

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
MAY 5, 2009
NEW TIME - 9:00 A.M. - NEW TIME**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2009-16 - Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Sponsored by: Step Requirement
4. Bill No. 2009-17 – Updates Municipal Code standards and requirements for ambulance services provided by means of franchise. Proposed by: Candace Falder, Acting Director of Finance and Business Services
5. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
6. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 5, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 5, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 5, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-16 - Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$252,402.00

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

The District provides annual funding for the general maintenance of the Fremont Street Pedestrian Improvements. The property owners will be billed in four (4) quarterly installments each year for the actual cost of maintenance based on contractor bids. The cost of the SID is estimated to be \$252,402.00. The maintenance of the pedestrian improvement project is funded 100% by the property owners through this SID.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2009-16

BILL NO. 2009-16

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A COMMERCIAL AREA VITALIZATION PROJECT; ASSESSING THE COST OF THE PROJECT AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (the “City Council” and “City,” respectively) in the County of Clark and State of Nevada (the “State”), has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) (the “District”), for the purpose of acquiring, improving and maintaining a Commercial Area Vitalization Project (the “Project”), as defined in Nevada Revised Statutes (“NRS”) 271.063, and has provided that the cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of NRS Chapter 271; and

WHEREAS, the City Council has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Project; and

WHEREAS, in accordance with NRS 271.360 and 271.377, the City Council has heretofore determined, and does hereby declare, that the net cost of the Project (including all necessary incidentals which either have been or will be incurred in connection with the District)

is \$252,402.00, of which \$0 is available from other sources and \$252,402.00 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Project; and

WHEREAS, the City Council, by resolution heretofore adopted, directed the City's Director of Public Works, together with the City Engineer Division of the City and certain consulting engineers (collectively, the "City Engineer") to make out a final assessment roll for the District; and

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the City Engineer made out a final assessment roll for the District containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has filed the final assessment roll with the City Clerk of the City (the "City Clerk"); and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 1, 2009, at 9:00 a.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Project, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Project should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, April 1, 2009, at 9:00 a.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll for the District to be filed in the records of the office of the City Clerk on March 4, 2009. The City Clerk, by

publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1516 Assessment Protest Resolution; and

WHEREAS, by the District No. 1516 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1516 Levy Ordinance" (the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District and the Project is without sufficient merit and the same be, and hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1516 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for

those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 4, 2009, and as modified and confirmed by the District No. 1516 Assessment Protest Resolution duly adopted by the City Council on April 15, 2009.

Section 5. The assessments shall be due and payable at the office of the City Treasurer in four (4) substantially equal quarterly installments of principal until paid in full, without interest, principal on such assessments being payable quarterly on July 1, 2009, October 1, 2009, January 1, 2010 and April 1, 2010. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any quarterly installment of the unpaid principal of such owner's assessment.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be

postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expire; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. May 24, 2009) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Treasurer may apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at the direction of the City Council, from collecting any assessment by suit in the name of the City Council. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll for the District containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the Clark County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such

notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF
ASSESSMENTS FOR IMPROVEMENTS IN CITY OF LAS
VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT
NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT
(LAS VEGAS BOULEVARD TO 8TH STREET).

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1516 Levy Ordinance (the "Levy Ordinance") was duly passed, adopted, signed and approved by the City Council of the City of Las Vegas on May 20, 2009. The Levy Ordinance levied and assessed a portion of the cost and expense of certain local improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the Levy Ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, in four (4) substantially equal quarterly installments of principal until paid in full, without interest, principal on such assessments being payable quarterly on July 1, 2009, October 1, 2009, January 1, 2010 and April 1, 2010. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the

option of such owner), pay the whole or any quarterly installment of the unpaid principal of such owner's assessment.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expires; (c) the property owner's application for renewal of a Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 of the Levy Ordinance.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 24, 2009 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this May 20, 2009.

Beverly K. Bridges, CMC, City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District and the issuance of the bonds therefor.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. In accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 20, 2009, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A COMMERCIAL AREA VITALIZATION PROJECT; ASSESSING THE COST OF THE PROJECT AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 15th day of April, 2009, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 20th day of May, 2009.

/s/ Beverly K. Bridges, CMC
City Clerk

(End of Form)

Section 15. This Ordinance shall be in effect on the day after its publication, as provided in this Ordinance. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A COMMERCIAL AREA VITALIZATION PROJECT; ASSESSING THE COST OF THE PROJECT AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 15, 2009, and was passed at a regular meeting held on May 20, 2009, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
David W. Steinman

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after May 24, 2009, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada,
has caused this Ordinance to be published by title only.

This 20th day of May, 2009.

