

CHAPTER 5. EMERGENCY MANAGEMENT AND EMERGENCY MEDICAL SERVICES

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ARTICLE 1. DOUGLAS COUNTY EMERGENCY MANAGEMENT DEPARTMENT

5-101 DEFINITIONS. As used in Articles 1 and 2:

- a) Board means the Douglas County Emergency Management Board, as established by a Joint Cities-County Emergency Management Resolution, as amended from time to time, among the County of Douglas in the State of Kansas; the City of Baldwin City, Kansas; the City of Eudora, Kansas; the City of Lawrence, Kansas; and the City of Lecompton, Kansas, or as the County may elect to establish independently in the absence of any applicable, current, and effective joint resolution.
- b) Cities means the cities of Baldwin City, Eudora, Lawrence, and Lecompton in the State of Kansas.
- c) County means the County of Douglas in the State of Kansas.
- d) DCEM means the Douglas County Emergency Management Department, as established in this Chapter 5 of the Douglas County Code.
- e) Director or Director of the DCEM means the chief operational officer of the Douglas County Emergency Management Department.
- f) Disaster means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, wind, storm, epidemics, contagious or infectious disease, air contamination, blight, drought, infestation, explosion, riot, terrorism, or hostile military or paramilitary action.
- g) Emergency Management means the preparation for and the carrying out of all emergency functions, other than functions for which military forces or

other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disaster emergencies.

- 5-102 DOUGLAS COUNTY EMERGENCY MANAGEMENT DEPARTMENT ESTABLISHED. The Emergency Management Division of the Department of Emergency Medical Services and Management is hereby abolished, and there is hereby established the Douglas County Emergency Management Department (DCEM) for the purposes of, before, during, and after disaster emergencies: (1) coordinating the administration, planning, and execution of emergency management and preparedness activities in Douglas County; and (2) providing for the preparation and execution of disaster management plans for the protection of persons and property within the County, in accordance with the provisions and requirements of K.S.A. 48-904 through 48-939, and K.A.R. 56-2-1, *et seq.*, specifying the standards for local disaster agencies. All of the powers, duties, functions, and budget authority of the Emergency Management Division within the Department of Emergency Medical Services and Management are hereby transferred to and conferred and imposed upon the DCEM.
- 5-103 ADMINISTRATION. The DCEM shall be administered by a Director, who shall be appointed by the County Administrator. The Director shall serve as the “coordinator,” as defined in K.A.R. 56-2-1(c) and for purposes of K.A.R. 56-2-2. The Director shall be granted the authority necessary to supervise and manage the DCEM and carry out the DCEM’s duties, responsibilities, and functions enumerated in this Article, including but not limited to developing and administering programs to effectively prevent, minimize, and repair injury and damage resulting from all types of disaster emergencies.
- 5-104 SUCCESSION. In normal operational circumstances when the Director is unavailable, a designated Deputy Director shall assume the duties and responsibilities of the Director. In a disaster or extreme emergency situation where the Director is unavailable, the Deputy Director or their designee shall assume the duties and responsibilities of the Director. If the Deputy Director and their designee are both unavailable, the Douglas County Sheriff shall assume the duties and responsibilities of the Director.
- 5-105 SUPPORT TO THE DCEM. Douglas County shall provide for the establishment, staffing, operation, and support of the DCEM, and such support shall, at a minimum, include the following:
- a) County-provided office space and clerical support sufficient to perform the required emergency preparedness functions;

- b) County-provided transportation or reimbursement for private transportation used for official duties;
- c) County-provided communications arrangement for 24-hour a day notification of the DCEM; and
- d) Designation of one or more persons to act as an alternate disaster agency head for the DCEM when the Director is not available.

5-106 COOPERATION. All agencies and employees of Douglas County shall cooperate with the DCEM in all matters pertaining to emergency management and preparedness.

5-107 RESPONSIBILITIES AND FUNCTIONS OF DCEM.

