

**Pinellas Assembly – Fire/EMS Task Force
Meeting minutes – October 20, 2003, 3 pm
Largo Training Center**

Present: Ed Hooper/ chair, Joe Calio, Sally Foote, Sally Israel, Jerry Knight, Tim Schuler (Kathleen Litton absent)

Staff: Gay Lancaster, (county representative), Jim Callahan (city representative), Cindy Goodson (scribe)

Others: Dwaine Booth, Jim Lanier, Janice Metzger, Chuck Kearns, Bob Swain (PC), Laurie Romig, MD (Office of Medical Director), Bob Siler (AMR), Kevin Bowman (TS), James Angle (PH), Bill Naylor (S. PA), Dan Graves (SE)

Mr. Hooper called the meeting to order. The minutes of October 6 were approved unanimously.

Several handouts were provided at the beginning of the meeting.

- Letter from City Manager Frank Edmunds, Seminole.
- Letter from City Manager Wayne Logan, Safety Harbor.
- Fire Funding for Single Family Homes - Comparison from Pinellas County Fire/EMS Administration.
- Draft #5 of the amendment to County Code Chapter 62 relative to fire hydrant design standards and specifications.
- Tallahassee Fire Fee Information.
- Second draft of policy recommendations #1 and #2 formulated by committee member Jerry Knight that included overarching goals:

- 1 Goal #1 To have an Insurance Service Office (ISO) rating of three or better countywide. Recommendation #1 - It is recommended that a study be undertaken by consultants with the expertise to determine if Pinellas County, as a whole, can improve its ISO (Insurance Service Office) classification to a three (3) or better. It is further recommended that if the finding is favorable, to then formally request the ISO to make an official survey of the County as a whole.
- 1 Goal #2 To achieve cost savings through joint and/or collective purchasing by fire service agencies. Recommendation #2 - It is recommended that the practice of joint purchasing for expendable supplies and commodities, uniforms and equipment be supported and encouraged in the fire service countywide. It is further recommended that a consortium of risk managers and/or purchasing directors participate in an exploratory study to determine if savings can be achieved by jointly purchasing workers compensation insurance, employee health care benefits and other non-traditional programs where joint negotiations and procurement would result in cost reductions.

The Chair indicated today's agenda was to focus on hydrant infrastructure and technical

team support. However, in consideration of the presence of two visitors, the agenda would be amended to provide an opportunity to receive information from Bob Swain, Pinellas County Attorney's Office, and Dr. Laurie Romig, the Pinellas County Medical Director.

Assistant County Attorney Bob Swain provided information on fees and assessments. He indicated assessments are possible as opposed to advalorem. The authority to levy special assessments is legal provided there is a benefit to the property owner. This method is currently utilized by various fire service providers (Tallahassee, Sarasota County, Pinellas Suncoast). The assessments can vary widely based upon local needs. The amount and method of the assessment can be determined in any way, provided it has a rational basis. The assessment would have to be based on the value of the service to the property, not on the actual value of the property itself. For example, an assessment for a home could be a flat fee, but could not be on a sliding scale based upon the value of the home. It could also be based upon the relative square footage of the home or occupancy. The taxing authority is free to determine the relative value of the tax assessment load provided it is distributed on a rational basis.

Mr. Swain indicated it is not feasible to impose a surcharge on mobile homes because this is regulated through the Department of Motor Vehicles. However, he indicated it is feasible to tax the lot that the mobile home sits on. This would vary from community to community dependent upon the number of lots contained in each park.

It was questioned whether there is a prohibition on utilizing a combination of assessments and advalorem taxation. Mr. Swain indicated it is not strictly prohibited, but could be messy to tax one group while assessing a fee to another. It could be difficult to explain the justification or rationale of treating the various groups differently.

On the topic of exemptions, it was noted that both Tallahassee and Sarasota exempt church sanctuaries. Mr. Swain indicated case law and state statutes are silent on exemptions. In the event of a legal challenge or appeal, the taxing authority would be required to explain what rational basis was used to allow the exemption.

The task force discussed the Pinellas Suncoast fee schedule. It was noted that it includes a wide range of charges primarily based upon square footage. This independent fire district, located within Pinellas County, has been utilizing a fee assessment for a long, long time.

The county attorney indicated that in order to be legal, the taxing authority must be able to defend the assessment by describing and/or explaining the rationale for the exemption. There could also be issues on how to define the exemption, for example, what constitutes a church sanctuary? Square footage, occupancy load, etc.

