Call to Order at 7:00 p.m.
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton
Absent: Council Member Pedro Martinez

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**

- Ralph Herrera, a resident of Visalia and paramedic with AMR, voiced support for the consolidation in ambulance services. He stated that the current system was company-based rather than patient-based and in dire need of change. He suggested that many problems existed with the current system, such as by-passing the 9-1-1 system for seven-digit numbers, which he alleged hindered the response time for personnel to the emergency. He stated that patients did not receive the closest ambulance, but rather received the ambulance next up on rotation. He suggested that patients did not receive the best care, and often times received care with used equipment. He stated that the system was currently based on revenue rather than patient care. He requested that the Council support the proposed change.

- Dick Eckhoff, business address of 197 North Main Street, spoke against the proposed consolidation of ambulance services. He voiced concern with the government dictating where a business could operate. Mr. Eckhoff inquired as to whether there were response time issues, and suggested that if issues existed in the current system, they could likely be addressed in a multi-provider system. He spoke in favor of finding a resolution in the current system, rather than creating a monopoly and depriving other companies the ability to operate in the area.

- Brett Ketchings, 1897 West Tomah, spoke of his experience in emergency services most currently as a part-time employee with an ambulance provider in Porterville. He spoke in favor of consolidation and of its benefits, noting his experience in Kings County. He voiced concern with response times and commented that the decision should be patient-based, not company-based. He then questioned the ability of creating faster response times with the current system. He requested that the Council base its decision on what’s best for the patients and not what’s best for any particular company.

- Scott Scheer, Human Resource Manager with Imperial Ambulance Company, came forward and reiterated his comments previously made to the Council at its meeting on August 21, 2007. He spoke of efforts underway in the current system to provide for response by the closest available unit. In response to comments made previously that evening, he stated that Imperial Ambulance only re-used equipment that could be properly cleaned and sanitized, and this practice was common in the industry. He
requested the Council’s continued support of Imperial Ambulance Company, noting its presence in the community since 1960.

SCHEDULED MATTERS

1. PROPOSED CONSOLIDATION OF AMBULANCE SERVICES IN TULARE COUNTY

Recommendation: That the Council provide direction to the Council.

City Manager John Longley presented the item and the staff report. Mr. Longley noted the presence of Tulare County Director of Health & Human Services Ray Bullick, and suggested that Mr. Bullick might be interested in coming forward to address the Council. He indicated that the City currently had in place certificates of necessity for ambulance provision which were administered through the Fire Chief’s office. He stated that this system had been in place for some time and how it related to State law was currently being researched by the City Attorney, and that within the next week, a report including options for the Council’s consideration would be provided.

Mayor Pro Tem Felipe Martinez commented that he had received numerous telephone calls on the issue and that he could not see how the City could benefit from consolidating ambulance services. He inquired as to the areas currently covered by ambulances in Porterville.

• Scott Scheer, Imperial Ambulance, came forward and indicated that due to the change in the City of Lindsay, the northern boundary for initial response was Avenue 216. He stated that the eastern boundary went to the mountain ridge line, the southern boundary was approximately to the County line, and the western boundary was approximately to Road 152. He confirmed that the Woodville was covered by Porterville based ambulances.

• Ralph Herrera, AMR, came forward and indicated that AMR’s boundaries were the same as Mr. Scheer had stated.

Council Member McCracken noted that the proposed resolution requested that the County exclude the City limits of Porterville, and inquired what would happen with the outlying areas.

Council Member Hernandez voiced dismay with what he perceived was a double standard with regard to the County’s actions regarding medical service. He noted that the County was quick to dictate ambulance services under the guise of benefitting patients, but had no difficulty in closing Porterville’s Clinic over financial concerns.

Mayor Pro Tem Felipe Martinez inquired about how patients redirected from the Clinic to Sierra View would be handled, and requested that Mr. Bullick come forward to address his and Council Member McCracken’s questions.

• Ray Bullick, Tulare County Director of Health & Human Services, indicated that the County’s Medical Director had been having discussions with the medical staff in Porterville to discuss the transfers of Tulare County Medical Services patients. With regard to Council Member McCracken’s question pertaining to services for outlying areas, Mr. Bullick requested that Mr. Dan Lynch of CCEMSA come forward.
Dan Lynch, Director of Emergency Medical Services for Central California Emergency Services Agency, indicated this one of the things that his Agency looked at was looking for a single provider who had the resources available to provide services to areas that normally wouldn’t get those level of services. He stated that if Porterville were cut out of the equation, as was suggested, providing services to its surrounding areas would prove very difficult. He stated that when a single provider system was initiated, the County, with input from the cities, would indicate what it wanted the EMS system to look like. He then spoke of the ability of the single provider to subcontract with other providers.

