

ORDINANCE NO. 2009-09

AN ORDINANCE IN COMPLIANCE WITH THE RECCOMENDATION OF THE CIRCUIT COURT TO AMEND ORDINANCE 2009-05 TO RE-DEFINE THE TERMS OF "COVERAGE AREA" AND TO CORRECT MISTAKES AS MADE APPARENT BY CURRENT CIRCUMSTANCES. THIS ORDINANCE IS TO ALSO ADD THE DEFINITION OF A NEW TERM AND PROVIDE CLARIFICACATION OF THE PROVISIONS FOR INTER LOCAL GOVERNMENTAL AGREEMENT(S) TO EXTEND THE "COVERAGE AREA" IN THE FUTURE AND DECLARING AN EMERGENCY

WHEREAS, the City has been directed by the Circuit Court in Civ. 07-328 to make amendments to Ordinance 2009-05 to make it clear that the inter local governmental agreement with the County of Van Buren has not been finalized and/or does not yet exist; and,

WHEREAS, that the "coverage area" as it was intended to be is not accurate under current circumstances; and

WHEREAS, a new dispute has arisen as to the definition of the term "not-for-hire on a fee-for-service basis transportation" contained in A.C.A. § 14-266-105 (a)(5) that is not defined in law; and,

WHEREAS, the City is attempting to create the best possible EMS/Ambulance and emergency and non emergency medical services provider for the residents; and,

WHEREAS, the following changes are necessary in order to satisfy the requirements of precision and requirements of the Court as they currently exist:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS, THAT CLINTON CITY ORDINANCE 2009-05, SECTION 2 IS AMENDED AS FOLLOWS:

Section 2. Definitions: The following words and phrases as used in this

ordinance shall have the following meaning for the purposes of this ordinance:

(f) "Coverage area" shall mean all of **that area within the city limits of the City of Clinton. This "coverage area" may be expanded to include other area(s) upon request of the governing body of the requesting area(s).**

(g) "Originating" means the geographical point of patient contact for that service. **Such contact may be** by any means of communication from any location where the call seeks a contact or patient pick-up that is within the coverage area. Thus, any communication from any location that requires EMS/ambulance and/or emergency and/ nonemergency medial service to proceed to or from any point within the coverage area to make patient contact originates from within that coverage area. At all times the coverage area shall at a minimum be all that area within the city limits of the City of Clinton .

(h) **The phrase "not-for-hire on a fee-for-service basis transportation" shall mean and refer solely to ambulance services wholly owned by a licensed medical facility, which provides services only to the population of that facility.**

Section 3: No person engage in the ambulance business within the **City of Clinton** without first obtaining a franchise s required under this ordinance, or pursuant to an agreement as provided in Section 26 below. A franchise to operate an exclusive ambulance business shall issue for a period not to exceed five (5) years. Renewal of any franchise granted hereunder, upon expiration or termination for any reason, shall require conformance with specifications as are promulgated by the franchisor and the requirements of this ordinance and state law applicable to EMS/Ambulance and emergency and non-emergency medical. No person, firm or business entity of any kind may offer or provide EMS/ambulance or emergency or non-emergency medical services of any kind that originates within the coverage area without having first obtained a franchise as herein provided, or pursuant to Section 26, below.

Section 21: The provisions of this ordinance shall not apply to any person engaged in rendering an ambulance **business for the** transport of persons or patients in or through the coverage area so long as this transportation originates from a location outside of the coverage area.

Section 23: All ordinances or parts of ordinances in conflict with

these amendments are repealed to the extent of such conflict.

Section 26. The Clinton City Council may change the coverage area to expand the EMS/Ambulance and emergency and nonemergency service based upon the approval of the governing body of that expanded area. Within sixty (60) days of an approved change in the coverage area, the franchisee shall present to the Mayor of the City of Clinton and to the governing bodies of the expanded area a written plan for the following:

A. Creation of a system or plan to obtain support services from other identified EMS/Ambulance and emergency and non-emergency medical services entities to assure adequate and continuous coverage during emergencies, disasters, large public events and other urgent needs.

B. All such plans, mutual aid agreements or other forms of contracts shall be with properly licensed and certified EMS/Ambulance services.

C. Upon approval of the emergency back up plans and proposed contracts presented by the franchisee, all rights, privileges and benefits granted to the franchisee shall be extended to the backup entities selected by the franchisee but only to the extent and for the duration of the emergency or need for such services. All such plans, agreements, and contract services shall serve at the pleasure of the franchisee.

Section 27. The various provisions and parts of this ordinance are hereby declared severable. If any section or part of the section, or any provision or part of a provision herein, is declared unconstitutional, inappropriate, or invalid, or in conflict with other superior law, by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this ordinance.

Section 28. It has been found and determined by the General Assembly of the State of Arkansas that multiple ambulance services and ambulance operations serving the same area operate under precarious financial conditions and that this type of competition is harmful to the health, safety, and welfare of residents of the area. The City of Clinton agrees and has experienced destructive competitive practices that jeopardized the public health and safety of the public in the past. Therefore, In order to assure that the residents of the coverage area are provided with state -of-the-art advanced life support systems and ambulance systems and to eliminate

conditions menacing to the public peace, health and safety, **and to bring Ordinance 2009-05 into compliance with the Circuit Court Order** an emergency exists. This ordinance being necessary for the immediate preservation of said public peace, health and safety, it shall be in full force and effect from and after its passage and approval.

