

**BEFORE THE BOARD OF COMMISSIONERS  
IN AND FOR THE COUNTY OF WALLOWA  
IN AND OF THE STATE OF OREGON**

**IN THE MATTER OF AN AMENDMENT** )  
**THE AMBULANCE SERVICE AREA (ASA)** ) **ORDINANCE**  
**PLAN FOR WALLOWA COUNTY ORDINANCE** ) **2018-002**  
**1996-001** )

**WHEREAS**, It was discovered there is a need to amend the Ambulance Service Area Plan for Wallowa County, and

**WHEREAS**, The plan was originally created and adopted on the 20<sup>th</sup> of February, 1996; and

**WHEREAS**, There have been many change since that time that need to be reflected in the plan; and

**WHEREAS**, The Wallowa County ASA Committee has drafted amendments to this plan which were proposed to the Board of Commissioners for consideration and approval; and

**WHEREAS**, a revised Ambulance Service Area (ASA) Plan has been approved and an amendment to the Ordinance need to be created and adopted to reflect those changes; and

**WHEREAS**, a five year extension had been made by Resolution 2011-001 on the 23<sup>rd</sup> of March 2011;and

**WHEREAS**, a ten years extension has been requested and needs approval from the Wallowa County Board of Commissioners.

**NOW THEREFORE, BE IT RESOLVED** that the Wallowa County Board of Commissioners hereby grants the amendments set forth above and here in the Ambulance Service Area (ASA) Plan for Wallowa County Ordinance 1996-001 amended.

**DONE** and **DATED** this 15<sup>th</sup> day of October 2018.



WALLOWA COUNTY BOARD OF COMMISSIONERS



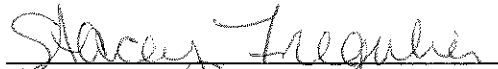
Todd Nash, Chair



Paul Castilleja, Commissioner



Susan Roberts, Commissioner



Attest: Stacey Fregulia, E.A.



# WALLOWA COUNTY COURT

Phone: 503-426-4543

State of Oregon

101 South River Street, Room 202

Enterprise, Oregon 97828

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR THE COUNTY OF WALLOWA

AN ORDINANCE TO ESTABLISH AN )  
AMBULANCE SERVICE AREA; ASSIGNING )  
EMERGENCY AMBULANCE SERVICE )  
PROVIDERS; CREATING AN AMBULANCE )      ORDINANCE 96-001  
SERVICE AREA ADVISORY COMMITTEE; )  
PROVIDING PENALTIES; PRESCRIBING )  
EFFECTIVE DATES; AND DECLARING )  
AN EMERGENCY )

THE WALLOWA COUNTY COURT, FOR WALLOWA COUNTY OREGON, ORDAINS AS FOLLOWS:

## SECTION 1 TITLE

This Ordinance shall be known as the Wallowa County Ambulance Service Ordinance, and may be so cited and pled.

## SECTION 2 AUTHORITY

This Ordinance is enacted pursuant to ORS 682.205, 682.275 and ORS 203.035

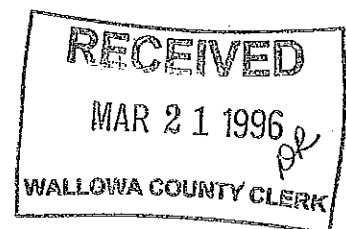
## SECTION 3 POLICY AND PURPOSE

The Wallowa County Court finds:

1. That ORS 682.205 requires Wallowa County to develop and adopt a plan for the county relating to the need for a coordination of emergency ambulance services and to establish Ambulance Service Areas (ASA) consistent with the plan to provide efficient and effective emergency ambulance services.
2. That this Ordinance, which establishes an ASA, methods for selecting an emergency ambulance provider for an ASA, and the ambulance service area advisory Committee, together with the document know as the Wallowa County Ambulance Service Area Plan (ASA Plan), attached hereto as Appendix #8, and incorporated herein by this reference, make up the complete plan for emergency ambulance services for Wallowa County.

