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May 25, 2018

Walla Walla County Commission  
314 W. Main St.  
2nd floor - Room 203  
P.O. Box 1506  
Walla Walla, WA 99362

Walla Walla County Prosecuting  
Attorney, Jim Nagle  
240 W. Alder St., Suite 201  
Walla Walla, WA 99362

re: Countywide emergency medical service & EMS levy distribution

Dear Commissioners and Mr. Nagle,

The City understands that Fire District #4 has proposed making material changes to the emergency medical service system in Walla Walla County and corresponding changes to the distribution of EMS levy proceeds to fund those changes. In summary, Fire District #4 seeks to establish and operate its own advanced life support (ALS) service within its district and provide some service to selected other districts, but not countywide.

The City of Walla Walla respectfully objects to using of amounts collected through the current EMS levy to fund the service changes proposed by Fire District #4, because those proposals would eliminate the current countywide service promised to EMS levy voters and required by the EMS levy statute.

In its initial proposal presented to the City in a meeting with Commissioner Kimball, EMS Director Lee and fire district officials on April 10, District #4 would provide basic life support (BLS) and ALS service in its own district and Fire District Nos. 1, 7, 8, and part of District #6, and District #5 would provide service to itself, District #3, and part of District #6. In District #4's most recent proposal presented to an EMS Levy subcommittee on May 9, District #5 would cover District #3 and up to 9 Mile for ALS & BLS transports, District #4 would cover BLS transports for 1, 2, 6, 7, & 8, and the Walla Walla Fire Department would cover ALS transports for 1, 2, 6, 7, & 8. District #4 would not under either proposal provide service in the cities of College Place or Walla Walla.

The City operated a City-County ambulance service under an informal cost-sharing arrangement during the 1970s. These relationships were formalized in the early 1980s.<sup>1</sup> Walla Walla County and the cities of Milton-Freewater and Walla Walla entered into cost

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<sup>1</sup> See Walla Walla County Resolution 81-441 (Dec. 30, 1981); Memorandum of Understanding between City and County of Walla Walla (Dec. 30, 1981) (City of Walla Walla Deeds & Agreements, Vol. 6, p. 89).

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sharing agreement in 1982 for the City of Walla Walla to operate a regional ambulance service.<sup>2</sup> The parties shared costs on a per capita basis under that arrangement,<sup>3</sup> and this allowed the City to provide service at a uniform rate to residents throughout the County.<sup>4</sup>

The County terminated the ambulance interlocal agreement in 1987 leaving a budget shortfall.<sup>5</sup> In order to cover the gap, the City adopted a new rate structure that required residents of the County living outside the cities of College Place and Walla Walla to pay more for service, because they were no longer contributing to the cost of the service.<sup>6</sup> As of 1990, City residents were charged a base rate of \$180 plus \$3 per mile transported and County residents were charged \$360 plus \$3 per mile transported.<sup>7</sup> “The justification for this was that the City residents who pay taxes into the General fund are already paying for part of the costs so their rate should be less than others who do not subsidize the service in any way.”<sup>8</sup>

At that point, “[t]he Walla Walla County Emergency Medical Services Council appointed a Committee to look into options for providing a stable base of funding for prehospital EMS in Walla Walla County and to lower the user fees being charged county residents living outside the city limits of Walla Walla.”<sup>9</sup> The committee recommended that the County “pursue a countywide EMS levy. The members of the Committee felt that a levy would

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<sup>2</sup> Interlocal Agreement to Establish a City-County Ambulance Service (Aug. 25, 1982) (City of Walla Walla Deeds & Agreements, Vol. 7, p. 108).

<sup>3</sup> Interlocal Agreement to Establish a City-County Ambulance Service, § 3 (Aug. 25, 1982).

<sup>4</sup> Walla Walla City Resolution 4752 (Dec. 18, 1985); Walla Walla City Resolution 4330 (Dec. 16, 1981).

<sup>5</sup> See Walla Walla City Council minutes (Apr. 8, 1987).

<sup>6</sup> Walla Walla City Resolution 4931 (Apr. 8, 1987).

<sup>7</sup> Walla Walla City Ordinance A-3628 (Jan. 10, 1990).

<sup>8</sup> Walla Walla City Council minutes (Jan. 10, 1990).

<sup>9</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, p. 2 (Aug. 20, 1990).

