

## CHAPTER 28

### BARABOO AMBULANCE DISTRICT

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#### 28.01 **CREATION.** (1982 02/23/92)

- (1) CREATION. Pursuant to §66.30Wis. Stats. and effective January 1, 1993, there is hereby created the Baraboo District Ambulance Service. See City Resolution No. 92-199.
- (2) MEMBERS. The members of the Baraboo District Ambulance Service include the following cities, villages, and townships:
  - (a) The City of Baraboo;
  - (b) The Village of Merrimac; [*Withdrawn effective 2/31/94*]
  - (c) The Village of North Freedom;
  - (d) The Village of West Baraboo;
  - (e) The Township of Baraboo;
  - (f) The Township of Caledonia (portion thereof); [*Withdrawn effective 12/31/92*]
  - (g) Township of Excelsior (portion thereof);
  - (h) The Township of Fairfield;
  - (i) The Township of Greenfield;
  - (j) The Township of Sumpter (portion thereof). (1940 06/09/98)

#### 28.02 **AMBULANCE COMMISSION.**

- (1) COMPOSITION. The Baraboo District Ambulance Commission shall consist of seven (7) voting members and one (1) nonvoting member. Four members shall be appointed by the City of Baraboo. Three members shall be appointed by the other participating municipalities. The nonvoting member shall be appointed by St. Clare Hospital, or its designee.
- (2) APPOINTMENT. Members shall make appointment of Commissioners either at the Annual Meeting or in writing received by the Commission prior to the first day of November of the year prior to the beginning of the term.
- (3) TERM. The term for each appointed Commissioner shall be three calendar years

except that the City of Baraboo may appoint its Commissioners for a two year term. The term of office shall begin at the first meeting of the Commission in April [*History Note – Bylaw Change: Term changed from calendar year to April; See Minutes 10/31/01 Annual Meeting.*]

- (4) VACANCIES. Upon the expiration of the term of a Commissioner appointed by the City of Baraboo, or St. Clare Hospital, that entity shall have the right to designate the successor to such Commissioner. The other participating municipalities shall be entitled to designate a Commissioner on a rotating basis. Taking into account the municipalities presently and previously represented on the Commission, the future rotating order of appointment shall be as follows:
  - (a) Village of West Baraboo [Term April 2009-2012]
  - (b) Township of Sumpter [Term April 2010 – 2013]
  - (c) Township of Fairfield [Term April 2011 – 2014]
  - (d) Township of Baraboo [Term April 2012 – 2015]
  - (e) Village of North Freedom [Term April 2013 – 2016]
  - (f) Township of Excelsior [Term April 2007 – 2010]
  - (g) Township of Greenfield [Term April 2008 - 2011] (1940 06/09/98)

In the event a municipality fails or declines to appoint a Commission member, the right to such appointment shall go to the next listed municipality. Upon appointment of a Commission member or the failure or refusal to make an appointment, a municipality rotates to the end of the list. New municipalities admitted to the Service start at the end of the then existing rotation list. [*History Note – Village of Merrimac*]

*withdrew 12/31/94, Township of Caledonia withdrew 12/31/92]*

- (5) **VACANCIES PRIOR TO EXPIRATION OF TERM.** In the event of the death, resignation, or removal of a Commissioner, the successor to such Commissioner shall be selected by the member entitled to designate and appoint that representative to fill the unexpired term of the retiring Commissioner. Three consecutive absences from scheduled Commission meetings shall constitute a vacancy under this section.
- (6) **COMPENSATION.** Commissioners shall receive \$35.00 for each regular and each called special meeting attended. This sum may be adjusted from time to time at the Annual Meeting. All payments of compensation to Commissioners shall be charged against the budget of the Commission. *[History Note – Bylaw Change; Compensation raised effective 1-1-08; See 10-31-07 Annual Meeting Minutes.]*