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

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3. That the provisions of ORS 221.485 and 221.495, 478.260(3), and 682.025 through 682.355 requires Wallowa County to develop and adopt a plan for emergency ambulance services that recognizes the authority of cities and rural fire protection districts to operate and regulate emergency ambulance services within their own territories subject to the ASA Plan. That the provision of effective and efficient emergency ambulance services pursuant to the Wallowa County ASA Plan within cities and rural fire protection district must be accomplished primarily on a cooperative basis. Wallowa County will employ formal sanctions and litigation to enforce the provisions of the Wallowa County ASA Plan when voluntary compliance cannot be obtained.

#### **SECTION 4 DEFINITIONS**

The words and phrases in this Ordinance shall have the meaning provided in ORS Chapter 682 and OAR Chapter 333, Division 250, 255, 260, and 265, unless specifically defined herein to have a different meaning.

Other specific definitions include:

- a. "Administrator" means a person designated by order of the County Court to administer this Ordinance and the duly authorized deputy or assistant of such person.
- b. "Ambulance Service Area (ASA)" means a geographical area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
- c. "Ambulance Service Area Advisory Committee (Committee)" means the committee that will advise the County Court as it pertains to the ASA Plan.
- d. "County Court" means the Wallowa County Court for Wallowa County, Oregon.
- e. "Franchise" means a franchise to provide emergency ambulance service issued by the County Court pursuant to this Ordinance.
- f. "Persons" means and includes individuals, corporations, associations, firms, partnerships, joint stock companies, cities, rural fire protection districts, and special service districts formed and existing pursuant to Oregon Revised Statute.

#### **SECTION 5 EXEMPTIONS**

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

This Ordinance shall not apply to:

1. Ambulances owned or operated under the control of the United States Government;
2. Vehicles and aircraft being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident;
3. Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved; and
4. Ambulances or vehicles transporting patients from outside the county to a health care facility within the county, or which are passing through without a destination in the county.

#### **SECTION 6 ADMINISTRATION**

The administrator, under the supervision of the County Court and with the assistance of the Committee, shall be responsible for the administration of this Ordinance. In order to carry out the duties imposed by this Ordinance, the administrator, or persons authorized by the administrator, are hereby authorized to enter on the premises of any person regulated by this Ordinance at reasonable times and in a reasonable manner to determine compliance with this Ordinance and regulations promulgated thereto. The administrator shall also have access to records pertaining to ambulance service operations of any person regulated by this Ordinance. These records shall be made available within five (5) working days to the administrator at the person's place of business, or copies made and provided as requested by the administrator.

#### **SECTION 7 AMBULANCE SERVICE AREAS**

For the efficient and effective provision of emergency ambulance services in accordance with the ASA Plan, the ASA shown on the map attached hereto as Appendix #1, and incorporated herein by this reference, are hereby adopted as the ASA for Wallowa County. The County Court, after notice to the affected ASA provider and by the adoption of an order, may adjust the boundaries on an ASA from time to time as necessary to provide efficient and effective emergency ambulance services.

#### **SECTION 8 AMBULANCE SERVICE PROVIDERS REGULATED**

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

No person shall provide emergency ambulance services in Wallowa County, Oregon, unless such person is franchised in accordance with the applicable provisions of the Ordinance.

