**CALIFORNIA TAHOE EMERGENCY SERVICES OPERATIONS AUTHORITY**

**Meeting of the Board of Directors**

**November 18, 2013 at 8:30 am**

**City of South Lake Tahoe City Council Chambers**

**1901 Airport Road, South Lake Tahoe, CA 96150**

**I. Regular Meeting**

**1. Call to Order** – the meeting was called to order at 8:33 am with a quorum established.

**2. Roll Call** – Present at the meeting were:

Board Chairperson Robert Bettencourt

Director JoAnn Conner

Director Dave Huber

Director Angela Swanson

Executive Director Anthony Gasporra

Deputy Executive Director Marty Creel

Fire Chief Jeff Meston, Fire Chief, South Lake Tahoe Fire Department

Fire Chief Gareth Harris, Fire Chief, Lake Valley Fire Protection District

Also present were:

Rich Todd, El Dorado County Emergency Services Authority

Battalion Chief John Poell, LVFPD

Battalion Chief Dave Hekhuis, LVFPD

Battalion Chief Brad Zlendick, LVFPD

Shift Commander Rob Hembree, SLTFD

Shift Commander Karl Koeppen, SLTFD

Tom Watson, City Attorney for South Lake Tahoe

**3. Pledge of Allegiance**

Communication from the audience – none.

**4. Approval of the Agenda**

Director Huber made a motion to pull Item 12 off the agenda - Proposed JPA Reorganization. Discussion took place regarding whether an “action” item needs to be acted upon and how closed sessions are allowed for presented items on communication. Mr. Watson advised the Board that they are not in violation of the Brown Act by not taking action on an item presented. The motion died without a second.

A second motion was made by Director Swanson and seconded by Director Conner to adopt the agenda as presented. The motion passed three to one with Director Huber dissenting.

**5. Approval of Minutes of 10-09-2013**

Director Huber abstained from the vote as he was absent from the meeting. A motion was made by Director Swanson and seconded by Director Conner to approve the minutes of October 9, 2013 with the note that various members were not present for the entirety of the meeting and that the verbiage “the underpayment to the County” be changed to “the underpayment to Lake Valley.” The motion passed unanimously.

**II. Old Business**

**6. CTESOA Website**

Marty Creel reported that the website is up and running and that anyone wanting to make changes should bring them to him or to Tony Gasporra. The Board noted that notices need to be posted and updates need to be made, including the fact that the link to the City of South Lake Tahoe was met with a red flag.

Director Swanson asked Rich Todd if he had anything to report and he advised that the JPA was in compliance last month with the time report. He is also waiting for approval for two year extension to contract.

**7. Executive Director Job Description**

Marty Creel requested to defer items 7 and 8 below item 12.

**9. Dispatch Services – Formal Request for Proposal**

Marty Creel recommended that a committee be established to formalize the RFP process with a three-month timeline. The view of SLTFD is that dispatch would remain with the City. Director Huber noted that the City is contractually obligated to keep in line with the numbers in the JPA budget, and that there was no formula to increase the fees significantly. Marty Creel sees different numbers being agreed upon. Director Bettencourt clarified that the RFP is a different discussion than the current request for increased dispatch fees from the City. The RFP’s intent is to see if other communications centers are feasible within the budget. Chief Harris clarified that the RFP from Camino was based on the model from the West Slope, which is different than the JPA’s model. The RFP format was questioned by City Attorney so a new format was to be developed. The agenda deals with the format of the RFP. Jeff Meston advised that SLTFD does not want to change its current dispatch center. The City Attorney had not reviewed the contract but will provide an opinion at a later date. Dispatch is a sub-component of the contract with the County. The County is only concerned with the NAEMD portion of the dispatch services. Concern was expressed over the dispatch fees going from $90,000 to $158,000 and then to $388,000 when Chief Uhler came up with different formula.

Director Bettencourt noted that the discussion was getting off track. Jeff Meston advised that an RFP should not include SLTFD. Marty Creel has developed an RFP based on EMS services only. It has not been seen by the Board, but does require Board approval. Gareth Harris advised that an RFP should include fire agencies. Director Swanson stated that the issue should be tabled. Director Huber posed the question - will dispatch services be provided under the current contractual obligation, and is there an obligation?

Marty Creel can have copy by next Board meeting, but it only has an EMS component.

Director Swanson made a motion to table item 9 pending the discussion of item 11 to receive clarity. It was seconded by Director Huber and passed unanimously.

**III. New Business**

**10. Electing a Fifth Board Member**

Director Huber noted that the original Board was three members – one official from each agency. The Board now consists of four members, where a tie breaker is impossible. There may be an amendment to JPA contract with the State regarding a four-person Board involving Code 6500 but the document is not available at this time.

