

PROPOSED BY: FRAZEY, GALLOWAY, DONOVAN
INTRODUCTION DATE: AUGUST 9, 2022

ORDINANCE NO. _____

**ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 5.04
(AMBULANCE FRANCHISES) TO ADDRESS DIVERSITY, EQUITY, AND
INCLUSION ON THE EMS OVERSIGHT BOARD AND EMS TECHNICAL
ADVISORY COMMITTEE AND TO DEFINE THE PROCESS AND ELEMENTS
OF AN EMS LEVY SERVICE PLAN**

WHEREAS, on June 5, 2012 the Whatcom County Council and the Bellingham City Council passed a joint resolution (Whatcom County [Resolution 2012-016](#)) adopting the jointly recommended business model for county-wide emergency medical services (EMS); and

WHEREAS, on December 10, 2013, the Whatcom County Council adopted [Ordinance 2013-074](#) to replace the Emergency Medical and Ambulance Advisory Board established through Whatcom County [Ordinance 1982-109](#) and amended through [Ordinance 2006-007](#) with the EMS Oversight Board and Technical Advisory Board defining the composition and duties; and

WHEREAS, the countywide emergency medical services system serves all of Whatcom County including Bellingham, Ferndale, Lynden, Blaine, Everson, Nooksack, and Sumas; and

WHEREAS, on May 31, 2016, the Whatcom County Council approved [Ordinance 2016-019](#) providing for submission to the qualified voters of Whatcom County a proposition imposing the levy of a regular property tax each year for six years, at a rate of \$0.295 or less per \$1,000 of assessed valuation, to continue to provide emergency medical services; and

WHEREAS, on November 3, 2016, Whatcom County voters approved the six-year EMS levy; and

WHEREAS, on November 24, 2020, the Whatcom County Health Board approved [Resolution 2020-054](#) affirming that racism is a public health crisis; and

WHEREAS, in order to ensure the provision of EMS services at current service levels, it was necessary and appropriate that a regular property tax of \$0.295 per \$1000 of assessed valuation be continued after its expiration at the end of 2022; and

WHEREAS, on July 12, 2022, Whatcom County Council Committee of the Whole received a presentation on the 2023-2029 EMS Levy Service Plan ([AB2022-398](#)), which was developed by the Levy Planning Committee over a two-year period and endorsed by the EMS Oversight Board; and

WHEREAS, on July 26, 2022, the Whatcom County Council approved

[Ordinance 2022-055](#), providing for submission to the qualified voters of Whatcom County, on November 8, 2022, a proposition imposing the levy of a regular property tax each year for six years, collection beginning in 2023, at a rate of \$0.295 or less per \$1000 of assessed valuation; and

WHEREAS, Whatcom County [Ordinance 2022-055](#) states that "*County Council would have the opportunity to review and potentially reduce the EMS property tax levy in its annual EMS property tax levy ordinance, if the Council determines that EMS needs can be fully met with a lower levy*"; and

WHEREAS, the Whatcom County Council wishes to codify an annual review of the current and future revenues and expenses of the EMS Levy; and

WHEREAS, the Whatcom County Council wishes to expand the membership of the EMS Oversight Board and the Levy Planning Committee to include two members tasked with addressing diversity, equity, and inclusion both in EMS operations and strategic planning identified in the levy service plan; and

WHEREAS, the Whatcom County Council wishes to clarify the EMS Oversight Board's responsibility to public transparency by adding compliance with the Open Public Meetings Act; and

WHEREAS, the Whatcom County Council wishes to codify the process and elements of creating the 2023-2029 EMS levy service plan and include additional mechanisms to regularly track progress towards diversity, equity, and inclusion.

NOW, THEREFORE, BE IT ORDAINED that the Whatcom County Code is hereby amended to revise Chapter 5.04, focused on Sections 5.04.080 and 5.04.085, as outlined in Exhibit A to this ordinance.

ADOPTED this ____ day of _____, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Todd Donovan, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Karen Frakes (email 8/3/2022)
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A:

Sections:

- 5.04.010 Required for operation of ambulance or first aid vehicles.
- 5.04.020 Application - Contents - Proof of minimal liability insurance required.
- 5.04.030 Operator's license required.
- 5.04.040 Ambulance license required.
- 5.04.050 Ambulance personnel requirements.
- 5.04.060 Transportation by other vehicles prohibited.
- 5.04.070 Additional requirements.
- 5.04.075 Violation – Penalties.
- 5.04.080 EMS oversight board.
- 5.04.085 EMS technical advisory board.
- 5.04.090 Ambulance operations – Records – Review – Hearing – Finding.

