PROPOSED DRAFT -

MORGAN COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE

Initially Approved:
19 June 2007
Amended:
3 February 2011
19 May 2011
16 June 2011
March 2016

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 Code of West Virginia*, as amended.

PURPOSE:

This Ordinance is re-enacted, as hereinafter amended, for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Morgan County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Morgan 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 Morgan County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Morgan 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.

DEFINITIONS:

UNIT –Any structure used for residential purposes (whether occupied or unoccupied) as classified by the records of the Morgan County Assessor, including residential homes, vacation and secondary homes (including but not limited to cabins, campers, travel trailers, etc), mobile homes, apartments, personal care facilities, nursing homes and correctional care facilities.

Owner - Any person(s), firm or corporation listed in the records of the Morgan County Assessor possessing exclusive rights and control of a property.

USERS – Any person(s), firm or corporation to whom emergency ambulance service is made available.

DELINQUENT USER – Any user, as defined above, who has not paid the Special Emergency Ambulance Service Fee, as defined below, for any period.

EMERGENCY AMBULANCE SYSTEM – Any emergency ambulance service provided pursuant to this Ordinance.

APPROVED ANNUAL BUDGET ESTIMATE -- The final budget formally approved and adopted by the Morgan County Emergency Medical Services Board, shall be submitted to the Morgan County Commission for formal approval of use of collected fees.

Added

BASIC LIFE SUPPORT (BLS) - A basic level of services as defined by Wv Legislative Rule: Title 64-48-2(2.5)

Added

ADVANCED LIFE SUPPORT (ALS) - An advanced level of service, as defined by Wv Legislative Rule: Title 64-48-2(2.2)

SPECIAL EMERGENCY AMBULANCE SERVICE FEE – A specified uniform annual base fee charged to each unit to which ambulance service is made available for necessary 911 emergency transport calls to the nearest appropriate certified medical facility or as directed by Medical Command. It does not cover the costs of 911 emergency response calls, routine transports or secondary emergency transports (from one medical facility to another). Additional Emergency Ambulance Rates and Emergency Interagency and Non-Emergency Transports Rates will be charged as applicable.

NEAREST CERTIFIED MEDICAL FACILITY – Limited to any hospital within the boundaries of Morgan County and hospitals in the following locations or closer: Martinsburg and Romney, West Virginia; Cumberland, Maryland; Hagerstown, Maryland; and Winchester, Virginia.

EMERGENCY AMBULANCE RATES – The individual transport charges as established and promulgated by the contracted EMS agency (ies) in Morgan County, subject to the approval of the Morgan County Emergency Medical Services Board and the Morgan County Commission. These rates shall be applied to any and all users of emergency ambulance service within Morgan County. Rates shall be established for Basic and Advanced Life Support 1 and 2. A Loaded mileage

fee will also be charged, within compliance, with the allowances established by the Center for Medicare and Medicaid Services.

EMS AGENCY (IES) – Emergency Medical Services agency (ies) shall include any network of services coordinated to provide aid and medical assistance from primary response to definitive care. Any EMS agency (ies) operating in Morgan County, shall be licensed by the West Virginia Office of Emergency Medical Services at the appropriate level.

MCEMS BOARD- As created and defined in WV Code 7-15-4 by the Morgan County Commission, the MCEMS Board shall cause emergency ambulance service to be made available to all residents the county where such service is not otherwise available. The MCEMS Board shall be appointed by the Morgan County Commission and will act on its behalf in reference to matters concerning Emergency Medical Services for Morgan County. The MCEMS Board will have the authority to comply with WV 7-15-10 Powers and duties of authorities generally, to ensure proper service delivery to the citizens of Morgan County.

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 Morgan County Fiscal Year from July 1 thru June 30th. The annual Special Emergency Ambulance Service Fee established by this Ordinance shall be One Hundred Fifty – ($150.00) dollars, plus interest, depending upon time of payment, per residential unit per Fiscal Year. Said fee may be adjusted annually upon approval of the Morgan County Commission.

If an owner believes that he/she is erroneously charged an ambulance service fee, upon the owners request to the MCEMS Board at the Sheriff's Tax Office, an Exoneration request form will be provided. The form shall be filled out by the owner and returned to the MCEMS Board, at the Sheriff's Tax Office, which shall, within a reasonable time, cause to be investigated any request for exoneration. The findings shall be presented to the MCEMS Board, at its next regular meeting after completion of the investigation for their consideration. If good cause is found for exoneration, the said board shall exonerate or modify any and all imposed charges, and shall notify the property owner in writing of its action. In the event the board does not exonerate or modify as requested by the owner, an appeal may be filed with the Morgan County Commission. In the event the 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 Morgan County.

