



CITY OF LA CROSSE COUNCIL LEGISLATION

CAPTION:

AN ORDINANCE to create Section 2.23 of the Code of Ordinances of the City of La Crosse entitled, "Joint Emergency Medical Services Commission."

REFERRAL ROUTE:

Intro. 11/13/08
J&A

Re-REFERRED TO
APR 14 2011
J:A

ACTIONS AND DATES: (for Clerk's Office use only)

Tabled
MAY 12 2011
by Council

DRAFTED BY:

Originally drafted by Fire Department and Mayor - withdrawn on 8-29-08

REQUESTED BY:

CM Dorothy Lenard and CM Richard Swantz

INTRODUCED BY:

CM Dorothy Lenard and CM Richard Swantz

REPORT OF COMMITTEE

To the Honorable Mayor and Common Council of the City of La Crosse:

Your Judiciary & Administration Committee, on May 10, 2011, having under consideration the annexed An Ordinance re-referred to create Section 2.23 of the Code of Ordinances of the City of La Crosse entitled "Joint Emergency Medical Services Commission", recommends the same be not adopted.

Respectfully submitted,


Richard P. Becker, Chair, Andrea Richmond, Douglas L. Farmer,
Francis Formanek, Bob Seaquist

Typed: 5-10-11

Approved:

COW: 15-1 (Richmond voted No)

Legal Memorandum

To: Common Council, Mayor
Cc: City Clerk
From: Stephen F. Matty, City Attorney 
Date: May 10, 2011
Re: Ordinance to create Section 2.23: Joint Emergency Medical Service Commission Ordinance

The purpose of the memorandum is to advise the Common Council that (1) it would violate its previous legislative enactment if it were to adopt the Joint Emergency Medical Services Commission Ordinance; and (2) the reasons given for the need to adopt said ordinance are without merit.

FACTS

In April, 2011, the Common Council decided to take the above-mentioned ordinance off the table and route it to its committees. On May 3, 2011, the Judiciary and Administration Committee adopted the ordinance by a vote of 3 to 1. The reason provided at the Judiciary Administration Committee as to why the ordinance needed to be adopted was to allow the City of La Crosse to have representation on the County's Joint Emergency Medical Services Commission.

ANALYSIS

Adopting the Joint Emergency Medical Services Commission Ordinance would violate prior legislative enactment by the Common Council. Previously the Common Council adopted Resolution 2008-11-013 creating the Fact Finding Commission. This resolution states that the Council can take no action whatsoever on Emergency Medical Services until the Fact Finding Commission has provided a report to the Common Council. To date, no report has been provided. The Fact Finding Commission still exists and the resolution creating the same has not been rescinded. Therefore, the Common Council cannot take any action to adopt an ordinance creating a Joint Emergency Medical Services Commission without violating its own resolution. This is the same advice provided to the City on November 21, 2008 and which is found in the legislative file. If the Council desires to adopt the ordinance, *then it must either rescind the previous resolution creating the Fact Finding Commission or*

the Fact Finding Commission must complete its charge as a condition precedent to such action.

Moreover, the Common Council does not need to adopt a Joint Emergency Medical Services Commission in order to participate in the County's Joint Commission. The County of La Crosse has already adopted a Joint Emergency Medical Services Commission Ordinance. That ordinance provides that certain city officers are able to participate in the County's governing body. The Mayor and Council can appoint and confirm members to participate in the County's ordinance without exposing the City to risk or abdicating its authority on this matter. As such, the reasons offered on why it is necessary to adopt this ordinance are *non sequitur*.

CONCLUSION

For the reasons stated above, Common Council can take no further action on the Joint Emergency Medical Services Ordinance without first addressing the Fact Finding Commission issue. Moreover, the City of La Crosse, need not adopt any such ordinance in order to participate in the governing body that the County of La Crosse already created.

Legal Memorandum

To: Teri Lehrke – City Clerk
Cc: Nikki Elsen – Deputy City Clerk
From: Stephen F. Matty – City Attorney
Date: 11-21-08



Re: Referred Matters List - AN ORDINANCE to create Section 2.23 of the Code of Ordinances of the City of La Crosse entitled, "Joint Emergency Medical Services Commission."

You requested an opinion as to how the City Clerk's Office should address the newly introduced legislation on the Joint Emergency Medical Services Commission. As you are aware, the Common Council recently adopted Resolution #2008-11-013 creating a Fact Finding Commission to follow up mediation issues regarding paramedic services. The final resolution paragraph of that legislation states that the Common Council shall take no further action on emergency medical service issues unless and until receipt and consideration of the final report from the Fact Finding Commission, except where the incumbent paramedic provider were to no longer to provide such services to the City of La Crosse. The ordinance creating the Joint Emergency Medical Service Commission deals with oversight issues on the provision of emergency medical services within the City of La Crosse. The proposed ordinance was also a subject matter of mediation.

Therefore, it is the recommendation of the Legal Department that the proposed ordinance be administratively referred to the Fact Finding Commission for its consideration. As such, it is recommended that the ordinance not be referred to any other committee or governing body until the commission has completed its charge. These administrative actions would comply with the intent and direction of Common Council Resolution 2008-11-013.

SFM:blb

COMMITTEE REPORT

Your Judiciary and Administration Committee having under consideration the annexed resolution to create a Fact Finding Commission to follow up mediation issues and determine whether to upgrade Fire Department training services and/or to provide paramedic services, recommends the same be adopted as amended.

Respectfully submitted,

Richard P. Becker, Chmn.
Tom Sweeney
Jacie Gamroth
George Italiano
Dorothy Lenard
Bruce Ranis

REPORT AND
RESOLUTION ADOPTED
NOV 13 2008
BY COUNCIL

Typed: 11-5-08
Approved:
J&A Vote: No - #8 and 12

File # 2008-11-013

Amended
RESOLUTION

WHEREAS, the City of La Crosse has participated in mediation with the County of La Crosse and Gundersen Lutheran/Tri-State Ambulance in regard to ambulance services within the City of La Crosse as noted in Resolution #2007-07-022 adopted on July 10, 2008, and

WHEREAS, the City of La Crosse, County of La Crosse and Gundersen Lutheran/Tri-State Ambulance all agreed to the four guiding principles concerning the provision of ambulance services which are:

1. Maintain a Regional Approach for Paramedic Services;
2. Enhance Clinical Quality and Patient Safety;
3. Control Healthcare Costs; and
4. Collaborative Effort and Provide Inclusivity; and,

WHEREAS, the County Board Chair and the City Council President acknowledge that the City and County were close to an agreement in mediation with only two primary unresolved issues remaining: (1) the composition of the Joint Emergency Medical Services Commission, and (2) whether the City should add the next ambulance to the system; and

WHEREAS, the determination concerning whether to upgrade training standards to include paramedic response and the provision of ambulance transportation services is a complex question requiring the allocation of sufficient resources to understand the issues and determine the needs of the City of La Crosse.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of La Crosse, that a Fact Finding Commission be created to determine whether the La Crosse Fire Department should upgrade training and standards to include paramedic response and provide ambulance transport services.

BE IT FURTHER RESOLVED that the Commission shall be composed of five members of the City of La Crosse Common Council who shall be appointed by the Council President.

BE IT FURTHER RESOLVED that the Commission's goal is to submit a report to be considered by the Common Council in the March 2009 legislative cycle.

BE IT FURTHER RESOLVED that the Common Council shall take no further action concerning emergency medical services, including, without limitation, whether to upgrade the training and standards to include paramedic response and provide ambulance transport services unless and until receipt and consideration of the final report of the Commission, except in the event that Gundersen Lutheran/ Tri-State Ambulance should no longer provide service to the City of La Crosse.

COMMITTEE REPORT

To the Honorable Mayor and Common Council of the City of La Crosse:

Your Judiciary and Administrative Committee having under consideration the annexed ordinance to create Section 2.23 of the Code of Ordinances of the City of La Crosse entitled "Joint Emergency Medical Services Commission," recommends the same be adopted.

Respectfully submitted,

**Richard Becker, Chairman
Andrea Richmond, Vice Chair
Douglas Farmer
Francis Formanek
Bob Seaquist**

Typed: 5-4-11

Approved:

J&A Vote: 3-1; No - #13

COMMON COUNCIL CITY OF LA CROSSE

The following Committee(s) considered the attached matter and make(s) the following recommendation to the Common Council:

An Ordinance re-referred to create Section 2.23 of the Code of Ordinances of the City of

Subject: La Crosse entitled "Joint Emergency Medical Services Commission."

JUDICIARY & ADMINISTRATION COMMITTEE

(A) NA R AF RF NR

<u>VOTE:</u>	<u>ABSENT</u>	<u>FOR</u>	<u>AGAINST</u>
BECKER	_____	_____	_____
FORMANEK	_____	_____	X
FARMER	EX. _____	_____	_____
RICHMOND	_____	X	_____
SEAQUIST	_____	X	_____
Total	1	3	1

MOTION: 2nd

MOTION: 2nd

MOTION: 2nd

Date MAY 03 2011 Signed

HIGHWAYS, PROPERTIES & UTILITIES COMMITTEE

A NA R AF RF NR

<u>VOTE:</u>	<u>ABSENT</u>	<u>FOR</u>	<u>AGAINST</u>
BLOEDORN	_____	_____	_____
JOHNSON	_____	_____	_____
MEDINGER	_____	_____	_____
SATORY	_____	_____	_____
SULLIVAN	_____	_____	_____
WAGNER	_____	_____	_____
Total	_____	_____	_____

MOTION: 2nd

MOTION: 2nd

MOTION: 2nd

Date _____ Signed _____

FINANCE & PERSONNEL COMMITTEE

A NA R AF RF NR

<u>VOTE:</u>	<u>ABSENT</u>	<u>FOR</u>	<u>AGAINST</u>
HAPPEL	_____	_____	_____
KADER	_____	_____	_____
OLSON	_____	_____	_____
SCHMIDT	_____	_____	_____
SWANTZ	_____	_____	_____
WIGDAHL	_____	_____	_____
Total	_____	_____	_____

MOTION: 2nd

MOTION: 2nd

MOTION: 2nd

Date _____ Signed _____

Legal Memorandum

To: Teri Lehrke – City Clerk

Cc: Nikki Elsen – Deputy City Clerk

From: Stephen F. Matty – City Attorney

Date: 11-21-08

Re: Referred Matters List - AN ORDINANCE to create Section 2.23 of the Code of Ordinances of the City of La Crosse entitled, "Joint Emergency Medical Services Commission."



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Therefore, it is the recommendation of the Legal Department that the proposed ordinance be administratively referred to the Fact Finding Commission for its consideration. As such, it is recommended that the ordinance not be referred to any other committee or governing body until the commission has completed its charge. These administrative actions would comply with the intent and direction of Common Council Resolution 2008-11-013.

SFM:blb

ORDINANCE NO. : _____

AN ORDINANCE to create Section 2.23 of the Code of Ordinances of the City of La Crosse entitled, "Joint Emergency Medical Services Commission."

WHEREAS, Wisconsin Statute Section 66.0301 authorizes intergovernmental cooperation between cities and counties for the joint exercise of any power or duty, and

WHEREAS, the County of La Crosse and City of La Crosse find that it is in the public interest to create a Joint Emergency Medical Service Commission.

NOW, THEREFORE, THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 2.23 is hereby created to read as follows:

2.23 JOINT EMERGENCY MEDICAL SERVICE COMMISSION.

(A) MEMBERSHIP

- (1) La Crosse County Board Chair or his/her designee, who shall be a County Board Supervisor;
- (2) La Crosse County Board First Vice Chair or his/her designee, who shall be a County Board Supervisor;
- (3) Mayor of the City of La Crosse or his/her designee, who shall be a City of La Crosse Common Council Member;
- (4) Two City of La Crosse Common Council Members, who are appointed by the Mayor subject to Common Council approval;
- (5) Citizen member from the City of La Crosse, who is appointed by the Mayor subject to Common Council approval;
- (6) Mayor of the City of Onalaska or his/her designee, who shall be a City of Onalaska Common Council Member;
- (7) The La Crosse County Unit Chair of the Wisconsin Towns Association;
- (8) Member who shall be a village president or his/her designee as determined by the villages located in La Crosse County and shall be an elected official;
- (9) Representative from Gundersen Lutheran Medical Center;
- (10) Representative from Franciscan Skemp Medical Center;
- (11) Physician from Gundersen Lutheran Medical Center who shall serve as a non-voting ex officio member; and
- (12) Physician from Franciscan Skemp Medical Center who shall serve as a non-voting ex officio member;