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provide much needed funds to improve prehospital Emergency Medical Services and provide a uniform user fee for all Walla Walla County residents.”<sup>10</sup>

The County Commission passed Resolution 90-316 (Jul. 24, 1990) submitting a ballot proposition for September 18, 1990 that asked voters to approve a countywide EMS levy. County EMS Coordinator memorialized what voters were promised in an August 20 letter to a County Commissioner candidate. (A copy of the Aug. 20, 1990 letter is enclosed). Voters were told that the levy would fund a two-tiered response system everywhere except Fire District #5, explaining:

What this means is in the case of an accident or illness in the county the nearest Fire Department and the City/County Ambulance out of Walla Walla are dispatched simultaneously. The Fire Department personnel are generally basic life support trained. They are unable to start IV's or administer medications. The basic life support personnel from the fire district will generally arrive first and begin stabilizing the patient by controlling life threatening bleeding, maintaining an airway, splinting fractures, and beginning extrication. The City/County Ambulance will then arrive. The City/County Ambulance will have paramedics on board who are trained to start IV's, administer medications, more advanced airway management and other invasive procedures.<sup>11</sup>

Fire District #5 was carved out and treated differently, because it serves the Burbank, Ice Harbor, and Wallula areas, and it is not feasible to provide the same service as the rest of the County due to District #5's location.<sup>12</sup> Voters were told that one dollar per capita would be taken from the EMS levy to fund the County's Emergency Medical Services Coordinator, and the rest would be distributed as follows:

The committee recommended that Fire District #5 receive the total

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<sup>10</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, p. 2 (Aug. 20, 1990).

<sup>11</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, pp. 4-5 (Aug. 20, 1990).

<sup>12</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, pp. 4-5 (Aug. 20, 1990).

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amount of the funds raised in their district based on their valuation.

The remaining funds would be distributed based on the following formula. This formula is a variation of the formula used in other counties for distribution of their EMS levy funds.

The remaining funds, after taking out Fire District #5 and The County EMS Coordinator's office will be divided into three parts.

The first part of the formula is based on population. The Fire District's or municipality's population is divided by the total population of Walla Walla County. This gives their percentage of the levy based on population. This amount is then assigned to each Fire District or municipality.

The second part is based on the valuation of property in the Fire District or Municipality. Their portion based on their percentage of the total valuation of Walla Walla County is assigned to them.

The final part is based on number of Emergency Medical responses during the year. Once again their percentage of the total EMS responses in Walla Walla County is assigned to them.

The committee felt this was fair in that it addressed number of people being served, amount of money being raised and the service that was being provided.<sup>13</sup>

The EMS levy passed, and the City of Walla Walla kept the promise made to voters to equalize ambulance rates so that residents inside and outside city limits were charged the same.<sup>14</sup>

Revenue reductions resulting from Medicare rules and other billing and collection limitations coupled with rising costs have made it difficult to keep the commitments made

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<sup>13</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, p. 4 (Aug. 20, 1990).

<sup>14</sup> Walla Walla City Ordinance A-3664 (Dec. 19, 1990).

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to voters who approved the EMS levy. In the early years, shortfalls were offset somewhat by increasing the levy rate. The initial EMS levy was for the period from 1991-96 at a property tax rate of \$0.25 per thousand of assessed valuation.<sup>15</sup> The County Commission submitted a ballot proposition to the voters in 1996 to raise the rate to \$0.35 per thousand of assessed valuation for the 1997-2002 period.<sup>16</sup> The Commission then submitted a proposition in 2002 to raise the rate to \$0.50 per thousand of assessed valuation for the 2003-2008 period.<sup>17</sup> Voters approved each of the increases, but the 2002 increase capped the rate that can be levied.<sup>18</sup> The County Commission asked voters for authority to continue the countywide EMS levy at the \$0.50 per thousand rate in 2008 and 2014,<sup>19</sup> and voters approved those propositions, but the cap has prevented the levy from keeping pace with even the cost of inflation. A 2016 study by FCS Group concluded that the City of Walla Walla now subsidizes a disproportionate share of the costs for the countywide ambulance service even with the EMS levy. The City of Walla Walla nonetheless continues to keep the original commitment made to voters when asked to approve the EMS levy, and residents inside and outside city limits are still charged the same.<sup>20</sup>

The current EMS levy is a countywide levy under RCW 84.52.069. That statute provides:

Whenever a tax is levied countywide, the service must, insofar as feasible, be provided throughout the county.

