



AGENDA

Eau Claire County

EMS Study Committee

Tuesday, February 27, 2024, at 4:00 p.m.

Eau Claire County Courthouse

721 Oxford Ave., Eau Claire, WI 54703 • Room 3312

A majority of the county board may be in attendance at this meeting, however, only members of the committee may take action on an agenda item.

Join from the meeting link:

<https://eauclairecounty.webex.com/eauclairecounty/j.php?MTID=ma78caa3052e2513536c3cb94bc661792>

Join by meeting number:

Meeting number: 2536 905 9368 Password: x8ShPe3gRt3

Join by phone:

Dial in: 415-655-0001 Access Code: 2536 905 9368

1. Call to Order and confirmation of meeting notice
2. Roll call
3. Public Comment
4. Review/approval of meeting minutes – **Discussion/Action**
 - a. January 30, 2024
5. Memo and Recommendation from Corporation Counsel - **Discussion**
6. File No. 23-24/079: Resolution authorizing the extension of the special committee to explore countywide Emergency Medical Services – **Discussion/Action**
7. Adjourn

Prepared by: Samantha Kraegenbrink – Assistant to the County Administrator

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or Administration for assistance (715-839-5106). For additional information on ADA requests, contact the County ADA Coordinator at 839-7335, (FAX) 839-1669 or 839-4735, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.



MINUTES

Eau Claire County

EMS Study Committee

Tuesday, January 30, 2024, at 3:00 p.m.

Eau Claire County Courthouse

721 Oxford Ave., Eau Claire, WI 54703 • Room 3312

Present: Jake Brunette, Allen Myren, Tyler Esh, Todd Meyer, Dane Zook, Joe Alf, Rod Eslinger (remote)

Others: Samantha Kraegenbrink – Committee Clerk, Sharon McIlquham, Tom Webb, Jason Szymanski, Mark Renderman, Tony Biazi, Kitzie Winters, Rod Eslinger, Matt Jaggar, Jon Schultz, Dan Hanson, Stephanie Hirsch, Roy Atkinson, Kathryn Schauf, Dave Solberg

Public: Present

Call to Order and confirmation of meeting notice

Chair Meryn called the meeting to order at 3:00 p.m. and confirmed meeting notice.

Roll call

Roll call was taken by the clerk and is listed above under present.

Public Comment

No member of the public wished to make comment.

Review/approval of meeting minutes from October 30, 2023

Motion by Supervisor Meyer. All in favor, no deletions, corrections, or additions. Minutes approved.

Countywide EMS research updates and proposal and recommendation/presentation to the County Board

Attorney Jake Brunette provided an overview of a memo he prepared for the committee. The memo was provided to the committee and other stakeholders prior to the meeting. As presented to the committee and outlined in the memo, Attorney Brunette advised in his opinion the “best option would be for the county to proceed with the distributive model by entering into intergovernmental agreements with each municipality with conditions (i.e. EMS oversight committee) where the municipality agrees to provide EMS (direct or contract) while agreeing to maintain, at least, the financial investment into EMS from the previous year. The county would determine annually an amount to levy to supplement the cost of EMS and disperse funds amongst all municipalities pursuant to a formula (i.e. population, municipality size, call volume, etc.). Primary questions/concerns are: 1) does this model constitute a countywide EMS; 2) does this model transfer service and, if it does, what happens when the county and municipality don’t file a notice of transfer; and 3) what obligations does the county have if a municipality does not enter into an intergovernmental agreement with the county for EMS? Ultimately, considering the questions/concerns about what constitutes countywide EMS along with the obligations that come with the service and how the municipality’s taxing capacity may be impacted as well as the quality EMS that is already being provided in the county, I recommend the county not provide countywide EMS.”

Corporation Counsel McIlquham recommends the committee begins a work group to put together a plan to work on, Supervisor Meyer motions that the committee puts together a work group that puts together a plan for option 3. Distributive Services (either county has an agreement with municipalities and/or the county has an agreement with services providers) that would be presented to the municipalities and service providers (major stakeholders) for consideration. All in favor, motion carries.

EMS impacts related to HSHS/Prevea closures

The Committee discussed how EMS services now can/may/will be impacted by the closure of HSHS and Prevea.



MINUTES

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Future Agenda Items

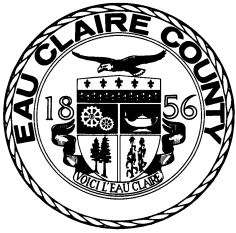
- Workgroup Action/Plans

The meeting was adjourned at 4:15 p.m.