It was questioned whether it would be possible to leave the current advalorem process in place and assess a fee only to those that are currently tax exempt? He indicated this would be an apples/oranges type of situation, in that it would not be fair to selectively assess some and not others. It would not be recommended to leave the fire advalorem tax in place plus an assessment. Utilizing a combination of the two would require a delicate balance and a comprehensive benefit analysis of the cost of fire protection

services to justify the allocations. It was generally agreed that governmental properties should be excluded because of double-taxation issues.

It was noted that utilizing an assessment fee for every structure in Pinellas County (with an exemption for governmental facilities) would reach those that are not currently paying for the costs of fire protection due to their homestead exemption or tax status.

At this time, the Chair welcomed Pinellas County Board of Commissioners Chair Karen Seel, who joined the meeting. She stated she just wanted to thank the task force members again for the hard work and time dedicated to the evaluation effort.

Committee member Knight indicated he had a question on the fire funding comparison handout distributed earlier. He noted that it only compared the unincorporated county areas within the dependent fire districts and the Pinellas Suncoast and Tallahassee fee schedules. He questioned whether each area could have their own fee structure, or would the assessment have to be countywide. The county attorney indicated that there are currently a series of MSTU millage rates for dependent fire districts. Would it be possible to switch to an assessment by each district, or could you implement a uniform assessment countywide for the dependent fire districts? Either way is possible because the county is the sole taxing authority for these specific unincorporated county areas. If this were to be done, it would require an ordinance change for the unincorporated areas and a modification of the contracts with the respective cities.

It was questioned, if the assessment fee system were instituted, would it be necessary to go to referendum to escalate fees, or would the county have the authority to increase fees as necessary to cover the specific financial needs. This could be done either way as well, dependent upon the way it is established initially within the enabling ordinance. For example, with the current language, the county commission has the authority to set the fire millage rate based upon the financial need up to the millage cap established for each dependent fire district.

Committee member Calio questioned if it is feasible to assess home owners by the advalorem method and tap into the eight billion dollars of tax-exempt properties through an assessment fee? The county attorney indicated it would not be the preferred method because there could be issues with tax equity and equal protection. It would be preferable to not utilize a mixed assessment/taxation plan because it could be less defensible or justifiable.

Committee member Schuler questioned, if an assessment plan was used exclusively, would it also target those properties that are currently tax exempt? Yes, an assessment would be applicable to everyone that utilizes fire protection, including those that are tax exempt.

Chairman Hooper questioned, if the committee were to make a recommendation for all districts to use a user fee process, would it have to be uniform countywide? With each jurisdiction having different costs, how could you implement a uniform assessment? The county attorney indicated the assessment can work provided you are dealing with a single taxing entity. Implementing a uniform assessment across the entire county would most likely require consolidation. It is possible to implement a uniform

assessment for each taxing authority, i.e., the county as the unincorporated county taxing authority could implement a uniform assessment for all unincorporated residents in the dependent fire districts. It was noted that a uniform countywide assessment without consolidation could result in cost shifting because some areas have higher costs than others.

There was further discussion on the topic of whether some agencies could be advalorem based and others could be assessment based. It was indicated there would be no problem if one city was one way (assessment based) and another city or county utilized another way (advalorem based), provided it was consistently applied within each taxing authority.

The County representative noted that the result of equalizing the advalorem for the dependent fire districts would result in winners and losers (some areas' millages would increase while others would decrease). If sufficient additional properties were included into the fee assessment pool, it could possibly result in lower rates overall. Currently, approximately \$11 billion of property values are unaccessible because of their tax-exempt status.

Committee member Foote indicated the goal should not be that everyone has to pay, but that all the users that receive the service should pay. That if a consistent millage rate is not doable, an assessment fee may be. The goal would be to articulate why an assessment fee is fair from the user point of view.

It was questioned whether other church-owned properties or non-profits pay advalorem taxes based upon the designated use? It was also questioned if the categories could be implemented over time in a stair-step approach rather than all at once. The county attorney indicated it would not be recommended to use a piece-meal approach. In order to be defensible, it should be implemented across the board. As to exemptions for schools, it could be defined based upon a governmental exclusion for public schools, or could be defined to exempt all schools, both public and private, based upon a defined social value or public concern. It was again noted that governmental should most likely be excluded because of the double-taxation issue.