Mayor Hamilton voiced concern with forced compliance through monopolization, and State legislation that made that monopoly legal. He then suggested that if one provider was awarded the contract with the County, that provider could dictate any terms and conditions to a subcontractor, since it already had a monopoly. He inquired how the other ambulance providers would be protected from that type of manipulation.

Mr. Lynch indicated that with regard to the Mayor’s comment on monopolization, Health & Safety Code Section 1797.224 provided the County, through referral to the EMS Agency, to create an “exclusive operating area.” He stated that an exclusive operating area was a legal term for a legal monopoly, and it essentially provided that if the County went through a competitive bid process, it could license only one ambulance for a geographical area. He then spoke of the process, indicating that it was first submitted to the State prior to County approval, and that the State then reviewed its terms, and if it met all the State’s requirements, the plan was then protected by the State by anti-trust law.

Mayor Hamilton noted that if the County moved forward, many smaller providers would be excluded, and that the County knew that. He reiterated his concerns with the single provider manipulating the smaller providers through sub-contracting and inquired how those smaller companies would be protected.

Mr. Lynch indicated that the smaller companies were not protected from that. He stated that it was not a problem, indicating that when the County issued the RFP, it would be for the system the County wished to have. He stated that only those companies that could provide that level of service should apply, and that Tulare County would never meet the required level of service under the current system.

Mayor Hamilton commented that under the current system Porterville residents were experiencing great coverage, and suggested that under the proposed system, service levels could drop. He suggested that Porterville would likely be funding service to smaller communities, and inquired whether the City would have a guarantee that its level of service would not drop.

Mr. Lynch stated that there was no guarantee in the current system. He then went on to speak of the volatile nature of the business, noting the effects of loss of revenues for ambulance providers due to changes in Medicare reimbursements. He commented
that a problem with the current system was that it was built around what the providers could provide to the system rather than what the County required from the providers. He stated that CCEMSA wanted to implement a system in which a company would be required to perform at a certain level, and that the billing rates would support that service level. He spoke of the State standard of responding within eight minutes, ninety percent of the time, and the need for providers to meet that standard. He stated that currently there were no response time standards in Tulare County. Mr. Lynch spoke of the antiquated systems in Tulare County and of the significant issues CCEMSA had to initially address. He stated Tulare County was the only County in the State that did not have paramedics, and had multiple dispatch centers for ambulance services. He stated that with the assistance of the ambulance providers, paramedics were put into place as of February, noting that there were no longer EMT IIs, only paramedics on the Valley floor. He stated that additionally, all EMS calls presently went through one dispatch center, and noted the significance of that accomplishment. He stated that one issue that could not be addressed was the structure of the ambulance contracts. He stated that the contracts provide exclusivity in many areas of the County and that some providers currently held monopolies in many jurisdictions in Tulare County. He suggested that the contracts locked in a level of service at that time, and spoke of the complexity with regard to the contracts. Mr. Lynch indicated that no contracts in the County of Tulare had any requirements for response time. He stated that the Porterville providers had not met their response times in May and June of that year, and indicated that there were no consequences, since there was no contractual obligation to do so. In response to a question posed by Mayor Hamilton, Mr. Lynch indicated that CCEMSA collected the statistics from the Tulare County Consolidated Ambulance Dispatch Center, and that the information was available to the public.

Council Member McCracken commented that Mr. Lynch spoke of the volatility in ambulance services due to government involvement related to Medicare reimbursements, yet pointed out that CCEMSA was proposing further government involvement. He stated that this bothered him. He stated that he had yet to hear that a single ambulance provider would solve all of the problems. He then inquired about what would happen if the response times decreased with a single provider. Mayor Hamilton suggested that fines would be imposed, and the revenue generated would be utilized in areas more favored by the County.

- Mr. Lynch responded that Mayor Hamilton’s suggestion was incorrect. He stated that the proposed system was used in most areas in the State of California, and throughout the United States. He stated that with the proposed performance-based contract, it didn’t matter how hard the provider tried to meet the standards, the provider simply needed to meet the standards. He stated that if the provider’s level of service fell below the standard, it would be fined. If there was continued lack of performance, then the provider’s contract would be terminated. 

