

**Special
Emergency Ambulance Service
Fee Ordinance**

HARDY COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE
(_____, ___, 2013)

LEGISLATIVE AUTHORITY:

This Ordinance concerns the imposition and collection of a Special Emergency Ambulance Service Fee, and is adopted under the authority of Chapter 7, Article 15, Section 17 of the West Virginia Code, as amended.

PURPOSE:

This Ordinance is enacted for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Hardy County/ West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Hardy County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

There shall be exempted from the provisions of this Ordinance any incorporated area within Hardy County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Authority and the County Commission, a written request for such exemption and an affidavit stating that it will provide ambulance services substantially similar to those set forth herein to its residents at its own expense.

COVERAGE:

There are two broad groups of persons who are covered under this Ordinance. The first group consists of those owners of residential real estate in the County. These persons are liable for payment of the Special Emergency Ambulance Service fee as defined and described below. The second group consists of those persons, resident or not, who avail themselves of the transport services provided by the Hardy County Ambulance Authority. The definitions below are intended to clarify the language of the remaining sections of the Ordinance.

DEFINITIONS:

Living Unit - Means any place of residence as classified by the records of the Hardy County Assessor including residential homes, vacation and secondary homes, mobile homes, apartments, and personal care facilities.

Owner - Means the person or persons listed in the records of the Hardy County Assessor possessing exclusive rights and control of a property.

Occupant - Means the non-owning resident of a living unit defined as above.

Resident User - Means any bona fide owner or occupant of a living unit within the geographic boundaries of Hardy County with the exception of those persons qualifying for the exemption listed in the above section of this Ordinance entitled PURPOSE.

Nonresident User - Means any individual who does not qualify as a resident user.

Delinquent Resident User - Means any resident user, as defined above, who's Emergency Ambulance Service Fee, as defined below, has not been paid for any period.

User - Means any person to whom emergency ambulance transport service is provided.

Emergency Ambulance System - Any emergency ambulance service provided pursuant to this ordinance.

Hardship - means "good cause", as determined by the Commission, which would waive all or part of the "fee"; there will be, on the exoneration form, a location for Hardship application.

Approved Annual Budget Estimate - The final budget formally approved and adopted by the Hardy County Emergency Ambulance Authority Board of Directors.

Basic Life Support - A basic level of services including

- Head to toe assessment;
- Vital sign monitoring such as blood pressure, pulse rate and quality, and respiratory rate and quality;
- Oxygen delivery when needed;
- Wound care and splinting;
- Cardiopulmonary Resuscitation (CPR); and
- Minor non-life-threatening care with transport to the hospital.

Advanced Life Support - An advanced level of services including all basic level services as well as,

- Heart rhythm monitoring;
- 12-Lead Electrocardiogram (BCG);
- Provision of alternate breathing intervention if patient is not capable of breathing on their own;
- Intravenous fluid access, and
- Administration of multiple drugs for stabilization of life threatening heart problems, pain management, shock management, respiratory problems, seizure disorders, and many more illness and injuries.

Special Emergency Ambulance Service Fee - Means a specified uniform fee charged to each living unit to which ambulance service is made available. It does not entitle the resident user to routine transports or to secondary emergency transports from one medical facility to another or to the provision of advanced life support.

Nearest Certified Medical Facility - Limited to any hospital within the boundaries of Hardy County and hospitals in the following locations or closer; Petersburg, West Virginia; Harrisonburg, Virginia; Romney, West Virginia; and Winchester, Virginia.

Emergency Ambulance Rate - Means the individual transport charges as established and promulgated by the Hardy County Ambulance Authority Board of Directors subject to the approval of the Hardy County Commission. These rates shall be applied to any and all users of emergency ambulance transport service provided by the Hardy County Ambulance Authority. Rates shall also be established for all users of Advanced Life.

Emergency Inter-Agency And Non-Emergency Transport Charges - Means the individual transport charges as might be established and promulgated by the Hardy County Ambulance Authority Board of Directors for routine transports and secondary transport from one medical care facility to another. Such transport charges shall be applied to all users of such transport service, as defined to-wit: resident, non-resident, and delinquent resident.

SECTION ONE: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Hardy County Fiscal Year, July 1st, to June 30th. The Emergency Ambulance Service Fee established by this Ordinance shall be one hundred twenty dollars (\$120.00) per residential living unit per Fiscal Year if paid by September 30 of the Fiscal Year for which billed. After July 1, 2013 said fee may be adjusted annually upon approval of the County Commission.