RCW 84.52.069(6); *see also* WAC 458-19-060(5). From the outset, the EMS levy was promoted as a two-tiered countywide service, except for Fire District #5, where such service

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<sup>15</sup> Walla Walla County Resolution 90-316 (Jul. 24, 1990).

<sup>16</sup> Walla Walla County Resolution 96-054 (Feb. 5, 1996).

<sup>17</sup> Walla Walla County Resolution 01353 (Dec. 17, 2001).

<sup>18</sup> RCW 84.52.069(2).

<sup>19</sup> Walla Walla County Resolution 07-343 (Nov. 26, 2007); Walla Walla County Resolution 13-280 (Nov. 12, 2013).

<sup>20</sup> Walla Walla Municipal Code § 2.98.010 (last amended by Walla Walla City Ordinance 2011-23 (Nov. 16, 2011)).

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is not feasible due to distance.<sup>21</sup> The two-tiered service continues to be provided throughout the County (with the exception of Fire District #5).

Neither of Fire District #4's proposals offer to provide countywide service. It proposes serving itself and selected rural areas while leaving the cities to fend for themselves. The City submits that a piecemeal accumulation of insular services does not constitute service "throughout the county" as required by RCW 84.52.060(6). More importantly, it is not the type of service promised to voters when the EMS levy was proposed.

In addition, the County need look no further than its own carve out area to see that the uniform rate structure promised to voters when asked to approve and EMS levy cannot be sustained if EMS levy proceeds are simply returned to the cities and districts for insular service. Funds have been returned to Fire District #5 at the rate collected since the inception of the EMS levy.<sup>22</sup> Under the 2018 Levy Distribution calculations prepared by County EMS Director Lee, District #5 will receive an amount equal to the assessed valuation of the District multiplied by the levy rate of \$0.50 per thousand. That amount appears inadequate to allow District #5 to charge everyone the same ambulance rates. It currently charges District residents \$300 per patient plus \$10 per mile for BLS service and \$700 per patient plus \$10 per mile for ALS service, and non-District residents are charged \$600 per patient plus \$10 per mile for BLS service and \$950 per patient plus \$10 per mile for ALS service.

The City of Walla Walla continues to believe that the current two-tiered countywide response system provides the best service to both city residents and residents in unincorporated areas. The City acknowledges that each jurisdiction has the right to convert to a different service delivery method. It submits however that the mechanism for doing so under RCW 84.52.060 would be each jurisdiction running its own EMS levy. The presently employed countywide levy is statutorily restricted to providing countywide service.

From its inception, EMS levy proceeds have been distributed in accordance with the formula

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<sup>21</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, pp. 4-5 (Aug. 20, 1990).

<sup>22</sup> 1991 EMS Levy Worksheet; *see also* Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, p. 4 (Aug. 20, 1990).

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originally proposed to voters.<sup>23</sup> Amounts are deducted for Fire District #5 and to fund the County EMS office, and the remainder is allocated based one-third (1/3) on population, one-third (1/3) on assessed valuation, and one-third (1/3) based on total EMS responses (*i.e.*, call volume).<sup>24</sup> That formula has remained in use to date.<sup>25</sup>

The City of Walla Walla has concerns about the sustainability of the current countywide system under this funding model. However, it recognizes that this was the funding model proposed to voters when they were asked to approve the countywide EMS levy. The City therefore stands ready to continue providing countywide service, except in the Fire District #5 carve out area, for the duration of the current levy cycle under that distribution formula. It cannot however commit to providing service for less. As noted, the EMS levy has not kept pace, and Walla Walla City residents are now bearing a greater financial burden than those outside the City to provide the countywide service.

The current EMS levy is set to expire at the end of 2020.<sup>26</sup> The City of Walla Walla will continue supplying its part of the two-tiered countywide EMS response system; provided, that the County Commission makes a firm commitment to the current funding formula for that duration of this EMS levy cycle. The City also offers and looks forward to continuing discussions with the County, College Place, and the Fire Districts about future EMS funding and service delivery options. It proposes that such discussions should conclude by October of 2019 to allow time for everyone to pursue alternative funding and service options for 2021 if agreement cannot be reached to continue the countywide EMS system and levy.

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<sup>23</sup> *Compare* Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, p. 4 (Aug. 20, 1990) *with* 1991 EMS Levy Worksheet.

<sup>24</sup> Letter from Nina Conn, Walla Walla County Emergency Medical Services Coordinator, to Gene Gallo, County Commissioner candidate, p. 4 (Aug. 20, 1990).