Respectfully submitted by,

Samantha Kraegenbrink

Assistant to the County Administrator



OFFICE OF CORPORATION COUNSEL

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*Richard A. Eaton
Charles R. Ellefsen, III
Jake Brunette
Sarah E. Brown-Jager*

CORPORATION COUNSEL

Sharon G. McIlquham

January 29, 2024

TO: Eau Claire County EMS Study Committee

FROM: Attorney Jake Brunette

RE: Update on Countywide EMS in Eau Claire County – January 2024

Since the last EMS Study Committee meeting in November 2023, I have continued to research countywide EMS by corresponding with representatives from the City of Eau Claire, the Finance Department, and representatives from Wisconsin Counties Association. Eau Claire County is not alone with municipalities throughout the state struggling to finance and maintain quality EMS coverage especially in rural areas.

Key aspects of EMS in Eau Claire County are:

1. Eau Claire County has nineteen (19) municipalities (13 towns, 3 cities, 3 villages)
2. Eau Claire County has five (5) ambulance providers
3. Eau Claire County has eleven (11) first responder providers
4. Municipalities are happy with the quality of EMS
5. The primary provider of EMS is the City of Eau Claire, which provides quality EMS
6. Municipalities levy varying amounts to fund EMS with municipalities desiring to use the levy for other municipal needs (i.e. roads)
7. Municipalities want funding to help pay for quality EMS as the cost continues to rise
8. Eau Claire County does not provide EMS currently
9. Eau Claire County does not want to negatively impact a municipality's levying capacity and/or shared revenue by providing countywide EMS

Key aspects and questions of countywide EMS are:

1. Only a county has the authority to levy taxes outside of levy limits if countywide EMS is provided (cities, towns, and villages do not have this authority and county cannot create or delegate authority to municipalities)
2. Countywide EMS means the service is provided to the entire county
3. What constitutes countywide EMS is unclear
4. Countywide EMS must be approved by State DHS and State DOR
5. What constitutes a transfer of service from the municipality to the county is unclear

6. What impact does countywide EMS have on a municipality's levying capacity in relation to 2023 Act 12 taking effect on July 1, 2024 (key issue: filing/not filing a notice of transfer of services; DOR guidance still pending)?
7. What if a municipality levies less taxes for EMS compared to previous years in relation to 2023 Act 12 and Wis. Stat. 66.0608(2m) (starting in July 1, 2024, each municipality must certify annually that the municipality has maintained a level of EMS that is at least equivalent to the previous year or risk losing a portion (~15%) of shared revenue)?
8. What if all municipalities are not onboard with the county's plan for EMS?
9. How much does countywide EMS cost considering municipalities' current investment into EMS?

Options for countywide EMS in Eau Claire County include:

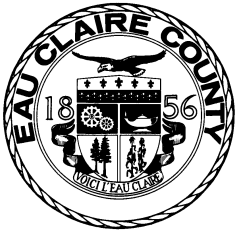
1. Consolidated services – county is the sole provider of EMS
2. Supplemental services – county is one provider with other non-county providers
3. Distributive services – county contracts with non-county providers
4. No countywide EMS – EMS provided by each municipality but not the county

If the county were to provide countywide EMS considering the quality EMS that is already provided in Eau Claire County along with the primary desire to acquire funding from the county, the best option would be for the county to proceed with the distributive model by entering into intergovernmental agreements with each municipality with conditions (i.e. EMS oversight committee) where the municipality agrees to provide EMS (direct or contract) while agreeing to maintain, at least, the financial investment into EMS from the previous year. The county would determine annually an amount to levy to supplement the cost of EMS and disperse funds amongst all municipalities pursuant to a formula (i.e. population, municipality size, call volume, etc.). Primary questions/concerns are: 1) does this model constitute a countywide EMS; 2) does this model transfer service and, if it does, what happens when the county and municipality don't file a notice of transfer; and 3) what obligations does the county have if a municipality does not enter into an intergovernmental agreement with the county for EMS? Ultimately, considering the questions/concerns about what constitutes countywide EMS along with the obligations that come with the service and how the municipality's taxing capacity may be impacted as well as the quality EMS that is already being provided in the county, I recommend the county not provide countywide EMS.

I propose the committee draft a summary report outlining: 1) current state of EMS in the county; 2) questions/concerns of countywide EMS; 3) options for countywide EMS; and 4) a recommendation. I propose this summary report is reviewed and approved in February or March with a presentation of the report to the County Board in March 2023.