/s/ OSCAR B. GOODMAN

Mayor

City of Las Vegas, Nevada

(SEAL)

Attest:

/s/ BEVERLY K. BRIDGES, CMC

City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

INTRODUCED APRIL 15, 2009, PASSED, ADOPTED AND APPROVED
MAY 20, 2009.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC, City Clerk

Approved as to Form:

3/31/09

Date

Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, CMC, the duly chosen, qualified City Clerk of the City of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council of the City (the "City Council") on April 15, 2009 and finally adopted and approved on May 20, 2009.

2. The following members of the City Council were present at the April 15, 2009 meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	David W. Steinman

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 15, 2009, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 20, 2009, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the May 20, 2009 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye: Oscar B. Goodman
Gary Reese
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
David W. Steinman

Those Voting Nay: _____

Those Absent: _____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on April 15, 2009 and May 20, 2009. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada
- (vi) The City of Las Vegas website

and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on April 15, 2009, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 20, 2009, is attached to this certificate as Exhibit B.

7. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

8. Upon request, the City Council provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the City Council for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this May 20, 2009.

Beverly K. Bridges, CMC, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of April 15, 2009 Meeting)

EXHIBIT B

(Attach Copy of Notice of May 20, 2009 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Filing of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 5, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-17 – Updates Municipal Code standards and requirements for ambulance services provided by means of franchise. Proposed by: Candace Falder, Acting Director of Finance and Business Services

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update Municipal Code standards and requirements for ambulance services provided by means of franchise. The update represents a cooperative effort among local jurisdictions and franchisees. The changes of note include the adoption of an ambulance replacement standard and a number of adjustments to ambulance response time standards, penalties for noncompliance and penalty waivers.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-17
2. Business Impact Statement

1 **BILL NO. 2009-17**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO UPDATE MUNICIPAL CODE STANDARDS AND REQUIREMENTS FOR**
4 **AMBULANCE SERVICES PROVIDED BY MEANS OF FRANCHISE, AND TO PROVIDE FOR**
5 **OTHER RELATED MATTERS.**

5 Proposed by: Candace Falder, Acting Director
6 of Finance and Business Services

Summary: Updates Municipal Code standards
and requirements for ambulance services
provided by means of franchise.

7 **THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN**
8 **AS FOLLOWS:**

9 **SECTION 1:** Title 6, Chapter 8, Section 20 of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.08.020:** As used in this Chapter, unless the context otherwise requires, the words and terms
12 defined in this Section have the meanings ascribed to them herein, as follows:

13 “Administrative Oversight Committee” or “AOC” means the committee established by the Interlocal
14 Agreement for Ambulance Service Regulation adopted by the County, the City of Las Vegas and the
15 City of North Las Vegas on [July 18, 2001;] January 1, 2006, as it may be amended or renewed from
16 time to time, and its successors; or the City if the AOC is terminated or if the City withdraws its
17 participation in the interlocal agreement.

18 “Advanced life support” or “ALS,” whether used alone or as a modifier of other nouns, has the same
19 meaning as the definition of that term in the Code of Federal Regulations (42 CFR 414.605), as may
20 be amended. Likewise, the terms “ALS1” and “ALS2” have the same meanings as the definitions of
21 those terms in 42 CFR 414.605, as may be amended.

22 “Air ambulance” means an aircraft, both fixed wing and rotary wing aircraft, especially designed,
23 constructed, modified or equipped to be used for the transportation of injured or sick persons. “Air
24 ambulance” does not include any commercial aircraft carrying passengers on regularly scheduled
25 flights.

26 “Ambulance” means a motor vehicle which is specially designed, constructed, equipped and staffed
27 to provide basic, intermediate or advanced care for one or more:

28 (1) Sick or injured persons; or

1 (2) Persons whose medical condition may require special observation during
2 transportation.

3 For the purposes of this Chapter, the term “ambulance” specifically excludes nonmedically supervised
4 patient transports and special event medical service transports.

5 “Ambulance service” means the emergency medical care and transport, the non-emergency medical
6 care and transport service, including inter-facility ambulance transport service, or both, which are
7 provided to patients utilizing an ambulance with appropriately licensed personnel. The term
8 “ambulance service” does not include the use of vehicles for nonmedically supervised patient transport
9 service, air ambulance service or special event medical service transports.

10 “Applicant” means a person who submits a completed application for a franchise as set forth in this
11 Chapter.

12 “Application” means all written documentation, statements, representations and warranties provided
13 to the City by an applicant, in accordance with this Chapter, to be relied upon by the City Council in
14 making its determination of whether to grant or withhold a franchise.

