

911 Emergency Response Advisory Committee

~Draft Minutes~

Thursday, July 16, 2020 ~ 1:30 P.M.

Teleconference

MEMBERS

Blaine Beard, Washoe County, Chair
Shawn McEvers, City of Sparks, Vice Chair
Doug Campbell, City of Sparks
Gregg Deighton, City of Reno
Alexander Kukulus, Washoe County
Tracy Moore, School District
Jamie Rodriguez, Washoe County
Lisa Rose-Brown, City of Sparks
Mac Venzon, City of Reno
Jeff Voskamp, City of Reno

1. CALL TO ORDER AND ROLL CALL [Non-action item]

PRESENT:

Blaine Beard	Washoe County, Chair
Shawn McEvers	City of Sparks, Vice Chair
Doug Campbell	City of Sparks
Gregg Deighton	City of Reno
Alexander Kukulus	Washoe County
Tracy Moore	Washoe County School District
Jamie Rodriguez	Washoe County
Lisa Rose-Brown	City of Sparks
Mac Venzon	City of Reno
Jeff Voskamp	City of Reno

All members were present.

Also present: Lindsay Liddell, Washoe County Deputy District Attorney

2. PUBLIC COMMENTS [Non-action item] – Comment heard under this item will be limited to three (3) minutes per person and may pertain to matters both on and off the 911 Emergency Response Advisory Committee agenda.

Dr. Jenny Wilson, REMSA; Adam Heinz, REMSA, Aaron Abbott, REMSA, spoke in strong opposition to approval of Item 6 of this agenda, with concerns regarding the responsiveness and the medical training of the staff receiving the 911 calls for medical dispatch. Dr. Wilson shared that the current system allows for the approximate 76,000 calls requiring medical assistance be transferred to a medically-trained dispatcher, through REMSA, after the initial call is transferred from the dispatch staff, who are not required to be medically trained. This allows for vital care to begin before the paramedics arrive.

Mr. Heinz added that REMSA has been a strong advocate for efficiency and flexibility in the area, able to respond to the community's needs. It is unnecessary to duplicate the efforts already required of REMSA to provide medical dispatch through its franchise agreement. As a private, non-profit, REMSA is able to provide this service with no cost to the public. He expressed concern that the change in process may lead to delay in life-saving instruction as can be led by their dispatch team, all of whom are trained at the paramedic or EMT-level, especially if there were to be increased demands on the City dispatch team.

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Mr. Abbott added concern for fragmentation of efforts in the community and noted that the City of Reno had been the only agency that had not participated in a June 4, 2020, conversation organized to discuss dispatch inter-operability. He hoped the City of Reno would join with the other regional partners to focus on ways to improve the patient experience, outcome, and access to health care.

3. **APPROVAL OF MAY 21, 2020, MINUTES** [For Possible Action] – Committee members may identify any additions or corrections to the draft minutes as transcribed.

Jamie Rodriguez, Washoe County moved to approve the draft May 21, 2020, meeting minutes; Shawn McEvers, City of Sparks provided the second. There was no response to the call for Committee or public comment. Upon the call for a vote, the minutes were unanimously approved as written.

4. **FINANCIAL SUMMARY** [For Possible Action] – A review, discussion, and possible action to accept the Financial Summary updates. *Sara DeLozier, Washoe County Technology Services*

Sara DeLozier, Washoe County Technology Services, presented the Financial Summary dated June 30, 2020. She noted the expected end of year fund balance was approximately \$5.6 million with an additional approximately \$800,000 in approved reimbursements which would bring that amount under the \$5 million maximum. Surcharge revenue is 11.6% above what was planned for. She noted all reimbursement requests submitted had been paid and requested any additional requests be submitted soon to be paid in FY20.

Jamie Rodriguez, Washoe County moved to accept the Financial Summary; Mac Venzon, City of Reno provided the second. There was no response to the call for Committee or public comment. Upon the call for a vote, the Financial Summary was approved unanimously.