PASSED: July 9, 2009

ATTEST:



Roger L. Rorie
Roger L. Rorie, Mayor

Merl Eoff
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: August 5, 2009

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 # 34579

AD COPY:

Published on following dates:

08/06/2009

TOTAL CHARGES: \$ 185.⁰⁸

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. 2009-09
to amend ordinance 2009-05

pending in the Circuit 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.

Jenna D. Sneed

Subscribed and sworn to before me this 6th day
of August 20 09

Notary Public Monica Bronco

My commission expires 11-20-13



renly exist:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS, THAT CLINTON CITY ORDINANCE 2009-05, SECTION 2 IS AMENDED AS FOLLOWS:

Section 2. Definitions: The following words and phrases as used in this ordinance shall have the following meaning for the purposes of this ordinance:

(f) A coverage area shall mean all of that area within the city limits of the City of Clinton. This "coverage area" may be expanded to include other area(s) upon request of the governing body of the requesting area(s).

(g) A originating@ means the geographical point of patient contact for that service. Such contact may be by any means of communication from any location where the call seeks a contact or patient pick-up that is within the coverage area. Thus, any communication from any location that requires EMS/ambulance and/or emergency and/ nonemergency medical service to proceed to or from any point within the coverage area to make patient contact originates from within that coverage area. At all times the coverage area shall at a minimum be all that area within the city limits of the City of Clinton.

(h) The phrase "not-for-hire on a fee-for-service basis transportation" shall mean and refer solely to ambulance services wholly owned by a licensed medical facility, which provides services only to the population of that facility.

Section 3: No person engage in the ambulance business within the City of Clinton without first obtaining a franchise s required under this ordinance, or pursuant to an agreement as provided in Section 26 below. A franchise to operate an exclusive ambulance business shall issue for a period not to exceed five (5) years. Renewal of any franchise granted hereunder, upon expiration or termi-

TAKES AS MADE APPARENT BY CURRENT CIRCUMSTANCES. THIS ORDINANCE IS TO ALSO ADD THE DEFINITION OF A NEW TERM AND PROVIDE CLARIFICATION OF THE PROVISIONS FOR INTER LOCAL GOVERNMENTAL AGREEMENT(S) TO EXTEND THE "COVERAGE AREA" IN THE FUTURE AND DECLARING AN EMERGENCY

WHEREAS, the City has been directed by the Circuit Court in Civ. 07-328 to make amendments to Ordinance 2009-05 to make it clear that the inter-local governmental agreement with the County of Van Buren has not been finalized and/or does not yet exist; and,

WHEREAS, that the "coverage area" as it was intended to be is not accurate under current circumstances; and

WHEREAS, a new dispute has arisen as to the definition of the term "not-for-hire on a fee-for-service basis transportation" contained in A.C.A. § 14-266-105 (a)(5) that is not defined in law; and,

WHEREAS, the City is attempting to create the best possible EMS/Ambulance and emergency and non emergency medical services provider for the residents; and,

WHEREAS, the following changes are necessary in order to satisfy the requirements of precision and requirements of the Court as they cur-

C. Upon approval of the emergency back up plans and proposed contracts presented by the franchisee, all rights, privileges and benefits granted to the franchisee shall be extended to the backup entities selected by the franchisee but only to the extent and for the duration of the emergency or need for such services. All such plans, agreements, and contract services shall serve at the pleasure of the franchisee.

Section 27. The various provisions and parts of this ordinance are hereby declared severable. If any section or part of the section, or any provision or part of a provision herein, is declared unconstitutional, inappropriate, or invalid, or in conflict with other superior law, by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this ordinance.

Section 28. It has been found and determined by the General Assembly of the State of Arkansas that multiple ambulance services and ambulance operations serving the same area operate under precarious financial conditions and that this type of competition is harmful to the health, safety, and welfare of residents of the area. The City of Clinton agrees and has experienced destructive competitive practices that jeopardized the public health and safety of the public in the past. Therefore, in order to assure that the residents of the coverage area are provided with state-of-the-art advanced life support systems and ambulance systems and to eliminate conditions menacing to the public peace, health and safety, and to bring Ordinance 2009-05 into compliance with the Circuit Court Order an emergency exists. This ordinance being necessary for the immediate preservation of said public peace, health and safety, it shall be in full force and effect from and after its passage and approval.

Section 26. The Clinton City Council may change the coverage area to expand the EMS/Ambulance and emergency and non-emergency service based upon the approval of the governing body of that expanded area. Within sixty (60) days of an approved change in the coverage area, the franchise shall present to the Mayor of the City of Clinton and to the governing bodies of the expanded area a written plan for the following:

A. Creation of a system or plan to obtain support services from other identified EMS/Ambulance and emergency and non-emergency medical services entities to assure adequate and continuous coverage during emergencies, disasters, large public events and other urgent needs.

B. All such plans, mutual aid agreements or other forms of contracts shall be with properly licensed and certified EMS/Ambulance services.

Roger L. Roza, Mayor
City of Clinton, Arkansas

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

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

ORDINANCE NO. 2009-09

AN ORDINANCE IN COMPLIANCE WITH THE RECOMMENDATION OF THE CIRCUIT COURT TO AMEND ORDINANCE 2009-05 TO REDEFINE THE TERMS OF "COVERAGE AREA" AND TO CORRECT MIS-