

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the)
Yamhill County Ambulance Service Ordinance,)
Ordinance 723 as amended by Ordinances 751)
and 836, to Allow Franchised ASA Providers to)
Subcontract ASA Services to Authorized Public)
or Private Ambulance Service Providers within the)
Franchised ASA Provider's Assigned ASA Areas;)
Declaring an Emergency; Effective October 14, 2009.)

ORDINANCE No. 843

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on October 14, 2009, Commissioners Leslie Lewis, Kathy George and Mary P. Stern participating.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Section 16 of the Ambulance Service Ordinance (Ordinance 723 as amended by Ordinances 751 and 836, referred to in this ordinance as the "ASA Ordinance") provides as follows:

Section 16 TRANSFER OF FRANCHISES A franchisee may transfer its franchise to another provider only upon the Board's written approval of a written request to transfer the franchise. Review of an application for transfer of a franchise shall be conducted in the same manner as for a franchise application pursuant to Sections 9, 11, and 12 of this Ordinance.

B. The Ambulance Service Area (ASA) Advisory Committee has recommended that the Board retain the ability to authorize the transfer of ASA franchises as provided in the existing ASA Ordinance, but add additional language to allow franchised ASA providers to subcontract with authorized public or private providers to assure the adequacy of ambulance services throughout the county. The Board finds the recommendation appropriate and in the best interests of the citizens of Yamhill County. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1 **AUTHORITY** This Ordinance is enacted pursuant to ORS 682.205, 682.275 and ORS 203.035 and OAR Chapter 333, Division 260.

Section 2 **AMENDMENT OF SECTION 16 OF ASA ORDINANCE**

1. Section 16 of the ASA Ordinance is deleted and replaced with the following language:

Section 16 **TRANSFER OF FRANCHISES; SUBCONTRACTING BY FRANCHISEE WITH PUBLIC OR PRIVATE PROVIDER WITHIN FRANCHISEE'S ASA**

1. Transfer of Franchise. A franchisee may transfer his/her franchise to another person only upon the Board's written approval of a written request to transfer the franchise. Review of an application for transfer of a franchise shall be conducted in the same manner as for a franchise application pursuant to Sections 9, 11, and 12 of this Ordinance.

2. Subcontracting by Franchisee with Public or Private Provider within Franchisee's ASA. The Administrator is authorized to approve a written contract between a Franchisee and a Public Provider or Private Provider for the Public or Private Provider to provide emergency ambulance services within the Franchisee's ASA if the Administrator determines all of the following criteria have been satisfied. Once the Administrator approves the contract, the Public Provider or Private Provider may provide emergency ambulance services in accordance with the terms of the contract and the requirements of the ASA Ordinance and the ASA Plan.

a. The Ambulance Service Area Advisory Committee has issued a written determination that the Public Provider or Private Provider has satisfied all elements contained in Section 9(3) of the ASA Ordinance.

b. The contract term may not exceed four years, and may not be renewed without a determination from the Ambulance Service Area Advisory Committee that the Public Provider or Private Provider has met the service requirements of this Ordinance and the ASA Plan through the date of review.

c. The contract may be terminated at will by action of the Board by its own motion or upon recommendation of the Ambulance Service Area Advisory Committee or the Administrator.

Section 3 SEVERABILITY CLAUSE 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.

Section 4 EFFECTIVE DATE; EMERGENCY CLAUSE. The first and second readings of this ordinance were made October 14, 2009. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect October 14, 2009.

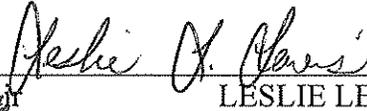
AYES: Commissioners Lewis, George and Stern.

NAYS: None.

DONE at McMinnville, Oregon on October 14, 2009.

ATTEST
YAMHILL COUNTY
BOARD OF COMMISSIONERS

REBEKAH STERN DOLL
County Clerk


LESLIE LEWIS

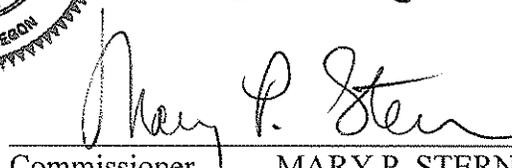
By
Deputy ANNE BRITTON




Commissioner KATHY GEORGE

FORM APPROVED BY:


JOHN M. GRAY, JR.
Yamhill County Legal Counsel


Commissioner MARY P. STERN

white\ambulance\asaordinance\asaordamendment10-08-09.wpd