5.04.010 Required for operation of ambulance or first aid vehicles.

No person, firm or corporation shall operate an ambulance or a first aid vehicle in Whatcom County (outside the limits of any city or town) without having first secured a franchise issued by the board of county commissioners of Whatcom County, except as provided in subsections (1), (2), (3), and (4) of RCW 18.73.150. (Prior code § 4.02.020).

5.04.020 Application – Contents – Proof of minimal liability insurance required.

- A. Applications for a franchise to operate an ambulance (ambulances) or first aid vehicle (vehicles) must be in writing, addressed to the board of county commissioners of Whatcom County, setting forth the name and address of the applicant, the owner of the vehicles, the trade name under which the ambulance will be operated, the operators of the vehicles, and each of the personnel whom it is anticipated will accompany the vehicle operator or operate any of the equipment carried in the vehicle.
- B. The application shall also contain a description of the vehicle, including the make, model, year, chassis number, ID number, registration number, license number, the color scheme, insignia, name, monogram or other distinguishing characteristics to be used as designating applicant's ambulance.
- C. The application shall indicate the central location from which the vehicle is intended to be dispatched and indicate the area and locale in which it is to be operated.
- D. The applicant shall certify each vehicle as equipped to conform to the

requirements of the state laws and shall indicate specifically any manner in which his vehicle, as equipped, deviates from the minimum requirements of state regulations.

- E. The provisions of subsections A through D of this section will be deemed satisfied if the applicant can establish he holds a current, valid ambulance or first aid vehicle license issued by the Secretary of the State Department of Social and Health Services; and, his vehicle operator(s) are licensed and approved by the Secretary of the State Board of Social and Health Services.
- F. The application should be accompanied by proof of liability insurance in minimum limits of \$100,000/\$300,000 covering operations. (Prior code § 4.02.030).

5.04.030 Operator's license required.

An ambulance operator, ambulance director, first aid vehicle operator or first aid director, as defined in RCW 18.73.030, may not operate a service within Whatcom County outside the city limits of any city or town without holding a license for such operation issued by the Secretary of the Washington State Department of Social and Health Services, except as provided under subsections (1), (2), (3) or (4) of RCW 18.73.130. (Prior code § 4.02.010).

5.04.040 Ambulance license required.

RCW 18.73.140 is adopted by this reference thereto. An annual license is required for an ambulance; qualification for, issuance and revocation of ambulance license is required and license display; and periodic inspections of the ambulance are required. (Prior code § 4.02.040).

5.04.050 Ambulance personnel requirements.

RCW 18.73.150 is by this reference thereto adopted in this chapter. (Prior code § 4.02.050).

5.04.060 Transportation by other vehicles prohibited.

RCW 18.73.180 is by this reference thereto adopted in this chapter. (Prior code § 4.02.060).

5.04.070 Additional requirements.

The following additional sections of Chapter 18.73 RCW are adopted by this reference thereto, insofar as same neither conflict with state regulation nor

are superseded by provisions of Chapter 18.73 RCW:

- A. RCW 18.73.030, definitions;
- B. RCW 18.73.080(1), (a), (b), and (4), minimum requirements prescribed by the Secretary of the State Department of Social and Health Services for ambulances and first aid vehicles; and, liability insurance to be carried by ambulance operators;
- C. RCW 18.73.100, conditions for variance from state standards;
- D. RCW 18.73.110, emergency medical technician qualifications;
- E. RCW 18.73.120, advanced first aid certificate qualification, issuance and duration;
- F. RCW 18.73.160, first aid vehicle licenses;
- G. RCW 18.73.170, first aid vehicles, personnel and use. (Prior code § 4.02.070).

5.04.075 Violation – Penalties.

Violation of the aforementioned sections of this chapter shall constitute a misdemeanor and, upon conviction, violators shall be fined a sum not exceeding \$100.00, or may be imprisoned in the county jail for not exceeding six months. (Prior code § 4.02.100).

5.04.080 EMS oversight board.

- A. Composition. There is created a joint, advisory, cooperative emergency medical and ambulance services oversight board, consisting of the following eleven members:
 - 1. The Whatcom County executive;
 - 2. The mayor of Bellingham;
 - 3. A mayor of an incorporated city, other than Bellingham, appointed by the Small Cities Partnership;
 - 4. One Bellingham city councilmember, appointed by the Bellingham City Council;
 - 5. One Whatcom County councilmember, appointed by the Whatcom County Council;
 - 6. County Fire District Commissioner, appointed by the County Fire Commissioner's Association;

7. A medical community citizen representative, appointed jointly by the county executive and the mayor of Bellingham;
8. A financial/budget citizen representative, appointed jointly by the county executive and the mayor of Bellingham;
9. A citizen at large, appointed jointly by the county executive and mayor of Bellingham; and
10. Two (2) EMS or fire department employees or citizens with a demonstrated commitment to diversity, equity, and inclusion, appointed jointly by the county executive and mayor of Bellingham.