Sincerely,

Jake Brunette
Assistant Corporation Counsel
Eau Claire County



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CORPORATION COUNSEL

Sharon G. McIlquham

February 19, 2024

TO: Eau Claire County EMS Study Committee
FROM: Attorney Jake Brunette
RE: Supplement to January 29, 2024 Update on Countywide EMS

This correspondence supplements the update to the Eau Claire County EMS Study Committee dated January 29, 2024 (see attached) regarding outstanding questions related to Eau Claire County providing countywide EMS. Consistent with my recommendation from the January 29, 2024 update, I believe outstanding questions must be answered before an considerable effort is put forth in developing possible options and recommendations for countywide EMS.

The two (2) primary areas that remain unresolved are:

- 1. What constitutes providing countywide EMS and what obligations come with providing such services?**
- 2. If the county provides EMS, how does providing such service impact local municipalities (i.e. taxing capacity, shared revenue)?**

Answers as to what constitutes a countywide EMS is essential as a county cannot levy taxes outside of levy limits unless the county provides emergency medical services on a countywide basis (see Wis. Stat. 66.0602(3)(e)(6)). This is assuming the county will not consider providing countywide EMS without relying on the ability to levy tax outside levy limits. As noted in the January 29, 2024 update, this tax levying authority is limited to counties and such authority cannot be transferred to other municipalities without a change in state law.

Providing Countywide EMS

Pursuant to Wis. Admin. Code DHS 110.04(2), emergency medical services or EMS is defined as an arrangement of personnel, communications, equipment, and supplies for the delivery of emergency medical care, which is further defined in the aforementioned cite. Such administrative code also defines ambulance services providers and EMS responders. Any entity that acts or advertises for the provision of EMS shall be licensed by the Wisconsin Department of Health Services in addition to the Wisconsin Department of Revenue (Wis. Admin. Code DHS 110.05). Pursuant to Wis. Stat. 59.54(1), the county does have the discretionary authority to provide EMS by: 1) purchasing, equipping, operating, and maintaining ambulances; 2) contracting for ambulance service with one or more providers for

conveyance of the sick or injured; and/or 3) making reasonable charges for use of an ambulance within the county. The county has the authority to apportion and levy taxes for EMS pursuant to Wis. Stat. 59.51(1) and 59.51(2). A county can also provide and levy taxes for a separate and independent EMS other than EMS provided by a municipality. (*Town of Grant v. Portage County*, 2017 WI App 69). Providing countywide EMS is optional.

According to Danny Williams, who is the EMS Rural Coordinator with Wisconsin DHS, a countywide EMS shall provide 100% coverage throughout the entire county and three (3) forms of countywide EMS have been provided by Wisconsin counties in the past: 1) consolidated model, where county is the direct provider of the service (i.e. purchases, equips, operates, and maintains EMS assets and EMS personnel); 2) supplemental model, where county provides some or all of the EMS assets while relying on EMS personnel from other municipalities; and 3) distributive model, where county contracts with EMS services providers.

Based on the feedback from the municipalities in that municipalities are happy with the quality of EMS but want additional funds for EMS without losing tax levying's capacity, the committee has primarily focused on how the county can provide EMS while maintaining the quality EMS that exists with limited county involvement while levy taxes for such service. This model of service provision does not fit into any of the three (3) models identified by DHS. The primary questions are:

1. If a county acts primarily as a funding source with minimal involvement or control in the actual provision of EMS, does this constitute providing countywide EMS?
2. Who can the county enter into agreements with to facilitate such an arrangement (i.e. ambulance providers, municipalities, first responder entities)?
3. Can the county financially supplement the existing EMS already provided by municipalities and still be considered countywide EMS?
4. If the county advertises that a countywide EMS exists and a provider or municipality does not enter into an agreement with the county, does a countywide EMS still exist? In such situation, what are the county's obligations to ensure such service is provided? Assuming the county must provide the service, what level of service needs to be provided at a minimum?
5. If countywide EMS is provided, does the provision for such services constitute a consolidation of municipal services under Wis. Stat. 59.03 requiring each municipality to agree to the provision of such services? What happens if a municipality doesn't agree?

These are just some of the questions that must be answered to ensure the committee designs and recommends a countywide EMS program that is lawful while meeting the needs of the public and each individual municipality.

