

## MONROE COUNTY

### EMERGENCY AMBULANCE SERVICE FEE ORDINANCE

#### SECTION 1 – PURPOSE AND LEGISLATIVE AUTHORITY

Under the authority of Chapter 7, Article 15 of the Code of West Virginia, as amended, this Ordinance is adopted by the Monroe County Commission for the purpose of helping to provide an adequate emergency ambulance system in order to promote the health and welfare of the citizens of Monroe County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

#### SECTION 2 – DEFINITIONS

**ACCESSORY STRUCTURE** - Any separate structure associated with a residential unit such as a garage, storage shed, workshop or otherwise located on the same parcel shall be included as part of the residential unit and not subject to a separate fee so long as it is not actually used as a separate addressable residential unit. If a dispute arises with regard to whether or not a structure qualifies as accessory structure not subject to a separate fee, the burden is upon the owner to demonstrate that the structure is not a residential unit.

**AGRICULTURAL BUILDING** - Means structures which directly contribute to the operation of a farm and shall include any processing plant, milking parlor, farm equipment storage building, barn, silo, grain storage building, swinery, and temporary quarters furnished to farm employees without rent to assist in performance of employment duties as part of the terms of their employment.

**EMERGENCY AMBULANCE SERVICE FEE** – Means the fee imposed by the Monroe County Commission through this Ordinance and collected from the users of emergency ambulance service within Monroe County.

**EMERGENCY AMBULANCE SYSTEM** – An emergency ambulance service as provided for in this ordinance.

**OWNER** – Means the person, firm or corporation listed in the Monroe County land records and records of the Assessor of Monroe County as the owner of the unit as of July 1st of a given year.

**RESIDENTIAL UNIT** – Means any habitable structure intended for residential

use, whether occupied or unoccupied, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, permanently cited campers, livable hunting, fishing and recreational camps, apartments, condominiums and rental units. In the case of a structure which contains multiple independent addressable dwelling units, such as duplexes and apartments, each addressable unit shall be deemed to be a separate residential unit. All campers that occupy land in Monroe County for more than thirty (30) consecutive days in a three hundred and sixty five (365) day period shall be assessed the same fee as other residential units. Campers parked in storage at the owner's residence shall be exempt.

### SECTION 3 - RATES

There is hereby imposed an emergency ambulance service fee as set out herein. The Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance services provided in Monroe County for each Fiscal Year beginning July 1 and ending June 30.

The Emergency Ambulance Service Fee established by this Ordinance shall be set by the County Commission at \$100.00 for each residential unit per Fiscal Year.

The Fee imposed under this ordinance shall be the responsibility of the record owner of the unit as of July 1st, each year. The Fee assessed and levied under the provisions of the ordinance shall be a personal obligation of the owner of the unit. The Fee shall be due and payable July 1st of each year for taxable units owned as of July 1st for services to be rendered in the fiscal year. On or before, July 1st of each year, a bill shall be mailed to the owner's mailing address on record with the Assessor of Monroe County. An owner of more than one unit subject to this ordinance, may receive a single consolidated billing statement for the various units.

Any fee due in a given service year which is received October 1 through December 31 shall increase by \$10. Any fee due received after January 1 of the service year shall increase by an additional \$20. If an owner of more than one unit received a consolidated bill, each separate unit subject to this ordinance that is not paid by the dates set forth above shall be subject to a separate fee increase.

Fees delinquent on or after the first day of April the year after they became due and payable shall be reviewed by the County Commission. The County Commission, 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 filed. In any suit for collection of delinquent fees, the Monroe County Commission is authorized to recover its reasonable costs of collection, including court costs, attorney's fees, service costs and statutory interest.

If any person believes he or she was erroneously charged an emergency service fee, the County Commission shall provide, upon the person's request, an exoneration form. The form shall be completed and returned to the County Commission no later than

September 30 of the Fiscal Year for which the fee applies. The County Commission staff shall, within a reasonable time, investigate any request for exoneration. The County Commission shall, at its next regular meeting after completion of the investigation, consider each written request for exoneration and staff's recommendation regarding the exoneration request. If good cause for exoneration is found by the County Commission, the Commission shall exonerate or modify the imposed charges, and shall notify the person in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, the person requesting exoneration may appeal to the Circuit Court of Monroe County. The appeal must be filed within 30 days of the Commission decision upon the exoneration.

#### SECTION 4 – RATE CHANGES

The service of ambulance protection shall be continued, maintained, and improved by the Monroe County Commission at the charge and expense of the owners of all residential units within the county. The fee is to help establish, maintain and improve emergency ambulance services by paying the agreed upon contractual amount as noted in the contract between the ambulance provider and the county. This fee does not entitle anyone to free emergency ambulance service. Users of emergency ambulance services are responsible for any charges and costs imposed by such service providers.

The County Commission retains sole discretion in approving, denying or modifying any fee change. Procedures set forth in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the setting of the initial fee shall be followed by the County Commission in the event an increase is sought.

#### SECTION 5 – EFFECTIVE DATE

This Ordinance shall become effective \_\_\_\_\_. The fee assessed and levied by this ordinance shall be for services to be rendered from July 1 to June 30, and each fiscal year thereafter.

