

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 16, 2010

**Action Agenda**

**Item No.** 6-a

**SUBJECT:** Amendments to the EMS Franchise Agreement entitled "An Ordinance Regulating Emergency Medical, First Responder and Rescue Service and Granting of Franchise and Contracts to the Operators In the County of Orange"

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**DEPARTMENTS:** Emergency Services  
County Attorney

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

Proposed Amendments 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"

**INFORMATION CONTACT:**

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

**PURPOSE:** To consider amendments to the EMS Franchise Ordinance entitled, "An Ordinance Regulating Ambulance and Emergency Medical, First Responder and Rescue Services and Granting of Franchise and Contracts to the Operators in the County of Orange."

**BACKGROUND:** On February 2, 2010, the Board approved adopting amendments to the Emergency Service Franchise Ordinance, "An Ordinance Regulating the Operation of Ambulance Services and the Administration of Emergency Medical Assistance in Orange County, North Carolina" (EMS Franchise Ordinance) making it consistent with the existing authority mandated to the County by state law. Board members asked that several additional amendments be prepared by staff for consideration.

**1. Exception for Fire Departments**

Fire Chiefs from several volunteer fire departments questioned how the amendments to the Ordinance would affect them. Although staff from the County Attorney's office indicated the amendments to the EMS Franchise Ordinance did not require volunteer fire departments to be permitted a franchise to provide services, the Board asked that staff develop an amendment to the Ordinance that would provide a clear exception to the franchise permitting requirement for fire departments. (See attached amendment)

**2. Due Process**

Orange County Rescue Squad asked that additional due process provisions be added to the Section XVI, Subsection 16.5 of the Ordinance providing for an appeal of a stay of a franchise. The proposed amendment would clarify that franchisees would at the hearing be able to provide evidence and give testimony which would be considered in evaluating the stay and forwarded to the Board of County Commissioners with the Emergency Medical Services Advisory Committee's recommendation on termination of the franchise. (See attached amendment)

### **3. Composition of the Emergency Medical Services Advisory Committee:**

Board members expressed concerns regarding the composition of the Emergency Medical Service Advisory Committee and asked staff to bring back a recommendation for a qualified citizen member of the Committee. Staff requests the Board consider that any citizen member, who is a member of a permitted franchise within the County not be able to participate in any deliberations of that permitted franchise.

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** The Manager recommends that the Board approve the amendments to "An Ordinance Regulating Ambulance and Emergency Medical, First Responder and Rescue Services and Granting of Franchise and Contracts to the Operators In the County of Orange" and authorize the Chair to sign the EMS Franchise Ordinance as amended. The amendments to the EMS Franchise Ordinance would be effective upon signature by the Chair. As required by the North Carolina General Statutes, if the amendments are approved, but not unanimously by the full Board at this meeting, the proposed amendments will be presented for Board approval on second reading at the next regular Board meeting.

**Amendments to  
An Ordinance Regulating Ambulance and Emergency Medical, First Responder and Rescue  
Services and Granting of Franchise and Contracts to the Operators in the County of Orange**

**THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS ORDAINS:**

1. **ARTICLE II, FRANCHISE REQUIRED** be amended to add Section 2.4 (c) to read as follows:

2.4 No franchise shall be required for:

- a. Any entity operated from a location or headquarter outside of the County of Orange in order to transport patients who are picked up beyond the limits of the County of Orange, to facilities located within the County of Orange, or to pick up patients within the County of Orange for transporting to locations outside the County of Orange; but no such entity shall be used to pick up patients within the County of Orange for transporting to locations within the County of Orange or other locations unless it is rendering assistance to a franchised ambulance service in the case of a major catastrophe or mutual aid.
- b. Ambulances owned and operated by an agency of the County, the State of North Carolina, or of the United States.
- c. A fire department in Orange County that by contract with the County provides rescue and emergency services as provided by this Ordinance.

2. **ARTICLE XVI, ORANGE COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE** be amended to Section 16.3 to read as follows:

16.3 The County Emergency Medical Services Committee shall be comprised of the Emergency Services Director, Emergency Services Medical Director, the Assistant Medical Director, the Emergency Medical Services Operation Manager, a resident of Orange County who is a credentialed as an Emergency Medical Services Instructor and has a demonstrated to the Medical Director they have knowledge of Orange County Emergency Services practices, procedures and protocols and the County Health Director.

3. **ARTICLE XVI, ORANGE COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE** be amended to Section 16.5 to read as follows:

16.5 The Emergency Medical Services Advisory Committee shall hear appeals of stay of franchises. In case of stay of a franchise as provided in Section XIV (f):

- a. The Emergency Service Director, or his designee, shall provide the franchise written notice of the stay and the reasons for the stay either concurrently with issuance of the stay or if oral suspension within 5 days of notice. Notice shall be provided either orally with a certified letter to follow or by certified mail.
- b. The Franchisee may appeal the decision to the Emergency Medical Services Advisory Committee within 10 days of receipt of written notice. If the appeal is

not heard within 10 days the stay will be dissolved pending a hearing on the appeal.

- c. An appeal shall be served on the County Attorney who will forward the appeal to Emergency Medical Services Advisory Committee.
- d. The franchisee may either appeal by letter or request a hearing before the Emergency Medical Services Advisory Committee.
- e. The Hearing shall be scheduled within 2 days of receipt of notice of appeal and shall be commenced within 10 days. The franchisee may present evidence and give oral testimony at the hearing.
- f. The Emergency Medical Services Advisory Committee shall provide a written response to the franchise within 10 days of the hearing. The Committee shall remove the stay, provide a recommendation for corrective action and set a time for completion or forward a recommendation to the Board of County Commissioners for suspension or termination of the franchise agreement.
- g. The Board of County Commissioners shall review the recommendation and make a decision based on the information contained in the recommendation from the County Emergency Medical Services Advisory Committee.

4. All provisions of any county ordinance in conflict with these amendments are repealed.
5. These amendments to these Ordinances shall become effective upon adoption.

This the \_\_\_ day of February, 2010.

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Valerie P. Foushee, Chair  
Orange County Board of Commissioners

Attest:

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Donna Baker, Clerk to the  
Orange County Board of Commissioners

(Seal)