Funding Requests – Bodyworn Camera Related

5. **REQUEST FOR REIMBURSEMENT FOR WASHOE COUNTY SHERIFF'S OFFICE THIRD YEAR AXON FLEET II CONTRACT** [For Possible Action] – A review, discussion and possible action to approve, deny or otherwise modify a request to reimburse the costs associated with the Washoe County Axon Contract for Fleet Cameras, Year Three (FY21), in an amount not to exceed \$96,480.00. *Blaine Beard, Washoe County*

Mac Venzon, City of Reno, moved to approve the request for reimburse the costs associated with the Washoe County Axon Contract for Fleet Cameras, Year Three (FY21), in an amount not to exceed \$96,480.00. Gregg Deighton, City of Reno, provided the second. There was no response to the call for Committee or public comment. The motion carried unanimously.

Funding Requests – Other

6. **REQUEST FOR REIMBURSEMENT FOR CITY OF RENO PUBLIC SAFETY DISPATCH PSAP – PROQA FOR EMERGENCY MEDICAL DISPATCH** [For Possible Action] – A review, discussion and possible action to approve, deny, or otherwise modify a request to reimburse the costs associated with a ProQA for Priority Dispatch Medical Software licensing, training, quality assurance, support and accreditation associated with implementing a robust Emergency Medical Dispatch (EMD) services, in an amount not to exceed \$151,000.00.

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Rishma Khimji, City of Reno, reviewed her staff report and clarified that the City of Reno is not trying to supersede the existing franchise agreement with REMSA. Following direction from the City Council, this software would provide dispatch, as the first contact of care, the ability to follow question-based protocols for handling 911 calls for medical assistance; they would not be the EMD provider in the field. The tool would help to gather information to better inform the relevant fire apparatus and REMSA reduce liability, increase patient care and provide excellent service. The City of Reno would like to maintain the partnership with REMSA and the regional partners. This would provide a model similar to what is in use by Washoe County Dispatch. Ms. Khimji shared REMSA had been provided with the City of Reno contacts to be included in these conversations and apologized that word of the June 4, 2020, meeting had not made it to her to allow for her participation. Dena Moore, City of Reno, Acting Dispatch Manager, echoed the comments stressing the importance of correctly dispatching resources and minimize transfers that impact the continuity of care.

Gregg Deighton, City of Reno, questioned the amount of delay using this software may create. Ms. Moore indicated it would not create a delay but rather help to better determine the priority of the call for a fire response; and, possibly eliminating the need to send both fire and REMSA to all calls.

In response to Committee questions, Aaron Abbott, REMSA, acknowledged that while Washoe County Dispatch has been using this software, he was opposed to further fragmentation of the system especially with the high volume of calls received by the City of Reno. He voiced concern with the quality of EMD that is currently occurring and would like the opportunity to continue discussions with regional stakeholders to create a clear direction for services. He disagreed with the assertion that adding this service would not take away from the core duties of REMSA.

It was clarified that all 911 Committee approval actions for funding are recommendations to the Board of County Commissioners and require their approval.

Jamie Rodriguez, Washoe County, expressed concern that the Committee did not have enough information to determine whether or not this request would be in violation of the franchise agreement, and that any action on the Committee's part may invite shared responsibility should there be a breach. She spoke in favor of further time to investigate these concerns. If there were no violations, she did not have an issue with the City of Reno having the same privilege as Washoe County has to use this software. There was additional Committee discussion about concerns with the proper use of funds, function redundancy, ability to influence procedures and protocols, and the appropriateness to consider the franchise agreement.

Ms. Khimji shared that the City of Reno's counsel had provided direction that it was outside the 911 Committee's purview to consider the franchise agreement as it would be the City of Reno's liability.

Lindsay Liddell, Washoe County Deputy District Attorney, shared that from Washoe County's perspective, there could be a legal issue if the Committee knowingly took action that would assist another party in potentially breaching a contract. After a quick assessment of the agreement, it was not clear if this would assist the City of Reno in a potential breach. The franchise agreement talks specifically about exclusivity for ambulatory services and provides that REMSA will be the community medical dispatch provider, and, the go-between between the hospitals and the patient reports. The City of Reno would not be enabled to act on behalf of the community or as the go-between with the hospitals and the patient reports through the use of this software.