### **28.03 OFFICERS.**

- (1) **ELECTIONS.** The Commission shall organize and elect from its members, a President, a Vice President, and a Secretary. The Commission shall also elect a Treasurer. The Treasurer may, but need not, be a member of the Commission. Officers shall hold office for a one- year term. New elections shall be held annually.
- (2) **RESIGNATION AND REMOVAL.** Any officer may be removed from office with or without cause by the Commission. Any officer may resign at any time by giving written notice to the Commission. Such resignation shall take effect on the first Commission meeting following receipt of such notice. Any vacancy in office may be filled by appointment by the Commission. The officer appointed shall serve for the remainder of the term of the officer replaced.
- (3) **DUTIES.** The duties of the officers are as follows:
  - (a) **President.** The President shall preside at all meeting of the Commission; shall see that the orders and resolutions of the Commission are carried out; shall sign all leases, mortgages, deeds, promissory notes, and other written instruments and shall review and approve all checks and payments. *[History Note – Bylaw Change: Duties revised; See Minutes 10/31/01 Annual Meeting.]*
  - (b) **Vice President.** The Vice President shall act in the place and stead of the President in the event of his or her absence, inability or refusal to act and shall exercise and discharge such other duties as may be required by the Commission.

- (c) **Secretary.** The Secretary shall oversee the recording of Commission votes and the keeping of minutes of all meetings and proceedings of the Commission and members; shall verify that Commission meeting notices are served on all members; shall insure that records of Ambulance Service members and current addresses are maintained and shall perform such other duties as may be required by the Commission. *[History Note – Bylaw Change: Duties revised; See Minutes 10/31/01 Annual Meeting.]*
- (d) **Treasurer.** The Commission Treasurer shall oversee collection and investment of Service funds; prepare reports and accountings with the assistance of the EMS management; monitor compliance with year-to-date budget requirements; and shall provide such other reports and perform such other duties as directed by the Commission. *[History Note – Bylaw Change: Duties revised; See Minutes 10/31/01 Annual Meeting.]*

### **28.04 POWERS AND DUTIES OF COMMISSION.**

- (1) **LIMITATION.** The powers of the Commission are limited to those powers expressly granted by these Bylaws.
- (2) **MANAGEMENT OF SERVICE.** The Commission shall govern, manage, and supervise the operation of the Ambulance Service and carry out the provisions of these Bylaws. Consistent with the provisions of these Bylaws, the Commission shall adopt such rules and regulations as are necessary to carry out its responsibilities.
- (3) **EQUIPMENT.** The Commission shall be responsible for the maintenance, replacement, and upgrading of all ambulance equipment.
- (4) **RECORDS.** The Commission shall see to it that complete and accurate records are kept and maintained of all income and expenditures arising from the operation of the Ambulance Service to see to an annual audit of the Service accounts by hiring a reputable certified public accounting firm experienced in conducting municipal audits, and to prepare an annual report of ambulance operations for the Annual Meeting.
- (5) **FEES.** The Commission shall set fees for the Service.
- (6) **BUDGET.** The Commission shall adopt a budget prior to October 1st of each year showing estimated income and expenditures of the Service and setting proposed assessments for ratification at the Annual Meeting. (1940 06/09/98) *[History Note – Bylaw Change: Budget adoption date changed from September*

*1<sup>st</sup> of each year to October 1<sup>st</sup> of each year; See Minutes 9/29/93 Annual Meeting.]*

- (7) EMPLOYEES. The Commission shall employ such persons as deemed necessary by the Commission and incur the costs of reimbursing such employees on terms as approved by the Commission and pay any and all taxes that may arise out of said employment.
- (8) SALARIES. The Commission shall fix salaries, personnel rates, or any other employee benefits.
- (9) SUPERVISION. The Commission shall supervise all Ambulance Service officers, agents, and employees and see to it that their duties are properly performed.
- (10) CONTRACTS. The Commission shall prepare any necessary contracts for communities participating in the Service and enter such other contracts as are necessary to carry out Commission duties and responsibilities.
- (11) LEGAL COUNSEL. The Commission may retain legal counsel to advise the Commission on all matters concerning the Commission and the operation of the Ambulance Service.
- (12) INSURANCE. The Commission shall procure and maintain adequate liability, hazard, and property insurance on all property owned by the Service and cause all officers and employees having fiscal responsibility to be bonded where appropriate.
- (13) CONTRACTS FOR SERVICE. The Commission in its discretion may approve contracts for service with non-member municipalities or other non-participating groups. Such contracting parties shall be known as Subscribers. Through such contracts, the Service may provide ambulance services to a Subscriber for a set annual fee. A Subscriber for service would hold no ownership interest in any assets of the Service, would have no voting rights at Annual Meetings, and would not be entitled to representation on the Commission. No contract for service may be entered if it would impair the ability of the Service to provide ambulance service to District Members. (1940 06/09/98) *[History Note – Contract for service provision added; See 1997 Annual Meeting Minutes.]*

