

Resolution No. 2023-29

A RESOLUTION DECLARING EMERGENCY MEDICAL SERVICES (EMS) AN ESSENTIAL SERVICE IN SHELBY COUNTY, IOWA AND SETTING FORTH A FUNDING MECHANISM FOR SUCH SERVICES

WHEREAS the Shelby County Board of Supervisors has the authority under Iowa Code Section 331.301(1) to “...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.”

WHEREAS the Shelby County Board of Supervisors recognizes the need for a unified Emergency Medical Services system in Shelby County and the need for the appointment of a Shelby County EMS System Advisory Council to provide guidance, research, and direction of EMS in Shelby County for the Board of Supervisors.

WHEREAS Iowa Code Section 422D.1(1)(a) states that upon adoption of a resolution declaring emergency medical services to be an essential County service...a county board of supervisors may offer for voter approval the authorization to impose any of the following taxes or a combination of the following taxes:

- 1) Local option income surtax not to exceed 1%
- 2) An ad valorem property tax not to exceed seventy-five cents per one thousand dollars of assessed value on all taxable property within the county.

WHEREAS Iowa Code Section 422D.1(2)(a) states that “the resolution declaring emergency medical services to be an essential service shall be considered and voted on for approval at two meetings of the board prior to the meeting at which the resolution is to be finally approved by a majority of the board by a recorded vote, as defined by section 331.101. Notice of the first meeting of the board at which the resolution is considered and voted on shall be published no less than sixty days prior to the date of the meeting in one or more newspapers that meet the requirements of section 618.14. The board shall not suspend or waive the requirements for that approval of resolution or approval of the imposition of a tax under this chapter.”

WHEREAS Iowa Code Section 422D.1(2)(b) states that the county “shall coordinate efforts with local emergency medical services agencies to establish a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding the implementation of services in the county within the council structure.”

WHEREAS Iowa Code Section 422D.1(1)(c) states that “the county emergency medical services system advisory council shall recommend to the board of supervisors an amount of funding to be specified on the ballot, and if one or more of the taxes are approved at election, shall annually assess and review the emergency medical services needs of the county, and shall include the results of such a review and assessment in an annual report filed with the board of supervisors.”

WHEREAS Iowa Code Section 422D.1(1)(d) states that “[a] resolution declaring emergency medical services to be an essential service shall be deemed void if the proposition to impose the taxes fails at election, authority to impose the taxes expires, or if discontinuance of the authority to impose the tax is approved at election under subsection 5.”

WHEREAS Iowa Code Section 422D.1(1)(3)(a) states that “the taxes for emergency medical services shall only be imposed after an election at which sixty percent of the voting on the question of imposing the tax or combination of taxes...vote in favor of the question.”

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Board of Supervisors that:

- 1) This resolution will be considered and voted on for approval at two meetings by the board prior to the third and final meeting at which the resolution is to be finally approved by the majority of the board and notice of the first meeting of the board at which the resolution was considered and voted on was published not less than sixty days prior to the date of the meeting in one or more newspapers that meet the requirements of section 618.14.
- 2) Emergency Medical Services is an essential service in Shelby County, Iowa and that the Shelby County Board of Supervisors will exercise the necessary power and functions appropriate to preserve the health, safety, and welfare of Shelby County residents and provide for an effective and efficient Shelby County Emergency Medical Services system that allows for quality care for persons living, working, and traveling in Shelby County.
- 3) The Shelby County Board of Supervisors has coordinated efforts with the local emergency medical services agencies to establish a Shelby County EMS System Advisory Council whose purpose is to assess and review the emergency medical services needs of the county and provide guidance, research, and direction of a county wide EMS system. This council shall recommend to the Shelby County Board of Supervisors an amount of funding to be specified each year by November 30. If the taxes are approved at election, the council shall annually assess and review the emergency medical services needs of the county and shall include the results of such review and assessment in an annual report filed with the Shelby County Board of Supervisors.

- 4) There shall be placed on the ballot to be voted on at the general election to be held on November 7, 2023, a proposal to fund Shelby County Emergency Medical Services by the imposition of the following taxes or combination thereof:
 - a) A local option surtax not to exceed one percent (1%);
 - b) An Ad Valorem property tax not to exceed seventy-five cents (\$.75) per one thousand dollars (\$1000.00) of assessed value on all taxable property within the County.

Seeing that permanent EMS Advisory Council voting membership has changed since its inception, a resolution restating the Governing Councils or Boards appointing members to the EMS Advisory Council as well as individuals that may designate EMS Advisory Council Members is needed. Parkhurst made a motion to approve the following resolution and Schaben seconded the motion.

It was on motion by Supervisor _____ and seconded by Supervisor _____, that the foregoing Resolution be adopted as read. Motion carried. Chairman Kenkel called for a vote:

Steve Kenkel AYE_____ NAY_____

Charles Parkhurst AYE_____ NAY_____

Bryce Schaben AYE_____ NAY_____

Resolution declared adopted this 13th day of June, 2023. _____

Steve Kenkel, Chairperson
 Shelby County Board of Supervisors
 Shelby County, Iowa

ATTEST:

Mark Maxwell, Auditor Shelby
 County, Iowa