B. Duties of the EMS Oversight Board. The EMS oversight board shall:

1. With the active advice and participation of the EMS technical advisory board, make recommendations to Whatcom County and the cities and fire districts of Whatcom County regarding administration, operations, levels of service, and EMS budgets and financial reporting s; and
2. Be the primary organization responsible for framing the ongoing vision of an integrated and coordinated EMS system; and
3. Hold at least four meetings per year (quarterly) to review the status of emergency medical services in Whatcom County and to develop recommendations; provided, that all eleven members shall be voting members and provided further that a quorum of six members is required in order for the board to take final action. Board recommendations shall be made by a minimum of six members voting to affirm the recommendation; and
4. Consider diversity, equity, and inclusion in all activities and recommendations. Prior to any board action, the board will articulate how that action will achieve diversity, equity, and inclusion goals; and
5. Refer appropriate technical, operational, and medical matters to the EMS technical advisory board; and
6. Ensure that meetings of the EMS oversight board comply with the Open Public Meetings Act, Chapter 42.30 RCW. At every meeting the board will schedule an open session to take public comment; and
7. Designate the Whatcom County executive as the chairperson of the board and designate the staff for the board. The board may select a vice chair who may serve as interim chair in the absence of the county executive; and
8. Staff support of the EMS Oversight Board shall be designated by and serve under the direction of the county executive.

9. If an EMS levy is sought to fund EMS services, the EMS Oversight Board will ensure that the Whatcom County Council and the Bellingham City Council have an opportunity to review a draft levy service plan and provide feedback prior to the EMS Oversight Board voting to endorse an EMS levy service plan.
10. In making recommendations, strive to stay within the adopted county budget and service provider contracts. Any recommendation will include a fiscal analysis and funding recommendation. (Ord. 2013-074 (Exh. A); Ord. 2006-007; Ord. 82-109; prior code § 4.02.080).

C. EMS Levy.

If an EMS Levy is sought to fund EMS services, Whatcom County Council will approve a levy service plan prior to or in conjunction with adoption of an ordinance to place a levy on a ballot for voter approval as per RCW 84.52.069. Additionally, designated staff for the EMS Oversight Board or a designated representative from the EMS Oversight Board shall provide to council an annual review of the Levy Service Plan and current and future revenues and expenses of the EMS Levy.

1. Levy Service Plan. The EMS Oversight Board shall review and consider endorsement of a levy service plan in advance of county council approval. Any proposal for a new levy or an extended levy that will require voter approval must be sent to County Council at least six weeks prior to any deadline for submitting a proposal to the ballot.
 - a. A levy service plan will be developed with Whatcom County staff support and in coordination with partnering agencies in the county-wide EMS service area.
 - b. The levy service plan will include the following:
 - i. Description of the EMS structure and systems in Whatcom County;
 - ii. Description of the process to develop the levy service plan;
 - iii. Status of previous recommendations;
 - iv. Financial information for EMS revenue, capital expenditures, personnel costs, EMS levy rate calculation, and funding allocations including reserves;
 - v. Description of activities and achievements related to diversity, equity and inclusion;
 - vi. Strategic recommendations to address diversity, equity, and inclusion in recruitment, hiring, and service to the community as well as other areas;

- vii. Set targets for diversity in staffing and applicants and track progress towards those goals; and
- viii. Track demographics annually of staff in EMS jobs and in the paramedic training programs as well as attendees for recruitment events and applicants for job postings;
- ix. Recommendations, which shall include the following:
 - 1. Medical unit locations,
 - 2. Future service demands,
 - 3. Data and technology systems,
 - 4. Recruitment and training,
 - 5. Prevention and community outreach,
 - 6. Medical dispatch,
 - 7. EMS administration,
 - 8. Diversity, equity, and inclusion, and
 - 9. Target communities and organizations for recruitment.