15 “Automatic Vehicle Locator,” “AVL/GPS” or “AVL” means the automated system used to track or
16 determine the physical location of ambulance vehicles through a Global Positioning System (GPS),
17 on a computerized mapping system that is integrated with the Fire Alarm Office.

18 “AVL/GPS data reports” means Global Positioning System (GPS) data that a franchisee may use to
19 report that it was “on scene,” thereby providing a means to calculate an official response time.

20 “Basic life support” or “BLS” has the same meaning as the definition of that term in the Code of
21 Federal Regulations (42 CFR 414.605), as may be amended.

22 “City” means the City of Las Vegas, Nevada.

23 “City Council” means the governing body of the City.

24 “City Manager” means the City Manager appointed by the City Council to perform such
25 administrative functions of the City government as may be required of him or her by the City Council,
26 or his or her designee.

27 “Computer-aided dispatch” or “CAD” means dispatching of emergency vehicles through the computer
28 technology to calls for service.

1 “CPI-MCS” means the Consumer Price Index (CPI) for all Urban Consumers: U. S. City Average,
2 Series CUUR0000SAM2, Medical Care Services, as published by the U. S. Department of Labor,
3 Bureau of Labor Statistics, Washington, D.C.

4 “Critical care transport” (CCT) or “specialty care transport” (SCT) both have the same meaning as the
5 term “specialty care transport” as defined in the Code of Federal Regulations (42 CFR 414.605), as
6 may be amended.

7 “Department” means the Department of Finance and Business Services.

8 “Director” means the Director of the Department of Finance and Business Services, or his or her
9 designee.

10 “Emergency” has the same meaning as that term is defined by the Health District, as may be amended.

11 “Emergency medical care” means medical care given to a patient in an emergency situation before the
12 patient arrives at a hospital or other medical facility and until responsibility for the patient is assumed
13 by the medical staff at such facility.

14 “Emergency medical service” or “EMS” means a system consisting of a chain of services linked
15 together to provide emergency medical care for the patient at the scene, during transport, and upon
16 entry at a hospital or other medical facility.

17 “EMS priority dispatch” means a dispatch system:

18 (1) Whereby Certified Emergency Medical Dispatchers (EMD’s) give lifesaving pre-arrival
19 instructions to person requesting the same; and

20 (2) Which provides for the dispatch of the appropriate level of emergency vehicle response,
21 A, B, C, D or E as determined by use of a priority card or computer program, based on the severity
22 of the medical emergency.

23 “Emergency medical technician-intermediate” or “EMT-Intermediate” means a person who is
24 qualified, in accordance with the Health District regulations as an EMT-Basic and who is also
25 qualified in accordance with the Health District regulations to perform essential advanced techniques
26 and to administer a limited number of medications.

27 “Emergency medical technician-paramedic” or “EMT-Paramedic” means a person possessing the
28 qualifications of the EMT-Intermediate and also, in accordance with the Health District regulations,

1 as having enhanced skills that include being able to administer additional advanced life support
2 interventions and medications.

3 “Emergency response” has the same meaning as the definition of that term in the Code of Federal
4 Regulations (42 CFR 414.605), as may be amended.

5 “Financial statements” means audited financial statements of the local operation of the franchised
6 business. Financial statements are to include: balance sheet, income statement, statements of cash
7 flows, and statement of retained earnings.

8 “Fire Alarm Office” or “FAO” means the office referred to as Firecom in the Health District
9 regulations which is administered by the City of Las Vegas through an interlocal agreement among
10 the City of Las Vegas, the City of North Las Vegas, and Clark County, or the successor to that office.

11 “Fire Department” means the City’s Department of Fire and Rescue.

12 “Franchise” means the authorization granted to a person by the City Council to provide ambulance
13 service within the City’s rights-of way, highways, streets, roads and alleys. The terms and conditions
14 of such authorization will be described in a franchise agreement specific to such purpose.

15 “Franchise agreement” means the written agreement entered into between the City and a franchisee
16 evidencing the City’s authorization for a franchisee to provide ambulance service requiring the
17 franchisee to comply with the terms of this Chapter and incorporating such other reasonable provisions
18 as the City Council deems appropriate.

19 “Franchise service area” or “service area” means the geographic area of the City, including any
20 sub-zones thereof, specified in a franchise agreement wherein a franchisee is authorized and required
21 to provide ambulance service.

22 “Franchisee” means the person to whom an ambulance service franchise is granted by the City Council
23 pursuant to this Chapter.

24 “Health District” means the Southern Nevada Health District, its officers and authorized agents.

25 “Health District regulations” means the applicable EMS regulations adopted by the District Board of
26 Health, as they may be amended from time to time.