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In response to a question about the history of Washoe County's use of the software, Dena Moore, City of Reno, indicated it was required in order to dispatch for North Lake Tahoe Fire and the tribal lands. Calls to the City of Reno for these jurisdictions are routed to Washoe County Dispatch. Michael Pagni, McDonald Carano, on behalf of REMSA, referenced his letter dated July 14, 2020, detailing REMSA's strong objection to the City of Reno's funding request as unnecessary, impractical and contrary to law. He did express appreciation for the clarification that the 911 Committee actions are forwarded to the Board of County Commissioners for their review and approval. He stated the request is premature as the item has yet to be discussed by the City of Reno City Council and, unnecessary, as REMSA already provides EMD exemplary service. He stated it was illogical to believe adding an unnecessary layer of EMD would not create a delay. He further noted use of 911 Funds for this purpose was contrary to the provisions of NRS and County Code. Should this request move forward, the legality of previous decisions regarding EMD services will be reviewed. He stated the requested does directly violate the franchise and interferes with REMSA's contractual rights. REMSA has the exclusive right for regional EMD providing the integral component of ambulance transport and critical core function of patient care obligations. REMSA is engaged in discussion with Washoe County to resolve compliance concerns. There is agreement that it is not the purview of the Committee to interpret the contract but also not the purview to interfere with it. As there is no urgency to the request, he found it reasonable to delay action to allow the parties to discuss further. REMSA takes obligations as a health care provider seriously and will take all appropriate legal action necessary to prevent encroachment on its franchise. He urged that the request be denied or delayed.

Adam Heinz, REMSA, Executive Director, clarified that Incline Village, Gerlach and the tribal lands are outside REMSA's jurisdiction and Washoe County's use of EMD software is not through any official agreement involving REMSA. He questioned if this initiative was the best use of the public funds and voiced concern with a lack of supporting SOPs. He noted there is a system already in place to relay a small amount of information to the responding units and that once REMSA has responded, they broadcast to all other responding agencies. It was later clarification that REMSA uses a VHF radio signal rather than an 800Mhz one, and, therefore was not necessarily accessible to all responding agencies

Stu Cronin, Galena Group, suggested review of pages 20-21 of the Master Plan, and the SB176 definition of a telephone system which provides for software. He noted the Committee had recently agreed to support the CAD system replacement tied directly to the EMD software. He referenced efficiency surveys he has conducted have indicated the software can improve the efficiency and fewer call transfers.

DDA Liddell reviewed the legislative history of the NRS statute governing the funds. Established in 1995, a 2009 amendment recognized the evolving situation of cell and internet use and created NRS 244A.7641, Section 5, allowing a far broader definition than geolocation.

In response to Committee questions, Ms. Khimji and Mr. Voskamp indicated delaying a decision would be a delay in the services provided to the community. Nonetheless, they were not opposed to the item being continued.

Lisa Rose-Brown, City of Sparks, provided her perspective as a call taker noting the primary call-taker typically will stay on the line through REMSA's questions in order to ensure another unit such as law enforcement or fire, is not necessary. This can mean two call-takers are on the same call.

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In response to Ms. Rose-Brown, DDA Liddell indicated it was reasonable to expect a legal analysis in advance of the next meeting in order to provide a legal opinion and respond to the letter submitted by McDonald Carano.

Jamie Rodriguez, Washoe County, moved to continue the item to the next agenda and request that the District Attorney's Office provide an opinion as to whether the request would violate the franchise agreement, and provide a legal liability analysis. Blaine Beard, Washoe County, provided the second. There was no further response to the call for Committee or public comment. Upon a call for a vote, the motion carried with seven in favor, Mr. Venzon and Mr. Voskamp opposed.

7. REGIONAL COMPUTER AIDED-DISPATCH (CAD) SYSTEM REPLACEMENT UPDATE [Non-action item] – An informational update and discussion of the Regional CAD System Replacement Project.

