

**ORDINANCE NUMBER 2009-06**

**AN ORDINANCE AMENDING ORDINANCE NO. 2005-23, GRANTING AN EXCLUSIVE FRANCHISE FOR THE PROVIDING OF EMERGENCY MEDICAL SERVICES AND AMBULANCE OPERATIONS WITHIN THE CITY OF CLINTON, ARKANSAS TO VITAL LINK, INC. AS A NECESSARY PUBLIC SERVICE AND UTILITY, AND PROVIDING FOR THE OPERATION OF SAID PUBLIC SERVICE BUSINESS WITHIN THE CITY LIMITS AND INTO OTHER AREAS WHOSE GOVERNING BODIES REQUEST SUCH SERVICES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, the State of Arkansas, pursuant to Ark. Code Ann. § 14-266-102(a)(1), has determined that it may be desirable for cities of the first and second class to franchise and regulate emergency medical services, technicians, emergency and non emergency ambulances and companies and all aspects determined by the city to be proper, and;

**WHEREAS**, the City of Clinton, Arkansas, has determined that it is appropriate to exercise the authority granted to it by the State in order to provide for the health, safety and welfare of the citizens of the City of Clinton, and has passed an Ordinance as such, and;

**WHEREAS**, Section 14-266-105, Arkansas Municipal licensing Act, authorizes the City of Clinton to provide emergency medical services to the residents of the county, surrounding counties, and municipalities within those counties and municipalities if the governing bodies of the counties and municipalities request and authorize the service; and,

**WHEREAS**, the County of Van Buren has requested that the City of Clinton extend its emergency and non-emergency medical services to the whole county; and,

**WHEREAS**, the City of Clinton has sought an ambulance and emergency medical services provider by a competitive process as required by Arkansas law by requiring bidders from all companies interested in providing such services to the City of Clinton and, if applicable to the County of Van Buren, to be submitted and,

**WHEREAS**, the City Council of the City of Clinton acting in concert with the Van Buren County Judge has reviewed the submitted proposals and determined that Vital Link, Inc. is the most qualified and made the proposal that is in the best interests of the citizens of the City of Clinton and Van Buren County:

**NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS, AS FOLLOWS:**

**Section 1:** That from and after the effective date of this Ordinance, an exclusive franchise and license is hereby granted to Vital Link to operate the sole EMS/ambulance service and exclusively provide emergency and medically necessary medical services within the city limits of the City of Clinton, Arkansas, pursuant to the terms and conditions set forth herein. No other person or entity shall be allowed to operate an EMS/Ambulance business or provide emergency and non-emergency medical services as a provider within the city limits of the City of Clinton without having first complied with Ordinance 2005-22, as amended. The beginning date of said franchise and license shall be on or before, but no later than, the date of approval of this Ordinance.

**Section 2:** The term of the franchise and license shall be for five (5) years from and after the date of the approval of this Ordinance after which the City of Clinton will require competitive bidding for the continuation of said franchise. The terms and fees set forth in this franchise and license shall be reviewed by the City of Clinton, the participating county or counties, participating municipalities, and Vital Link annually.

**Section 3:** Vital link shall provide advanced life support and emergency and non-emergency services on a fee for service basis to all residents and citizens of any participating county or counties, participating municipalities, and the City of Clinton, Arkansas. All franchised services shall be provided regardless of age, race, sex, ethnicity, or ability to pay on a twenty four (24) hours, seven (7) day a week basis during the term of this franchise and license.

**Section 4:** Vital Link rates will be reviewed at least annually for consideration of increases, decreases, realignment, adjustment, or other changes that may be necessary to fulfill the objectives of all interested participants.

**Section 5:** Vital Link will maintain two (2) ALS ambulances; each staffed twenty-four (24) hours per day. A third ambulance will be available as needed to cover transfers out of the city. The ambulances will be stationed at the Clinton base of operations. Each ambulance will be so equipped as to provide full service and assure top quality ALS as required by Ordinance and state law and regulations. Each ambulance will be staffed at all times with at least one (1) Paramedic and at least one (1) Emergency Medical Technician. Vital Link will insure that all staff is qualified and that they will maintain all applicable, training, qualifications and licenses. Vital link will insure that a supervisor will be on staff at the Clinton base of operations. Vital Link will maintain an attractive, clean facility as its Clinton base of operations as near as possible to the hospital. Said facility shall provide living quarters, office work space, medical supply and equipment storage, laundry and decontamination area, ambulance garage or parking and protected outdoor space for employees.

**Section 6:** Vital Link must meet the following response time standards at least ninety per cent (90%) of the time:

From call received to ambulance dispatch:	60 seconds or less
From Dispatched to in route:	2 minutes or less
From in route to on scene (within city limits):	9 minutes or less
From in route to on scene in participating entities	will be established upon extension of services into the additional areas.

**Section 7:** Vital Link, Inc. shall save, defend and hold the franchisor harmless from any and all claims, causes of action and/or any losses, or liabilities or claims which may arise by reason of the operation of the ambulance service franchised and licensed herein or for any activity conducted by any employee or provider. Vital Link shall maintain motor vehicle liability, comprehensive general liability, malpractice liability insurance, and workers compensation insurance on its vehicles, employees, agents, providers and operations. Certificates of insurance shall be provided to the franchisee or franchisors upon renewal of each of the above policies. Failure to maintain such insurance shall be grounds for termination of this franchise without advance notice.