- a) The DCEM shall be the Douglas County “disaster agency” as required by K.S.A. 48-929(a).
- b) The DCEM shall be responsible for the administration of all state laws and County Codes and Resolutions concerning emergency preparedness and management. The DCEM shall coordinate its activities with all federal, state, and local agencies as required to effectuate all state laws and County Codes and Resolutions concerning emergency preparedness and management.
- c) The DCEM's basic functions, as carried out under the direction of the Director, shall include the following:
 - 1) Coordination of response and recovery activities during and following a disaster emergency;
 - 2) Development and maintenance of a local hazard analysis;
 - 3) Development of a local emergency planning program and maintenance of an all-hazard emergency operations plan;
 - 4) Implementation of a local technological hazards program which includes participation on the local emergency planning committee as provided for in K.S.A. 65-5703 and the development and coordination of a radiological protection program for the County;
 - 5) Development and maintenance of an active public education program, both through direct public presentations and contacts with the local news media;
 - 6) Development and coordination of a local emergency exercise program to test the capability of the Cities and the County to implement the emergency operations plan;

- 7) Development and coordination of a County emergency preparedness training program to enhance the readiness capability of governmental agencies, volunteers, citizens, private sector agencies, businesses, and first responders;
- 8) Development and coordination of County hazard warning and notification systems to notify the public of impending threats or other emergency information;
- 9) Coordination of all requests for assistance from other jurisdictions, and the state and federal governments during a disaster emergency;
- 10) Identification of mitigation actions necessary within the County to prevent hazards or to lessen their impact; and
- 11) Provision of advice and assistance to the County Commission in preparation of emergency declarations under K.S.A. 48-932.

5-108 NOTIFICATION OF CHANGES. Pursuant to K.A.R. 56-2-2(c), the County will provide the State Division of Emergency Management with official written notification within ten (10) working days of: any changes to these Code provisions relating to emergency management; any changes in the job description of the Director of the DCEM; or any change as to the identity of the individual serving as the Director of the DCEM.

5-109 QUARTERLY REPORTS AND ANNUAL STATEMENTS. The County will provide the State Division of Emergency Management with: quarterly activity reports, as required by K.A.R. 56-2-2(d); and annual statements of local emergency preparedness goals, anticipated work, and requested state and federal assistance for the next federal fiscal year, as required by K.A.R. 56-2-2(e).

[Res. No. 25-04, Sec. 1]

ARTICLE 2. THE BOARD

5-201 PURPOSES. The Board shall: (a) serve the DCEM in an advisory capacity and provide additional support to the DCEM, to the extent deemed necessary and appropriate by the Director; and (b) serve as the local emergency planning committee for the Douglas County emergency planning district, as provided in K.S.A. 65-5703 and K.S.A. 65-5722, and under federal law, and shall, in that capacity, carry out the County's requirements under Kansas and federal laws as they relate to the responsibilities of local emergency planning

committees, and as specified in K.S.A. 65-5701 through 65-5733 and the Federal Emergency Planning and Community Right-to-Know Act of 1986.

5-202 BOARD ORGANIZATION, MANAGEMENT, AND GOVERNANCE. The Board shall be organized, managed, and governed according to the terms and conditions of any applicable joint resolution of the County and the Cities that may be in effect at any given time, and by any bylaws adopted by the Board thereunder.

5-203 INDEPENDENCE OF COUNTY IN ABSENCE OF JOINT RESOLUTION. In the absence of any applicable, current, and effective joint resolution of the County and Cities, the County shall be free to independently organize, manage, and govern one or more independent bodies to serve in an advisory capacity to the DCEM and/or to serve as a local emergency planning committee solely to satisfy the County's own obligations under state and federal law.

[Res. No. 25-04, Sec. 1]

ARTICLE 3. RECOVERY OF EXPENSES FOR RELEASE OF HAZARDOUS MATERIAL

5-301 DEFINITIONS. As used in this Article:

- a) County shall mean the County of Douglas in the State of Kansas.
- b) Emergency action shall mean all of the concerted activities conducted in order to prevent or mitigate injury to human health or the environment from a release or threatened release of a hazardous material into or upon the environment.
- c) Governmental entities shall mean the University of Kansas; the Cities of Baldwin City, Eudora, Lawrence, and Lecompton; the County; rural fire districts; townships; and any entity responding under a mutual aid agreement with any of these entities.
- d) Hazardous material means any substance or material in a quantity or form which may be harmful or injurious to the health and safety of humans, animals, crops, or property when released into the environment. Hazardous material includes, but is not limited to, explosives, radioactive materials, disease-causing agents, flammable liquids, solids or gases, combustible liquids, poisons, poisonous gases, oxidizing materials, corrosive materials, irritants, nonflammable gases, cryogenics, and blasting agents.

