MINUTES

COUNTY OF ROCKWALL EMERGENCY SERVICES CORPORATION

ROCKWALL HISTORIC COURTHOUSE 101 EAST RUSK ROCKWALL, TEXAS 75087 972-204-6000

Regular Board Meeting

Thursday, June 29, 2017 5:00 p.m.

GENERAL BOARD MEETING

Board Members Present:	**Board Members Absent:**
Brian Berry (Heath)	**Dana Lawson (Mobile City)**
David Billings (Fate)	**Debby Bobbitt (Rowlett)**
Dennis Lewis (Rockwall)	
Lorne Megyesi (Fate)	
Janet Nichol (Royse City)	
Jim Pruitt (Rockwall) (arrived at 5:04 during Treasurer's report)	
Cliff Sevier (Rck. County)	
Robert Steinhagen (McLendon-Chisholm)	
David Sweet (Rck. County)	

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1. Call to order

David Sweet, President of the ES Corporation, called the meeting to order at 5:00 p.m. with the above named board members being present and absent.

2. Discuss / act on minutes from the May 24, 2017 regular ES Corporation Board Meeting

Board Member Lewis motioned to approve the minutes as presented. Board Member Megyesi seconded the motion, which passed unanimously of those present.

3. Discuss / act on ES Corp. Treasurer's Report

David Peek, Treasurer of the ES Corporation, came forth and briefed the board on his monthly report. Board Member Pruitt of Rockwall arrived to the meeting at this point. Board Member Billings moved to accept the Treasurer's Report as presented. Board Member Lewis seconded the motion, which passed unanimously of those present.

4. Discuss / act on the following preliminary budgets for Fiscal Year 2018 for the ES Corporation:
   a) Administrative / Operating Budget
   b) Law Enforcement Training Facility Operating Budget
   c) Emergency Management Program Budget

President Sweet began discussion of this item, pointing out that there is currently no ambulance services budget being proposed since the ESC is negotiating an EMS contract that does not have a subsidy associated with it. Mary Smith of the City of Rockwall then came forth and provided brief comments to the board concerning the budget proposals. Board

Member Megyesi made a motion to approve forwarding the budget proposals to each entity for consideration. Board Member Nichol seconded the motion, which passed unanimously of those present.

5. Discuss / act on Emergency Management Program Report

6. Adjournment

<u>AMBULANCE SERVICES BOARD MEETING</u>

<u>Board Members Present:</u>

Brian Berry (Heath)
David Billings (Fate)
Dennis Lewis (Rockwall)
Lorne Megyesi (Fate)
Janet Nichol (Royse City)
Jim Pruitt (Rockwall)
Cliff Sevier (Rck. County)
Robert Steinhagen (McLendon-Chisholm)
David Sweet (Rck. County)

<u>Board Members Absent:</u>

Dana Lawson (Mobile City)

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1. Call to order

Sweet called the meeting to order at 5:10 p.m.

2. Discuss / act on monthly reports from Medic Rescue related to EMS contract compliance

Mitch Ownby of Medic Rescue came forth and briefed the board on his company's monthly reports. The board took no action pertaining to this report.

3. Discuss / act on draft contract and associated negotiations regarding a new countywide ambulance services contract

Sweet read the following agenda item into the public record before recessing the public meeting to go into Executive Session at 5:14 p.m.

Sweet called the public meeting back to order at 5:54 p.m. No action was taken as a result of Executive Session. Sweet briefed the board on certain topics that he believes the draft contract addresses as well as those topics that may still be outstanding or unresolved within the draft contract.

Dave Butler, City Administrator of McLendon Chisholm commented regarding driving habits of the contractor, wondering if they are trained on how to drive their vehicles. He feels like the idea of putting this sort of language in the contract may be "micro managing."

Board Member Steinhagen proposed that some sort of a "Hatch Act" provision or similar language for inclusion in the contract language.

Board Member Berry shared that the Public Safety Chief of Heath already provided some comments to those working on the draft contract. Sweet acknowledged that Chief Garrett's comments have been received and noted within the draft ('marked up' version of the) contract.

He expressed that his number one priority is response times, and he feels the contract adequately addresses those concerns.

Ed Thatcher, City Administrator of Heath, commented that his city's mayor and chief have shared comments. So he indicated he has no concerns at this time.

Board Member Nichol indicated that Chief Bell of Royse City has already submitted comments and that she has no additional comments at this time.