**Section 8:** Vital Link will offer Membership to all citizens and residents within its coverage area. This will be advertised and promoted locally so as to provide notice to citizens and residents of the coverage area and to provide them an opportunity to join.

Yearly memberships for singles or families will be \$50.00 per year with a half- year rate of \$25.00 available after June 1 of each year. Memberships will include all emergency and medically necessary non- emergency transports and will be honored in all service areas of Vital Link. For the first year of this franchise and license Vital Link will honor valid, current memberships from other providers of ambulance service within the coverage area upon proof of payment for same.

**Section 9:** Vital Link will speak to civic groups; participate in local fairs, festivals, public events and school events unless prohibited due to currently providing emergency and medically necessary non- emergency services. Said involvement will be to promote the service, solicit memberships, provide education on such subjects as CPR, bike rodeos, Morgan Nick registrations, free blood pressure checks, child safety seat education, Shattered Dreams and other programs that promote health and safety. Vital Link will work with physicians practicing within the coverage area, Ozark Health Medical Center and its physicians, nurses, and other professionals to discuss protocols, patient care and provide input. Vital Link will work to develop programs for professional health care providers, at a cost to be determined by the parties, on subjects and matters determined to be necessary by the parties involved.

**Section 10:** In the event any county or any municipality participating in an extension of the emergency and non-emergency medical services franchised by this Ordinance into an expanded "coverage area" as provided herein withdraws from participation, such withdrawal shall not terminate the franchise to Vital Link, Inc. as that franchise applies to the City of Clinton and within its city limits.

**Section 11:** Failure of Vital Link to comply with the terms and conditions of this Ordinance may result in the revocation of the franchise and license granted herein as provided by Ordinance. Nothing in this Ordinance is intended to limit or exclude the right of Vital Link, Inc. to provide professional EMS/Ambulance and emergency and non-emergency medical services in any other area outside of the coverage area.

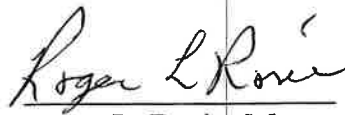
**Section 12:** If anything in this Ordinance is found to be contrary to law or is otherwise declared to be invalidated by any court of competent jurisdiction all remaining parts of the Ordinance shall remain valid.

**Section 13.** Any person or entity that violates any provision of this Ordinance, or who shall assist, aid, abet, or facilitate any other person to violate any provision of this

ordinance shall be guilty of a misdemeanor or a violation and upon conviction shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000) per offense or violation.

**Section 15.** It having been found and determined that inadequate emergency ambulance service within the city limits of Clinton, Arkansas, will result in a condition menacing to the public peace, health and safety, and, in that pursuant to a competitive bidding process, Vital Link has been determined to be the best provider to have and exercise an exclusive franchise and license within the city limits. Therefore, an emergency exists and this ordinance being necessary for the immediate preservation of said public peace, health and safety, same shall be in full force and effect from and after its passage and approval.

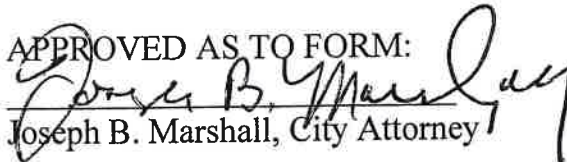
PASSED: March 24, 2009

  
Roger L. Rorie, Mayor

  
ATTEST:

  
Merl Eoff, Recorder, Treasurer/Clerk, CMC

APPROVED AS TO FORM:

  
Joseph B. Marshall, City Attorney



VAN BUREN COUNTY  
**DEMOCRAT**

**PROOF OF PUBLICATION AND INVOICE FOR LEGAL ADVERTISING**

Date: 4-17-09

Bill to: City of Clinton  
P.O. Box 970  
Clinton, Ar.  
72031

REMIT PAYMENT TO:  
Central Arkansas Newspapers  
P.O. Box 428  
North Little Rock, AR 72115  
Refer to invoice # 91760

AD COPY:

*see attached*

Published on following dates:

4-16-09

TOTAL CHARGES: \$ 257.11

**PROOF OF PUBLICATION  
STATE OF ARKANSAS  
COUNTY OF VAN BUREN**

I do solemnly swear that I am an employee of Stephens Media dba the Van Buren County Democrat, a weekly newspaper printed and published in said County, State of Arkansas; That I was an employee of Stephens Media at and during the publication of the annexed legal advertising in the case of:

Ordinance No. 2009-06

pending in the \_\_\_\_\_ Court, in said County and at the dates of the several publications of said advertisement stated above, and that during said periods and at said dates said newspaper was printed and has a bona fide circulation in said County, and had a bona fide circulation therein for the period of more than one month before the date of the first publication of said advertisement, and that said advertisement was published in the regular weekly issue of said newspaper as stated above.

*Amad Shead*

Subscribed and sworn to before me this 17<sup>th</sup> day  
of April 20 09

Notary Public Monica Bronson

My commission expires 11-20-15



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PASSED: March 24, 2009  
Roger L. Rorie, Mayor

ATTEST:  
Merl Eoff, Recorder,  
Treasurer/Clerk, CMC

APPROVED AS TO FORM:  
Joseph B. Marshall, City Attorney