- e) Person shall mean any firm, partnership, association of persons, corporation, organization, or other group acting as a unit, as well as any individual.
- f) Recoverable expenses are all those expenses that are reasonable and necessary for the emergency action. Recoverable expenses include, but are not limited to:
 - 1) Disposable materials and supplies acquired, consumed, or expended specifically for the purpose of the emergency action.
 - 2) Any additional compensation payment to employees, consultants, and/or contractors for the time and efforts devoted to the emergency action beyond the usual compensation of those employees, consultants, and contractors normally on duty. There must be an explicit request for mutual or outside aid from the agency with jurisdiction for these additional expenses to be recoverable. (The usual compensation of employees, consultants, and contractors normally on duty is not intended to be a recoverable expense.)
 - 3) Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment.)
 - 4) Replacement costs for equipment that is owned by the governmental entity and is contaminated beyond reuse or repair.
 - 5) Decontamination of equipment contaminated during the emergency action.
 - 6) Other special services specifically required for the emergency action.
 - 7) Laboratory costs of analyzing samples taken during the emergency action.
 - 8) Costs of clean-up, storage, or disposal of the release material.
 - 9) Costs associated with the services, supplies and equipment procured for a specific evacuation.
 - 10) Medical expenses incurred as a result of emergency action.
 - 11) Legal expenses incurred as a result of the emergency action, including efforts to recover expenses pursuant to this Article.
- g) Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping, or disposing into or upon the environment.

- h) Threatened release shall mean a condition which exists when a release is likely to occur unless preventive measures are immediately taken to prevent such release.

5-302 LIABILITY. Any and all persons responsible for a release or threatened release of hazardous material which constitutes or results in an emergency action shall be liable to the governmental entities for the recoverable expenses resulting from the emergency action.

5-303 RECOVERY OF EXPENSES.

- a) The staffs of the governmental entities involved in the emergency action shall keep a detailed record of the governmental entity's recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, the staffs shall certify these expenses to the Director of the Douglas County Emergency Management Department. The Director, or his or her designee, shall have the option (but not any obligation) to give any and all persons responsible for the emergency action a written itemized claim for the total certified expenses incurred by each governmental entity as part of the emergency action. Any such claim may specify that, if not paid in full within thirty (30) calendar days, the County and/or other governmental entities may initiate civil litigation for collection of amounts due. Moneys recovered under this Article shall be credited to the appropriate funds of the governmental entity from which moneys were expended in performing the emergency action.
- b) The County Administrator is hereby authorized to have legal action brought on behalf of the County to recover any funds due which have not been paid in full within the specified thirty (30) calendar days.
- c) The County Administrator is hereby authorized to have legal action brought on behalf of the County to recover any funds due which have not been paid in full within the specified thirty (30) calendar days.

5-304 NON-EXCLUSIVITY OF REMEDY. The civil remedies provided in this Article shall be in addition to, and not in lieu of: (1) any criminal prosecution or penalty to which a person may be subject; and (2) any other remedies the governmental entities may be entitled to seek, at law or in equity, in any judicial, administrative, or other forum. Further, the civil remedies provided in this Article shall not preclude the County, Lawrence-Douglas County Fire Medical, or another person or entity providing ambulance and/or emergency medical services on behalf of the County from participating in a claim and/or assessing fees for service in accordance with the then-applicable fee schedule.

5-305 HAZARDOUS MATERIALS INCIDENT COMMAND AGENCY. To the extent any such designation may be required by state or federal law, Lawrence Douglas County Fire Medical is hereby designated as the hazardous materials incident command agency for Douglas County and all cities therein.

[Res. No. 25-04, Sec. 1]

ARTICLE 4. EMERGENCY MEDICAL AND AMBULANCE SERVICES.

