

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 7, 2009

**Action Agenda
Item No.** 4-m

SUBJECT: Second Reading: Extension of the Ordinance Granting Emergency Services Franchise and Agreements to Orange EMS & Rescue Services, Inc. and Technical Rescue Services, Inc.

DEPARTMENT: Emergency Services
County Attorney

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

EMS Services Franchise Agreements
(Previously Provided with the
November 17, 2009 Board Meeting
Agenda Materials)

INFORMATION CONTACT:

Frank Montes de Oca, Emergency
Services Director, 245-6100
Annette M. Moore, Staff Attorney,
245-2317

PURPOSE: To consider approving on second reading an extension to March 31, 2010 of the EMS Franchise Agreements by ordinance for the two active rescue squads in the County: Orange EMS & Rescue Squad, Inc. and Technical Rescue Services, Inc. d/b/a South Orange Rescue Squad under the same terms and conditions as the franchise agreement adopted by the Board on December 14, 2004.

BACKGROUND: At the November 17, 2009 meeting, the Board of Commissioners approved on first reading a proposed extension until March 31, 2010 of the EMS Franchise Agreements by ordinance of the two active rescue squads in the County: Orange EMS & Rescue Squad, Inc. and Technical Rescue Services, Inc. d/b/a South Orange Rescue Squad under the same terms and conditions as their current EMS franchise agreement. North Carolina law provides that "no ordinance making a grant, renewal, extension, or amendment of any franchise may be finally adopted until it has been passed at two regular meetings of the board of commissioners" and that "no such grant, renewal, extension, or amendment may be made except by ordinance."¹ Staff is requesting that the Board provide final approval of the extension of the franchise agreements until March 31, 2010.

The current Franchise Agreements, previously provided to the Board in the November 17, 2009 agenda package, were adopted at the Board's December 6 and 14, 2004 meeting after public hearing on November 16, 2004. Both franchise agreements are set to expire on December 14, 2009. This extension to the current franchise agreement does not obligate the Board to grant the current rescue squads with a franchise.

¹ NCGS §153A-46

Emergency Services, with the assistance of the County Attorney's Office, is recommending to the Board updates to "An Ordinance Regulating Emergency Medical, First Responder and Rescue Service and Granting of Franchise and Contracts to the Operators In the County of Orange" (Franchise Ordinance). Prior to granting franchises, North Carolina law requires a public hearing to help the Board determine if the franchise is "necessary to assure the provision of adequate and continuing ambulance services and to preserve, protect, and promote the public health, safety, and welfare." Once the Board makes this finding, it can permit the franchise by ordinance. Between now and March 31, 2010, persons wishing to receive a franchise will apply for a franchise and the Board will make a decision as to whether it will grant the franchise.

An extension to the rescue squad's franchise agreements will allow the squads an opportunity to review any changes to the Ordinance made by the Board and modify service delivery as necessary prior to coming forward to the Board to ask for a franchise. Either franchisee could come before the Board prior to March 31, 2010 with an application to be franchised; however, the extension of the Franchise would be effective until March 31, 2010.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends that the Board approve on second reading the Ordinance extending the franchise until March 31, 2010, under the same terms and conditions of the current Franchise Agreement by Ordinance of Orange EMS & Rescue Squad, Inc. and Technical Rescue Services, Inc. adopted by the Board on December 14, 2004.