<sup>25</sup> Walla Walla County 2018 Levy Distribution (prepared by EMS Director Lee 1/30/2018).

<sup>26</sup> Walla Walla County Resolution 13-280 (Nov. 12, 2013).

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Sincerely,



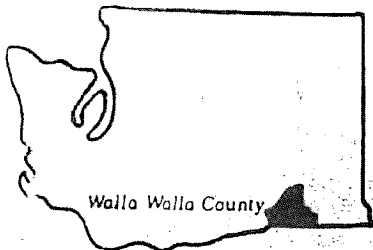
Nabil Shawa  
Walla Walla City Manager



Tim Donaldson  
Walla Walla City Attorney

cc Walla Walla City Council Members  
College Place City Administrator Mike Rizzitiello  
College Place Fire Chief David Winter  
Fire District Chiefs Brent Tomkins (Dist. #1), Jim Callahan (Dist. #2), Jim Ruffcorn  
Dist. #3 & #7), Rocky Eastman (Dist. #4), Otis Garbe (Dist. #6), and Bob Clendaniel (Dist.  
#8)





WALLA WALLA COUNTY  
**EMERGENCY MEDICAL SERVICES COORDINATOR**

310 W. Poplar • Room #6 • Walla Walla, WA 99362 • Phone (509) 525-4490

August 20, 1990

Nina Conn, R.N., B.S. HCA  
EMS Coordinator

Gene Gallo  
County Commissioner Candidate  
Rt 3 Box 315  
Walla Walla, WA 99362

Dear Mr. Gallo,

Enclosed find information for the Emergency Medical Services Levy that will be on the Primary ballot on September 18, 1990.

The other candidates have received the same materials. If you have any questions regarding this issue or Emergency Medical Services, please do not hesitate to contact me or Robert Scott, Past chair of the Walla Walla County EMS Council.

Thank you.

Sincerely,

Nina Conn, R.N.

*Walla Walla County  
Ketchikan  
Bany  
Gardner  
Mogensen  
Walla*

## WHAT IS AN EMS LEVY?

The Revised Code of Washington in section 84.52.069 allows counties to place a six year levy before the voters with funds to be designated for the use of Emergency Medical Services. The amount of the levy is twenty-five cents per one thousand dollars of valuation on property within the county. (\$15.00 a year on a \$60,000 home) This levy is for six years and requires a sixty percent approval from the voters with a minimum of forty percent of the voters from the last election turning out. These funds are to be used for the provision of prehospital Emergency Medical Services.

## WHY DO WE NEED AN EMS LEVY IN WALLA WALLA COUNTY?

The Walla Walla County Emergency Medical Services Council appointed a Committee to look into options for providing a stable base of funding for prehospital EMS in Walla Walla County and to lower the user fees being charged county residents living outside the city limits of Walla Walla. The Committee, which was representative of all the Fire Districts and municipalities within Walla Walla County, recommended that we pursue a countywide EMS levy. The members of the Committee felt that a levy would provide much needed funds to improve prehospital Emergency Medical Services and

provide a uniform user fee for all Walla Walla County residents.

## WHY IS THERE A DIFFERENCE IN USER FEES

The reason for the difference in user fees charged to county residents not living in the city of Walla Walla goes back to 1987. Up until that time the County subsidized the City/County ambulance service which operates out of the Walla Walla City Fire Department. This kept the cost down for County residents. With the cutting off of Federal Revenue Sharing Funds the County was unable to continue with this subsidy. This meant the total subsidy for the ambulance service had to come out of the general fund of the City of Walla Walla. The resulting increase in the subsidy was passed on to the consumers in the county. For 1990 the city is subsidizing the ambulance in the amount of 278,000 dollars.

Currently a city resident pays \$180.00 base fee plus \$3.00 a mile while a county resident pays \$360.00 base fee plus \$3.00 a mile.

This increased rate for county residents, outside the city limits, unfairly burdens the people using the service the most. As the graph below shows the people using the ambulance the most are those in the 60 to 80 age group. These people are usually on a fixed income

and least able to afford the higher rates.

INSERT GRAPH

In essence the people using the Ambulance end up providing the availability of prehospital EMS care and ambulance service to all the other residents of the county.

While the passage of an EMS levy will not eliminate the subsidy from the city entirely it will reduce it to the point where a uniform rate for city and county residents is justified.