(B) DUTIES AND POWERS

- (1) The EMS Commission shall be responsible for establishing standards for emergency medical transport services in La Crosse County, reviewing

provider performance, and reporting on performance to the county and other municipal governmental entities. At a minimum, the standards established by the EMS Commission shall be in compliance with the current performance standards achieved by the EMS system and enjoyed by the County of La Crosse, specifically:

- (a) Physician EMS Medical Director(s) that are Board Certified by the American Board of Emergency Medicine;
 - (b) A single set of Pre-Hospital Medical Care Protocols for 911 Response;
 - (c) Wisconsin Administrative Code HFS 112 for Emergency Transport for 911 Response;
 - (d) Closest ambulance response regardless of jurisdictional boundaries. Jurisdictional boundaries shall not limit the response of the transport providers; and
 - (e) Electronic patient care reporting for all individual patient care reports.
- (2) The duties and powers of the EMS Commission shall include the exercise of powers in the following areas:
- (a) Personnel Standards. Develop personnel standards in the following areas:
 - (i) State licensed EMT paramedic or National Registry in compliance with Wisconsin Administrative Code HFS 112;
 - (ii) Turnover Rate Standards.
 - (b) Scope of Services. Develop scope of services in the following areas:
 - (i) Response time standards for defined response zones for advanced life support services everywhere in La Crosse County consistent with industry and national standards. However, response time standards for services provided in the City of La Crosse shall not exceed eight (8) minutes and zero (0) seconds for ninety percent (90%) of 911 calls, and such time is measured from the time of unit dispatch until on location and reported to County 911 Dispatch;
 - (ii) Plan for 24 hour, 365 day per year coverage as per Wisconsin Administrative Code HFS 112 for La Crosse County;
 - (iii) Mutual Aid Agreements, including the number of mutual aid agreements, response time requirements and activations requiring La Crosse County resources;
 - (iv) Transport times for individuals requiring transfer to an appropriate and licensed

inpatient psychiatric or behavioral health facility due to inability to meet specific patient care requirements such as age, forensic care, and medpsych diagnoses.

- (c) **Vehicle and Equipment Requirements.**
Develop vehicle and equipment requirements which include, at a minimum, standards regarding the age and status of ambulance vehicles, equipment and supplies inventory, and repair and maintenance requirements and reporting in compliance with Wisconsin Administrative Code HFS 112 and DOT Trans 309.
- (d) **EMS System Communications and Standards in compliance with Wisconsin Administrative Code HFS 112.**
- (e) **Medical Director/Medical Control to be in accordance with Wisconsin Administrative Code HFS 112.** The EMS Commission shall have the authority to approve, remove and replace the Medical Director to be utilized by the credentialed paramedics in accordance with standards promulgated by the Commission.
- (f) **Quality Assurance Program.** Develop standards for quality assurance in such areas as: quality indicators, run report review process, protocol review and approval process, patient satisfaction monitoring process, patient rights and safety program.
- (g) **Insurance Requirements.** Requirements for commercial/general liability/professional liability coverage for ambulance providers.
- (h) **Data Collection, Reporting, and Records Requirements.**
 - (i) Develop standards regarding content and frequency of routine reports in such areas as: calls, response times, clinical quality, skills proficiency, patient satisfaction, and vehicles and equipment.
 - (ii) To ensure complete transparency, ambulance providers will make all financial and operational information available to the Commission. Financial and operational information includes but is not limited to personnel, vehicle, capital, equipment, operational expenses, charges for services, revenues, reimbursement rates, technology information such as GPS and computer-aided dispatch data, and response times

to various communities, districts, or zones.

SECTION II: This ordinance shall not be construed as restricting or prohibiting the City from exercising its power and authority under state law, including, but not limited to, sec. 62.133, Wis. Stat.

SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

Mark Johnsrud, Mayor

Teri Lehrke, City Clerk

Passed:

Approved:

Published: