



COUNTY ADVISORY BULLETIN

CAB

Published by: County Commissioners Association of Ohio

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BULLETIN 1994-10

SEPTEMBER 1994

JOINT EMERGENCY MEDICAL SERVICES DISTRICT

INTRODUCTION

Governor George Voinovich has signed Sub. HB 384 which takes effect November 11, 1994. The act, sponsored by Representative Mary Abel (D-Athens), allows counties to create joint emergency medical services districts to deliver regionalized services. Authorization for this type of service delivery did not exist before the enactment of Sub. HB 384. This CAB will outline general provisions of the new law including the creation and dissolution of a district, and powers and duties of the joint EMS board, its executive director and other district officers. Further discussion will include funding and provision of emergency medical services.

BACKGROUND

Before the enactment of Sub. HB 384, counties had several options for providing emergency medical services, including contract arrangements with nonprofit corporations. One such arrangement became the catalyst for Sub. HB384. Regionalized EMS was supplied to several counties in Southeastern Ohio through a nonprofit corporation. The nonprofit employees were not entitled to benefits such as PERS, and the sovereign immunity provided to county employees (ORC 106.08) did not apply to these workers. To give counties another option for provision of services which would extend PERS benefits to employees and limited immunity, the legislature created a joint EMS district option.

MAJOR PROVISIONS OF NEW LAW

Boards of county commissioners in two or more counties may create a joint EMS district by joint resolution. Such a resolution must stipulate the following four items:

1. How the district will be financed.
2. How district assets will be divided among participating counties if the district is dissolved.
3. What counties or parts of counties the district will serve.
4. Any additional board of trustee membership qualifications (beyond the statutory residency requirement).

Before a joint EMS district is formed, commissioners must obtain permission from any public joint ambulance district currently serving areas the commissioners want to include in a joint EMS district. Without this permission, the area served by a joint ambulance district cannot become part of a joint EMS district.

EXPANSION OF EXISTING EMS DISTRICT (ORC 307.058)

Once a joint EMS district has been formed, any other county may request membership by adopting a resolution asking for inclusion. The joint EMS district board of trustees may then approve or disapprove the request.

Likewise, if a joint ambulance district operating within a county that belongs to a joint EMS district wants to join the district after its formation, it may submit a resolution to the joint EMS board of trustees requesting inclusion. Once the joint ambulance district has been accepted, it will no longer exist as a separate entity; it will be part of the joint EMS district.

JOINT EMS BOARD OF TRUSTEES (ORC 307.053)

A joint EMS district is governed by a board of trustees. The board contains an equal number of representatives appointed by each participating county. Boards of county commissioners in each participating county may appoint up to three county residents to serve as trustees of the joint EMS board. Commissioners from participating counties are authorized to serve as a county representative on the board of trustees. Indeed, all three commissioners could comprise the total county representation on the board. Commissioners may want to consider appointing persons with expertise in the technical, fiscal and medical aspects of EMS. Members serve one year terms and must meet any other requirements, besides the residency requirement, that the resolution creating the district stipulates.

POWERS AND DUTIES OF BOARD OF TRUSTEES (ORC 307.053)

The board of trustees of a joint EMS district has the following powers and duties:

1. To appoint and fix the compensation of an executive director.
2. To designate a treasurer for the district.
3. To designate a fiscal officer for the district.
4. To maintain an office and other facilities necessary for operation and maintenance of emergency medical services.
5. To provide health and life insurance for its employees.
6. To obtain property and casualty insurance for its holdings, and errors and omissions protection for board members.
7. To sue and be sued.
8. To employ an attorney to serve as the joint EMS district's legal advisor.
9. To accept gifts, donations, etc. for the district.
10. To approve all contracts executed by the executive director.
11. To establish job classifications and a pay plan.
12. To adopt an annual budget and appropriation resolution.

DESIGNATION OF TREASURER AND FISCAL OFFICER

When choosing the statutorily required treasurer and fiscal officer for the district, participating counties may choose one of two options:

1. Designate the county treasurer of one participating county as the district's treasurer and designate the county auditor of that same county as the district's fiscal officer. The joint EMS district board may reimburse the participating county for its officials' services to the district.
2. Employ one person, who is neither a county treasurer nor a county auditor, to act as both treasurer and fiscal officer for the joint EMS district.

Section 307.053 (D)(2) of the Revised Code allows the fiscal officer to invest district funds in the same manner as a county treasurer may invest county monies, unless the district's board adopts a policy that further restricts investments.

EXECUTIVE DIRECTOR OF JOINT EMS DISTRICT

The district board of trustees has two options in the appointment of an executive director:

1. The board may appoint a person who will be in the unclassified civil service and who serves at the pleasure of the board .
2. The board may enter into a contract with a person to serve in this position. A contract may be for any period not to exceed three years.

POWERS AND DUTIES OF EXECUTIVE DIRECTOR

The executive director of a joint EMS district has the following powers and duties:

1. To execute contracts with the approval of the board.
2. To supervise emergency medical services provided and facilities operated or contracted for by the board.
3. To recommend any necessary changes in service delivery.
4. To hire employees for positions authorized by the board.
5. To take personnel actions for all employees in the classified civil service.
6. To establish compensation for all employees within limits set by board-established salary schedules and the budget.
7. To prepare an annual service report and financial report for board approval.

DISTRICT EMPLOYEES (ORC 307.054 (B))

Most of the employees of a joint EMS district, with the exception of the executive director, would be in the classified civil service. They would be treated the same as county employees. As such, they would be subject to Chapter 124 of the Revised Code, would be members of PERS and would be governed by county laws relating to holiday, sick leave and vacation.

As an alternative to hiring employees to work for the district, or to supplement the existing workforce, the district may enter into a contract with a participating county for the use of current county employees to serve the needs of the district. The manner of such employee compensation should be agreed to and included in the joint resolution creating the district.

HOW A DISTRICT MAY PROVIDE SERVICES (ORC 307.055)

A joint EMS district may provide services in a variety of ways. These methods fall into four general methods which may be used alone or in combination with one another. A joint EMS district may provide ambulance and/or emergency medical services using the following approaches:

1. The district may operate an emergency medical services organization.
2. The district may contract for operation of one or more facilities either owned by the district or another political subdivision. This contract may be with any person, municipal corporation, township or other political subdivision. Likewise, any political subdivision may contract with a joint EMS district board for EMS facilities the joint EMS board either leases or owns. The joint EMS district may also purchase, lease and maintain all materials, buildings, land and equipment the board considers necessary.
3. The district may provide necessary services and equipment to the district directly or through contract. Such service contracts may not exceed a term of five years for ambulance service, additional ambulance service in emergencies or EMS. The district board may contract with one or more counties, townships, municipal corporations, joint fire districts, governmental units that provide ambulance service or EMS, nonprofit corporations, or private ambulance owners (all inside or outside Ohio). Any contracts of this nature must be approved by the district board and all legislative authorities in the area to be served. The contract must conform to the same competitive bidding requirements as other county contracts.
4. The district may receive donations from any participating counties of rights or interests in real or personal property (including money) and services to the district. Any contributions of this kind must be by written agreement between the donor counties and the district.

Joint EMS district purchases and contracts are all subject to the competitive bid law provisions in Sections 307.86-92 of the Revised Code.

FUNDING A JOINT EMS DISTRICT

The board of trustees of a joint EMS district is not a taxing authority or bond issuing authority under Ohio law. Instead, the board of trustees of a joint EMS district must inform individual boards of county commissioners in participating counties if taxes need to be levied pursuant to Chapter 5705 of the Revised Code (property taxes). Similarly, this notification must occur if bonds need to be issued pursuant to Chapter 133 of the Revised Code. After such notification has occurred, individual boards of commissioners may form themselves into a joint board. This joint board then acts as the taxing authority and/or bond issuing authority for the joint EMS district.

Another funding option is for the county to levy a real property tax for its county and use the revenue to contract for services by the joint EMS district.

WITHDRAWAL FROM A DISTRICT/DISSOLUTION OF A DISTRICT

A county wishing to withdraw from a joint EMS district must pass a resolution stating its intent to withdraw. The county must also give written notice to the joint EMS district board on or before September 1 of the year **preceding** that in which the withdrawal is to be effective.

On or before January 1 of the year following the adoption of the withdrawal resolution, the county ceases to be part of the joint EMS district. In the event a real property tax is in effect, the district can no longer levy a tax on that county's taxable property. The only exception occurs when debt has been issued by the district (through boards of commissioners) and the tax was levied to retire the debt (ORC 307.058 (B)). Division of assets, property, etc. is done by following provisions included in the joint resolution which created the joint EMS district (ORC 307.058 (C)).

A board of trustees of a joint EMS district may dissolve the district by adopting a resolution to dissolve. Such a resolution would become effective on January 1 of the year following the resolution's adoption (ORC 307.058 (D)). The district is also dissolved if only one county remains after others have withdrawn. Again, any outstanding debt incurred by the district must be paid and any remaining assets, property, etc. are distributed to participants in accordance with provisions in the joint resolution which created the district.

CONCLUSION

The enactment of Sub. HB 384 gives counties another option to provide vital emergency medical services to citizens. Please insert this CAB following the CCAO Information tab of the *County Commissioners' Handbook*.