5-401 DEFINITIONS. As used in this Article 4 and in Article 5, below:

- a) Ambulance means any privately or publicly owned motor vehicle designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured. For purposes of this Article, the term “ambulance” shall not include helicopters or airplanes.
- b) Ambulance Service means any organization licensed by the EMS Board to operate Ambulances in the State of Kansas, staffed by attendants who are licensed by the EMS Board to provide emergency medical services.
- c) City means the City of Lawrence, Douglas County, Kansas, having geographical limits as now existing or hereinafter altered.
- d) County means the County of Douglas in the State of Kansas.
- e) Emergency Transport, as distinguished from Non-Emergency Transfer (defined below), means the care and transport by Ambulance of a sick or injured person to a hospital facility, including such transport between a hospital facility and a tertiary or specialized Hospital Facility when a delay in transportation could reasonably be expected to place the patient’s health in serious jeopardy, seriously impair bodily functions, or result in serious dysfunction of any bodily organ or part.
- f) EMS Board means the State of Kansas Emergency Medical Services Board.
- g) Hospital Facility means a hospital, medical center, or other facility offering a full range of medical services in an in-patient setting and operating twenty-four hours per day, seven days per week. It does not include clinics, skilled nursing facilities, or other satellite facilities owned or operated by a hospital system.
- h) LDCFM means Lawrence-Douglas County Fire Medical.
- i) Non-Emergency Transfer, as distinguished from Emergency Transport (defined above) means either:

- 1) The care and transport by Ambulance of a patient from one hospital facility to any other hospital facility when a delay in transportation could not reasonably be expected to place the patient's health in serious jeopardy, seriously impair bodily functions, or result in serious dysfunction of any bodily organ or part. This includes, without limitation, transfers to allow patients to be cared by specific physicians or hospital systems, as well as transfers for scheduled procedures.
 - 2) The care and transportation by Ambulance of a patient from a hospital facility to a lower level of care, including without limitation to the patient's permanent or temporary residence, or to any nursing or rehabilitation facility.
- j) Medical Director means the physician under whose medical license the organization providing Emergency Transport services (currently LDCFM) operates.
 - k) Operator means a person or municipality who has a license granted pursuant to this Article to operate an ambulance service within the County and the City.
 - l) Person means any firm, partnership, association of persons, corporation, organization, or other group acting as a unit, as well as any individual.
 - m) Regularly offers and provides means initiating ambulance service within either the County or the City.
 - n) Rules and Regulations promulgated by the EMS Board means duly adopted regulations of the Emergency Medical Services Board as now existing or hereinafter adopted or amended.
 - o) Shall is always mandatory and not merely directory.
 - p) Specialty Services are ambulances and attendants possessing the equipment and training to provide medical care and/or services to patients outside the capabilities of a standard ambulance. Examples include, but are not limited to, critical care transport, mobile NICU, bariatric transport units, and maternal/fetal transport units.
 - q) Surrender means the voluntary relinquishment of the rights and duties conferred by a license for the unexpired term of such license by action of the operator.
 - r) Termination means the involuntary withdrawal of the rights and duties conferred by the license for the unexpired term of such license by action of the City and the County, pursuant to the authority of this Article.

- 5-402 EMERGENCY MEDICAL SERVICES. Douglas County will provide emergency medical services (EMS) and ambulance services within the County.
- 5-403 MEANS OF PROVIDING EMS AND AMBULANCE SERVICE. The County will provide EMS and ambulance services in one or more of the following ways, as determined by the County Administrator and subject to approval by the County Commission: (a) by using County personnel and equipment; (b) by entering into a contract or other agreement to combine or coordinate its activities, facilities and personnel with those of any person or governmental entity for the purpose of furnishing the emergency medical services or ambulance services within or without the municipality (K.S.A. 65-6116(d)); (c) by entering into contracts for the construction, operation, management, maintenance and supervision of emergency medical services or ambulance services with any person or governmental entity (K.S.A. 65-6116(b)); or (d) as otherwise authorized by applicable law.
- 5-404 EMERGENCY TRANSPORTS AND NON-EMERGENCY TRANSFERS. Subject to other provisions of this Article and of Article 5, below, the County recognizes that, to the extent LDCFM is furnishing any EMS and/or ambulance services on behalf of the County, LDCFM will be primarily responsible for Emergency Transports within the County and will have the option, but not any obligation, to undertake Non-Emergency Transfers. Pursuant to the provisions of this Article 4 and of Article 5, below, the County may authorize and license third-party private ambulance service Operators to provide Non-Emergency Transfers within the County. In addition, the County may empower LDCFM to dispatch, manage, and otherwise supervise any such authorized and licensed third-party ambulance service Operators. If a platform exists for LDCFM and/or Douglas County Emergency Communications to provide computer aided dispatching of appropriate transfer assets in an efficient and equitable manner, that platform may be used for the deployment of these specific transfer assets.