2. Levy Planning Committee.

- a. Membership. The EMS Oversight Board shall confirm members of an EMS Levy Committee to guide the development of a levy service plan. Subcommittees may be established to address specific topics in more detail. Members of the EMS Levy Committee shall include one representative from each of the participating agencies and other members as defined as follows:
 - i. Whatcom County,
 - ii. City of Bellingham,
 - iii. Whatcom County Council,
 - iv. Bellingham City Council,
 - v. Small Cities Representative,
 - vi. Bellingham Fire Department,
 - vii. Whatcom County Fire District 7,
 - viii. Lynden Fire Department,
 - ix. Whatcom County Fire Chiefs Association,

- x. Whatcom County Fire Commissioners,
 - xi. IAFF Local 106 Representative,
 - xii. Whatcom 7 Firefighters
 - xiii. Citizen Representative,
 - xiv. Citizen Finance Representative,
 - xv. EMS/Trauma Council, and
 - xvi. Two (2) EMS or Fire department employees or citizens with a demonstrated commitment to diversity, equity, and inclusion.
- b. Staff support of the Levy Planning Committee shall be designated by and serve under the direction of the county executive
 - c. The Whatcom County Executive and Mayor of Bellingham shall appoint a chair from the Levy Planning Committee members.
 - d. The Levy Planning Committee shall comply with the Open Public Meetings Act, Chapter 42.30 RCW.

5.04.085 EMS technical advisory board.

- A. Composition. There is created a joint, cooperative emergency medical services technical advisory board, consisting of the following 10 members:
 - 1. A member appointed by the Whatcom County Fire Chiefs Association;
 - 2. A member appointed by the county executive from the Whatcom County administration;
 - 3. A hospital/medical community representative, appointed jointly by the county executive and the mayor of Bellingham;
 - 4. A member appointed by Whatcom County Fire District 7 as an ALS service provider;
 - 5. A member appointed by the city of Bellingham fire department as an ALS service provider;
 - 6. A member from the What-Comm Dispatch Center, appointed jointly by the county executive and the mayor of Bellingham;
 - 7. A paramedic training education provider, appointed jointly by the county executive and the mayor of Bellingham;
 - 8. A member appointed by the Whatcom County EMS/Trauma Care Council;

9. A member appointed by the mayor of Bellingham from the city of Bellingham administration; and
10. The medical program director.

B. Board Officer and Staff Support.

1. County executive shall appoint chair and vice chair.
2. The chair shall be responsible for convening and conducting meetings.
3. Staff support of the EMS Technical Advisory Board shall be designated by and serve under the direction of the county executive.
4. The EMS Technical Advisory Board may create other interim work groups to assist the EMS Technical Advisory Board in making recommendations. The interim work groups may include other members of the community not part of the EMS Technical Advisory Board.

C. Duties of the EMS Technical Advisory Board. The technical advisory board shall:

1. Serve as advisors and make recommendations to the EMS oversight board and to emergency medical service providers in Whatcom County regarding operational, educational, and logistical components of basic through advanced life support services;
2. Monitor the emergency medical services provided throughout Whatcom County and make recommendations to the EMS oversight board designed to improve the efficiency and effectiveness of those services;
3. Hold meetings as needed with the primary purpose of making such recommendations in an efficient and focused manner;
4. Strive to make recommendations by consensus. In the absence of consensus recommendations may be made by a majority of all members of the EMS Technical Advisory Board;
5. Coordinate ongoing training standards and services; and
6. Consider diversity, equity, and inclusion in all activities and recommendations to the EMS Oversight Board; and
7. Review the levy service plan and provide feedback prior to the EMS Oversight Board considering endorsement the plan; and
8. Strive to make recommendations that stay within the adopted county budget and service provider contracts. Any recommendations will include a fiscal analysis and funding recommendation. (Ord. 2013-074 (Exh. A)).

5.04.090 Ambulance operations – Records – Review – Hearing – Finding.

- A. Emergency medical care by ambulance crews will be performed in accordance with the standards and principles of the course of instruction given emergency medical technicians.
- B. Records, in a form to be approved by the board, shall be logged by ambulance crews and shall include the appearance and status of, and treatment administered to, injured, sick, or incapacitated persons treated or transported by ambulances or their crews. Such records shall be made and copies filed monthly. The file copy should have a number rather than the name of the person receiving care. Such records are confidential and shall be released only to the board and proper officials, unless subpoenaed.
- C. The board shall review operations of ambulance crew to determine whether or not the standards have been met.
- D. If it appears to the board that substandard operations may have occurred, the board shall set a hearing date upon not less than three days' written notice to the crewmen and ambulance owner or proprietor affected. At such hearing the affected crewmen and owner or proprietor shall be apprised of any adverse information under consideration by the board and shall be given the opportunity to present any information or evidence in rebuttal or defense. Such hearing shall be closed to the press and public unless the respondents thereto shall request a public hearing.
- E. Upon a finding by the board that the standards have not been met, the board of county commissioners of Whatcom County, by resolution or ordinance, may declare immediate forfeiture of any county franchise or license held by such ambulance crew of the owner, or proprietor of the ambulance service, by whom such ambulance crew is employed. (Prior code § 4.02.090).