SECTION TWO: MCEMS BOARD BUDGET DEVELOPMENT

Each year the Commission shall establish through the budget process the level of service to be delivered within the geographical boundaries of Morgan County. This shall be the basis for the budget development.

The contracted EMS agency (ies) shall submit an annual financial report of expenditures from the previous Fiscal Year to the MCEMS Board by August 1st. No later than February 1st of each year, the MCEMS Board shall prepare and submit to the Morgan County Commission an annual budget estimate for the total cost of providing emergency ambulance service within the geographical boundaries of the county. The estimated budget shall be presented to the Morgan County Commission for formal approval for the use of collected fees, for the new Fiscal Year beginning the following July 1st. The Morgan County Commission shall review and approve the MCEMS Board's Budget during the general county budget process.

SECTION THREE: BILLING AND COLLECTION PROCEDURES

Section Three A: Special Emergency Ambulance Service Fees

Upon receipt, review, and approval of the MCEMS Boards estimated budget by the Morgan County Commission, the Morgan County Commission shall request the County Assessor to provide to the MCEMS Board with a list of all units." Each unit on that list shall have an account established in the name of the owner of that unit and a bill in the amount of the Special Emergency Ambulance Service Fee, as defined in SECTION ONE of this Ordinance, shall be delivered to the owner of that unit by the US Postal Service. Owners of multiple units may be billed for their respective total number of unit fees on one billing statement.

Fees delinquent on or after the 1st day of May the year after they became due and payable shall be reviewed by the MCEMS Board. The MCEMS Board in its sole discretion may collect unpaid fees, through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the MCEMS Board is authorized to recover reasonable costs of collection, including court costs, attorney fees, service costs and statutory interest.

The *Special Emergency Ambulance Service Fee* accounts established under this Ordinance shall be paid annually in the amount of One Hundred Fifty dollars ($150.00) utilizing the same fee payment and interest and discount schedule methods as for payment of Morgan County real and personal property taxes and fire fees.

Section Three B: 911 Emergency Medical Services Transport Charges

Emergency Ambulance transport rates per call for all users shall be in the amounts established by the contracted EMS agency (ies) during its annual budget process subject to the approval of the MCEMS Board, and approved by the Morgan County Commission

Charges for individual transports shall be processed by the contracted EMS agencies as appropriate, with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the most appropriate collection method as engaged by the respective EMS agency.

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 Morgan County Emergency Medical Services Fund. These funds shall be used only to pay reasonable and necessary expenses actually incurred, including personnel, training, supplies, the cost of buildings and equipment used in providing emergency ambulance service to residents of Morgan County and others that might require such services. The County Commission is to retain 6.5% of the Special Emergency Ambulance Service Fees collected for administration. The balance of the collected fees are to be transferred to the MCEMS Board's account on or before the 10th of each month. Proceeds not expended in a given Fiscal Year will be maintained in the special 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 Morgan 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, as amended, shall become effective on March ____, 2016.

Approved,

_____
Bradley J Close
President

_____
Robert L. Ford
Commissioner

_____
Joel R. Tuttle
Commissioner

Attest: _____
Debra A. Kesecker
Clerk of the County Commission

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This Ordinance, as amended, shall become effective on June 29, 2007.

Approved,

Glen R. Stotler
President

Thomas R. Swaim
Commissioner

Brenda Hutchinson
Commissioner

Attest:
Debra A. Kesecker
Clerk of the County Commission

ARTICLE XIV - ENACTMENT

Enacted and ordained this 29th day of June, 2007, effective immediately and as amended February 3, 2011.

AMENDED: This 3rd day of February 20 11 and will go into immediately.

MORGAN COUNTY COMMISSION BY:

Stacy A. Dugan, President

Brenda J. Hutchinson

Bradley J. Close

2/3/2011
Date

ARTICLE XIV - ENACTMENT

Enacted and ordained this 29th day of June, 2007, effective immediately and as amended May 19, 2011.

AMENDED: This 19th day of May, 2011 and will go into immediately.

MORGAN COUNTY COMMISSION BY:

Stacy A. Dugan

Stacy A. Dugan, President

Brenda J. Hutchinson

Brenda J. Hutchinson

Bradley J. Close

Bradley J. Close

5/19/2011

Date

ARTICLE XIV - ENACTMENT

Enacted and ordained this 29th day of June, 2007, effective immediately and as amended June 16, 2011.

AMENDED: This 16 day of June, 20 11 and will go into effect immediately.

MORGAN COUNTY COMMISSION BY:

Stacy A. Dugan, President

Brenda J. Hutchinson

Bradley J. Close

6/16/2011
Date