**SECTION 9 APPLICATION FOR AMBULANCE SERVICE FRANCHISE**

1. Any person desiring to provide ambulance service within Wallowa County shall submit an application to be assigned an ASA within thirty (30) days of the effective date of this ordinance. The application shall be submitted to the County Court.
2. Applications for franchises shall be on forms provided by the County Court. In addition to information required on this forms, the County Court may require additional information it deems necessary to insure compliance with this Ordinance.
3. The applicant shall provide the following information:
  - a. The name and address of the person or agency applying.
  - b. The ASA the person desires to serve, the location(s) from which ambulance services will be provided, and the level of service to be provided.
  - c. A statement as to whether or not the person will subcontract for any service to be provided. If some service will be provided by subcontract, a copy of that subcontract shall be provided.
  - d. A list of vehicles to be used in providing emergency ambulance services including year, make and model, and verification that each vehicle is licensed as a basic and/or life support ambulance by the Health Division.
  - e. A statement that all equipment and supplies in each ambulance conforms to Health Division standards.
  - f. A list of personnel to be used in providing emergency ambulance service and their current Emergency Medical Technician level and certificate number, or other appropriate certification.
  - g. Proof of financial ability to operate, including an operating budget for public bodies or financial statement for private entities, references and/or statement of past ambulance service. Private companies must include a profit and loss statement in addition to the above materials. Other appropriate financial information, such as income, tax returns, or reports by governmental



authorities shall also be submitted upon request. Public bodies must provide information regarding the sources and amounts of funding for emergency ambulance services.

- h. Proof of public liability insurance in the amount of not less than \$100,000 per person and \$500,000 per accident for bodily injury, and not less than \$100,000 for property damage, and \$500,000 because of injury arising from the negligent provision of pre-hospital care to any individual in the form of a certificate of insurance from the carrier. Applicants may be self-insured.
- i. A statement of experience in providing emergency ambulance service of a comparable quality and quantity to insure compliance with this Ordinance, regulations promulgated thereunder, any franchise issued, and the ASA Plan.
- j. Proof of ability of comply with the terms and conditions of the ASA Plan and applicable county ordinances, in the form of a narrative summary.
- k. A description of any prepaid ambulance service plan, including number of members, number of years of operations, funding and term.
- l. Information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials requested.
- m. In the case of an application to transfer or take over an already assigned franchise:
  - (1) A detailed summary of how the proposed change will improve emergency ambulance response time, and the quality and level of services to the ASA. It shall include an assessment of how the proposed change will impact the existing first response system.
  - (2) Evidence that the call volume in the ASA is sufficient to financially or otherwise justify the change in service.
  - (3) Information, in the form of run of logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials requested.

4. The County Court may from time to time, by order, adopt fees to defray the actual reasonable costs incurred by Wallowa County in processing applications, and adopt annual franchise fees to defray the reasonable costs of Wallowa County in administering the Ordinance.
5. The applications shall be reviewed by the Committee and shall recommend the assignment of the ASA to the County Court. The assignment of an ASA shall be made by an Order of the County Court.

#### SECTION 10 EXISTING AMBULANCE SERVICE PROVIDERS

Unless there has been more than one application made for an ASA, the persons who meet the application requirements of Section 9 and who were providing service on the effective date of this Ordinance shall be franchised to provide emergency ambulance service for the ASA they were serving on the effective date of this Ordinance.

#### SECTION 11 REVIEW OF APPLICATION FOR FRANCHISE

1. Applications shall be reviewed by the Committee, who shall make such investigation as it deems appropriate, and who may request assistance of other persons as necessary.
2. The administrator shall notify the holder of a franchise for providing emergency ambulance service to an ASA of any applications by another person to take over that franchise.
3. Unless the time is extended by the County Court for good cause, the Committee shall make its recommendation to the County Court to grant, deny, modify or attach appropriate conditions to the application. The Committee shall transmit its recommendation within sixty (60) days after the application and any required supplemental information has been received.

#### SECTION 12 BOARD ACTION ON APPLICATION FOR FRANCHISE

Upon receipt of the Committee's recommendation, the County Court:

1. Shall publish notice of its intent to hold a public hearing on the application and recommendations at least ten (10) days, but not later than thirty (30) days following publication of notice.
2. May require additional investigation by the Committee if it finds that there is insufficient information on which to base its action.