In the event an owner owns more than one living unit within Hardy County, he/she may not be charged more than one fee provided that such other living unit is permanently unoccupied or occupied only by the resident user. If an owner believes he/ she is erroneously charged an ambulance service fee, the Ambulance Authority shall provide, upon the resident's request, an exoneration form. The form shall be filled out by the resident and returned to the Ambulance Authority no later than September 30 of the Fiscal Year for which the fee applies. The Ambulance Authority shall, within a reasonable time, cause to be investigated any request for exoneration. The Ambulance Authority shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration.

If good cause for exoneration is found by the County Commission, said County Commission shall exonerate or modify any or all imposed charges, and shall notify the property owner in writing of its actions. If the County Commission does not exonerate or modify as requested by the property owner, an appeal may be filed, in pursuance to this article, with the Circuit Court of Hardy County.

In the event an owner feels it would be a hardship upon them, the hardship request section on the exoneration form shall be filled out by the resident and returned to the Ambulance Authority no later than September 30 of the Fiscal Year for which the fee applies. The Ambulance Authority shall, within a reasonable time, cause to be investigated any request for hardship. The Ambulance Authority shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the hardship application. if "good cause" for the hardship is found, the County Commission, may waive all or part of the "fee".

SECTION TWO: HCAA BUDGET DEVELOPMENT

The Hardy County Ambulance Authority shall hold an annual public hearing for the purpose of receiving written or oral public comment pertaining to the operations of the emergency ambulance system within Hardy County. This public hearing shall be advertised as a Class II legal advertisement in all local newspapers within Hardy County.

The required public hearing shall be held in conjunction with the regular February Board of Directors Meeting in order to provide the Hardy County Ambulance Authority sufficient time to consider any improvements or changes in service and to account for said changes when submitting the annual budget request required below.

No later than one hundred (100) days prior to the beginning of the Hardy County Fiscal Year (July 1st through June 30th) the Hardy County Ambulance Authority shall prepare a budget estimate for the total cost for providing emergency ambulance service within the geographical

boundaries of the county for the Fiscal Year commencing on the following July 1st and, upon adoption by the Hardy County Ambulance Authority Board of Directors, present said estimated budget to the Hardy County Commission.

SECTION THREE: BILLING AND COLLECTION PROCEDURES

A: Special Emergency Ambulance Service Fees:

Upon completion of the estimated budget by the Hardy County Ambulance Authority, the President of the Ambulance Authority shall request the Assessor to provide the Ambulance Authority Office with a list of all residential "living units" to be utilized as the data base for billing the Special Emergency Ambulance Service Fees for the Fiscal Year commencing the following July 1st. Each living unit on that list shall have an account established in the name of the owner of that living unit and a bill in the amount of the Emergency Ambulance Service Fee as defined in SECTION ONE of this Ordinance shall be delivered to that living unit by US Postal Service on or after July 15th of the Fiscal Year. For those living units not on the Assessor's data base at the time of provision to the Hardy County Ambulance Authority and therefore not receiving a bill for that Fiscal Year, a voluntary payment of the Household Service Fee may be made by the resident owner. Such resident owners will receive the same entitlements for services rendered after the date of payment as non-delinquent resident owners whose living units were on the Assessor's data base.

The Emergency Ambulance Service Fee accounts established under this Ordinance shall be paid in full in the amount of \$120.00 no later than September 30th of the Fiscal Year for which billed. For accounts paid on or after October 1st to December 31st the fee shall be a total of \$140.00. For accounts paid on or after January 1 to March 31, the fee shall be a total of \$160.00. In mid-January, letters shall be sent to all current-year unpaid accounts as a status reminder including a notice that current-year unpaid accounts will be turned over to a collection agency and/or presented to Magistrate Court. On or about April 1st, all current-year unpaid accounts at that point shall be turned over to the appropriate collection agency as engaged by the Authority, and/or Magistrate Court. All of the above information shall be included in the original bill sent out in July.

B: Transport Charges

Ambulance transport rates per call for all categories of users shall be in amounts recommended by the Hardy County Ambulance Authority Board of Directors, and approved by the Hardy County Commission. Revisions to transport rates will be recommended to the Hardy County Commission from time to time as the Board of Directors sees fit. Transport rates will include charges for provision of Life Support, Basic or Advanced, oxygen, and mileage, and will be billed to users in accordance with the particular services rendered.