Rishma Khimji, City of Reno, indicated the Federal Engineering contract will be taken to the City of Reno Council for approval on July 22, 2020. Once that is approved, the contract can be signed the project will begin.

Aaron Abbott, REMSA, stressed the importance of regional coordination towards a regional system; and the need for further discussions toward a unified and clear direction.

Quinn Korbolic, Washoe County, shared that creation of the RPF will need and include all the regional agencies and stakeholders. Ms. Khimji echoed the desire for an inclusive process and that all stakeholders will be contacted by the consultant once they begin their work.

8. EMERGENCY 911 FIVE-YEAR MASTER PLAN UPDATE [For Possible Action] – A review, discussion and possible action to recommend that the Board of County Commissioners direct staff to update the Regional 911 Five-Year Master Plan to include, but not be limited to, inclusion of a PSAP back-up site(s), a regional Computer Aided Dispatch (CAD) update and, additional changes related to portable event recording devices.

Quinn Korbolic, Washoe County Technology Services, reviewed his presentation highlighting items previously noted as potential areas that may need updating. He reviewed expected next steps should the Committee and the Board of County Commissioners move forward with updating the Master Plan. Noted changes would include, but not be limited to:

- 2019 NV Legislative changes
- Committee action to replace existing Computer Aided Dispatch
- Agency actions to expand PSAP capacities/move PSAP to new location – potentially negating the need for a dedicated PSAP backup site
- 911 fund balance and surcharge review

Jamie Rodriguez, Washoe County, moved to recommend that the Board of County Commissioners direct staff to update the Regional 911 Five-Year Master Plan to include, but not be limited to, inclusion of a PSAP back-up site(s), a regional Computer Aided Dispatch (CAD) update and, additional changes related to portable event recording devices. Gregg Deighton, City of Reno, provided the second. There was no response to the call for Committee or public comment. The motion carried unanimously.

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9. **911 EMERGENCY RESPONSE ADVISORY COMMITTEE MEMBER AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS** [Non-action item] - No discussion among Committee members will take place on this item. The next regular meeting is scheduled for September 17, 2020, 1:30 p.m.

Alex Kukulas, Washoe County, asked for guidance and possibly a future agenda item to discuss potential legislative changes that may help with decision making moving forward.

10. **PUBLIC COMMENT** [Non-action item] – Comment heard under this item will be limited to three (3) minutes per person and may pertain to matters both on and off the 911 Emergency Response Advisory Committee agenda.

There was no response to the call for public comment.

11. **ADJOURNMENT** [Non-action item]

The meeting adjourned at 3:17 p.m.

Draft



Michael A. T. Pagni, Esq.
mpagni@mcdonaldcarano.com

Reply to: Reno
Our File No.: 5-25

July 14, 2020

Via Email jarodiguez@washoecounty.us
sdelozier@washoecounty.us

911 Emergency Response Advisory Committee
c/o Jaimie Rodriguez and Sara DeLozier

Re: Agenda Item #6, July 16, 2020 Meeting
Request for Reimbursement for City of Reno Public Safety Dispatch PSAP

Dear Committee Members:

Our firm serves as general counsel to the Regional Emergency Medical Services Authority (“REMSA”), the exclusive emergency and non-emergency ambulance transport service and emergency medical dispatch provider in the Reno-Sparks metropolitan area. This letter is written in connection with Item #6 on your July 16, 2020 agenda, and the proposal to take action contrary to NRS 244A.7645 and in violation of REMSA’s franchise agreement to facilitate the Reno Fire Department’s takeover Emergency Medical Dispatch (EMD)¹ services within the City of Reno.

REMSA operates under a Franchise Agreement issued by the District Board of Health which vests in REMSA the exclusive market rights to contract for and provide emergency and non-emergency ground ambulance service “on an exclusive basis within the Franchise Service Area” and act as the exclusive “community emergency medical dispatch center for the Franchise Service Area”². *Sec. 2.1, Amended and Restated*

¹ Emergency Medical Dispatch is a systematic program of handling medical calls and the first step in providing emergency patient care. Trained telecommunicators quickly and properly determine the nature and priority of the call, dispatch the appropriate response, then give the caller instructions to help treat the patient until the responding EMS unit arrives. A comprehensive EMD program can reduce liability for ambulance providers and improve patient outcomes by providing thorough, consistent and appropriate medical care as quickly as possible.

² REMSA is a nonprofit organization created by the Washoe County District Board of Health in 1986 to resolve the chaos that had resulted from multiple ambulance providers competing for patient transports in the Truckee Meadows. A blue ribbon commission concluded that single jurisdictional operations are highly inefficient and expensive, and result in poorer patient care, poorer response times, poorer quality, higher costs and ineffective accountability. To avoid these issues, Reno, Sparks and Washoe County vested the District Board of Health with exclusive jurisdiction and power over “all public health matters”, including exclusive authority “regarding ambulance services” and power to displace or limit competition for ambulance services. REMSA is the product of that regional emergency medical care system designed with multiple accountabilities to assure excellent patient care, medical quality and financial performance.

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Franchise Agreement, May 22, 2014. The authorization vested in the District Board of Health by local governments, which has been conferred to REMSA, displaces any right of local governments to provide these services, including without limitation emergency medical dispatch.

The action proposed under Item #6 is concerning for several reasons. First, REMSA's performance of EMD services is exemplary. REMSA's Internationally Accredited Communication Center is staffed by highly trained Emergency Medical Dispatchers with Paramedic or EMT medical training who use state of the art technology to efficiently and quickly answer 911 calls and dispatch the appropriate ground or air ambulance. REMSA's medical professionals provide life-saving instructions to help the patient until REMSA arrives, and have included instructions for CPR, delivering a baby, or removing an object from the throat of a choking child. REMSA's specially trained paramedics and EMTs simultaneously dispatch REMSA's ground paramedic ambulances and Care Flight, while giving life-saving instructions to the caller. The REMSA Communications Center was awarded the Accredited Center of Excellence from the International Academy of Emergency Dispatch (IAED) in 2001 and has been re-accredited five times since. REMSA is the only accredited communications center in Nevada co-located with an ACE accredited Nurse Health Line.

The proposal, if implemented, will result in an increase in time it takes for medical calls to be forwarded to REMSA for dispatch, delaying patient care. REMSA will continue to provide clinically based EMD process for calls in its communication center as required. Additionally, the proposal would create a segmented system by adding a function to Reno communications which is already being done by REMSA and in a manner that does not further goals of moving toward a more unified and coordinated communications system.

Second, the proposal to use surcharge proceeds to reimburse the City of Reno for emergency medical dispatch equipment and training is prohibited by law. NRS 244A.7643 authorizes the County to impose a telephone surcharge "for the enhancement of the telephone system for reporting an emergency . . . and for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices".³ Relevant to this issue, NRS 244A.7645(3)(b) provides that proceeds of the surcharge must be used only "to enhance the telephone system for reporting an emergency, including only" paying charges for telecommunication services for the operation; paying costs for personnel and training associated with routine maintenance and updating of the database for the system; purchasing, leasing or renting equipment and software necessary to operate the enhanced telephone system and paying costs associated with maintenance, upgrade and replacement of equipment and software necessary for operation of the enhanced telephone system. In furtherance of that law, Washoe County adopted an ordinance which imposes the surcharge and provides all money collected shall

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be “expended solely for the purposes of 911 emergency telephone enhancements and improvements” and/or purchase of recording devices in accordance with state law. *See Washoe County Code 65.450.* Recipients that use funds for unauthorized purposes are required by law to repay the funds. *NRS 244A.7645(5(b)-(c)).*

“Telephone system” is defined as a system for transmitting information between or among points specified by the user that does not change the form or content of the information regardless of equipment or technology used. *NRS 244A.7641* Legislative history is clear that the term “telephone system” refers solely to **“an enhanced system [which] provides for address identification** that comes up on the screen when someone calls in an emergency.” *Senate Committee on Government Affairs* In response to the question of whether “the bill requested a surcharge to purchase **equipment to bring up the address of the emergency call**” the bill proponent answered “Yes.”. The proponent then noted that “there are equipment costs associated with the automatic location feature”, the largest share of which is “maintenance of the data base that actually provides the address link with the telephone number to the dispatch personnel”, estimating such expenses at \$500-600,000/year. Testimony then focused on examples of how having an “enhanced system that provides the address of the caller” improves safety, and that without this “enhanced 9-1-1 system they will continue to have difficulty providing service in emergency calls to any individual who cannot communicate to the dispatch personnel.”