The Medical Director may authorize ambulance service operators licensed for Non-Emergency Transfers to provide Specialty Services (as defined above) during transportation between hospital facilities and/or from hospital facilities to a lower level of care. This authorization will be predicated on the ambulance service operator's demonstration of their ability to provide one or more types of Specialty Services to the Medical Director's satisfaction. The authorization will delineate the specific type(s) of Specialty Services the

ambulance service operator is authorized to provide. The Medical Director may revoke this authorization, in whole or in part, at any time.

5-405 ADMINISTRATION. The County Administrator will oversee and administer the program by which EMS and ambulance services are provided by the County. The County Administrator is hereby given the authority to negotiate contracts or other agreements for the provision of EMS and ambulance services within the County, in accordance with sections 5-403 and 5-404 herein, for ultimate approval by the County Commission. The County Administrator is further authorized annually to establish EMS and ambulance fees, including, at the County Administrator's discretion, any separate fees associated with Emergency Transports and with Non-Emergency Transfers. The County Administrator is further authorized to collaborate with the City of Lawrence to establish fees specifically associated with services provided by LDCFM, if and to the extent that LDCFM is furnishing EMS and/or ambulance services on behalf of the County.

5-406 COMPLIANCE WITH LAW. The County's provision of EMS and ambulance services will be in compliance with all applicable federal, state, and local laws and regulations pertaining to such services. Any person or entity providing such services on behalf of the County must comply with all said laws and regulations at all times. Failure to comply with said laws will be grounds for termination and debarment from providing EMS and ambulance services on behalf of the County, with such determination to be made by the County Administrator. Any person aggrieved by a determination by the County Administrator of termination or debarment pursuant to this section may appeal the determination to the County Commission.

[Res. No. 25-04, Sec. 1]

ARTICLE 5. AMBULANCE SERVICE LICENSE REQUIREMENTS AND REGULATIONS

5-501 LICENSE REQUIRED FOR OPERATION OF AMBULANCE SERVICE; PROHIBITION AND PENALTY. No person except those awarded a joint City County license pursuant to this Article shall use the streets or other public ways of the City or the County to operate an ambulance service which regularly offers and provides Emergency Transports or Non-Emergency Transfers to residents of the City or the County. No person shall regularly offer and provide an ambulance or ambulance service within the City or the County which is in violation of the provisions of this Article. Both the City and the County shall independently have authority to seek and obtain legal remedies to enforce the provisions of this Article, including without limitation

authority to seek and obtain injunctive relief to prohibit persons from providing ambulance services in violation of the provisions of this Article.

- 5-502 TYPE OF SERVICE REQUIRED FOR LICENSED OPERATION. Any Operator granted a license by the City and County shall maintain compliance with all rules and regulations of the EMS Board. All equipment, personnel, and services offered and provided by the Operator shall conform to such regulations.
- 5-503 FINDING PREREQUISITE TO ISSUANCE OF AMBULANCE LICENSE. No person shall engage in the operation of any ambulance service nor shall any license be granted to operate an ambulance service pursuant to this Article until (a) the County Commission approves the granting of the license and (b) the governing body of the City approves the granting of the license. For purposes of this Article, the license awarded shall be considered a joint non-exclusive license from both the City and the County, requiring the approval of the City and the County prior to issuance, suspension, removal, or conditioning. Before approving the granting of a license, both the City and the County shall first find that public convenience will be promoted and that public necessity requires such ambulance service under the terms and provisions of this Article.
- 5-504 APPLICATION FOR LICENSE. Any person may apply for a license to operate an ambulance service, whether the applicant intends to provide Emergency Transports, Non-Emergency Transfers, or both, by filing with the City Clerk an application for such license on such forms and containing such information as the Medical Director, City, and County shall require, including, but without limitation, the following:
- a) The name and address of the applicant, or, if a firm, partnership, association, corporation, municipal corporation, company, or organization of any kind, the names and addresses of all persons owning a financial interest therein.
 - b) The number and type of ambulances proposed to be operated by the applicant, together with a current state license for each vehicle.
 - c) The type(s) of transportation services the applicant will provide (defined above):
 - 1) Emergency Transport
 - 2) Non-Emergency Transfer
 - d) The location, description, and zoning of the place or places from which such ambulances are intended to operate. In the event a special permit

exists for any such location, the date special permit for such location was issued by the City or the County.

