

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 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 valid
2 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
Ambulance Services ("CAAS").

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

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

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

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

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

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

- 16 1. Name and description of applicant;
- 17 2. Business address and residence address of record of the applicant;
- 18 3. Trade or firm name, or DBA as recorded;
- 19 4. If a corporation, a joint venture or a partnership or limited partnership, the names
20 of all corporate officers, joint venturers or partners, including limited partners, and their
21 permanent addresses and their percentage of participation in the business;
- 22 5. A statement of facts by new applicants explaining the past experience of the
23 applicant in the operation of an ambulance service, including the levels of service provided,
24 and showing that the applicant is qualified to render efficient twenty-four-hour ambulance
service;
- 25 6. A photocopy of the license(s), if any, issued by the Commissioner of the
26 California Highway Patrol to the applicant in accordance with § 2501, California Vehicle
Code and Title 13, California Code of Regulations;
- 27 7. The geographical operating area within the City for which the franchise is
28 requested;

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

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

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

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

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

20 13. A statement for extension applications that the applicant employs sufficient
21 personnel adequately trained and available to continue delivering ambulance services of good
22 quality at all times in the applicant's operating area, and a statement for initial applications
23 that the applicant will employ sufficient personnel adequately trained and available to deliver
24 ambulance services of good quality at all times in the operating area for which applied;

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

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

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

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

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

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

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

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

8 A. Upon receipt of an application and a nonrefundable fee as set by resolution, the
9 Administrator shall conduct an evaluation to determine if the applicant meets all
10 requirements of this Chapter. The Administrator shall consult with and, if possible, obtain the
11 assessment of the application by the Health Officer or the Local EMS Agency as part of his
12 or her investigation. Within forty-five days after the completion of his or her evaluation, the
13 Administrator shall for a franchise, prepare and issue a report to the Committee, present a
14 copy to the applicant, and request that a meeting of the Committee be called within fourteen
15 days to consider the report and other testimony. After due deliberation, the Committee shall
16 make its recommendation to the Council on whether to approve or deny the franchise
17 application. For a permit, the Administrator shall determine if the applicant has met all the
18 requirements of this Chapter, and if so, issue a permit according to the procedures set forth in
19 this Chapter."

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

22 **"Section 5.66.060 Grant or denial of franchise/permit; appeal of a permit.**

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

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

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

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

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

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

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

22 D. Appeal. Any applicant under this chapter who has been denied a permit or
23 who has had his, her or its permit revoked or suspended, may, within fifteen (15) days of
24 notification of the denial or revocation or suspension of such permit, pay a nonrefundable fee
25 as set by resolution and file an appeal in writing with the City Clerk. The applicant shall set
26 forth in writing the grounds for the appeal. The City Clerk shall set a time not less than thirty
27 (30) but no more than sixty (60) days thereafter for the hearing of the appeal before the
28 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 revocation or suspension. The determination of the Public Safety Committee shall
be a final determination of the matter.

25 E. Liability Insurance.

26 1. Every franchisee/permit holder shall obtain and keep in force during the
27 term of the franchise/permit comprehensive general liability insurance issued by a
28 company authorized to conduct insurance business in the State of California which
insures the franchisee and names the City as an additional insured against loss by
reason of injury or damage that may result to persons, patients or property from
negligent operation or defective maintenance of the franchisee's ambulances,

negligent acts or omissions of the franchisee's employees in the performance of their duties, and negligent violation of this Chapter, local EMS Agency protocols or any other law of the State of California or the United States pertaining to ambulance operations. The liability insurance policy shall be in the amount determined by City's Risk Manager for personal injury to or death of any one person or destruction of property in any one accident. The franchisee/permit holder shall also obtain and keep in force Workers' Compensation insurance covering all employees of the franchisee. Before the Council/Administrator grants a franchise/permit, copies of the policies, or certificates and endorsements confirming the existence of such policies, shall be filed with the City's Risk Manager. All policies shall contain a provision requiring that a thirty-day written notice be given to the Administrator prior to cancellation, modification, or reduction in limits.

2. Public ambulance providers shall show evidence of liability protection in the form of 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/Administrator 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 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.”

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

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

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

...

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

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

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

9 Section 10. Section 5.66.120, Service requirements, is amended in its entirety as follows.

10 **“Section 5.66.120 Service requirements.**

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

16 B. The continuous service requirement does not apply to holders of “special
events” permits.”

17 Section 11. Section 5.66.130, Conformance with operating areas, is amended in part as
18 follows.

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

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

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

25 ...

26 3. Upon request to provide medically required specialized transportation services
27 not immediately available for a patient in another operating area if such specialized
28 services have heretofore been approved by the Administrator.”

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

2 **“Section 5.66.180 Ambulance rates.**

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

5 ...

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

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

17 **“Section 5.66.195 Permit for ambulances.**

18 A. Each permit holder shall annually submit for inspection to the Administrator 50% of
19 its fleet of ambulances operating in the City such that all ambulances of a franchisee
20 operating in the City are inspected on a biannual basis.”

21 ...

22 Section 14. Section 5.66.220, Mutual aid requirements, is amended in its entirety as follows.

23 **“Section 5.66.220 Mutual aid requirements.**

24 Whenever the Health Officer determines that ambulance resources within the City are
25 inadequate to respond to a City emergency/disaster, a request for emergency ambulance
26 mutual aid may be made by him or her to any other County Health Officer within any County
27 of the State or adjoining states. Whenever the Health Officer receives a request involving
28 emergency ambulance mutual aid from any other County Health Officer, such resources may
29 be provided as are available.

30 A. Where a franchisee needs additional equipment or personnel beyond that
31 which it is usually able to supply, the franchisee shall contact the Health Officer and request
32 his or her assistance to obtain such additional resources from adjacent area providers within
33 the County.

34 B. Whenever the Health Officer or his designee determines that ambulance
35 resources within the City are inadequate or nonexistent because a franchisee has either been
36 suspended, revoked or not extended, then the Health Officer or Administrator may order
37 another ambulance service to provide service in the City until a permeant provider can be
38 selected by the Council.”

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

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

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

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

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

15 A. Applicability of this Hearing Procedure. The following administrative hearing
16 procedure shall be applied in any hearing pertaining to the suspension, revocation, or denial
17 of extension of a franchise to engage in an ambulance service. The hearing procedure set
18 forth in the City Charter shall apply to the granting of a franchise.

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

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

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

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

30 ...

31 Section 17: The City Council has reviewed the matter and, based upon the facts and
32 information contained in the staff reports, administrative record, and written and oral testimony,
33 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
34 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title

1 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
2 in the environment nor have a significant impact on the environment.

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

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

8
9 _____
10 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

11 Attest:

12 _____
13 COLLEEN J. NICOL
City Clerk of the City of Riverside

14 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
15 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
16 _____ day of _____, 2016, and that thereafter the said ordinance was duly and
17 regularly adopted at a meeting of the City Council on the _____ day of _____, 2016,
18 by the following vote, to wit:

19 Ayes:

20
21 Noes:

22 Absent:

23 Abstain:

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

26
27 _____
28 Colleen J. Nicol
City Clerk of the City of Riverside

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