Mr. Lynch stated that there were large ambulance companies that would love to get into Tulare County. He suggested that the providers would likely comply and not readily relinquish their contracts. Mr.
Lynch indicated that in Kings County providers were fined up to $15 for every minute late to a call. He stated that if they dropped below 95%, they were charged $100 for every 10th of a percentage they fell below. He stated that if they failed their percentage marks for a period of three consecutive months, the provider would be in material breach of the contract. He stated that had never happened in his jurisdiction, which was Fresno and Kings Counties. He stated that the revenue generate from those fines were disbursed to the first responder agencies, like the Fire Departments, which had a burden of cost in providing some first responder services.

Mayor Hamilton commented that the revenue from the fines belonged to the tax payers and not to the Fire Departments.

Mayor Pro Tem Felipe Martinez inquired as whether other options were being considered with regard to the proposed consolidation of ambulance services.

- Mr. Lynch indicated that CCEMSA had only looked at a single provider system because it believed it would be the strongest, most efficient way to provide the best level of care to the people of Tulare County. He stated that there were areas in the County that performed better than other areas in the County, but he was uncertain as to whether the Council was aware that Porterville might not be one of those areas that performed at the same level as other areas of the County. He stated that this might be one of the areas that had poor response times, and that it possibly had not been brought to the Council’s attention. He suggested that other areas of the County might be getting better service than the residents of Porterville, and that his Agency believed that the City of Porterville deserved a higher level of service. He stated that his job as the Director of CCEMSA to ensure that all areas received a high quality of service.

Mayor Hamilton spoke of the lack of communication with regard to the proposal, indicating that Porterville had not been included in the process. He stated that if Porterville did in fact have inadequate levels of service as Mr. Lynch alluded might be the case, this was also a problem, since this would be the first that the Council had heard of it. He stated that he was advised by Supervisor Ishida a few months prior that the ambulance providers were to have met to work on ways to resolve the issues with the current system, but that the item before the Board of Supervisors was not what had been represented. He then inquired as to how many ambulance providers would be able to handle Tulare County as a single provider.

- Mr. Lynch indicated that his Agency was aware of approximately 12 ambulance companies in the State of California that could handle Tulare County quite easily.
- Mr. Bullick came forward and indicated that he had made an effort to contact all of the cities, and stated that he had initial meetings with local City Managers. He stated that because he had not heard from the City of Porterville, he had contacted the City to determine whether the City would be interested in having a presentation. He stated that he never received a response, until his office received word about the meeting that evening. He apologized that the City had not heard an advance presentation, but that he thought they had made every effort to inform the City of Porterville. He stated
that with regard to his recommendation to the Board, he stated that if read closely, it did not exclude the Board from giving direction to work with the existing nine companies to come up with a joint plan that would meet the level of standard. He stated that if the companies could meet and work together, the Board could possibly entertain that. He stated that during the meeting with the ambulance providers and Supervisor Ishida, it was made clear that if the providers did not work together, the Board would have only one other option.

Mayor Hamilton spoke of a Fresno Bee article in which Mr. Bullick was quoted as wanting to go to the RFP as soon as September.

- Mr. Bullick stated that his comments at the Visalia City Council Meeting related to a proposed time frame. He stated that he was speaking in terms of how quickly the expectations could be defined for the system, of which the RFP would be a part.

Mayor Hamilton indicated that Supervisor Ishida indicated to him that the Board would not be taking any action at their upcoming meeting, and that perhaps the City might be premature in presenting a resolution opposing or supporting the program at that time.

Council Member McCracken spoke of the proposed resolution which requested excluding the City of Porterville. He inquired whether limiting Porterville’s two providers to the area of the City limits would allow the companies to continue to function.

- Ralph Herrera, AMR, came forward and indicated that approximately only 44% of the calls were in the City of Porterville, leaving 66% of the calls outside of the City limits. He then stated that because of the City’s ordinance, AMR was restricted to only responding to 33% of the calls in the City of Porterville, which he stated was part of the problem that AMR had. He stated that the City’s ordinance prohibited AMR’s growth.

Mayor Hamilton spoke against the proposed consolidation, stating that it went against the American dream.