Mayor Megyesi of Fate expressed some concern about response time compliance language. Giving them 25 "freebies" before liquidated damages would come into play does not seem to be in the ESC's best interest (See Section 8. E. 2nd paragraph). He would like to shorten it down from 25 calls. He pointed out that the response zone in the SE corner is a very large zone, and he has concerns about how they will meet call responses in the SE corner while, at the same time, not neglecting City of Fate responses. Mr. Ownby of Rockwall County EMS/Medic Rescue shared that the company has a static deployment plan from four particular stations, but when one of the ambulances ("boxes") moves, it triggers moving boxes from other stations. Currently, with regards to the station that serves Fate, about 80% of the time, that box will be stationed in that same location. If and when if it leaves, other trucks will be moved in to cover that area. Mr. Ownby explained that the movement of ambulances is all based on a system status plan. They are static stations, but the system status plan is fluid and ever-changing.

Board Member Megyesi expressed that he does not want Fate residents to end up having poor response times like Heath has historically had. General discussion ensued pertaining to how the contractor plans to address response time compliance standards and equalize response times across the county.

Board Member Pruitt expressed that he agrees with Megyesi in that the "25" number may pose issues.

Megyesi expressed concerns as well regarding how response time issues may be addressed and quickly and adequately resolved by the contractor if/when they arise.

Martin Ramirez (contractor staff) pointed out that the Liquidated Damages section provides safeguards. Also, each of the four zones will have its own, individual response time compliance report and associated standards. Mr. Ownby shared that the zones noted in the contract will be used as a starting point; however, the "lines" of the zones may need to be reevaluated over time, especially in light of growth that will invariably occur as time passes. Ownby suggested a review of the zones once every two years. Legal counsel to the board, Grant Brenna, shared that such modifications could easily end up being addendums to the original contract.

Mr. Shrader, the board's EMS consultant, reminded everyone that this is a performance based contract. So, they may address poor response times by adding additional boxes, or they may do so by having a "roving box" on a part time basis. It will be up to the contractor to figure out what is needed in order to meet response time standards specified within the contract.

Mr. Thatcher of Heath asked about the contractor's plan to open a station within the City of Heath. Mr. Ownby indicated that, yes, there is still an intention to move a station to Heath. (See Section 15 (table) of contract draft).

Megyesi pointed out that the proposed Fate station may not be ideal during the time the IH-30 bridge/overpass is down. Ownby indicated that a box may be placed at/near the intersection of IH-30/John King. Billings pointed out that the locations are "proposed" / not mandatory.

Regarding Section 15. - "initial deployment of four ambulances....and peak deployment of 6..." - Billings expressed that he has concerns about specifying actual numbers of boxes. Mr. Ownby shared that in order to perform under the contract, his company will have to have however many number of boxes is necessary. He expressed that the "four" and "six" number are just a "starting point" for the contract. Mr. Shrader shared that language could be added to the contract to essentially state that the contractor is expected to add to the fleet, no matter what, in order to maintain contract compliance.

Board Member Billings spoke a bit about countywide vs. zone response time standards for Priority 1, 2, and 3 calls. He generally expressed the desire for the language to be written such that it ensures the contractor performs for each zone (in addition to standards applicable countywide). He wonders if there is any particular problem with zone lines splitting a city in half. Also, he would like to be sure that the "latest and greatest" technology will be required of the contractor in passing years. Mr. Grant (legal counsel) reminded the board that the contract may be amended at any point in the future as long as both parties agree to do so.

Board Member Lewis of Rockwall commented regarding the 3% maximum average bill (MAB) rate increase, suggesting that perhaps there should be language to allow for a decrease in MAB as well (similar to the allowance for an increase). He provided brief, additional comments concerning the language within the contract dealing with "surveys" as well as the insurance provisions. Regarding Section 23. A.1., he is not sure that $1 million general aggregate coverage is enough, and he asked staff to look into this. Furthermore, he does not off hand disagree with M80 (the supervisor vehicle) stopping the clock, but he can also think of times when a transport capable ambulance would be vitally necessary.

Board Member Pruitt commented that regarding Section 8E. Paragraph 2, generally expressing that these provisions do not protect Heath and Fate. Also, he does not agree with "forgiveness" of late response times. Regarding the Medical Physicians Advisory Board (MPAB), he does not believe it is fair to the contractor to not tell them, upfront, what the MPAB will be asked to do and what impacts the MPAB may have on the contractor. Mr. Shrader, consultant, indicated that the contract language could be made more clear in order to better explain what the MPAB and/or Medical Director will do.

Regarding "call mix," Mr. Ownby explained that calls received used to be roughly 65% non-emergency and 35% 9-1-1 (emergency) calls. Now, the call mix is roughly 70% 9-1-1 calls and 30% non-emergency or "transfer" type calls.

Brief comments were made indicating that a termination clause, including a timeframe for advance notice, needs to be added to the contract language.

