and subsequent approval by the Skagit County Board of Commissioners.

(3) Prior to adoption of a proposed annual budget and any amendments to the budget, the Commission shall hold at least one public meeting and provide an opportunity for public comment. A draft budget shall be made available for public review ten (10) days before the date of any Commission public meeting concerning adoption of the proposed budget.

(4) The EMS Commission shall adopt its proposed annual budget in accordance with its by-laws following the public meeting.

(5) After approval for payment, the EMS Commission shall submit all claims for payment by or on behalf of the EMS Commission to the Skagit County Auditor, or upon the consent of Skagit County's Budget and Finance Director, an authorized accounting resource service as required by the laws of the State of Washington for payment. The EMS Commission shall submit all its revenues to the Skagit County Treasurer. (Ord. O20090003 § 8, 2009; Ord. O20030003 § 8, 2003)

2.48.090 EMS Commission operations report.

As part of the EMS Commission preparation of its annual budget, it shall prepare an annual operations report summarizing the last year's activities. (Ord. O20030003 § 9, 2003)

2.48.100 Skagit County Board of Commissioners authority.

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

- (1) The EMS Commission's annual budget.
- (2) The EMS management plan.
- (3) The EMS Commission's receipt of gifts of real property, personal property or cash.
- (4) EMS Commission by-laws and by-law amendments.

The above list shall not limit the authority of the Board of County Commissioners as provided in state law. (Ord. O20090003 § 9, 2009; Ord. O20030003 § 10, 2003)

2.48.110 Dissolution of EMS Commission—Disposition of assets upon dissolution.

The EMS Commission may be dissolved by the Skagit County Board of Commissioners upon adoption of an ordinance directing the dissolution; provided, that unless the Skagit County Board of Commissioners makes written findings that earlier dissolution is required, any such dissolution shall provide three hundred sixty-five (365) days' advance notice prior to the effective date of dissolution. Upon dissolution of the EMS Commission and the winding up of its affairs the Skagit County Board of Commissioners may provide for the transfer of the rights, assets and property of the EMS Commission to a qualified entity or entities which will fulfill the purposes for which the EMS Commission was created. Otherwise, title to all remaining property and assets of the EMS Commission vests in Skagit County upon the dissolution of the EMS Commission. (Ord. O20030003 § 11, 2003)

2.48.120 Tenure in office.

Any EMS Commission member or employee may be removed from any office or position in such manner as the by-laws prescribe. Upon removal from an office or position, such member or employee shall have no power of office. However, any removal of an EMS Commission member must be approved by the Skagit County Board of Commissioners. (Ord. O20090003 § 10, 2009; Ord. O20030003 § 12, 2003)

2.48.130 Limitation of liability.

Any party having a claim against the EMS Commission, however arising, shall have recourse only to the extent of assets and property of the EMS Commission and shall have no recourse against Skagit County, its appointed and elective officers, employees, and volunteers or its/their assets or credits. The limitations of liability provided in Chapters 35.21 and 18.71 RCW shall apply. EMS Commission will assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to save, indemnify, defend, and hold Skagit County, its appointed and elected officers, employees, and volunteers harmless from any such liability to the fullest extent allowed by law. (Ord. O20090003 § 11, 2009; Ord. O20030003 § 13, 2003)

2.48.140 Contracts for ambulance/emergency medical services.

Contracts for providing ambulance/emergency medical services shall be negotiated, initiated, and

approved by the EMS Commission and reviewed for conformance with the EMS Management Plan and other requirements set forth by this Chapter. (Ord. O20090003 § 12, 2009; Ord. O20030003 § 14, 2003)

2.48.143 Transition of assets.

Upon the formation of the Central Valley Ambulance Authority, the EMS Commission shall develop a plan detailing transfer of the assets to the Central Valley Ambulance Authority that are reasonably necessary for the performance of Central Valley Ambulance Authority's responsibilities and duties to the extent such assets are no longer necessary for the continuing operations of the EMS Commission. A detailed asset division plan shall be presented to the Skagit County Board of Commissioners within forty-five (45) days of the creation of the Central Valley Ambulance Authority. The Skagit County Board of Commissioners has the authority to either accept the asset transfer plan or modify the plan in its discretion. (Ord. O20090003 § 13, 2009)

2.48.146 Insurance.

The EMS Commission shall acquire and maintain general commercial liability insurance in an amount of at least five million dollars (\$5,000,000). If the EMS Commission is occupying County-owned building(s) or otherwise leasing building space, then the EMS Commission shall also procure renter's insurance in the amount no less than two million dollars (\$2,000,000). All required insurance shall be in a form specified by Skagit County's Risk Manager. Unless the EMS Commission obtains the required insurance through membership of a risk pool, which prohibits naming others as additional insured, Skagit County, its elected officials, officers and employees, and volunteers shall be named as additional insured on all insurance policies. The EMS Commission shall submit with its proposed budget and management plan documentation of its insurance coverage. (Ord. O20090003 § 14, 2009)

2.48.150 Year 2003 transition.

(1) There shall be a ninety (90) day time period to allow for the winding up of the EMS Council's affairs related to the provision of ambulance/emergency medical services for Skagit County and for the transition to a Commission form of management of ambulance/emergency medical services. During this time period, the County and the EMS Council will arrange for the orderly transfer of business related to ambulance/emergency services, and the transfer of inventory and assets.

(2) The Skagit County Board of Commissioners hereby adopts the budget as set forth in Attachment B* as the budget for the EMS Commission and the provision of emergency medical service; for the year 2003, to be adjusted by the levy allocations in Attachment A*.

(3) All invoices shall be submitted to the Skagit County Auditor for payment, in accord with SCC 2.48.080(5). (Ord. O20030003 § 15, 2003)

* Code reviser's note: Attachments A and B to Ordinance O20030003 is available in the Commissioner's office for public examination.

2.48.160 Year 2004 transition.

The budget for 2004 shall be developed and based on the following provisions:

(1) Allocation of EMS levy funds shall be not less than the amount allocated for 2003 plus four (4) percent.

(2) Provision for the replacement of three (3) ambulances shall be made with priority for replacement in accordance with the Year 2001-2006 Ambulance Replacement Schedule in Attachment A*, which was approved on August 10, 2000. (Ord. O20030029, 2003)

* Code reviser's note: Attachment A to Ordinance O20030029 is available in the Commissioner's office for public examination.