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

3. Shall, upon the basis of the application, the Committee's recommendation, such other information as is permitted by this Ordinance, and such information as is presented to the County Court at the public hearing make an order granting, denying or modifying the application or attaching conditions thereto.
4. Shall not make an order adverse to the applicant or to the holder of, or applicant for, another franchise effective less than 30 days after the date of such order and shall notify such persons in writing of the order. The County Court may suspend operation of this subsection and enter an emergency order if it finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.
5. After the County Court makes an order granting an emergency ambulance service franchise, with or without conditions, and the franchisee finds he/she is unable to provide a particular service, the County Court may permit the franchisee to subcontract such service to another person if the County Court finds that the quality and extent of the service would not be jeopardized. The County Court may require the filing of such information as it deems necessary.

#### SECTION 13 FRANCHISE TERMS AND RENEWALS

1. The initial ambulance service franchise in an ASA shall be valid from the date of issuance until June 30, 2000.
2. Thereafter, unless the County Court finds that a longer or shorter term is required in the public interest, the term of an emergency ambulance service franchise shall be three (3) years, beginning on July 1 of a year and ending June 30 three (3) years later.
3. Unless grounds exist for refusal to renew a franchise under provisions for suspension or revocation as set forth in Section 16, or unless the franchise is to be given to a new person, franchises shall be renewable. Application for renewal shall be made on forms provided by the County Court.
4. Not more than one hundred eighty (180) days and not less than one hundred twenty (120) days prior to the expiration of the franchise, a franchisee wanting to renew the franchise and any person desiring to take over the franchise shall submit an application to the administrator.
5. Review of all applications for renewal or take over of a franchise shall be conducted in the same manner as for an application pursuant to Sections 9, 11, and 12 of this

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

ordinance.

**SECTION 14 EARLY DISCONTINUANCE OF SERVICE BY FRANCHISEE**

1. If a franchise discontinues service before the expiration of his/her franchise, the County Court shall set a time by which applications must be submitted for a new franchise in the ASA.
2. The Committee shall develop an interim plan for coverage of the ASA, using existing franchises and/or other available resources until the ASA can be reassigned.
3. The County Court shall issue a temporary certificate, valid for a stated period not to exceed six (6) months, entitling a person to provide emergency ambulance service in all or part of the ASA. The County Court may renew a temporary certificate for one additional six (6) month period.

**SECTION 15 TRANSFER OF FRANCHISES**

A franchise may transfer his/her franchise to another person only upon written notice to and approval by the County Court. Review of an application for transfer of a franchise shall be conducted in the same manner as for an application pursuant to Section 9, 11, and 12 of this Ordinance.

**SECTION 16 ENFORCEMENT OF FRANCHISE PROVISIONS**

1. Subject to the policies stated in Section 3, and in addition to the remedy provided in Section 17, and penalties provided else where in the Ordinance, the administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke to renew a franchise as provided in this Subsection.

If in the judgement of the Committee or County Court, there is sufficient evidence to constitute a violation of applicable local, state or federal law, this Ordinance, ORS Chapter 682 or the Rules promulgated thereunder the ASA Plan, or if the franchisee has materially misrepresented facts or information given in the application for the franchisee the County Court shall notify the franchisee in writing, by certified mail, return receipt requested, or by personal service, as is provided by law for the service of a summons, of the violation and what steps he must take to cure the violation. The County Court shall send a copy of the notice to the Committee.

Ten (10) days following the receipt of notice of violation, the County Court may enter its order of revocation, modification, suspension or non-renewal, and may thereby

revoke, modify, suspend, or not renew the franchise, unless prior thereto the franchisee shall file with the County Court his request for a hearing on the County Court's notice of violation. If said request is timely filed, or if the County Court so moves on its own, revocation, modification, suspension, or non-renewal will be stayed until the County Court can, at its earliest convenience, hold a public hearing thereon. Notice of said hearing shall be given to the franchisee by mail and to all others by publication in a newspaper of general circulation in the county of the ASA at last ten (10) days prior to such hearing. The burden of proof at the hearing held hereunder shall be upon the franchisee.

