

BERKELEY COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE
(As Revised July 1, 2006)

LEGISLATIVE AUTHORITY:

This Ordinance concerns the imposition and collection of a Special Emergency Ambulance Service Fee, and is adopted under the authority of Chapter 7, Article 15, Section 17 of the Code of West Virginia, as amended.

PURPOSE:

This Ordinance is re-enacted as hereinafter amended for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Berkeley County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Berkeley County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

There shall be exempted from the provisions of this Ordinance any incorporated area within Berkeley County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Authority and the County Commission, a written request for such exemption and an affidavit stating that it will provide ambulance services substantially similar to those set forth herein to its residents at its own expense.

DEFINITIONS:

LIVING UNIT -- Means any place of residence as classified by the records of the Berkeley County Assessor including residential homes, vacation and secondary homes, mobile homes, apartments, personal care facilities, nursing homes and correctional care facilities.

RESIDENT USER -- Means any bona fide owner or occupant of a living unit within the geographic boundaries of Berkeley County with the exception of those persons qualifying for the exclusion listed in the above section of this Ordinance entitled PURPOSE.

NONRESIDENT USER -- Means any individual who does not qualify as a resident user.

DELINQUENT RESIDENT USER -- Means any resident user, as defined above, who has not paid their Special Emergency Ambulance Service Fee, as defined below, for any period.

USERS -- Means any person to whom emergency ambulance service is made available.

EMERGENCY AMBULANCE SYSTEM -- Any emergency ambulance service provided pursuant to this ordinance.

APPROVED ANNUAL BUDGET ESTIMATE -- The final budget formally approved and adopted by the Berkeley County Emergency Ambulance Authority Board of Directors.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE -- Means a specified uniform fee charged to each living unit to which ambulance service is made available and entitles the resident user to necessary 911 emergency transport calls to the nearest certified medical facility within the Tri-State area without any charge for mileage, the provision of basic life support and oxygen. It does not cover the costs of routine transports or secondary emergency transports from one medical facility to another or the provision of advance life support.

NEAREST CERTIFIED MEDICAL FACILITY - Limited to any hospital within the boundaries of Berkeley County and hospitals in the following locations or closer; Berkeley Springs and Charles Town in West Virginia, Hagerstown, Maryland, and Winchester, Virginia.

EMERGENCY AMBULANCE RATES - Means the individual transport charges as established and promulgated by the Berkeley County Emergency Ambulance Authority Board of Directors subject to the approval of the Berkeley County Commission. These rates shall be applied to any and all users of emergency ambulance service within Berkeley County. Rates shall be established for Advanced Life Support for non-delinquent resident users and for Basic and Advanced Life Support for non-resident and delinquent resident users

EMERGENCY INTER-AGENCY AND NON-EMERGENCY TRANSPORTS - Means the established individual transport charges as might be established and promulgated by the Berkeley County Emergency Ambulance Authority Board of Directors for routine transports and secondary transport from one medical care facility to another. Such transport charges shall be applied to all users of such transport service, as defined to-wit: resident, non-resident, and delinquent resident.

SECTION ONE: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Berkeley County Fiscal Year July 1, to June 30. The Special Emergency Ambulance Service Fee established by this Ordinance

shall be fifty dollars (\$50.00) to one hundred dollars (\$100.00), depending upon time of payment, per residential living unit per Fiscal Year and such fee shall not be increased or decreased for a period of three years from July 1, 2006 when such fee was enacted. Following this three-year period said fee may be adjusted annually upon approval of the County Commission.

In the event a resident user owns more than one living unit within Berkeley County, he/she may not be charged more than one fee provided that such other living unit is permanently unoccupied or occupied only by the resident user. If any owner shall notify the Authority or its designated officer within ten (10) days of receipt of notice of the fee by written affidavit that another person or persons is occupying the living unit belonging to such owner, together with proof of occupancy, said occupant shall be responsible for the fee imposed hereunder. However, both occupant and owner shall be jointly and severally liable for payment of such fee.