The chair questioned if the committee would want to exempt governmental properties? Would the committee want to exempt public, private, or all schools? The attorney responded that it is unclear territory because assessment fees are not heavily litigated. The assessment could be imposed until challenged. The fewer exemptions to the assessment would be better and/or safer from a legal perspective. The theory of an assessment, at its base, is that all who benefit pay. The models reviewed (Tallahassee, Sarasota, Pinellas Suncoast) do have exemptions, and these are not prohibited provided they are made utilizing a rational basis. The exclusion of tax supported (governmental) agencies are easy to defend.

Committee member Knight posed a question in the area of cost equalization. If the unincorporated area utilized an assessment fee, churches would be taxed in the county, but they would not be taxed if they were in the adjoining city that utilizes an advalorem taxation structure. Is it doable to bring 23 taxing municipalities together? Can the county MSTU set a fee rate for all costs for the county MSTU for fire protection? The

County representative indicated the collective advalorem tax for fire contracts is approximately 2.6 mills. The combined fire department advalorem provided by unincorporated residents generates approximately \$16 million (Note, excluding independent fire districts). It was noted that three cities and the city's technical group are on record as not supporting a uniform millage countywide. The Chair indicated it appears the unincorporated areas could implement an assessment fee process, thus reducing the county MSTU for fire protection.

Committee member Knight noted that fragmented implementation of assessment fees could create moral and ethical issues related to annexation. Committee member Foote indicated it could not be accomplished piecemeal. If the goal or preferred method across the board would be to implement assessment fees in lieu of advalorem, that is the recommendation that should be made. This would tap into the \$11 billion in properties that currently do not pay. This in turn would result in lower costs to the others. Secondary to the principle that users pay, it would also result in a more equitable distribution of costs.

The Chair indicated some cities must staff additional personnel because of possible exposure, i.e., large hospitals, etc. Committee member Knight indicated that the better job the fire service does (in fire prevention), fewer actual fires is the measure of success.

The Chair indicated the assessment fee topic is worthy of consideration for formulation of a recommendation. It was questioned whether it should be an all or nothing approach. There was not general consensus on this issue. There were concerns that utilizing a one-step approach would die a natural death right away because all entities would not be willing to make that step. It was suggested that it may be better to tackle the unincorporated area first and that by laying this groundwork, the cities may eventually come on board as a natural progression. It was suggested that the committee could make a recommendation that each jurisdiction evaluate and consider going to an assessment fee-based process. It was also noted that the recommendation should suggest utilizing as few exemptions as possible.

Committee member Knight indicated there could be 24 different ways to implement assessment fees, based on differing methodology, but that in all cases, the tax exempt properties would start contributing to the costs of fire protection. An example was given that utilizing the \$11 billion in tax-exempt property, based on a millage of 2.284, would generate \$24 million in new revenue.

A concept idea was proposed. Recommend countywide implementation of assessment fees with limited exemptions (governmental and public schools) with each jurisdiction recommended to transcend from advalorem to fee-based assessment. This transition would be on a taxing jurisdiction by taxing jurisdiction basis. Motion passed unanimous. Committee member Knight to formalize draft recommendation for a future meeting.

Dr. Romig, the Pinellas County Medical Director, was invited to address the committee. She indicated she was present to answer any questions from the task force related to emergency medical services. She indicated that the Pinellas County EMS system runs in a very effective and efficient manner. The system utilizes fire-based first responders, a private ambulance company, and the county provides the billing. She indicated the

residents and visitors in Pinellas County receive quality clinical care. The Office of the Medical Director continuously reviews medical protocols, reexamines drug treatment protocols, and has a management system in place for determining hospital capabilities for patient flow. The system takes care of the patient promptly. The first responder begins treatment of the patient prior to the arrival of an ambulance. Once on-scene, the ambulance continues patient care and transportation to the hospital. All components of the EMS system are governed by medical protocol.

On the topic of fire-based medical transport, there are medical protocols in place that allow the first-responders to transport patients under certain circumstances. These are based upon patient criticality or local environmental conditions (climate, angry bystanders, extended ETA of the ambulance). These protocols allow the first responder to contact on-line medical control to receive authorization for a fire-based transport. It was noted that the number of fire department transports comprise approximately 1/10 of one percent of the system transports. There is a quality assessment of the process. Dr. Romig indicated she would have concerns if the transport protocols were loosened because it may undermine the system.