2. In lieu of the suspension or revocation of the franchise, the County Court may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the County Court action shall be provided by mail to the franchisee.

The notice shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken/ The franchisee shall notify the County Court of the corrective action taken. If the franchisee fails to take corrective action within the time required, the County Court shall notify the franchisee by certified mail, return receipt requested, or by personal service that the franchise is suspended or revoked upon service of the notice.

3. Should the franchisee fail to comply with the County Court's order, then the County Curt may take any steps authorized by law to enforce its order.

#### SECTION 17 PREVENTING INTERRUPTION OF SERVICE

Whenever the County Court finds that the failure of service or threatened failure of service would adversely impact the health, safety or welfare of the residents of the county, the County Court shall, after reasonable notice, but not less than twenty-four (24) hours notice to the franchisee, hold a public hearing. upon appropriate findings after the hearing, the County Court shall have the right to authorize another franchisee or other person to provide services.

#### SECTION 18 APPEALS, ABATEMENT AND PENALTIES

1. All the decisions of the county Court under the Ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of Wallowa, only by way of writ of review.

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

2. The provision of emergency ambulance service by any person in violation of this Ordinance, or regulations promulgated thereunder, is a nuisance and the Circuit Court may, in addition to other remedies provided by law or by this Ordinance, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such emergency ambulance service.
3. Any person who violates any of the provisions of the Ordinance is guilty of a violation. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision.
4. Violations of these provisions are punishable, upon conviction, by a fine or not more than five hundred (\$500) dollars for a non-continuing offense, i.e., an offense not spanning two (2) or more consecutive calendar days. In the case of a continuing offense, i.e. an offense which spans two (2) or more consecutive calendar days, violation of the provisions is punishable by a fine of not more than five hundred (\$500) dollars per day up to a maximum of one thousand (\$1,000) dollars as provided by law.

#### SECTION 19 DUTIES OF AMBULANCE SERVICE FRANCHISEE

The franchisee:

1. Shall conduct its operation in compliance with all applicable state and federal laws, rules and regulations, the terms of this Ordinance and the Wallowa County ASA Plan;
2. Shall not fail or refuse to respond to an emergency call for service when an ambulance is available for service;
3. Shall not respond to a medical emergency located outside its assigned ASA except:
  - a. When a request for specific emergency ambulance service is made by the person calling for the ambulance and the call does not dictate an emergency response;
  - b. When the franchisee assigned to the ASA is unavailable to respond and the franchisee is requested by another franchisee or 9-1-1 dispatch to respond; or
  - c. When the response is for supplemental assistance or mutual aid.

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

4. Shall not voluntarily discontinue service to his/her assigned ASA until he/she has:
  - a. Given sixty (60) days written notice to the administrator, or
  - b. Obtained written approval of the County Court.
5. Subsection 4 of this Section shall not apply to:
  - a. Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction; or
  - b. Transfer of franchises pursuant to Section 15 of this Ordinance

**SECTION 20 AMBULANCE SERVICE AREA (ASA) ADVISORY COMMITTEE**

1. There is hereby created an Ambulance Service Area (ASA) Advisory Committee.
  - a. The Committee shall consist of nine (9) members:
    - (1) One (1) Wallowa County Hospital Administrator;
    - (2) One (1) 9-1-1 (PSAP) Center representative;
    - (3) Three (3) Ambulance Representatives;
    - (4) One (1) Public Member;
    - (5) One (1) Medical Director; and
    - (6) One (1) Wallowa County EMT Association President.
  - b. The administrator and other Wallowa County staff as the County Court deems appropriate shall be ex-officio members of the Committee.
2. Members shall be appointed by and serve at the pleasure of the County Court. The County Court may appoint additional persons to the Committee to serve as ex-officio members or advisors. The County Court may appoint or approve designation of alternates to serve in the absence of persons appointed to the Committee.
3. Except for the ASA administrator and other Wallowa County staff, appointments shall be for staggered terms on the initial Committee for a term not to exceed three (3) years. Subsequent to appointments shall be for three (3) year terms. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the County Court for the balance of the unexpired term. Persons may be appointed to successive terms.

