

City of Coral Gables City Commission Meeting
Agenda Item E-3
September 22, 2009
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy Clerk, Billy Urquia

Public Speaker(s)

Vince Damian, Coral Gables Resident
Peter Kouchalakos, Coral Gables Resident
Mauricio Chavez, McKesson Provider Technologies

E-3 [Start: 9:32:02 a.m.]

Ordinance amending Chapter 26, entitled “Emergency Services,” in particular, Section 26-1 “Fees for Emergency Rescue Services” and Chapter 30, entitled “Fire Prevention and Protection,” in particular, Section 30-6 “Fees for Emergency Rescue Services,” of the Code of the City of Coral Gables, allowing for fees to be assessed to all persons transported via City Fire Department vehicle; repealing all ordinances inconsistent herewith and providing for an effective date. (Passed on First Reading September 8, 2009).

Mayor Slesnick: E-3

City Attorney Hernandez: Read the above title into the record.

Mayor Slesnick: Can I have a motion.

Commissioner Withers: I’ll move it.

Commissioner Anderson: Second.

Mayor Slesnick: Moved by Mr. Withers seconded by Ms. Anderson. This is E-3. We have two fire issues today and I have speakers on either, now I will try to get them correct, but these are

signed up specifically for E-3, if one of the others says that this is the item they wish to speak on, then please let me know, but as far as I know the other cards are for E-9. Mr. Vince Damian.

Mr. Damian: Very briefly, I've made my position known, the citizens have made their position known; we are facing hard times, we need to raise revenue, I understand there is going to be a millage raise of some sort, and as I said before I think the honest way to do it, is having a millage raise. Both the fire fee and rescue fee I think are back door ways to do it, I think the citizens expect the Fire Department and the services they get come with their taxes. So I think we ought to be upfront about it, and put that into the taxes. There is not going to be a great out swelling today, either this hearing or tonight, I think we have made our opposition known, I don't think we need to do that anymore, I think you need to deliberate, and would just very strongly suggest that face taxes, let's put them where they are, and try to fix them next year.

Mayor Slesnick: Thank you Mr. Damian. Mr. Peter Kouchalakos. Good morning Peter.

Mr. Kouchalakos: Good morning. First of all Mr. Mayor, Commissioners I want to make sure but I want to publish my comments just by first saying that I appreciate as a fifty-four year resident of Coral Gables, the work that the Commission and the Mayor does, and also the hard work that the front line folks do with the Fire Department. This has nothing to do with those hard working individuals, but it does have something to do with the way and the manner in which this has been approached. In my entire time, and I was born and raised here, I think a couple of you all went to school with family members of mine; the bottom line is I've never been before the Commission in this capacity, so my antenna went up when this matter came to my attention; and I'm reticent to say that I have no objection to the assessment of fees or assessments of assessments, and I'll get to that later, but I think fees in this context are really taxes; and I think the way that this matter was put forth, in what I consider to be a very rapid manner, I believe the first reading was on September 8th, here we are on the 22nd, and in my entire time of existence in this City, I have never heard of charging for this particular service. Now I understand the nature of the times we live in, but I think that this type of an approach calls or opens the door for future events of this type of nature that may allow for additional, what I call taxes, that's what these are to me. I also have questions regarding, and I understand this is a second reading, so I caught it but not in time relatively speaking, I have concerns about the speed with which this has been brought, I have concerns about who the contracting agent is for the billing. In the online information that was presented to the citizens it appears that a contract has already been executed prior to this second reading which suggests to me that these negotiations have taken place; who is this contracting agency?- how were the fee amounts or fee schedules determined?- those are questions that came to my mind as a citizen, in the eleventh hour I'm presenting to the Commission and the Mayor; and frankly again, I think this is a matter...if this is a way we are going to go to approach taking care of services now and in the future, my suggestion is that it be done by way of referendum rather than by way of the approach that we are seeing today. Thank you for your time.

Mayor Slesnick: Thank you.

Commissioner Anderson: I have a question. Have we executed a contract?

City Manager Salerno: I think Commissioner, the gentleman, I can clarify that matter. First of all, this proposal has been before the Commission since the budget was proposed on July 1st, it is online and available for anybody to read on the home page of the City's website. It has also been up for two prior votes on the agenda, duly noticed, and this is the third reading that this matter will be considered. So it has been...a typical ordinance might only take two, there have been three votes on this, and I think the gentleman may be referring to the billing agency, there is no change; the billing entity is a firm called McKesson, they currently do the billing for non residents in the City, and there is no change, they will just do the billing for...

Mayor Slesnick: Peter, currently we already charge non residents so we already send bills and this is the same agency that sends the bills now.

Mr. Kouchalakos: My concern was before the ordinance had been passed, Mr. Mayor, it indicated in the online information that had been contracted with, and I got concerned about that.

Commissioner Anderson: No, I appreciate that.

Mayor Slesnick: I appreciate that, but we already contract with them about the billing previously, and Peter I appreciate what you say about two things, but let me tell you on this particular fee, this has been debated by this Commission over a couple of years, and actually we voted on before and not put into effect, we actually put into effect for non residents and we did not do it for residents, and we then debated again, one other time, about residents, and now we are debating it again like the third year and so it has been, I'm sorry it only came to your attention later; but I would like to tell you that I share with you the fact that it is in fact equivalent to a tax, and when I assess what I would charge for taxes I offset it by what we decide to do with fees, that's just me, I'm talking about me; and if we do certain things with fees then I don't have to do certain things with millage rates, and the Manager has talked to us on a number of occasions, and if you read the literature, I mean, there is a lot of literature out there, just diversifying the way in which we pay for our City so that we aren't totally beholden to the ups and downs of the property tax and constantly sitting up here and moving millage rates back and forth based on assessment values and so forth. So yes, we are spreading the thing through user fees, but that's an approach, and I've heard your criticism is about the approach.