Regarding major breaches of the contract, Mr. Rick Crowley, City Manager of Rockwall, pointed out that some things are not curable (or should not be curable), providing a few examples such as if they lose their license, declare bankruptcy or are found to have committed Medicare fraud.

Board Member Billings wants to be sure that no malware will be introduced into the county or local police department's CAD (computer aided dispatch) systems via the CAD-related web portal that the contractor will put into place under the terms of the contract. Mr. Ownby shared that he will be scheduling a project planning phone call for next week to discuss functionality and integration of the contractor's CAD system with the county and city's CAD systems.

It was noted that Board Member Brian Berry of Heath left the meeting at this point (7:58 p.m.).

Mr. Crowley believes that the list of required reports is comprehensive; however, he suggested adding a provision that will allow the ESC board the ability to add or request additional reports not necessarily called out in existing contract language.

Regarding on-site training for First Responder Organizations within the county, Mr. Ramirez (contractor) indicated that there may be some logistical issues. He shared that they plan to have onsite training at the Heath EMS station. He shared that training can become a full-time job, indicating that they interviewed a person last week to take care of training.

Board Member Pruitt requested that language be added to the contract to stipulate that hospitals are not responsible for replenishing the Contractor's supplies. Regarding driver safety and driving habits, Mr. Crowley and others generally indicated that they would like to see these issues addressed through added contract language.

Discussion then took place pertaining to the contractor's desire to have Medic 80 (M-80 supervisor SUV vehicle) stop the clock with regards to response time compliance. Mr. Shrader shared that, if the board does allow this, then it may wish to consider adding language that would require a transport capable ambulance to arrive within a certain amount of time thereafter for each of the three priority / type calls. Mr. Ownby shared that his company has utilized the supervisor's vehicle to stop the clock for two decades and that this is becoming something more and more common nationwide. However, he indicated, there is not a lot of current industry data out there regarding this topic. Mr. Crowley shared that it would be beneficial if the contractor would provide additional information such as the following: when has it been utilized? How often? How many calls were adversely affected (i.e. a transport capable box was needed IMMEDIATELY (or 2 paramedics were needed ASAP)? Mr. Tim Wolf (contractor) pointed out that only the most tenured, most experienced paramedics ride on and respond with M-80. Mr. Shrader also suggested that the board may wish to consider a trail period within the contract, regularly requiring data in order to assess how things are going in this regard. Mr. Wolf indicated that it is likely about 2% of the monthly calls for which M-80 stops the clock. Board Member Megyesi shared that he personally doesn't have an issue with M-80 stopping the clock. Board Member Billings suggested beefing up the reporting requirements on M-80 stopping the clock (what happened after m80 stopped the clock…a 'refused xport,' a 'transport'; ambulance got there X# of minutes thereafter, etc). President Sweet gave indication that he will negotiate M-80 stopping the clock and will call for it to be reevaluated yearly within the contract language.

Billings expressed some concern about the contract language related to the period of time associated with the contractor curing a breach. Also, he feels that $250/day fine for late reporting on a monthly (or yearly) report may be too harsh. Regarding audit and annual reporting, he feels 90 days is fair. He generally expressed concern about the ESC board having the ability, according to the draft contract language, to step in and literally take over the contractor's business right away for one of many reasons.

Board Member Pruitt left the meeting at this point (at 9:19 p.m.).

President Sweet asked the board for direction regarding an appropriate timeframe for moving forward with additional negotiations and returning a revised/updated draft contract to board members for further consideration. Board members generally indicated that they would like to

see something returned to them for consideration within about two weeks. After brief discussion, it was decided that Kristy Cole (Rockwall City Secretary and Assistant ESC Board Secretary) will work to get an updated draft distributed to board members around end of day on Tuesday, July 18 and a special ESC board meeting will be scheduled for Thurs., July 20.

4. THE COUNTY OF ROCKWALL EMERGENCY SERVICES CORPORATION WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

   Discussion of legal issues regarding countywide ambulance services contract pursuant to Section 551.071 (Consultation with Attorney).

ES Corp. board members and legal counsel convened in Executive Session starting at 5:16 p.m. and ending at 5:53 p.m. No action was taken as a result of Executive Session. Sweet and the board then addressed item #3 above (again).

5. Adjournment

Sweet adjourned the meeting at 9:40 p.m.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE COUNTY OF ROCKWALL EMERGENCY SERVICES CORPORATION ON THIS THE 23rd DAY OF August, 2017.

David Sweet
County Judge and President, County of Rockwall ESC Board of Directors

ATTEST:

Kristy Cole
Assistant Secretary, Board of Directors - County of Rockwall ESC