Committee member Knight indicated that in the current first-responder system, there are approximately 20 transport-capable rescue units and that it would be a benefit to the patient to allow these units to transport on an as-appropriate basis. This would perhaps be more efficient and safer by utilizing only one vehicle instead of the current practice of two (1st responder and ambulance contractor). Dr. Romig indicated the use of the transport contractor allows the first-responder to return to available status quicker. If the fire rescue unit were to perform the transport, it would be out of service for a longer period of time. If it is clinically important to get the patient to the hospital, a policy is in place to accomplish that.

Committee member Knight indicated that as an example, St. Petersburg has ten transport capable rescue vehicles. Also, St. Petersburg has close proximity to several hospitals. It is proposed that these medical transports could be accomplished by fire rescue in a shorter amount of time than awaiting the ambulance contractor. He indicated that these vehicles are fully equipped, the personnel are appropriately trained, and local conditions are favorable to minimize the length of time to effect a transport. He indicated that this may not be as feasible in other areas of the county where first-responders are not equipped with rescue vehicles, or are not in close proximity to medical facilities. It was thought this would be more efficient use of existing resources. The medical director indicated her concern would be that this would not be as predictable as the current deployment utilized by the ambulance contractor (system status management). That these random transports could fragment the system. The current system was established for a reason, and it works very well.

Committee member Knight indicated he was not proposing taking over the transport system, but to simply more effectively utilize the resources that are available today. It was noted that if the first-responders wanted to be a part of the transport component, that the ambulance contractor may want to be a part of the first responder component as well. The County representative indicated that the current focus of the medical director and the EMS system is medical treatment for the patient. It was noted that if fire departments were allowed to transport routinely because of their ability to do so, it could

encourage the building of capability. Currently, the system is exemplary in terms of patient care. There appears to be no need to alter the level of response or level dictated to go away from the medical need model.

The medical director indicated a physician provides medical direction on a 24 hour/7days a week basis for on-line medical control. This provides an avenue for approving fire-based transports when necessary; that it is a balance issue.

The Chair questioned whether the system expense is too high? The County representative indicated when both the user and tax-supported costs are lumped together it would seem expensive. It is important to note that the transport component is user paid, and it also pays for the Office of the Medical Director and some administration as a subsidy to the advalorem. Increasing the fire side of the equation would not lower costs because this is the advalorem supported part. Having an all-ALS level system costs more, but is worth it from the patient care perspective. It was noted that the EMS millage has reduced over the years, to 0.66 mills.

Committee member Knight indicated there would be no change in medical direction and that the county has approved funding for first-responder units. There would be no change in the system except to provide greater utilization of existing resources to improve service to the customer. The medical director noted that fire departments are not licensed as transport agencies. Committee member Knight indicated that the county is the agency that issues the Certificate of Need. It was indicated that the greater number of transport units, the greater the risk. Allowing first-responders to transport could create confusion in the system and would create pockets of coverage and fragmentation. Committee member Knight indicated that with the county's sophisticated radio system, there should be no confusion, just a question of which unit to use. There would be no financial impact because the contracts are set with both the first-responders and the ambulance contractor based upon a flat fee.

The Chair indicated he did not disagree with either point, however, this concept could ultimately reduce the availability and capability for firefighting. An example was given that if the fire department provided transport, it could triple their out-of-service time. This would be detrimental to fire service coverage unless additional revenues were received to increase capacity.

Committee member Foote questioned, why does a fire truck come in the first place? It was noted that the closest unit available provides EMS coverage, and that in some areas, it is cheaper and more effective to operate one ALS fire engine than two units (fire engine and a rescue). It was noted that firefighters are on duty 24/7 and that they are available to respond. More calls equals more productivity. The medical director indicated that the current system provides flexibility to meet patient needs. Committee member Foote questioned, would this ability of the fire department to transport get patients to a medical facility faster? The medical director responded that in those cases where a patient is in critical need, protocols are in place for the fire departments to transport now.

Committee member Knight indicated it is important to keep in mind that there are different response veracities for the first responders and the ambulance company.

(Seven minutes thirty seconds and ten minutes respectively). There was discussion about the length of time it takes to effect a transport. It was noted that first-responders are typically involved on scene approximately 30 minutes and that transports typically take approximately one hour.

Because of the time, the meeting was adjourned.

Next Meeting: November 3, 2003, 3:00 p.m., Largo Training Center