Countywide EMS and Impacts on Local Municipalities

Outside the questions on what constitutes countywide EMS comes the more complex questions as to how local municipalities are impacted including transfer of levying capacity, maintenance of effort obligations, and how the county's EMS relates to and impacts the existing EMS provided by the municipality. The primary source of uncertainty derives from changes in the law under Wis. Stat. 66.0602(3) as it relates to a transfer of service. Currently, the Wisconsin Department of Revenue (DOR) determines whether a transfer of service has occurred between municipalities and how the municipalities' levies are impacted in relation to levy limits. Starting on July 1, 2024 pursuant to 2023 Act 212, the transfer of services and levy impacts are not determined solely by the DOR. The levy limit adjustments due to the transfer

of service apply only if both municipalities file a notice of service transfer with the DOR. Also, starting on July 1, 2024 pursuant to Wis. Stat. 66.0608(2m), municipalities must certify annually that the municipality has maintained a level of EMS that is at least equivalent to the previous year or risk losing a portion (~15%) of annual shared revenue. The practical application of the change in these laws is unknown and DOR guidance is pending. DOR, at a committee meeting on October 30, 2023, did indicate that the county establishing a countywide EMS constitutes a transfer of service and a levy limit adjustment. The primary questions are:

1. What constitutes a transfer of service for EMS between municipalities?
2. With the change in the law, who decides when a transfer of service occurs?
3. Do levy limits adjust even if the county does not need tax levying capacity with providing countywide EMS?
4. What if the county establishes a countywide EMS but municipalities don't file a notice of service transfer with the DOR?
5. With the change in the law, how does a municipality meet the maintenance of effort obligation if EMS is transferred to the county?
6. Does a transfer of service constitute a consolidation of municipal service under Wis. Stat. 59.03?

Again, these are some of the questions that must be answered to ensure the committee designs and recommends a countywide EMS program that is lawful while not negatively impacting the local municipalities.

As I stated in my January 29, 2024 update, there are many outstanding questions/concerns that must be answered by the committee before I would support and recommend, from a legal perspective, some defined version of countywide EMS. I would again propose the committee draft a summary report outlining: 1) current state of EMS in the county; 2) questions/concerns of countywide EMS; 3) options for countywide EMS; and 4) a recommendation. I propose this summary report is reviewed and approved in March with a presentation of the report to the County Board in March 2023.

Sincerely,

Jake Brunette
Assistant Corporation Counsel
Eau Claire County

FACT SHEET

TO FILE NO. 23-24/079

A special committee was formed to explore the viability of a countywide EMS system, but has not yet completed their assessment regarding the available options. New legislation will take effect on July 2, 2024, and the Wisconsin Department of Revenue has not yet provided any guidance as to the effect the law change may have on the options that may be available to the County.

The special committee is due to terminate in April 2024 and it is necessary to extend the term of the special EMS Committee until December 31, 2024. The special EMS Committee's term shall be extended until December 31, 2024, to allow the committee to continue to ascertain the viability of a countywide EMS system.

Fiscal Impact: Unknown

Respectfully Submitted,

Jake Brunette
Assistant Corporation Counsel

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AUTHORIZING THE EXTENSION OF THE SPECIAL COMMITTEE TO EXPLORE COUNTYWIDE EMERGENCY MEDICAL SERVICES

WHEREAS, several municipalities have approached Eau Claire County to assist with emergency medical services (EMS) in their respective municipalities due to the growing number of service calls, increasing costs, and maintaining quality service; and

WHEREAS, a county has the authority to provide countywide EMS through the purchase and operation of ambulances, contracting for ambulance services, charging fees for EMS, and/or appropriating and levying taxes outside the levy limits; and

WHEREAS, counties throughout the state have varying levels of involvement in EMS from providing dispatch services to counties that own and operate ambulances with staff along with committee oversight; and

WHEREAS, a special committee was formed to explore the viability of a countywide EMS system, but has not yet completed their assessment regarding the available options; and

WHEREAS, new legislation will take effect on July 2, 2024, and the Wisconsin Department of Revenue has not yet provided any guidance as to the effect the law change may have on the options that may be available to the County; and

WHEREAS, until such time as the Wisconsin Department of Revenue provides guidance to answer the legal questions and concerns regarding creating a countywide EMS system, the County cannot move forward with determining the viability of a countywide EMS system; and

WHEREAS, the special committee is due to terminate in April 2024 and it is necessary to extend the term of the special EMS Committee until December 31, 2024.

NOW, THEREFORE BE IT RESOLVED, the Eau Claire County Board of Supervisors approves that the special EMS Committee’s term shall be extended until December 31, 2024, to allow the committee to continue to ascertain the viability of a countywide EMS system.

ADOPTED

Committee on Administration
Dated this _____ day of March, 2024.

VOTE: _____ AYE _____ NAY