Tom Watson advised the Board of the appropriate procedure and that it does not have to go through LAFCO as it’s simply an amendment. Options to get a fifth member can be done by amendment. The Board can pick a fifth member. Jeff Meston recommended selecting someone from Barton Hospital. The issue has to be taken back to the respective agencies. Director Huber recommended that the Fire Chiefs, Executive Director and Deputy Executive Director come up with solution. Director Swanson expressed concern regarding putting Barton in the position of being the “fifth” and that it should be implemented in a positive way. Director Conner believes a fifth would bring fresh ideas and Director Bettencourt agrees. The Fire Chiefs, Executive Director and Deputy Executive Director were directed to meet and give recommendations to the Board at the next meeting. They were also directed to receive support from legal counsel. It was noted that the individual should be someone with knowledge of EMS, fire, dispatch and accounting. The individual can also be an agency representative (selected by the agency) or an individual selected by the Board. A recommendation was made to include non-transporting fire agencies.

The Board recessed at 10:00 am and went back in session at 10:13.

Director Swanson made a clarification for the minutes from the October meeting that she attended via telephone and Director Conner came into the meeting late.

**11. Balance of Dispatch Fees**

Jeff Meston advised that he located the dispatch contract for the JPA. Based on the contract, there is some money owed for FY 2012 that has not been paid. He recommended that a committee should be established to determine how money should be gleaned. Director Bettencourt advised that monies allocated for dispatch are tight because of the new contract language. Executive Director Gasporra advised that the Board had discussed this previously. Per Rich Todd, the contract referred to in the dispatch contract has expired. No new dispatch services agreement is in place. The current JPA contract has language regarding dispatch service requirements. Previous discrepancies in billing on behalf of the City were discussed and the Board decided to not charge the City. Director Swanson would like to see the old minutes as she remembers that deciding to not pay back the funds had to do with personnel costs, not dispatch costs. Rich Todd advised that the contract terms are important to get entities paid in a timely manner. Follow-up is needed regarding the current contracts. The issue of the validity of the contract needs to be addressed. Director Huber stated that the JPA is used as a cash cow by City and that the signed contract should be honored. A 60% increase in the dispatch contract is inappropriate. Tom Watson stated that it appears the JPA has been operating under contract provisions making it a valid contract. In 2011 there was an agreement to pay after the amount was determined. The challenge was to the amount, not the validity of the contract. Based on evidence, the Board has continually operated with SLT dispatch and paid the bills up until the 2012 bill. Director Swanson stated that the City doesn’t consider the JPA a cash cow, but rather uses it for financial support to make JPA work. Both agencies are now subsidizing the JPA with money. Some legal issues needing clarification have been identified. It was noted that the contract should be brought back and considered for acceptance of validity, along with a discussion of whether or not the $59,000 dispatch fee increase will be accepted. A request was made to place the need for a new contract on the next meeting agenda. When the new contract was developed with monetary caps, dispatch services were agreed upon based on that contract. The way budget is handled is poorly done. The JPA changed significantly with the new contract. Director Swanson stated that the JPA should negotiate with the City first and see if it’s feasible financially, otherwise initiate a new RFP.

Director Huber asked if the transport issues can be negotiated. Rich Todd advised that AB678 (GEMT) is now with the Health & Human Services Department to move forward and that it may help to build the fund balance within CSA. 5150 transports should be tasked to Rich Todd to present to Board of Supervisors. It needs to be clearly demonstrated to the Board of Supervisors that costs have increased. Rich Todd advised that the amount of difference between what’s received and what’s given to CSA3 can be pulled from County records by ED. IFT revenues stay in CSA3 account – they do not go into the general fund. Funding for EMS service is provided by taxes and fee for services, which go into CSA3 (benefit assessment and fee for service). West shore has a special tax. All fees assessed go into the CSA3 bucket. A proportion of the money received changes monthly dependant on call volume. The overall annual number should be provided to the Board as well as the potential IFT revenue. The rates for ambulance services are currently under review and will probably be increased. A request was made to have a presentation of revenue sources and expenditures on the next agenda. It was asked if the GEMT would go into the CSA3 account and the answer was yes. Priority dispatch fees are for ProQA which are dispatching tools. Director Swanson requested to get a full understanding of the accounting from FAMIS and the collection rate – what is the JPA billing vs. what they’re getting back. She also requested to know the full amount available through CSA.

Chief Brian Uhler joined the meeting and advised the Board that he cannot run the dispatch center with the $95,000 budgeted. If billed correctly, the City has been subsidizing dispatch services for the JPA for years. A discussion regarding billing by the City and the need for potential increases occurred.

The Board directed the three Chiefs (Harris, Meston and Uhler) along with the Executive Director and Deputy Executive Director sit down and come up with numbers for the next meeting so that the Board can decide to whether to go back to County.

Director Swanson summarized the items that the Board needs to consider:

1. Negotiating the 13/14 FY contract with the County

2. Negotiating dispatch service fees for the current year

3. Checking the 11/12 contract to determine its validity and the validity of the $59,000 dispatch fee

The Board also requested to see the most current dispatch contract.