#### **28.05 MEETINGS OF COMMISSION.**

- (1) REGULAR MEETINGS. The Commission shall meet at least quarterly each year for the transaction of its normal business. (1940 06/09/98) *[History Note – Bylaw Change: Meeting requirement changed from monthly meetings to*

*quarterly meetings; See 10/26/94 Annual Meeting Minutes.]*

- (2) SPECIAL MEETINGS. Special meetings of the Commission may be called at any time by the President or by a majority vote of the Commission. Special meetings of the delegates may be called only by a majority vote of the Commission.
- (3) QUORUM. A majority of the Commissioners then serving shall constitute a quorum. If a quorum is present, the affirmative vote of the majority of the members represented at the meeting and a tally of the vote on the subject matter shall be the act of the Commission.

#### **28.06 EXPENDITURES AND BUDGET.**

- (1) PREPARATION. Prior to the first day of October of each year, the Commission shall submit to all members for approval at the Annual Meeting, a proposed budget. Such budget shall include an estimate of expenses for the Service operations necessary for the ensuing year. Such budget shall also include projected receipts from users of the Ambulance Service. The projected receipts shall then be deducted from the total budget amount and upon ratification of the budget the remaining amount shall be assessed to all participating municipalities. (1940 06/09/98) *[History Note – Bylaw Change: Budget submission date changed from first day of September to first day of October; See Minutes 9/29/93 Annual Meeting.]*
- (2) ASSESSMENTS. Each participating municipality shall be responsible for a proportionate share of the ratified budget amount based upon the relative population of each participating municipality compared to the total population of all participating municipalities. Each participating municipality shall pay its proportionate share of the ratified ambulance budget as follows: One-half the amount due shall be paid by February 15<sup>th</sup> and the balance shall be paid by August 15<sup>th</sup> of each year. The contributions made by all participating municipalities shall be held in a special segregated account. Any interest arising therefrom shall be credited to the Service. *[History Note – Bylaw Changes: Assessment due date changed from January 15<sup>th</sup> to February 15<sup>th</sup> and August 15<sup>th</sup>; See Minutes 10/28/98 Annual Meeting. Assessment basis changed from valuation to population. See Minutes 11/18/09 Special Meeting.]*

#### **28.07 MEETINGS OF MEMBERS.**

- (1) ANNUAL MEETING. In October of each year an Annual Meeting shall be held with all municipalities in the ambulance district at which meeting the Commission shall submit a summary report of its transactions, decisions, income, and expenditures for the preceding year together with a proposed budget for the ensuing year. (1940 06/09/98) *[History Note –*

*Bylaw Change: Month of meeting changed from September to October; See Minutes 9/29/93 Annual Meeting.]*

- (2) SPECIAL MEETINGS. Special Meetings of the members may be called at any time by a majority vote of the Commission or by a two-thirds vote of the members at the Annual Meeting.
- (3) VOTING SHARES. Any votes conducted at the Annual Meeting or at any special meeting of the members shall be conducted on the basis that each municipality shall have a vote equal to its proportionate contribution to the Service's operating budget. *[History Note – Bylaw Change: Provision tying voting weight to equalized valuation removed; See Minutes 11/18/09 Special Meeting.]*
- (4) VOTES. No action taken at any Annual Meeting or special meeting of the members shall be considered approved and passed unless it shall have been approved by voting shares representing at least two-thirds (66.667%) of the total outstanding vote of all members. (1940 06/09/98) *[History Note – Bylaw Changes: Effect of absent or abstaining member; See Minutes 9/29/93 and 10/28/98 Annual Meetings.]*