4. The Committee shall elect a chairperson. The Committee shall meet at such times as it deems necessary or as called by the Administrator or the County Court. The Chairperson or any two members of the Committee may call a special meeting with five (5) days notice to other members of the Committee; provided however, that members may wave such notice.
5. Five (5) members constitute a quorum for the transaction of business. A majority vote of those present and voting is required to pass motions.
6. In addition to other duties prescribed by this Ordinance, the Committee shall:
  - a. Review and make recommendations to the administrator regarding the selection criteria for determining a franchise to provide ambulance service.
  - b. Regularly provide information to the County Court from pre-hospital care consumers, providers and the medical community.
  - c. Periodically review the ASA Plan and make recommendations to the County Court including, but not limited to:
    - (1) Review the standards established in the Plan and make recommendations regarding improvement of or new standards as required by OAR 333-260-0050;
    - (2) Monitor the coordination between emergency medical service resources;
    - (3) Review dispatch procedures and compliance; and
    - (4) Review the effectiveness and efficiency of the ASA boundaries.
  - d. Implement the quality assurance program outlined in the ASA Plan to insure compliance with the ASA Plan.
  - e. Perform such other duties as directed by the County Court.
7. Committee members shall avoid acting in any matters where a conflict of interest may arise. Any Committee member having a direct or indirect financial or pecuniary interest in any matter before the Committee for consideration shall withdraw from participation in any action by the Committee in said matter. Nothing in this Section shall limit the ability of any person to provide testimony to the Committee.



**SECTION 21 REGULATIONS OF AMBULANCE SERVICE**

Upon its own motion or upon a recommendation of the Committee, the County Court may adopt ordinances, resolutions or orders regulating emergency ambulance service or implementing this Ordinance. Such regulations shall not conflict with ORS 682 and rules promulgated pursuant thereto.

**SECTION 22 INITIAL RESPONDER**

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an emergency ambulance service provider.

**SECTION 23 EMERGENCY CLAUSE**

1. Any judgment or declaration by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other portion of this Ordinance.
2. Upon recommendation of the Committee or upon its own motion, the County Court may from time to time amend the provisions of this Ordinance. Amendments shall be made only after a public hearing before the County Court with such advance notice of the hearing as deemed appropriate by the County Court or as generally provided by ordinance, regulation or order of the County Court.
3. In order to provide efficient and effective emergency ambulance service in Wallowa County and thereby preserve the health, safety and welfare of the residents and inhabitants of the county, an emergency is declared to exist and the terms and provisions of this Ordinance shall become effective upon enactment of this Ordinance.

**SECTION 24 REPEAL OF INCONSISTENT RESOLUTION**

Wallowa County Resolution entitled, "In the matter of an ordinance pursuant to ORS 682.205 (3), adopting the Wallowa County Ambulance Service Area (ASA) Plan, Ordinance No. 96-001 is repealed.

THIS ORDINANCE PASSED AND APPROVED by the Wallowa County Court on this 20th day of February, 1996.

WALLOWA COUNTY COURT

Arleigh G. Isley  
ARLEIGH G. ISLEY, JUDGE

Pat Wortman / by M.B.  
PAT WORTMAN, COMMISSIONER

Ben Boswell  
BEN BOSWELL, COMMISSIONER

First Reading:  
Second Reading:  
Effective Date:

Feb 5<sup>th</sup> 1996  
FEB 20<sup>th</sup> 1996  
Feb 20<sup>th</sup> 1996

Wallowa County Ordinance 96-001  
Ambulance Service Ordinance

RECEIVED  
MAR 21 1996  
WALLOWA COUNTY CLERK

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