**12: Proposed JPA Reorganization**

Jeff Meston provided a written proposal for reorganization that includes division of responsibilities between the agencies. The JPA contract would still exist with two points of contact for the County EMS. Jeff Meston provided an organizational chart that defined apotential new way of running the JPA.

The Board took a recess at 11:43 and resumed session at 11:55.

Jeff Meston continued his presentation noting that the general JPA costs include insurance, dispatch, audits, reporting, compliance and budgets. The division of duties would allow the JPA to be the policy board that it should be. The Chiefs would oversee the operation of individual ambulances and personnel, and the operational rules are already in place. He presented a draft operations manual based on the contract.

Gareth Harris gave a historical background on the past few years of response to the newest RFP and the contract. Discussion ensued regarding the potential for reorganization. Director Huber recommended that the proposal go back to staff so that it can be determined if division is feasible and the contract could be upheld. Director Bettencourt asked for input from the line staff. Lake Valley advised that the line staff work well together and that division may drive more of a wedge between the two agencies. The City is under new leadership and direction, and the potential for division seems to be a positive thing. The Board expressed concern that communication would be a problem and that the situation would be polarized further if a division took place. County EMS needs to be closely tied to Board and their responsibilities with a single point of contact. Rich Todd advised that he must look at Government Codes 6500 and 6505 to see how they’re applicable. Deviation from how the JPA is structurally built must be articulated in the agreement with the State of California. County EMS needs to see if new model will work. (tape ended)

Director Conner noted that a general frustration for the Board seems to be consistent communication, which may be more efficient if agencies are responsible for their own revenues/expenditures. People and personalities are getting in the way of a smooth operation. Ordering of supplies was discussed as an example of problems with communication and lack of input. Marty Creel stated that creating accountability can create an environment that allows line staff to work even better together, thus relaxing the wedge between them. John Poell stated that in the new model, the Board responsibilities may be given to individual members. Rob Hembree advised that both entities operate differently, but the product is the same. The policies overseeing the operations can be different due to the lack of a procedural manual for the JPA. Clarification of policies could help with the divisive nature of the two entities.

Brad Zlendick noted that each ambulance is required to have the same equipment and mentioned that individual ordering may cause a problem with this. Director Swanson stated that the Board is looking to streamline the administrative processes through the Executive Director’s position. It was noted that a determination would have to be made as to who would pay the bills each month and coordinate with other agencies. A discussion occurred regarding whether a division would harm the quality and consistency of the service provided. Jeff Meston reiterated that the JPA Board would oversee the major administrative issues but line administration would be left to the Chiefs. The tracking of issues from EMS would be handled by individual agencies. Policy requests from the JPA Board would be made by the Chiefs. Conflict resolution would be done by the County or the Board.

The inconsistencies in place regarding what contracts and policies are currently valid was discussed, and the Board is concerned that they are legally responsible for the JPA but so much information is missing. The history of the JPA was also discussed, including the Executive Director position which was originally handled by a North Tahoe FPD employee. The Board decided to hire a CalSTAR employee in the position and it was paid contractually by the JPA. The Board then decided to have an un-paid position which inherited prior year audits and paperwork that had built up.

Director Swanson advised that she is uncomfortable with the current Executive Director job description. She would like to see specific tasks that are required by the position. It has been established that there is no money in the budgets for the position. Communication seems to be the biggest issue. Rich Todd reminded the Board that the Executive Director reports to County. The Chiefs may not want that role as they should be sub-contractors Per the City Attorney, there should be a single point of contact.

Discussion occurred regarding whether or not a paid position would solve the issue. Director Swanson stated that she is not comfortable with Lake Valley subsidizing Tony’s position. It was noted that dispatch was subsidized by the City. Director Swanson further stated that a solution was needed so as not to abuse Tony, and that the position should have a thoughtful, fair and equitable relationship with the JPA and agencies.

It was decided that both sides of the JPA should go back to the table and create a model for a process that works to make the Executive Director responsibilities happen.

**13. Board Policies**

The staff was directed to provide the current policies to the Board and to post them on the website. Director Swanson recommended that the agendas be posted at each agency and at the fire stations consistently. It was also stated that no agency should come to the Board without appropriate documentation. The Board requested that both “communications” and “financial processing” be placed on the next agenda under Old Business.

The lack of formalized structure has created potential liability to Board and staff. Ensuring that the information is accessible is paramount, to include posting it on the website.: always potential liability for Directors who do not have information. Make sure that information is accessible – perhaps posting on the website.

**14. Freedom of Information Act**

Tom Watson advised that the request for information was being handled and that he had provided an open extension.

The meeting was adjourned at 1:40. The next JPA meeting will be held on January 13, 2014, 8:30 am, at Lake Valley Fire Protection District Station 7.

Meeting minutes taken by L. Allen