- Scott Scheer, Imperial Ambulance, stated that while he was not a shareholder in the company, he indicated that Imperial would likely not be opposed to the idea of working within the city limits. He then rebutted the comments made by Mr. Lynch with regard to service levels in May and June. He spoke of allowed exemptions due to circumstances beyond the control of the ambulance providers, and stated that according to the report that he had on his person, Imperial and AMR were both meeting the standards. He stated that in May, Imperial Ambulance’s response rate was 85% before exemption, and 95.32% after exemptions. In June, Imperial’s response rate was 92.31% after exemptions. He stated that AMR’s rate, after exemptions, for May was 93.69%, and 92.5% in June. He stated that Porterville’s ambulance providers were making their times.
In response to a request for clarification as to the recommendation before the Board of Supervisors at the upcoming meeting, a discussion ensued during which Mr. Bullick indicated that one of the possibilities was proceeding on a dual track as had been previously discussed by Supervisor Ishida. Mr. Bullick stated that Supervisor Ishida had suggested that if the current ambulance providers wished to get together to form some type of a coalition to act in unison as a single provider and could meet all of the requirements that CCEMSA was seeking, that would certainly be an option. He stated that concurrently CCEMSA would continue working on development of the standards, which would be needed in any case.

Mayor Hamilton inquired why CCEMSA could not directly contract with the various ambulance operators and require those same standards without going to a single provider system. Mr. Lynch spoke of the limitations due to current monopolies existing in various areas, and other contracts in place. A discussion ensued during which Mayor Hamilton voiced concern that the proposed change was primarily driven by a desire to force coverage in rural areas. Mr. Bullick commented that coverage was a factor, as was response times and billing rates. Mr. Bullick then spoke of challenges in requiring the ambulance providers to sign contracts with CCEMSA as was suggested by Mayor Hamilton, noting that in many cases, if the providers signed a contract with CCEMSA, they would lose the exclusivity of the area they currently served. Mayor Hamilton then voiced concern with the fact that the option of having the ambulance providers work together for a solution was not included as an option in the County staff’s recommendation.

Council Member Hernandez moved that the Council adopt a resolution opposing the consolidation of ambulance services in the City of Porterville.

Mayor Pro Tem Felipe Martinez seconded the motion.

Council Member McCracken inquired whether the Council wished to amend the motion to include that other alternatives be considered.

Mayor Hamilton commented that he did not believe that language needed to be added to the resolution, but that he would convey that message at the Board of Supervisors’ Meeting.

Council Member McCracken moved to amend the motion to revise the resolution to require that other alternatives be considered other than a single provider system.

Mr. Longley indicated that the insertion of such language would completely change the resolution before the Council. He stated that the draft resolution requested that the County exclude the City limits of Porterville from any action taken towards the consolidation of ambulance services. He stated that the resolution did not address what occurred outside of the City limits, and noted that the title of the resolution should be amended to read, “A Resolution of the City Council of the City of Porterville Opposing the Consolidation of Ambulance Services in the City of Porterville.”

Council Member McCracken withdrew his motion.

Council Member Hernandez restated his motion to be that the Council approve the resolution opposing the consolidation of ambulance services in the City of Porterville.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez moved that the Council approve the resolution opposing the consolidation of ambulance services in the City of Porterville.

AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: P. Martinez

Disposition: Approved.

ORAL COMMUNICATIONS
• Dick Eckhoff, address on record, clarified that his home address was 33352 Globe Drive in Springville, and commented that he had not encountered any problems with response times by the local ambulance providers there. He then spoke favorably of both providers, and voiced opposition to the government dictating a monopoly. He voiced concern with the suggestion made that evening that Porterville area response times were lacking, when it appeared that documentation proved otherwise. He spoke against a single provider system, stating that it would likely average response times, with some areas improving, and others decreasing.

OTHER MATTERS
• Mayor Hamilton thanked all of the emergency services personnel for the work that they did and indicated that they all had his support.
• Mayor Pro Tem Felipe Martinez also thanked the emergency services personnel for their hard work.
• Elisia Florez, 32012 Success Valley Drive, came forward and commented that appreciation was shown by pay.
• Council Member McCracken spoke of the difficulties in averages in that they didn’t recognize the extremes.
• Council Member Hernandez also acknowledged the hard work of the emergency services personnel.
• Mayor Hamilton stated that the City of Porterville had given its first responders a 46% increase in the last seven years, and that the City of Porterville did appreciate them.

ADJOURNMENT
The Council adjourned at 8:15 p.m. to the Council Meeting of September 4, 2007.

Patrice Hildreth, Acting Chief/Deputy City Clerk

Cameron Hamilton, Mayor