Charges for individual transports shall be processed by the Ambulance Authority as appropriate with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate collection agency as engaged by the Authority.

SECTION FOUR: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a special fund to be known as the **Special Emergency Ambulance Service Fee**. These funds shall be used

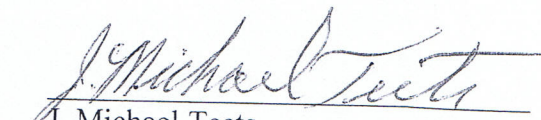
to pay reasonable and necessary expenses actually incurred including personnel and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county and others that might require such services. Such funds may be used to pay for, in whole or in part, the establishment, maintenance, and operation of the authority. Funds not expended in a given Fiscal Year will be maintained in the above Fund and may be used in subsequent Fiscal Years as necessary.

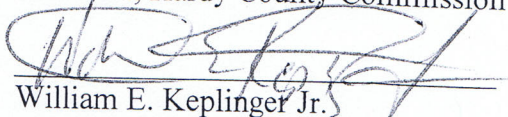
SECTION FIVE: AMENDMENTS AND EXECUTION

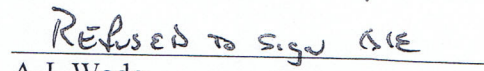
This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem is necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

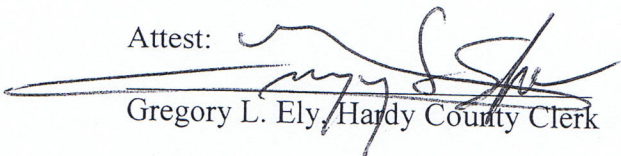
This Ordinance shall become effective on July 1, 2013.


J. Michael Teets,
President, Hardy County Commission


William E. Keplinger Jr.
Hardy County Commission


A.J. Wade
Hardy County Commission

Attest:


Gregory L. Ely, Hardy County Clerk

SPECIAL EMERGENCY AMBULANCE SERVICE FEE
EXONERATION/HARDSHIP FORM

I, _____, am requesting exoneration of the billing for the residence structure located at

Reference billing # _____.

Because:

HARDSHIP REQUEST

I, _____, am requesting (monthly payments, quarterly payments, exoneration of fee, etc,) because:

Signed by applicant _____ date: _____

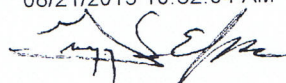
Approved

Rejected (circle one)

County Commission, President

Date: _____

This document presented and filed:
08/21/2013 10:32:04 AM



Gregory L. Ely, Hardy County, WV
191298

HAND:
HARDY COUNTY CLERK



ORDER OF ADOPTION

THIS ORDER OF ADOPTION by the County Commission of Hardy County, West Virginia, made and entered on this the 20th day of August, 2013.

WHEREAS, the Hardy County Commission devised and developed a Special Emergency Ambulance Service Fee Ordinance for Hardy County, West Virginia, and conducted a public hearing in regard to said Ordinance in the Circuit Courtroom of the County on June 24th, 2013 and on July 02, 2013; Certificates of Publications pertaining to said public hearing are attached hereto.

WHEREAS, after said public hearings, the Hardy County Commission recommended said passing of said Ordinance at its meeting of August, 02nd, 2013, the Hardy County Commission, pursuant to West Virginia Code §7-15-17, and by proper motion and second, voted to adopt said Ordinance.

WHEREAS, the vote was majority for passage of the Ordinance; Commissioners Teets and Keplinger voting For and Commissioner Wade voting Nay.

WHEREAS, Based upon the foregoing, it is hereby ORDERED that the Hardy County Special Emergency Ambulance Service Fee Ordinance, a true copy of which is attached hereto, is adopted by the County Commission of Hardy County, West Virginia, and pursuant to West Virginia Code §7-15-17. The Hardy County Special Emergency Ambulance Service Fee Ordinance shall stand as adopted and its effective date shall be *July 01st 2013*.

The County Clerk is directed to forward a copy of this Order and attachments, including the said Ordinance to the Hardy County Emergency Ambulance Authority.

Dated this the 20th day of August, 2013.

HARDY COUNTY COMMISSION