#### SECTION 6 – USE AND MANAGEMENT OF FEE PROCEEDS

The proceeds from the imposition and collection of the Emergency Ambulance Service Fees shall be deposited in a special fund to be held by the Sheriff of Monroe County and recognizing that the said fee will not cover all emergency ambulance service costs, the funds so collected shall be paid, per contract to qualified ambulance services at the complete discretion of the County Commission and upon proper invoice submitted only for personnel salaries, per contract for providing emergency ambulance service to people in Monroe County by such qualified Emergency Ambulance Services and any future non-profit emergency service providers in Monroe County under a written contract with the County Commission. No funds may be used by an ambulance service receiving funds from the County Commission under the provisions of this ordinance for payment of costs associated with the purchase of motorized ambulances or other motor vehicles.

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. The County Commission shall ensure that the qualified ambulance services in Monroe County be equally staffed by well trained and qualified emergency service personnel to provide essential rescue service to all users of ambulance services in Monroe County. Revenue generated from the Ambulance Fee can be used to reimburse the County Commission for expenses incurred for providing temporary emergency medical services that was paid for by the Commission prior to the adoption of this ordinance. Funds can also be used to pay personnel to prepare and mail Emergency Ambulance Fee invoices, collecting and accounting of such fees and the distribution of these fees to the appropriate emergency medical service entities.

#### SECTION 7 – BUDGET DEVELOPMENT

Not later than the fifteenth day of March of each year, all qualified Emergency Ambulance Services shall prepare a financial statement and budget detailing the upcoming Fiscal Year projections for providing emergency ambulance service. The projected costs for paying for personnel services shall be set out separately. The County Commission shall have the authority to adjust the rates charged as provided by statute.

#### SECTION 8 – DATA USED FOR ASSESSMENT OF FEES

Upon completion of the annual budget for the Fund, the County Commission shall request the County Assessor to provide it with a list of all residential units within the county to be utilized as the data base for billing the Emergency Ambulance Service Fee commencing the following July 1. In addition, Monroe County 911 addressing services shall provide a list of addressable units within each category to assist in the identification the residential units within the county. Each residential unit shall have an account established in the name of the owner of that unit and a bill in the amount of the fee shall be delivered to that unit by US Postal Service on or after July 1 of the Fiscal Year. The Assessor and the Tax Office will further provide monthly updates to County Commission so that the database can be maintained on a current basis.

#### SECTION 9 – COLLECTION OF DELINQUENT ACCOUNTS

In mid-January, letters shall be sent to all unpaid accounts as a status reminder including a notice of late fees and charges and a notice that delinquent accounts will be submitted for collection after March 31st. On or about April 1st, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

#### SECTION 10– USE OF FUNDS AND POSITIONS

Funds will be allocated per the contract to qualified Emergency Ambulance Services. Furthermore, as effective public safety may entail complementary fire protection and emergency ambulance services, any Paramedics and EMTs funded by this fee may on a voluntary basis and with reasonable extra compensation be cross-trained to provide fire

protection services. Funds can also be used to reimburse the Monroe County Commission for expenses incurred for providing temporary emergency ambulance service until a permanent ambulance provider is selected.

#### SECTION 11 – BY-LAWS, STAFFING AND YEARLY AUDIT0

Every qualified emergency ambulance service provider receiving funding under this Ordinance shall provide the County Commission with a copy of its by-laws or business plan, FEIN and a copy of their West Virginia business license. They shall also provide to the County Commission a listing of personnel, their qualifications and their experience. They shall also guarantee access to their records and financials for an audit as determined necessary by the County Commission and paid for from funds collected under the fees established by this Ordinance.

#### SECTION 12 – MONTHLY REPORTS TO COUNTY COMMISSION

No later than the 15<sup>th</sup> day of the following month, every qualified emergency ambulance service provider receiving funding under this Ordinance shall provide the County Commission the following information for the previous month:

- A. Dispatched calls for the month
- B. Dispatched calls in which the person refused transport
- C. Monthly income and expenditures
- D. Invoices billed
- E. Invoices collected; and
- F. Invoices not collected

#### SECTION 13 – QUALITY ASSURANCE

The Commissioners shall appoint at least five members of the community to serve as a quality assurance team. The quality assurance team will meet at least once every quarter, and will review the execution of all funds. At a minimum the quality assurance team will review:

- A. The number of 911 calls received
- B. The number of calls lacking appropriate EMS response
- C. The average time of response
- D. Community complaints. The quality assurance team will make public a mechanism for reporting complaints and will review and implement strategies to address valid concerns of the public.
- E. And other measures this team would deem appropriate for use as a qualitative measure to enhance public safety.

The quality assurance team may recommend to the County Commission the suspension of public funds for non-compliance of any state or federal regulation, or county requirements set forth herein.

SECTION 14 – AMENDMENTS AND SEVERABILITY

The Monroe County Commission reserves the right to amend this ordinance subject to proper notice and a public hearing.

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

For the first year of this ORDINANCE, such fee will be due on October 1, 2017 and will be considered past due on January 15, 2018 and will be subject to the provisions in Section 3 of this ordinance.

For every year thereafter, the fee will be due and payable on July 1<sup>s</sup>

NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF MONROE COUNTY, WEST VIRGINIA.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
William Miller, President  
Monroe County Commission

\_\_\_\_\_  
Michael Shane Ashley, Commissioner

\_\_\_\_\_  
Kevin Galford, Commissioner

ATTEST: \_\_\_\_\_  
Donald J. Evans, Clerk