#### AS A RESIDENT OF THE CITY WHAT IS THE BENEFIT TO ME

Currently in Walla Walla County if you become sick or injured in the county, a simultaneous dispatch is made dispatching the city/county ambulance and volunteer personnel, trained in emergency medicine, from the nearest Fire District in the County. The goal is to improve the response capabilities of volunteer EMT's and First Responders who are the backbone of EMS in the County. Some of these Fire Districts need basic equipment in order to utilize their skills to prevent further injury or worsening of your condition. Currently there is no funding mechanism available to them to enhance their EMS response capabilities. The equipment they do have has been funded out of the operating capital of the Fire District which is not

adequate to begin with.

The fact that you live in the city is no guarantee that an accident or illness will not strike you or a family member outside of the city limits. If you do become ill or injured in the more rural areas of the county your life and/or future mobility could well depend on the skills and equipment of the EMT or First Responder from the outlying Fire Districts.

An added benefit to you as a city resident is that you would be reducing the subsidy from the city general fund with monies designated for EMS. This will help to maintain the current level of service.

#### AS A RESIDENT OF THE COUNTY WHAT IS THE BENEFIT TO ME

As a resident of the county you benefit from reduced user fees for the City/County Ambulance Service. You will also benefit from the enhanced EMS response capability of your local Fire District. This may also result in an increase in fire response budget as they will no longer have to fund Emergency Medical Services out of your Fire District operating budget.

#### HOW WILL THE FUNDS FROM AN EMS LEVY BE UTILIZED

A committee representative of the EMS provider agencies was appointed by the Walla Walla County EMS Council and came up with the following formula to

distribute the funds in an equitable manner.

A dollar for each resident of Walla Walla County was set aside for the support of the office of the County Emergency Medical Services Coordinator. This comes to approximately \$48,000 and will come from all providers on a per capita basis.

The committee recommended that Fire District #5 receive the total amount of the funds raised in their district based on their valuation.

The remaining funds would be distributed based on the following formula. This formula is a variation of the formula used in other counties for distribution of their EMS levy funds.

The remaining funds, after taking out Fire District #5 and The County EMS Coordinator's office, will be divided into three parts.

The first part of the formula is based on population. The Fire District's or municipality's population is divided by the total population of Walla Walla County. This gives their *percentage of the levy based on population. This amount is then assigned to each Fire District or municipality.*

*ba* The second part is based on the valuation of

property in the Fire District or Municipality. Their portion based on their percentage of the total valuation of Walla Walla County is then assigned to them.

The final part is based on number of Emergency Medical responses during the year. Once again their percentage of the total EMS responses in Walla Walla County is assigned to them.

The committee felt this was fair in that it addressed number of people being served, amount of money being raised and the service that was being provided.

#### WHY IS FIRE DISTRICT #5 TREATED DIFFERENTLY THAN THE OTHER FIRE DISTRICTS

Fire District #5 serves the Wallula Junction area, Burbank and along the Snake River. They are the sole provider of ambulance service in this area, providing both basic and advanced life support. In addition, most of their patients are transported to the tri-cities area for treatment.

The remainder of the County utilizes the two tiered response system. What this means is in the case of an accident or illness in the county the nearest Fire Department and the City/County Ambulance out of Walla Walla are dispatched simultaneously. The Fire Department personnel are generally

basic life support trained. They are unable to start IV's or administer medications. The basic life support personnel from the fire district will generally arrive first and begin stabilizing the patient by controlling life threatening bleeding, maintaining an airway, splinting fractures, and beginning extrication. The City/County Ambulance will then arrive. The City/County Ambulance will have paramedics on board who are trained to start IV's, administer medications, more advanced airway management and other invasive procedures.

Fire District #5 is not part of the two tiered response, due to their location. In addition they primarily transport into the Tri-Cities hospitals. Because of their more or less independent operation within the county they are entitled to the full amount of the levy within their district.

## WHAT IS THE COUNTY EMS COORDINATOR POSITION

This position was created to assist with the increasing administrative responsibilities necessary to manage a growing EMS system within the county. The EMS Coordinator works closely with the Medical Program Director, the County Commissioners, The EMS Advisory Council and EMS providers to:

- Coordinate education and training.
- Provide public information and education.
- Assist with system development.
- Provide quality assurance and measure impact.
- Assist the Medical Program Director.
- Conduct data collection.
- Stays current on the constantly changing laws pertaining to EMS and insuring the county providers are in compliance with applicable state laws.