



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Minutes
January 27, 2014**

Minutes of the City Council Workshop of the City of La Marque, Texas that was conducted on Monday, January 27, 2014 at 3:00 p.m. at 1109-B Bayou Road for the purpose of considering the following agenda:

(1) Mayor Hocking called the Workshop Meeting to order at 3:00 p.m.

(2) ROLL CALL

Mayor Hocking
Mayor Pro-Tem Bell
Councilmember Osteen
Councilmember Trube
Councilmember Brown

City Manager Buttler
City Clerk Eldridge

(3) Discussion/possible action regarding the ISO (Insurance Services Office) rate classification of the City of La Marque's fire protection capabilities.

Fire Chief Grimm explained the results of the ISO report that was recently received. He said that the rating had changed from a three (3) to a five (5) since the last report in 2005. But, this rate is pending publication in May of this year. They do that in an effort to allow the communities to propose an "improvement plan" which could impact a proposed classification change prior to publication in May of this year. ISO is a complicated process.

There are three categories in which the City received rates on, and those include: Dispatch, the Fire Department and Water Supply. The Fire Department has the second largest rating category followed by Dispatch. The Water department fared extremely well. We have a very good infrastructure. The Fire Department didn't rate very well at all, which includes investigative inspections, the practice of pre-fire planning and training.

He further explained the report to Council. "The impact upon the City, I cannot begin to estimate. I have talked to my insurance agent and other insurance agents. It is impossible to project and predict. In speaking with the investigator that came to the City of La Marque, it became clear that they knew that we were going to have an adjustment upward. "

Chief Grimm stated that he could not begin to predict what the impact of this rating will have on the City. "If we don't engage in some type of an action plan, I would expect the inspectors to come back in the near future to re-rate the City again."



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“We have suffered by and large. It is my understanding that the position of Fire Marshall which was unfunded for the past two budget years, oversaw the conduction of training activities. He reported that the City is meeting the requirements for the State of Texas for certification training, but nothing more than that, which impacts this rating considerably. “You may be surprised that even the fact that we haven’t adopted our codes since 2003, also impacts our rating. I have thought about this and realize the financial impact upon the City but there is no question that the major cog in our wheel is broken, in fact it is not in place at all, is the fact that we do not have a dedicated Fire Marshall. Someone who can do this activity on a daily basis, someone who can step up and provide oversight to these functions and provide coordination to the on-duty personnel as they go about their business everyday on the inspection side and fire prevention and provide some direction to our training functions.”

Mayor Hocking congratulated Chief Grimm on presenting one of the most concise, informative and articulate reports, to which Councilmember Brown agreed.

Councilmember Bell repeated an earlier statement made by Chief Grimm that the major problem was the fact that the City doesn’t have a position as a dedicated Fire Marshall. In the past, the Fire Chief and Fire Marshall were possibly one in the same person, and asked what causes heartburn for the inspector of one person holding both of those positions now, if one person held the two positions back in 2005. Chief Grimm replied that the fact the he is holding both positions now is simply a matter of title alone and that he couldn’t actively do the work required of a dedicated Fire Marshall in a full-time capacity. It is a stand-alone position. “My duties and functions as Fire Chief alone to manage this department, consumes all of my time. I do conduct inspections as necessary, if no one else is available. All of our Captains are certified fire inspectors, but their job is much broader than just conducting fire inspections. We schedule inspections as necessary, but they are not actively engaged in what I call aggressive, conservative, organized fire prevention activity.”

Councilmember Bell continued, “It seems that the inspectors’ ratings are subject to their own thoughts and philosophies. How strict are the guidelines from which they inspect and evaluate?”

Chief Grimm replied, “There is very little left to their individual subjectivity. This inspection is driven by various calculations, roadmaps, travel distances, gallon per minute, hydrant size, water main sizes, etc. given to them by ISO.”

Councilmember Bell stated that he has issues with the investigators and couldn’t see any significant changes from 2005 until 2013 that would have caused the ratings to be that much lower. The only area of concern that he could see would be possibly in the ‘training’ area. The City has been improving in those three categories. He would like to have a dialogue with the investigator.

Mayor Hocking asked for Chief Grimm to provide a recap of his recommendations. Chief Grimm recommended that the City develop an improvement plan which includes reconstituting a dedicated person in the Fire Marshalls’ office, as a member of the Fire Department, under the control of the Fire Department who would assume the duties and tasks involved in fire prevention activities to include investigations, inspections, by all shift personnel as well, take on some oversight of the training activities and to enhance the EMS program.



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Councilmember Osteen mentioned that there have been some problems in that position in the past, and that he would like for this to be avoided in the future.

Chief Grimm stated, "I can assure you that under my leadership that will not be an issue."

The City Marshall is a highly sensitive position, and it depends on the faith that you put into the person that oversees this individual. It is better to have this position inside of the Fire Department. There is flexibility within the department so that if the individual is conducting themselves in a less than efficient or an inappropriate way, shifting of assignments could take place.

Discussion followed concerning budgeted money for training, that at one time it was cut. It was also mentioned, that in moving forward, it is recommended that two or more current employees should receive training to become 'certified plans examiners' and that this would separate the City out of the commercial oversight process.

If the City part of "I am confident that La Marque will achieve an ISO rating of a four (4) once we improve fire prevention functions, control of our fire investigation activities, code enforcement and the training functions, Texas Addendum, and the extra training that the States mandates."

Councilmember Trube stated "I have been very impressed with you taking over the Fire Department. I just hope that you are here when we do get a Fire Marshall. In the past there was no respect given to that position."

Mayor Hocking recessed the Workshop for a break at 3:59 p.m.

Mayor Hocking reconvened the Workshop at 4:11 p.m.