If a user believes he/she is erroneously charged an ambulance service fee, the Ambulance Authority shall provide upon the resident's request, an exoneration form. The form shall be filled out by the resident and returned to the Ambulance Authority. The Ambulance Authority shall, within a reasonable time, cause to be investigated any request for exoneration. The Ambulance Authority shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the property owner in writing of its actions. If the Commission does not exonerate or modify as requested by the property owner, an appeal may be filed, in pursuance to this article, with the Circuit Court of Berkeley County.

SECTION TWO: BCEAA BUDGET DEVELOPMENT

The Berkeley County Emergency Ambulance Authority shall hold an annual public hearing for the purpose of receiving written or oral public comment pertaining to the operations of the emergency ambulance system within Berkeley County. This public hearing shall be advertised as a Class II legal advertisement in all local newspapers within Berkeley County.

The required public hearing shall be held no later than one hundred forty (140) days prior to the beginning of the new fiscal year in order to provide the Berkeley County Emergency Ambulance Authority sufficient time to consider any improvements or changes in service and account for the said changes in submission of the annual budget request required below.

No later than one hundred (100) days prior to the beginning of the Berkeley County Fiscal Year (July 1st through June 30th) the Berkeley County Emergency Ambulance Authority shall prepare an annual budget estimate for the total cost for providing emergency ambulance service within the geographical boundaries of the county and,

upon adoption by the Berkeley County Emergency Ambulance Authority Board of Directors, present said estimated budget to the Berkeley County Commission.

SECTION THREE: BILLING AND COLLECTION PROCEDURES

Section Three A: Special Emergency Ambulance Service Fees:

Upon completion of the estimated budget by the Berkeley County Emergency Ambulance Authority, the President of the Ambulance Authority shall request the Assessor to provide the Ambulance Authority Office with a list of all residential "living units." Each living unit on that list shall have an account established in the name of the owner of that living unit and a bill in the amount of the Emergency Ambulance Service Fee as defined in SECTION ONE of this Ordinance shall be delivered to that living unit by US Postal Service.

The Emergency Ambulance Service Fee accounts established under this Ordinance shall be paid in full in the amount of \$50.00 no later than September 30 of the year for which billed. For accounts paid on or after October 1 to December 31 the fee shall be a total of \$75.00. For accounts paid on or after January 1 to March 31, the fee shall be a total of \$100.00. In mid-January, letters shall be sent to all delinquent accounts as a status reminder including a notice that delinquent accounts will be turned over to our Collection Agency. On or about April 1, all accounts delinquent at that point shall be turned over to the appropriate Collection Agency as engaged by the Authority. All of the above information shall be included in the original bill sent out in July.

Section Three B: Transport Charges

Ambulance transport rates per call for all categories of users shall be in amounts established by the Berkeley County Emergency Ambulance Authority Board of Directors, established during the annual budget estimation process and approved by the Berkeley County Commission.

Charges for individual transports shall be processed by the Ambulance Authority as appropriate with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate Collection Agency as engaged by the Authority.

In the event that a delinquent resident user is provided with ambulance transport service, then the delinquent resident user shall be charged at the rates established by the Berkeley County Emergency Ambulance Authority Board of Directors and approved by the Berkeley County Commission, for the provision of any of the following: basic life support, mileage, oxygen, and advance life support.

SECTION FOUR: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a special fund to be known as the Berkeley County Emergency Ambulance Authority Fund. These funds shall be used only to pay reasonable and necessary expenses actually incurred including personnel and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county and others that might require such services. Such proceeds may be used to pay for, in whole or in part, the establishment, maintenance, and operation of the authority. No expenditures in excess of the budget shall be made during the fiscal year.

SECTION FIVE: AMENDMENTS AND EXECUTION

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem is necessary and appropriate.

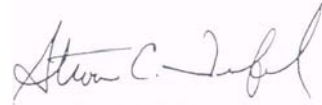
If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance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

This Ordinance, as amended, shall become effective on July 1, 2006.

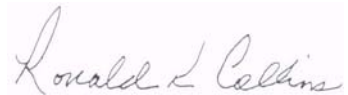
Approved,



Howard L. Strauss,
President



Steven C. Teufel
Commissioner



Ronald K. Collins
Commissioner