- e) Copies of all necessary and required certificates, permits, licenses, and other documentation evidencing that the applicant is in full compliance with all federal, state, and local laws regulating basic life support care, advanced life support care, and ambulance transport services.
- f) A copy of the proposed liability insurance policy which complies with this Article.
- g) A verified financial statement of the Operator at the time the application is submitted.
- h) A list of the proposed charges to be made by the applicant for services rendered to the public in the event a license is awarded under the provisions of this Article.
- i) A request for inspection of equipment as required by this Article.

5-505 RECOMMENDATION OF MEDICAL DIRECTOR, DETERMINATION BY CITY AND COUNTY. After filing of an application for a license the Medical Director shall review the application to determine its sufficiency and compliance with the provisions of this Article. The Medical Director shall forward the application for review and approval or disapproval to both the City and the County. The City and the County shall determine whether the public convenience would be promoted and the public necessity would require such ambulance service. The City and the County shall, after notice, hold public hearings at a regularly scheduled or specially scheduled meeting of such governing bodies, but in no event shall more than forty-five (45) days elapse between the filing of an application and the holding of such hearing. The final decision of the City and the County shall be announced within a reasonable time thereafter, unless the applicant consents to an extension of the time for the announcement of the decision.

- a) In the consideration of whether the public convenience would be promoted and the public necessity would require such ambulance service, the City and the County shall consider, but shall not be limited to the following criteria:
 - 1) Whether the applicant's proposed ambulance service would be an unnecessary duplication of existing ambulance services, including whether existing services adequately serve public needs; and
 - 2) Whether the applicant's proposed ambulance service would harm the financial or operational integrity of existing ambulance services; including whether the proposed ambulance service would cause

existing ambulance services to need public financial assistance, or additional public financial assistance, to continue operations which are viable, efficient and effective.

- 5-506 ISSUANCE; DENIAL. If the City and the County find that the application complies with the requirements of this Article and is otherwise acceptable, a joint non-exclusive license shall be granted by the City and the County and shall be kept on file in offices of the City and the County. In the event the City or the County, or either entity acting separately, finds that the application does not meet the requirements of this Article or is otherwise unacceptable, such license shall not be issued.
- 5-507 TERMS OF LICENSE. The term of each license shall be for five (5) years. Renewal of the license shall be through the same procedure used to obtain an initial license.
- 5-508 SERVICE REQUIREMENTS. The Operator shall at all times during the term of license provide authorized ambulance services to all residents of the City and the County without discrimination on the basis of insurability or economic status of the person or persons to receive ambulance services. The Operator shall at all times during the term of the license provide authorized ambulance services to all geographical areas of the City and the County.
- 5-509 COMPLIANCE WITH APPLICABLE LAWS; REGULATIONS. The Operator shall comply with all applicable federal, state, County, City, and local laws and regulations.
- 5-510 RATES.
- a) The Operator shall at all times comply with the maximum-permitted rates and fee schedules filed with the City Clerk and approved by the City and the County.
 - b) Any proposed change in maximum-permitted rates or the rate schedule shall be filed with the City Clerk at least thirty (30) days preceding the proposed effective date of such rates, accompanied by financial statements and documents from which the reasonableness of such rates can be determined.
 - c) Any proposed change in maximum-permitted rates or the rate schedule shall be submitted to the County and the City for approval. The County and the City may approve any proposed change if such proposal is found to be reasonable as defined in subsection "e."

- d) The County and the City may at no time take any action regarding approval of maximum-permitted rates or the rate schedule which shall prohibit the Operator from earning a reasonable rate of return upon the value of the property used and useful in providing authorized ambulance services. A reasonable rate of return means receipt of revenues from patient charges and public funds, if any, equal to the sum of operating costs, depreciation reserves, and growth and development costs of the Operator.
 - e) "Reasonable rates" means maximum-permitted rates and a rate schedule which, when used as the basis to project future revenues, yield a projected reasonable rate of return as defined in subsection "d". If approved rates do not provide such a reasonable rate of return, subsequently proposed rates shall be approved so as to cure the deficit incurred, as well as to provide a reasonable rate of return.
 - f) The City and the County shall consider the proposed maximum-permitted rates and fee schedules within fifteen (15) days after the filing thereof, provided, however, that the County and the City shall make written approval or disapproval, in whole or in part, of said proposal within twenty (20) days after the filing thereof, unless the Operator consents to a reasonable extension of such deadline.
 - g) If the County and the City take no final action within forty-five (45) days after the filing of such proposal or within a reasonable period of additional time as agreed to by the Operator, the proposal shall be deemed approved and the Operator may institute such rate change thereafter.
- 5-511 INSPECTIONS. Every Operator shall be subject to inspection at any time, at any place within the County, by either the Medical Director or his/her designated representative, in order to determine whether said ambulance service is complying with all applicable laws and regulations of the City, the County, and the State.
- 5-512 INSPECTION OF BOOKS AND RECORDS. Upon request of the City or County, the Operator shall promptly make the books and records of the Operator available for inspection by the City or County, or by a certified public accountant designated by the City or County, at the office of the Operator during regular business hours.
- 5-513 LIABILITY INSURANCE STANDARDS.
- a) During the term of such license and during such time as the Operator is providing service pursuant to such license, there shall be on file with the