Mr. Kouchalakos: I'm glad the Commission has taken my point.

Commissioner Anderson: Thank you very much for coming, appreciate it.

Mayor Slesnick: The other cards I have appear to be for the fire fee, if that's not correct, then let me know. This would be E-9, the fire fee, this is the transport fee; the fire fee is – anyone disagree with that? OK, I've got these cards for the fire fee, thank you.

Audience Member: [Inaudible – off mike]

Mayor Slesnick: For the transport fee?...no that would be for the next one.

Commissioner Cabrera: Before we vote on this item, can I ask the City Manager to invite the billing consultant up here so I can go over my issues that I tried to address last time, you didn't have the experts here, may I? I basically want you here as a resource so you can add or decide whatever you want to do to defend your position as a billing company, it's not to be adversarial.

Mr. Chavez: Sure. Absolutely.

Commissioner Cabrera: Let me just say this for one last time why this is, and I'm trying not to become emotional about people dying like we'll hear about, that if we don't impose certain fees, the quality of our services are going to be compromised after eighty-four years, we may lose our certification, our trucks are falling apart and people will potentially lose their lives over that. When you process your bill, it generally happens after you have gotten the information about the person you've transported to one of our hospitals here in Coral Gables or within the vicinity of Coral Gables, is that correct sir?

Mr. Chavez: That's correct, and we usually go to the hospitals to try to get their insurance information and demographic from the hospital, so we don't have to bother the patients, that's correct.

Commissioner Cabrera: After you get that information then you, this is based upon what the Manager told me last night, you bundle the bills for a particular client, in this case the City of Coral Gables, and then you send them out accordingly.

Mr. Chavez: When you say bundle, what do you mean by bundle.

Commissioner Cabrera: Well the impression I got last night in discussing this item with the Manager was that they are grouped together and then they are sent to the appropriate insurance companies.

Mr. Chavez: I'm not sure about grouped together; most claims go out electronically now...

Commissioner Cabrera: OK.

Mr. Chavez: So it's....

Commissioner Cabrera: The Manager wants to say something.

City Manager Salerno: Commissioner what I was responding to was in those cases where the billing agency sends a bill to an insurance company and they don't pay, either the right amount or any amount, and what I was saying was the billing entity will group and bundle those and send them off at one time to ask them to reconsider their position on the matter.

Commissioner Cabrera: To the insurance company?

City Manager Salerno: Yes.

Commissioner Cabrera: That's pretty accurate.

Mr. Chavez: Perhaps he is talking about appeals.

City Manager Salerno: I'm talking about the appeal.

Commissioner Cabrera: What appeals?

Mr. Chavez: When the insurance company doesn't pay what they are supposed to pay obviously we go after the insurance company, hold them accountable for what they are responsible for.

Commissioner Cabrera: Alright, so now you send this information to the insurance company, at what point in time do you lose control over the information you send the insurance company?

Mr. Chavez: Do we lose control?- we never lose control...

Commissioner Cabrera: You never have control; once you send a bill to an insurance company you have no control what that insurance company is going to do, would you agree with that.

Mr. Chavez: No.

Commissioner Cabrera: You won't agree with the fact that the insurance company has the right to do whatever they feel is appropriate and not what your billing company tells them to do.

Mr. Chavez: There are only two things they can do; they either pay the claim or they won't pay the claim.

Commissioner Cabrera: No, there is not, there are more than two things they can do. Let me take you through the course, OK? They can pay the claim, they can deny the claim, they can send a letter asking the member to explain to them why this claim was incurred, so that they can understand what cause this claim to come to them, and the last thing they can do they can adjudicate the claim throughout, which is part of paying the claim, but in the adjudication process, they can decide are we going to apply a deductible, are we going to apply co-insurance, are we going to apply a co-payment, would you agree with my assessment?

Mr. Chavez: In this business the insurance won't send a letter to the patient asking why they were transported.

Commissioner Cabrera: They won't send a letter to the patient.

Mr. Chavez: No, I haven't seen that.

Commissioner Cabrera: OK, I have been doing this for twenty-seven years, I've never done that, I've never seen that happen where an insurance company will not send a letter, especially when it's an auto accident, it could be even subrogation involved in it....

Mr. Chavez: What they do is they send us a denial and say we need more information; we need a copy of the report, some type of...

Commissioner Cabrera: How do you know the insurance company is not going to send the member the letter?

Mr. Chavez: Obviously I can't control what the insurance company does...

Commissioner Cabrera: Thank you very much, that's what I was looking for.

Mr. Chavez: But in my experience they don't do that, they send us the information.

Commissioner Cabrera: Then we just disagree. I just painted for you what happens in this case, and again, I'm not going to get all emotional about this, I have fought this fire rescue transport fee since I've been on this Commission. I will continue to vote against it, and I think we are doing a disservice to our citizens, and really that's all I have to say on this matter, because its going to be approved, so. Thank you sir, I appreciate you putting up with me.

Mr. Chavez: Thank you.

Mayor Slesnick: Any further comments or questions?

Mr. Clerk

Commissioner Cabrera: No

Vice Mayor Kerdyk: No

Commissioner Withers: Yes

Commissioner Anderson: Yes

Mayor Slesnick: Yes

(Vote: 3-2)

[End: 9:45:36 a.m.]