#### **28.08 ASSETS.**

- (1) OWNERSHIP. All equipment, vehicles, and other property held, acquired, or purchased by the Ambulance Service shall be the property of the Commission. Ownership of all such property shall be titled in the Baraboo District Ambulance Service. Participating municipalities of the Service shall have an equitable lien in all property in an amount proportionate to the relative contributions of each. The Commission shall keep records necessary to determine the proportionate interest of each member in all such property. Property with a life less than three years shall; however, be treated as an expense in the year of purchase. The life of all equipment shall be designated by the Commission upon purchase.
- (2) DEBT OR REAL PROPERTY ACQUISITION. The Commission shall not borrow money for any purpose nor purchase land or buildings or construct the same without the express approval of the members at an Annual or Special Meeting as provided by §VII.4.
- (3) CONTROL OF PROPERTY. The Commission shall have exclusive charge and custody of all equipment owned or leased by it.
- (4) ACCOUNTS. All monies of the Commission shall be kept segregated under the supervision of the Commission Treasurer appointed under Section III.3.(d). *[History Note – Bylaw Change: Handling of accounts changed; See Minutes 10/31/01 Annual Meeting.]*

- (5) EXPENDITURES. The Commission shall have exclusive charge and control of the expenditure of any monies appropriated to the Ambulance Service. The Commission shall audit and approve all vouchers for the expenditures of Ambulance Service and shall forward the vouchers to the Treasurer. The vouchers shall set forth the names of the claimants, the amount of each claim, and the purpose for which the claim was extended. Upon Commission approval of the expenditure, the voucher shall be signed by the President and the Secretary of the Commission with a verification that the same has been audited and approved for payment. Upon receipt of the approved voucher the Treasurer shall pay the claim.

#### **28.09 NEW MEMBERS.**

- (1) ADMISSION. The Commission may by majority vote admit new municipalities to the Service. Such new members are subject to all rules, regulations, and Bylaws of the Service.
- (2) PURCHASE REQUIREMENTS. Each new member shall be liable for the purchase of an ownership share of all assets then held by the Service. Such assets shall be valued by the Commission at their fair market value as of the date of entry. The Commission, in its discretion, may defer payment of such amounts upon such terms and conditions as may be approved by the Commission. In such event, no refund of capital interest as set forth in Section X.3 below, shall be issued until the capital purchase amount is first deducted.

#### **28.10 TERMINATION.**

- (1) VOLUNTARY. Any municipality may terminate membership in the Ambulance Service effective at the end of any calendar year by giving written notice to the Secretary of the Commission not later than September 30th of that year. Such municipality shall remain liable for its assessed share of operating costs for the remainder of that year, but shall have no further liability for operating costs.
- (2) EJECTMENT. Any member municipality which fails to pay its assessed share of the approved budget on or before the due date of any year shall be in default. Unless the default is cured by full payment of all amounts due within 30 days of mailing of notice thereof to the defaulting municipality, ambulance service to the defaulting member shall cease 90 days after default. In the event of termination of ambulance service, the defaulting municipality shall remain liable for its assessed share of operating costs for the entire year of termination together with interest at the annual rate of 12% until paid. *[History Note – Bylaw Change: Date services terminated for non-payment changed; See Minutes 10/28/98 Annual Meeting.]*

- (3) **REIMBURSEMENT.** Upon withdrawal from the Service, the participating municipality shall be entitled to recover its proportionate ownership share of assets then held by the Service. The fair market value of such assets shall be determined by the Commission as of the date of the final termination. In the event the withdrawing member objects to the fair market value of any asset as determined by the Commission then such member may request an appraisal be performed by a qualified appraiser. In such event the withdrawing member shall be responsible for one-half the costs of such appraisal; the Commission shall be responsible for the balance. As provided herein, any unpaid purchase amount shall be first deducted before compensation is issued. Such compensation shall be paid within six months from the date of termination.

**28.11 AMBULANCE CHIEF.** The Commission may appoint an Ambulance Chief. The Chief shall bear overall responsibility for operation of the Ambulance Service.

**28.12 EMS MANAGER.** The Commission may hire an Emergency Medical Services Manager. The following shall be the responsibilities of the EMS manager:

- (1) Responsibility for day-to-day operations of the Service.
- (2) Prepare and present monthly reports to the Commission.
- (3) Prepare posted budgets for consideration by the Commission.
- (4) Plan for the future replacement and up-grading of Service equipment.
- (5) Such other duties as are assigned by the Commission.

**28.13 AMENDMENT TO BYLAWS.** Bylaws may be added, deleted, or modified only by a vote of the members at the Annual Meeting or at a special meeting called for that purpose. Any proposed change must be approved as specified in Section VII.4.