Councilmember Osteen commented that he didn't want to take action on this item during a workshop since there should be allowance for public comment, and a lot of the citizens are working at this time.

Councilmember Trube stated that what the Chief said was very informative and she agreed with Chief Grimm's' recommendations.

C Brown agreed.

Councilmember Osteen stated that public safety is the most important thing for our citizens. "We can approve it and can stop it if it doesn't work out. We don't want any headaches."

Councilmember Bell stated, "I feel it necessary in order for us to provide the best safety for our citizens and to make sure that the citizens insurance rates do not go up so that they cannot afford to pay them. In this plan if approved, we should include estimated revenue, and include the way to pay for the recommendations, and include other revenue or other streams that the City could pull other revenue from."

It was the consensus of City Council to bring this item back before City Council at a regular council meeting.



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Councilmember Osteen asked that a meeting be scheduled with the investigator in the near future to receive some explanations of the ratings the City received.

(4) Discussion/possible action regarding unpaid ambulance billing fees.

Chief Grimm stated that the EMS issue is centered on two things, one is on the waiver provision currently in place by the way of a policy. "The issue with the in-district waiver was a concern when I arrived in La Marque, not necessarily its appropriateness, but of its legality. I have obtained an opinion from Mr. Ortego determining the practice to be unlawful. I am not a lawyer, but I am a paralegal. The law doesn't provide for a variance of this particular type to waive federal co-pays and unpaid balances. What it does do, however is to allow an avenue to apply for an official waiver from the Office of Inspector General (OIG), which is similar to an Attorney General's opinion, if we apply and receive it, then the waiver can continue in a legal format. Currently, the waiver states that the City of La Marque will only bill in-resident patients for the amount liable under the payables by the insurance company. After speaking to Intermedix, they confirmed that if you are an in-city resident, you will receive a letter identifying the services rendered and asking for insurance information to be provided, if you have it. There is no breakdown of the bill, copays are not identified neither are deductibles or unpaid balances. If you are not within the City limits of La Marque, you will receive a regular invoice itemizing all of those. Then it is pursued within a ninety day period. After that the remaining balance simply drops off of the books. Intermedix has given me a generous amount of uncollected monies of around a million dollars a year that is carried over from year to year. My recommendation is to see how we can more effectively bill for these services if that is the wish of this City Council."

Councilmember Osteen stated that no waivers or copays were ever mentioned in the beginning. A person was going to be billed up to three times. If they couldn't pay, they wouldn't pay, and we wouldn't turn it over to a credit bureau.

City Manager replied, "That was the confusion, "What was the intent? If they had insurance were they expected to pay?"

Councilmember Osteen answered, "Yes."

Councilmember Bell, "Here was the intent, the City didn't want to take any legal action or disturb any credit designation of any of our residents, nor overburden any of the senior citizens with bills for emergency medical services, that are already on a fixed income and taxpayers of this City. I don't remember any discussion of a free-ride."

Chief continued, "We are at a point now where that is not happening. If we are simply sending a letter to try to collect insurance information, then that is all that the City is collecting at this time. Any copays or deductibles are not even being referred back to the resident for collection. It appears that it has been taken out of play and we are not making any intent to try to collect anything but that. The waiver is unlawful and isn't being applied in the way that the City Council had planned and agreed upon."

Councilmember Osteen replied, "Well a lot of times, staff changes up what our intent is."



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Chief Grimm said that it has appeared that “all” of the information wasn’t produced back in 2006 in order for the past administration to apply it in the way of the Council’s intent at that time. It seems as though with what information they had and gave to the City Attorney, wasn’t all of what was discussed or could have been misinterpreted at that time.

Councilmember Osteen said that he thinks it should be left the way it was agreed by City Council previously.

Mayor Hocking asked “Do we need to tighten this up and correct any misconception in a future regular meeting?”

Chief Grimm added, “As we know, we receive a great deal of mutual aid assistance from Texas City and in some cases Santa Fe as well. Those persons are being billed at full-rate. Neither city honors our waiver policy.”

Councilmember Osteen asked, “There is no reason we can’t do that. We agreed to bill them. What do they do if they don’t collect it?”

Chief Grimm replied, “In Texas City, they stop short of litigation. They take them to the process then pass the account off to another billing collection agency that takes them through a one hundred and twenty-day collection process and report them to the credit bureau. They chose not to litigate. They have a hardship waiver process that is specific to the Fire Chief authority to waive accounts upon request, and that is how we handle senior citizens.”

Councilmember Bell stated, “I just have a problem with medical bills and emergency medical bills being on people’s credit. No one wants to be sick ill or injured. I would rather get with an outside billing agency and get on a payment plan process.”

Chief Grimm agreed.

Mayor Hocking replied, “As I am hearing it, the direction would be for the City Manager to clean up what has been historically decided by this Council and maybe run this by the Fiscal Affairs Committee and let them look at the financial aspects and repercussions and bring it back so we can make a good solid decision that will stand the test of time.”

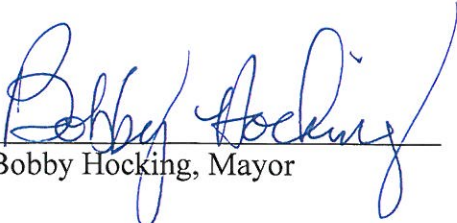
Chief Grimm stated, “Regardless if this Council wishes considers any approach of a waiver or write-off of unpaid balances, the first thing we need to do is to petition the OIG for an exemption from the law to see if we are currently lawful, then move forward in its capacity that is also lawful.”

(5) ADJOURNMENT

- ** Councilmember Trube made a motion to adjourn the meeting at 4:41 p.m.
- ** Councilmember Osteen seconded the motion. Motion carried unanimously.



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Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk