

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING TABLE OF CONTENTS FOR CHAPTER 5.66, AND
SECTIONS 5.66.010, 5.66.020, 5.66.030, 5.66.040, 5.66.050, 5.66.060,
5.66.090, 5.66.110, 5.66.120, 5.66.130, 5.66.180, 5.66.195, 5.66.220,
5.66.230, AND 5.66.250 OF THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 5.66, Ambulances, Table of Contents is amended in part as follows.

“Chapter 5.66

Ambulances

Sections:

5.66.010 Definitions

5.66.020 Franchises/Permits

5.66.030 Franchise/Permit Fees

**5.66.040 Application for a franchise/permit or extension of a
franchise/permit.**

...

5.66.060 Grant or denial of franchise/permit; appeal of a permit.

...

5.66.090 Extension of franchises/permits.”

Section 2: Section 5.66.010 is amended to amend or include the following definitions.

“Section 5.66.010 Definitions.

...

“Franchisee” means any ambulance provider possessing a current franchise granted by the
Council to provide ambulance service **911 Originated Calls for service** within the City.

...

**“Permit” means any ambulance provider possessing a current permit granted by the
Administrator to provide non-emergency ambulance service within the City.”**

Section 3: Section 5.66.020, Franchises, is amended in part as follows.

“Section 5.66.020 Franchises/Permits.

A. Required. It shall be unlawful for any person, either as owner, agent or otherwise, to
operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in
the operation of ambulance services originating in the City, except in conformance with a

1 valid franchise to do so granted by the Council: **for 911 Originated Calls for service or a**
2 **valid permit to do so granted by the Administrator.**

3 B. Accreditation. It shall be unlawful to engage in the operation of ambulance services
4 originating in the City without current accreditation with the Commission on Accreditation of
5 Ambulance Services ("CAAS"). ~~This requirement may be waived if in the process of~~
6 ~~obtaining such accreditation prior to October 9, 2014 upon sufficient demonstration of~~
7 ~~submission of CAAS application, payment of CAAS application fee, and completion of 25%~~
8 ~~of the comprehensive self assessment required by CAAS provided that such accreditation is~~
9 ~~received within two years."~~

10 Section 4: Section 5.66.030, Franchises, is amended in its entirety as follows.

11 ~~Section 5.66.030 — Franchise fees.~~

12 ~~A franchise fee will be imposed for the granting or extension of a franchise hereunder as set~~
13 ~~by resolution of the Council. All franchisees shall also obtain business tax certificates~~
14 ~~pursuant to Chapter 5.04 of this Code.~~

15 **"Section 5.66.030 Franchise/Permit fees.**

16 **A franchise or permit fee will be imposed for the granting or extension of a franchise or**
17 **permit hereunder as set by resolution of the Council. All franchisees and permit holders**
18 **shall also obtain business tax certificates pursuant to Chapter 5.04 of this Code."**

19 Section 5: Section 5.66.040, Application for a franchise or extension of a franchise, is
20 amended in its entirety as follows.

21 ~~Section 5.66.040 Application for a franchise or extension of a franchise.~~

22 ~~A. Procedure and Information Required. Prerequisites to the granting of a franchise or an~~
23 ~~extended term of an existing franchise to an applicant shall include payment of a~~
24 ~~nonrefundable fee as set by resolution of the Council and the filing with the Administrator of~~
25 ~~an application in writing on a form to be furnished by the City, which shall provide, at a~~
26 ~~minimum, the following information:~~

27 ~~1. Name and description of applicant;~~

28 ~~2. Business address and residence address of record of the applicant;~~

~~3. Trade or firm name, or DBA as recorded;~~

~~4. If a corporation, a joint venture or a partnership or limited partnership, the names of all~~
~~corporate officers, joint venturers or partners, including limited partners, and their permanent~~
~~addresses and their percentage of participation in the business;~~

- 1 ~~5. A statement of facts by new applicants explaining the past experience of the applicant in~~
2 ~~the operation of an ambulance service, including the levels of service provided, and showing~~
3 ~~that the applicant is qualified to render efficient twenty four hour ambulance service;~~
- 4 ~~6. A photocopy of the license(s), if any, issued by the Commissioner of the California~~
5 ~~Highway Patrol to the applicant in accordance with § 2501, California Vehicle Code and~~
6 ~~Title 13, California Code of Regulations;~~
- 7 ~~7. The geographical operating area within the City for which the franchise is requested;~~
- 8 ~~8. The level or levels of service which the applicant proposes to provide;~~
- 9 ~~9. For new franchises, designation as to whether the applicant is seeking a 911 Originated~~
10 ~~Call Franchise or Medical Transport Franchise;~~
- 11 ~~10. A statement in initial and extension applications that the applicant owns or will have~~
12 ~~under his or her control all equipment required to conduct an ambulance service competently~~
13 ~~in the operating area for which the applicant is or proposes to be franchised, which meet the~~
14 ~~requirements established by the California Vehicle Code if applicable, and that the applicant~~
15 ~~owns or has access to suitable and safe facilities for maintaining his or her ambulance service~~
16 ~~in a clean, sanitary and mechanically sound condition;~~
- 17 ~~11. A list for initial and extension applications giving a complete description of each~~
18 ~~ambulance vehicle operated by the applicant, including the patient capacity thereof, which~~
19 ~~list shall be promptly amended as required from time to time for any changed, substituted,~~
20 ~~loaned or leased vehicles, and a copy of the most recent Ambulance Inspection Report, if~~
21 ~~any, issued by the California Highway Patrol for each vehicle;~~
- 22 ~~12. An affirmation for initial and extension applications that each licensed ambulance and its~~
23 ~~appurtenances conform to all applicable provisions of this Chapter, the California Vehicle~~
24 ~~Code, the California Code of Regulations, Federal Aviation Administration regulations, and~~
25 ~~any other applicable State or local directives;~~
- 26 ~~13. A statement for extension applications that the applicant employs sufficient personnel~~
27 ~~adequately trained and available to continue delivering ambulance services of good the~~
28 ~~applicant will employ sufficient personnel adequately trained and available to deliver~~
29 ~~ambulance services of good quality at all times in the operating area for which applied;~~
- 30 ~~14. A list identifying each ambulance employee and describing the level of training received~~
31 ~~by each ambulance employee, which list shall be amended as required from time to time for~~
32 ~~any personnel changes, and a copy of each certificate or license issued by the State, County,~~
33 ~~or local EMS Agency establishing qualifications of such personnel in ambulance operations~~
34 ~~shall be made available for review;~~
- 35 ~~15. A proposed schedule of any special rates to be charged by the applicant for ambulance~~
36 ~~services;~~
- 37 ~~16. A statement of facts and supporting evidence in initial applications that shows to the~~
38 ~~satisfaction of the Council that the granting of a franchise is in the public interest and that~~

1 there is a public need and necessity for a franchise to be granted in that there is a public need
2 and necessity for the type of ambulance service which can be legally provided by the
3 applicant and the service is not being provided and cannot or will not be provided by the
existing franchisee(s);

4 17. A statement signed by the applicant that as a condition of the Council's granting a
5 franchise, the applicant agrees to appear in and defend all actions against the City and
6 Council arising out of the exercise of the franchise, and shall indemnify, defend, and save the
7 City and its officers, employees and agents harmless of and from all claims, demands,
actions, or causes of action of every kind and description resulting directly or indirectly from,
arising out of, or in any way connected with, the granting or exercise of the franchise, unless
this would create a conflict of interest;

8 18. A statement signed by the applicant demonstrating that the applicant possesses the ability
9 and commitment to transport all patients in response to medical requests;

10 19. Verification of applicant's current accreditation with the Commission on Accreditation of
11 Ambulance Services ("CAAS") or, if in the process of obtaining such accreditation prior to
12 October 9, 2014, upon sufficient demonstration of submission of CAAS application, payment
13 of CAAS application fee, and completion of 25% of the comprehensive self-assessment
required by CAAS provided that such accreditation is received within two years; and

14 20. Such other facts or information as the Administrator may require.

15 **"Section 5.66.040 Application for a franchise/permit or extension of a franchise/permit.**

16 **A. Procedure and Information Required. Prerequisites to the granting of a**
17 **franchise or a permit or an extended term of an existing franchise or permit to an**
18 **applicant shall include payment of a nonrefundable fee as set by resolution of the**
19 **Council and the filing with the Administrator of an application in writing on a form to**
20 **be furnished by the City, which shall provide, at a minimum, the following information:**

21 **1. Name and description of applicant;**

22 **2. Business address and residence address of record of the applicant;**

23 **3. Trade or firm name, or DBA as recorded;**

24 **4. If a corporation, a joint venture or a partnership or limited partnership, the**
25 **names of all corporate officers, joint venturers or partners, including limited partners,**
26 **and their permanent addresses and their percentage of participation in the business;**

27 **5. A statement of facts by new applicants explaining the past experience of the**
28 **applicant in the operation of an ambulance service, including the levels of service**
provided, and showing that the applicant is qualified to render efficient twenty-four-
hour ambulance service;

1 6. A photocopy of the license(s), if any, issued by the Commissioner of the
2 California Highway Patrol to the applicant in accordance with § 2501, California
3 Vehicle Code and Title 13, California Code of Regulations;

4 7. The geographical operating area within the City for which the franchise is
5 requested;

6 8. The level or levels of service which the applicant proposes to provide;

7 9. For new franchises, designation as to whether the applicant is seeking a 911
8 Originated Call franchise or permit;

9 10. A statement in initial and extension applications that the applicant owns or
10 will have under his or her control all equipment required to conduct an ambulance
11 service competently in the operating area for which the applicant is or proposes to be
12 franchised/permitted, which meet the requirements established by the California
13 Vehicle Code if applicable, and that the applicant owns or has access to suitable and
14 safe facilities for maintaining his or her ambulance service in a clean, sanitary and
15 mechanically sound condition;

16 11. A list for initial and extension applications giving a complete description of
17 each ambulance vehicle operated by the applicant, including the patient capacity
18 thereof, which list shall be promptly amended as required from time to time for any
19 changed, substituted, loaned or leased vehicles, and a copy of the most recent
20 Ambulance Inspection Report, if any, issued by the California Highway Patrol for each
21 vehicle;

22 12. An affirmation for initial and extension applications that each licensed
23 ambulance and its appurtenances conform to all applicable provisions of this Chapter,
24 the California Vehicle Code, the California Code of Regulations, Federal Aviation
25 Administration regulations, and any other applicable State or local directives;

26 13. A statement for extension applications that the applicant employs sufficient
27 personnel adequately trained and available to continue delivering ambulance services of
28 good quality at all times in the applicant's operating area, and a statement for initial
29 applications that the applicant will employ sufficient personnel adequately trained and
30 available to deliver ambulance services of good quality at all times in the operating area
31 for which applied;

32 14. A list identifying each ambulance employee and describing the level of
33 training received by each ambulance employee, which list shall be amended as required
34 from time to time for any personnel changes, and a copy of each certificate or license
35 issued by the State, County, or local EMS Agency establishing qualifications of such
36 personnel in ambulance operations shall be made available for review;

37 15. A proposed schedule of any special rates to be charged by the applicant for
38 ambulance services;

1 16. A statement signed by the applicant that as a condition of the
2 Council's/Administrator's granting a franchise or permit, the applicant agrees to
3 appear in and defend all actions against the City and Council arising out of the exercise
4 of the franchise/permit, and shall indemnify, defend, and save the City and its officers,
5 employees and agents harmless of and from all claims, demands, actions, or causes of
6 action of every kind and description resulting directly or indirectly from, arising out of,
7 or in any way connected with, the granting or exercise of the franchise/permit, unless
8 this would create a conflict of interest;

9 17. A statement signed by the applicant demonstrating that the applicant
10 possesses the ability and commitment to transport all patients in response to medical
11 requests;

12 18. Verification of applicant's current accreditation with the Commission on
13 Accreditation of Ambulance Services ("CAAS")

14 19. Such other facts or information as the Administrator may require."

15 Section 6: Section 5.66.050, Processing of application, is amended in its entirety as follows.

16 **"Section 5.66.050 Processing of application.**

17 A. Upon receipt of a franchise an application and a nonrefundable fee as set by
18 resolution, the Administrator shall conduct an evaluation to determine if the public health,
19 safety, welfare, convenience, and necessity require the granting of a franchise for the
20 operating area and level of service for which the application has been made and shall further
21 determine if the applicant meets all requirements of this Chapter. The Administrator shall
22 consult with and, if possible, obtain the assessment of the application by the Health Officer
23 or the Local EMS Agency as part of his or her investigation. Within forty-five days after the
24 completion of his or her evaluation, the Administrator shall for a franchise, prepare and
25 issue a report to the Committee, present a copy to the applicant, and request that a meeting of
26 the Committee be called within fourteen days to consider the report and other testimony.
27 After due deliberation, the Committee shall make its recommendation to the Council on
28 whether to approve or deny the franchise application. For a permit, the Administrator
shall determine if the applicant has met all the requirements of this Chapter, and if so,
issue a permit according to the procedures set forth in this Chapter."

Section 7. Section 5.66.060, Grant or denial of franchise, is amended in its entirety as follows.

Section 5.66.060 Grant or denial of franchise.

A. ~~The Council may initiate proceedings under the City Charter to grant an ambulance service franchise for a period of up to five years upon finding at the conclusion of a public hearing on the application that the applicant has demonstrated that the public health, safety, welfare, convenience, and necessity require the granting of the franchise for the operating area and level of service for which the application has been made and that the applicant meets all requirements of this Chapter. The Council shall consider: whether the public is already being adequately served; the financial responsibility of the applicant; the number,~~

1 kind and type of equipment proposed for use; the schedule of rates proposed to be charged;
2 and such other factors as the Council considers relevant. At the hearing the applicant shall
3 have the burden of proof to present facts necessary to support the Council's findings. No
4 franchise shall be granted by the Council unless and until the Council has determined that the
5 public health, safety, welfare, convenience, and necessity require the granting of the
6 franchise and that the applicant has followed the franchise procedures set forth in this
7 Chapter and the City Charter.

8 B. ~~Whenever an application is filed under the provisions of this Chapter for a franchise~~
9 ~~to provide ambulance services where such services are already being provided under an~~
10 ~~existing franchise or franchises, the Council, after due investigation, may find and determine,~~
11 ~~as a matter of fact, that the applicant has failed to demonstrate that there exists sufficient~~
12 ~~potential need and necessity for additional ambulance service to justify the granting of~~
13 ~~another franchise. Predicated on such findings, the Council must deny the application on the~~
14 ~~grounds and findings that the granting of another franchise would not be in the public interest~~
15 ~~and welfare.~~

16 C. ~~Public convenience and necessity requiring the granting of a franchise exists where~~
17 ~~there is a demonstrated community need in light of the surrounding circumstances, including~~
18 ~~needfulness in the present and what is expected in the future. Evidence to support a finding~~
19 ~~that public convenience and necessity require the granting of a franchise includes, but is not~~
20 ~~limited, to the following:~~

- 21 1. ~~the ability of the applicant to adequately perform the service;~~
- 22 2. ~~the adequacy of the services being provided by existing franchisee(s) compared to the~~
23 ~~needs of the residents and the services to be offered by the applicant;~~
- 24 3. ~~the potential growth and development of the area to be served;~~
- 25 4. ~~the scope of service to be afforded by the applicant;~~
- 26 5. ~~the capability to transport patients regardless of ability to pay;~~
- 27 6. ~~the capability of the existing franchisee(s) to handle potential growth of the area;~~
- 28 7. ~~the potential to negatively impact the overall system of providing the efficient~~
~~delivery of ambulance services in the City;~~
- 1 8. ~~any other factor deemed relevant by the Administrator or Council; and~~
- 2 9. ~~the recommendation of the Administrator as to whether there is a need for an~~
3 ~~additional franchise in the City;~~

4 D. ~~The Council may deny a franchise application or revoke an existing franchise if the~~
5 ~~applicant or franchisee or any partner, officer, or director thereof:~~

- 6 1. ~~Was previously the holder of a franchise granted by the Council which was revoked~~
7 ~~or not extended and the circumstances upon which the revocation or nonextension~~
8 ~~was based have not been corrected;~~
- 9 2. ~~Is committing or has committed any act, which, if committed by any franchisee,~~
10 ~~would be grounds for the suspension or revocation of that franchisee's franchise;~~
- 11 3. ~~Has committed any act involving dishonesty, fraud, or deceit whereby another person~~
12 ~~was injured or the applicant has unjustly benefited;~~
- 13 4. ~~Has provided or is providing ambulance service within the City without having a~~
14 ~~franchise therefor as required by this Chapter; or~~

1 5. ~~Has entered a plea of guilty to, been found guilty of, or been convicted of a felony, or~~
2 ~~a crime involving moral turpitude, and the time for appeal has elapsed or the~~
3 ~~judgment of conviction has been affirmed on appeal, irrespective of any order~~
4 ~~granting probation following such conviction or suspending the imposition of~~
5 ~~sentence, or of a subsequent order under the provisions of § 1203.4 of the Penal Code~~
6 ~~allowing such person to withdraw his or her plea of guilty and to enter a plea of not~~
7 ~~guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or~~
8 ~~information.~~

9 E. ~~Liability Insurance.~~

- 10 1. ~~Every franchisee shall obtain and keep in force during the term of the franchise~~
11 ~~comprehensive general liability insurance issued by a company authorized to conduct~~
12 ~~insurance business in the State of California which insures the franchisee and names~~
13 ~~the City as an additional insured against loss by reason of injury or damage that may~~
14 ~~result to persons, patients or property from negligent operation or defective~~
15 ~~maintenance of the franchisee's ambulances, negligent acts or omissions of the~~
16 ~~franchisee's employees in the performance of their duties, and negligent violation of~~
17 ~~this Chapter, local EMS Agency protocols or any other law of the State of California~~
18 ~~or the United States pertaining to ambulance operations. The liability insurance policy~~
19 ~~shall be in the amount determined by City's Risk Manager for personal injury to or~~
20 ~~death of any one person or destruction of property in any one accident. The franchisee~~
21 ~~shall also obtain and keep in force Workers' Compensation insurance covering all~~
22 ~~employees of the franchisee. Before the Council grants a franchise, copies of the~~
23 ~~policies, or certificates and endorsements confirming the existence of such policies,~~
24 ~~shall be filed with the City Attorney. All policies shall contain a provision requiring~~
25 ~~that a thirty day written notice be given to the Administrator prior to cancellation,~~
26 ~~modification, or reduction in limits.~~
27 2. ~~Public ambulance providers shall show evidence of liability protection in the form of~~
28 ~~copies of insurance policies, official action of their governing body or other legal~~
documents.
3. ~~The failure to obtain, maintain or keep in force at all times the insurance required in~~
this subsection shall be cause for Council suspension or revocation of a franchise.

“Section 5.66.060 Grant or denial of franchise/permit; appeal of a permit.”

A. For a franchise, the Council may initiate proceedings under the City Charter and this Municipal Code to grant an ambulance service franchise for a period of up to five years. The Council shall consider: the financial responsibility of the applicant; the number, kind and type of equipment proposed for use; the schedule of rates proposed to be charged; and such other factors as the Council considers relevant. At the hearing the applicant shall have the burden of proof to present facts necessary to support the Council's findings. No franchise shall be granted by the Council unless and until the Council has determined applicant has followed the franchise procedures set forth in this Chapter and the City Charter.

B. For a permit, the Administrator may issue a permit under this Municipal Code for a period of up to five years. The Administrator shall consider: the financial responsibility of the applicant; the number, kind and type of equipment proposed for

1 use; the schedule of rates proposed to be charged; and such other factors as the
2 Administrator considers relevant. The applicant shall have the burden of proof to
3 present facts necessary to support the Administrator's findings. No permit shall be
4 granted by the Administrator unless and until the Administrator has determined
5 applicant has followed the franchise procedures set forth in this Municipal Code.

6 C. The Council or Administrator, as per their respective duties above, may
7 deny a franchise or permit application or revoke or suspend an existing franchise or
8 permit if the applicant or franchisee or permit holder or any partner, officer, or
9 director thereof:

10 1. Was previously the holder of a franchise or permit granted by the
11 Council or Administrator which was revoked or not extended and the
12 circumstances upon which the revocation or non-extension was based have not
13 been corrected;

14 2. Is committing or has committed any act, which, if committed by any
15 franchisee or permit holder, would be grounds for the suspension or revocation
16 of that franchisee's franchise or permit holder's permit;

17 3. Has committed any act involving dishonesty, fraud, or deceit whereby
18 another person was injured or the applicant has unjustly benefited;

19 4. Has provided or is providing ambulance service within the City
20 without having a franchise or permit therefor as required by this Chapter; or

21 5. Has entered a plea of guilty to, been found guilty of, or been convicted
22 of a felony, or a crime involving moral turpitude, and the time for appeal has
23 elapsed or the judgment of conviction has been affirmed on appeal, irrespective
24 of any order granting probation following such conviction or suspending the
25 imposition of sentence, or of a subsequent order under the provisions of § 1203.4
26 of the Penal Code allowing such person to withdraw his or her plea of guilty and
27 to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or
28 dismissing the accusation or information.

D. Appeal. Any applicant under this chapter who has been denied a permit
or who has had his, her or its permit revoked or suspended, may, within fifteen (15)
days of notification of the denial or revocation or suspension of such permit, pay a
nonrefundable fee as set by resolution and file an appeal in writing with the City Clerk.
The applicant shall set forth in writing the grounds for the appeal. The City Clerk shall
set a time not less than thirty (30) but no more than sixty (60) days thereafter for the
hearing of the appeal before the Public Safety Committee of the City Council, and shall
give notice to the applicant or permit holder of the time set for hearing at least ten (10)
days before the date of such hearing, by mail, at the address set out in such application
or permit. At the time set for hearing of such appeal, the Public Safety Committee shall
receive from the Administrator and the applicant or permit holder information
regarding the denial or revocation or suspension of the permit. The Public Safety
Committee shall make a determination whether to uphold or reverse the denial or

1 revocation or suspension. The determination of the Public Safety Committee shall be a
2 final determination of the matter.

3 E. Liability Insurance.

4 1. Every franchisee/permit holder shall obtain and keep in force during
5 the term of the franchise/permit comprehensive general liability insurance
6 issued by a company authorized to conduct insurance business in the State of
7 California which insures the franchisee and names the City as an additional
8 insured against loss by reason of injury or damage that may result to persons,
9 patients or property from negligent operation or defective maintenance of the
10 franchisee's ambulances, negligent acts or omissions of the franchisee's
11 employees in the performance of their duties, and negligent violation of this
12 Chapter, local EMS Agency protocols or any other law of the State of California
13 or the United States pertaining to ambulance operations. The liability insurance
14 policy shall be in the amount determined by City's Risk Manager for personal
15 injury to or death of any one person or destruction of property in any one
16 accident. The franchisee/permit holder shall also obtain and keep in force
17 Workers' Compensation insurance covering all employees of the franchisee.
18 Before the Council/Administrator grants a franchise/permit, copies of the
19 policies, or certificates and endorsements confirming the existence of such
20 policies, shall be filed with the City's Risk Manager. All policies shall contain a
21 provision requiring that a thirty-day written notice be given to the
22 Administrator prior to cancellation, modification, or reduction in limits.

23 2. Public ambulance providers shall show evidence of liability protection
24 in the form of copies of insurance policies, official action of their governing body
25 or other legal documents.

26 3. The failure to obtain, maintain or keep in force at all times the
27 insurance required in this subsection shall be cause for Council/Administrator
28 suspension or revocation of a franchise/permit."

Section 8. Section 5.66.090, Extension of franchise, is amended in part as follows.

"Section 5.66.090 Extension of franchise/permits.

Subject to the maximum term limitation of the City Charter, franchises/permits may be extended by the Council for a period of up to three years upon application of the franchisee/permit holder if the franchisee/permit holder proposes no substantial change in the content of the franchise ordinance or the permit, and if the Council/Administrator determines that the franchisee/permit holder has during the period of the franchise/permit operated in conformity with the provisions of this Chapter, the franchise ordinance or the permit, the ~~operative~~ operational agreement and the rules and regulations of the City, and that the franchisee/permit holder is capable of continuing operation in conformity with the rules and regulations of the City."

1 Section 9. Section 5.66.110, Suspension, conditional operation, and temporary variance, is
2 amended in part as follows.

3 **“Section 5.66.110 Suspension, conditional operation, and temporary variance.**

4 A. In the event of any interruption of service, or any substantial change in the
5 ambulance service, which causes, or threatens to cause, the ambulance service to be operated
6 differently from the terms and conditions specified in its franchise, the franchisee shall notify
7 the Administrator immediately in writing, stating the facts of such change and steps
8 undertaken to cure it.

9 . . .

10 **D. Suspension. In the event that a permit holder is suspended, the company**
11 **will not be able to provide services until all aspects of the municipal code and their**
12 **contract are met. There will be no financial fees associated with a suspension. The fees**
13 **already paid will be prorated when the company resumes services.**

14 **E. Revocation. A permit holder whose contract is revoked will be granted**
15 **ten (10) business days to conclude any outstanding contracts with patients or facilities**
16 **in the City of Riverside. All fees paid to the City will not be refunded. The company**
17 **may not apply for a new permit for a minimum of one year.**

18 **F. Amendment. A permit holder whose contract has been amended must**
19 **meet all terms and conditions of the amendment. If the permit holder does not meet the**
20 **amended terms and conditions, the permit will be revoked.”**

21 Section 10. Section 5.66.120, Service requirements, is amended in part as follows.

22 **“Section 5.66.120 Service requirements.**

23 A. Each franchisee/**permit holder** shall provide ambulance services (of the level
24 or levels specified in the franchise **permit holder**) on a continuous twenty-four hours per day
25 basis, excluding acts of God or labor disputes. If for any reason a franchisee/**permit holder**
26 stops providing the prescribed level or levels of service on a continuous twenty-four hours
27 per day basis, the franchisee shall immediately stop any and all advertisement as a provider
28 of the services which have been discontinued and immediately notify the Administrator.

29 B. The continuous service requirement does not apply to holders of “special
30 events” franchises **permits.**”

31 Section 11. Section 5.66.130, Conformance with operating areas, is amended in part as
32 follows.

33 **“Section 5.66.130 Conformance with operating areas.**

34 A. No franchisee shall, but for the exceptions below, provide EMS for ambulance
35 calls originating within the City but outside the territorial limits fixed in ~~his or her~~ **his, her,**
36 **or its** franchise.

1 B. Exceptions. A franchisee may provide EMS for ambulance calls originating
2 within the City but outside the territorial limits fixed in his or her franchise under the
3 following circumstances:

...

4 3. Upon request to provide medically required specialized transportation services not
5 immediately available for a patient in another operating area if such specialized
6 services have heretofore been approved ~~in accordance with Section 5.66.260~~ **by the**
Administrator."

7 Section 12. Section 5.66.180, Ambulance rates, is amended in part as follows.

8 **"Section 5.66.180 Ambulance rates.**

9 A. No ambulance service shall charge more for its services than the rates and
10 charges approved by the City. Rates and charges are initially set by Council resolution.

...

11 C. The Administrator at the time of any rate adjustment proposal may request an
12 audit of books and records of a franchisee/**permit holder** for the purpose of verifying
13 revenue and cost data. Such an audit shall be carried out by a person selected by the
14 franchisee/**permit holder** and approved by the Administrator. If the Administrator and
15 franchisee/**permit holder** cannot agree on a person to perform the audit, then the audit shall
16 be carried out by a Certified Public Accountant selected by the ~~Council~~ **Administrator**. If
17 there is any charge, cost or fee for such an audit, such shall be paid by the franchisee/**permit**
holder. The ~~Council~~ **Administrator** may deny any adjustment if an audit is requested and
18 not produced or if a produced audit does not support any need for a rate change. Every audit
19 shall be done promptly, and within thirty days of the time it is requested so that there should
20 be no undue delay."

...

21 Section 13. Section 5.66.195, Permit for ambulances, is amended in part as follows.

22 **"Section 5.66.195 Permit for ambulances.**

23 A. Each franchisee **permit holder** shall annually submit for inspection to the
24 Administrator 50% of its fleet of ambulances operating in the City such that all
25 ambulances of a franchisee operating in the City are inspected on a biannual basis."

...

26 Section 14. Section 5.66.220, Mutual aid requirements, is amended in part as follows.

27 **"Section 5.66.220 Mutual aid requirements.**

28 **A.**—Whenever the Health Officer determines that ambulance resources within the City are
inadequate to respond to a City emergency/disaster, a request for emergency ambulance
mutual aid may be made by him or her to any other County Health Officer within any County
of the State or adjoining states. Whenever the Health Officer receives a request involving

1 emergency ambulance mutual aid from any other County Health Officer, such resources may
2 be provided as are available.

3 **B.A.** Where a franchisee needs additional equipment or personnel beyond that which
4 it is usually able to supply, the franchisee shall contact the Health Officer and request his or
5 her assistance to obtain such additional resources from adjacent area providers within the
6 County.

7 **C.B.** Whenever the Health Officer or his designee determines that ambulance
8 resources within the City are inadequate or nonexistent because a franchisee has either been
9 suspended, revoked or not extended, then the Health Officer or Administrator may order
10 another ambulance service to provide service in the City until a permean provider can be
11 selected by the Council.”

12 Section 15. Section 5.66.230, User complaint procedures is amended in part as follows.

13 **“Section 5.66.230 User complaint procedures.**

14 Any person or patient who has received services from an ambulance service and who
15 contends that he or she has been required to pay an excessive charge for service or that he or
16 she has received unsatisfactory service may file a written complaint with the Administrator
17 setting forth such allegations and the facts upon which they are based. The Administrator
18 shall notify the franchisee of the details of such complaint, and shall investigate the matter in
19 cooperation with the Local EMS Agency to determine the validity of the complaint. If the
20 complaint is determined to be valid, the Administrator shall take reasonable and proper
21 actions to secure compliance with the conditions of this Chapter and the franchisee’s
22 franchise **and/or permit holder’s permit.**”

23 Section 16. Section 5.66.250, Public hearing procedure for suspensions and revocations is
24 amended in part as follows.

25 **“Section 5.66.250 Public hearing procedure for suspensions and revocations.**

26 A. Applicability of this Hearing Procedure. The following administrative hearing
27 procedure shall be applied in any hearing pertaining to the suspension, revocation, or denial
28 of extension of a franchise to engage in an ambulance service. ~~as referenced in Sections~~
~~5.66.090 and 5.66.100.~~ The hearing procedure set forth in the City Charter shall apply to the
granting of a franchise.

B. Hearing. The hearing shall be conducted by the Council pursuant to this
Chapter.

C. Notice. At least ten days written notice of the hearing shall be given to the
franchisee prior to the hearing date. The hearing date may be postponed or continued by the
Council for cause. If the franchisee does not respond or appear, no further hearing procedure
shall be required.

D. Hearing Procedures. Witnesses shall swear or affirm to tell the truth.

Following introduction by the Administrator of the subject matter and issues to be resolved, the franchisee shall present ~~his or her~~ **his, her or its** case first, then the Administrator and City staff, with oral testimony and documentary evidence or other exhibits. Each party shall have the right to be represented by counsel.”

• • •

Section 17: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 18: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2016.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

///

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2016, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 2016,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10
11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this _____ day of _____, 2016.

13
14 _____
15 Colleen J. Nicol
16 City Clerk of the City of Riverside
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27 O:\Cycom\WPDocs\D002\P018\00230974.DOCX
28 CA: 15-0342