In short, the law is clear that “enhanced telephone system” refers to a system which provides an automatic location feature when the caller is unable to communicate with dispatch, and as such the surcharge can only be used to fund technical systems for call location address-geolocation and calling number information phrase. The proposed use in Item #6 clearly exceeds this authorized purpose. The telephone systems in a 911 center are completely disparate from call-taking software, and they perform different functions. The 911 system intakes the 911 call and identifies the telephone number and location of the caller. The call-taking software and training proposed in Item #6 guides the call-taker through the Q&A process to identify medical conditions, provide protocol, and identify a response code, and is clearly outside the authorized statutory purpose of the surcharge.

Third, the action exceeds the statutory authority of the 911 Committee. The purpose of the advisory committee is to “develop a plan for the enhancement of the county’s 911 emergency response system”, “recommend to the county the expenditures of money collected” through the surcharge for “enhancement of the telephone system for reporting an emergency”, consistent with the adopted master plan. *WCC 65.410; NRS 244A.7645.* Similarly, the five-year master plan states that the Committee’s role is to make funding recommendations to the County Commission for expenditures from the fund and that “the authority of the Committee was identified as residing within the weight of their recommendations to the BCC.” Contrary to law, Item #6 proposes the Committee directly authorize funding rather than make a recommendation to the County

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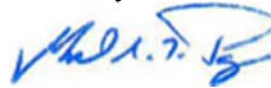
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Commission. Moreover, the proposal contradicts the 5-year master plan as we are not aware of any provision in 5-year plan which identifies any use of funds as proposed under Item #6. See NRS 244A.7643 (prohibiting County from adopting a surcharge unless it first adopts a 5-year master plan for the enhancement of the telephone system, which must be updated annually).

Last, but certainly not least, any action to fund or facilitate funding the City of Reno to provide emergency dispatch services directly violates REMSA's Franchise Agreement. The District Board of Health has vested REMSA with the exclusive market rights to serve as "the community emergency medical dispatch center for the Franchise Service Area". *Sec. 2.1, Amended and Restated Franchise Agreement, May 22, 2014*. It is well recognized that a franchise is a contract protected by the Nevada and U.S. Constitutions against impairment. *City of North Las Vegas v. Central Telephone Co.*, 85 Nev. 629, 460 P.2d 835 (1969). Notably, the Reno City Attorney has repeatedly opined that REMSA has "vested contractual and property rights **which cannot legally be impaired by the City of Reno**", and "unless the Interlocal Agreement was amended and the REMSA franchise modified, the City of Reno could not contract for or provide ambulance service itself" or provide EMD services contrary to the Franchise. *December 9, 1994 Letter from City Attorney; February 22, 1995 City Attorney Memorandum*. Any action to facilitate the City of Reno providing emergency medical dispatch services within the REMSA Franchise Area is a clear violation of REMSA's franchise which REMSA will take appropriate legal action to defend.

In conclusion, the proposed funding in Item #6 is unnecessary, exceeds the lawful statutory purposes to which surcharge proceeds can be applied, and directly violates REMSA's Franchise Agreement. For the foregoing reasons, we respectfully request the Committee deny the City of Reno's funding request under Item #6.

Sincerely,



Michael A. T. Pagni

C: Dean Dow
Washoe County District Board of Health
Washoe County Commission
Washoe County District Health Officer
Jason Soto, Acting Reno City Manager
Neil Krutz, Sparks City Manager
Tony Slonim
Tiffany Coury
Helen Lidholm