City Clerk an insurance policy, approved as to form and endorsed by the City and County, providing liability insurance coverage for each and every ambulance owned, operated, or leased by the Operator.

- b) Minimum coverage of said insurance policy shall be in the amounts of \$1,000,000 for any one person killed or injured in any one accident or occurrence and \$3,000,000 for more than one person injured or killed in any one accident or occurrence, with passenger or patient hazard included in the policy. Such policy shall also provide \$1,000,000 minimum coverage, per-incident, for all damage arising out of injury to or destruction of property.
- c) The City and County shall be expressly designated as additional insureds on each and every liability insurance policy maintained by the Operator.
- d) The Operator shall be solely responsible for the payment of all premiums, commissions, deductibles, and other expenses associated with the required liability insurance policies.

5-514 INSPECTION PREREQUISITE TO ISSUANCE. Before the issuance of any license, the Medical Director his or her designee shall inspect or cause to be inspected the ambulances, equipment, and premises designated in such application. No ambulance service license shall be issued until the Health Officer certifies to the City and the County that the applicant has complied with all state laws and regulations, local ordinances, and county resolutions relating to health, safety, sanitation, and emergency medical service. The licensee shall submit a copy of its annual State license update to the Health Officer.

5-515 RENEWAL OF LICENSE. At any time within ninety (90) days prior to the expiration of a license issued pursuant to this Article and at any time after any expiration, revocation, or surrender of a license issued pursuant to this Article, the Operator may apply for a license for an additional term not to exceed five (5) years, subject to all the provisions of this Article.

5-516 REVOCATION OF LICENSE; PROCEDURE. Any Operator may have its license revoked or suspended for violation of the provisions of this Article. A suspension or revocation must be a joint action of the governing bodies of the City and the County. Before any license is suspended or revoked, the Operator shall be given written notice, to the address stated in the application for a license, of the public hearing to be conducted on the proposed license revocation or suspension. Such written notice shall be mailed, postage pre-paid, at least ten (10) days prior to the public hearing and shall contain the

- proposed grounds for the revocation or suspension. The Operator may appear and present such relevant evidence as appropriate at the public hearing. The City and the County shall issue a written order on the proposed suspension or revocation within thirty (30) days of the public hearing. The Operator shall have the authority to continue to operate pursuant to the license pending the determination of the proposed revocation or suspension, unless the Medical Director determines that the continued operation would endanger public health and safety, in which case the Operator shall cease and desist from operation pending the determination of the City and County governing bodies on the proposed suspension or revocation.
- 5-517 VEHICLE SPECIFICATIONS. Each ambulance of the Operator shall meet the ambulance specifications promulgated by the EMS Board. No Operator shall acquire an ambulance for use in the County unless the ambulance complies with the required ambulance specifications for conforming ambulances.
- 5-518 VEHICLE EQUIPMENT. Every ambulance of the Operator shall be equipped at all times with that medical equipment required by the current EMS Board regulations to be carried in the ambulance except as may be specifically waived by the EMS Board. The Medical Director shall be notified of the application for any waiver presented, in advance of any presentment. The Medical Director shall recognize such waivers.
- 5-519 NUMBER OF OPERATION VEHICLES REQUIRED. No ambulance service shall provide Emergency Transport services within the City or County with less than seven (7) fully staffed and operational ambulances, all of which shall contain all required equipment and meet all of the requirements of this Article and the regulations promulgated by the EMS Board.

[Res. No. 25-04, Sec. 1]