27 “Health Officer” means the Health Officer of the Health District.

28 “Inter-facility ambulance transport service” means an emergency or a nonemergency transport of a

1 patient by ambulance that originates and terminates at previously designated medical facilities or
2 locations.

3 “Loaded mileage” has the same meaning as the definition of that term in the Code of Federal
4 Regulations (42 CFR 414.605), as may be amended.

5 “MDT” means a mobile data terminal, or a computerized device used in emergency vehicles to
6 communicate with a central dispatch office.

7 “Maximum ambulance service rate” means the maximum amount that a franchisee may bill a patient
8 or other payer for the level of ambulance service provided to the patient, as established in this Chapter,
9 including all ancillary services and supplies used in providing ambulance service.

10 “Mutual aid” means ambulance service provided within the franchise service area in response to a
11 request by a franchisee through the FAO for assistance from another franchisee to provide ambulance
12 service in the requesting franchisee’s authorized service area pursuant to an agreement between the
13 franchisees that is on file with the AOC.

14 “Nonemergency ambulance service” means prearranged non-911 dispatched ambulance service
15 provided to patients with non-life-threatening conditions that does not require the use of lights and
16 sirens, including without limitation nonemergency ambulance service requested at special events and
17 other non-911-dispatched ambulance service requests that would be categorized as nonemergency
18 transfers or level 33-A calls (as that term is approved and endorsed by the Health District) when
19 processed through EMS priority dispatch protocol.

20 “Nonmedically supervised patient transfer service” means the transportation of a person that does not
21 require any medical supervision, observation or care while en route, as permitted by the State of
22 Nevada Transportation Services Authority.

23 “Performance standards” means response time requirements that are required to be met by a franchisee
24 as specified in Section 6.08.150 in the performance of providing ambulance service by the franchisee.

25 “Response time” means the time period measured from receipt by a franchisee of electronically
26 transferred information from the FAO dispatch facility on the patient location, EMS priority dispatch
27 code, and call-back number to the time when the ambulance dispatched to the incident arrives and
28 reports that it is “on scene” as that term is defined by the AOC, or when the dispatched ambulance en

1 route to an incident is canceled by the FAO dispatch.

2 “Rights-of-way” means property dedicated to, granted to, or held or prescriptively used by the City
3 for public street, alley, road and highway purposes.

4 “Service category” means the type or level of ambulance service that is specified in a franchise granted
5 pursuant to this Chapter.

6 “Seven-digit request for emergency service” means any telephone request for emergency ambulance
7 service that is received directly by a franchisee from any source, including representatives of law
8 enforcement agencies, which is required to be electronically transferred immediately to the FAO
9 system.

10 “Special event” means activities such as, but not limited to, sporting events, off-road vehicle races,
11 speedway races, concerts, fairs and parades occurring on a specific date and time at a specific location.

12 “Special event medical service” or “SEMS” means the providing of medical care to the participants
13 and members of the public in attendance at a special event pursuant to a contractual arrangement
14 between a special event medical service provider or a franchisee and the special event owner, operator,
15 promoter, organizer or any other person authorized to enter into such contractual arrangements on
16 behalf of the special event.

17 “Special event medical service provider” or “SEMS provider” means a person who has obtained a
18 special event medical service provider business license pursuant to Title 6 of this Code and special
19 purpose ambulance service permits required pursuant to Health District regulations.

20 “Special event vehicle” means the special purpose vehicle permitted by Health District regulations
21 which for the purposes of this Chapter may be used for the sole purpose of providing standby medical
22 coverage at predesignated special events. Except as otherwise provided in this Chapter, the term does
23 not include a vehicle which provides ambulance service over City rights-of-way.

24 “Street” means the surface of the full width of the right-of-way, including alleys, sidewalks and
25 thoroughfares, places or ways of any kind used by the public or open to the public as a matter of right
26 for the purpose of vehicular traffic or vehicular and pedestrian traffic.

27 “Sub-zone” means a portion of a franchise service area as defined in a franchise agreement.

28 “Transfer of ownership or control” means any transaction in which:

1 (1) Any ownership or other right, title, or interest of more than five percent in a franchisee
2 or its ambulance service is transferred, sold, assigned, leased, sublet, or mortgaged, directly or
3 indirectly, voluntarily or involuntarily, in whole or in part;

4 (2) There is any change or transfer of control of a franchise or ambulance service;

5 (3) The rights, obligations, or both, which are held by a franchisee under its ambulance
6 franchise are transferred, directly or indirectly, to another party;

7 (4) Any change or substitution occurs in the managing general partners of a franchisee,
8 where applicable; or

9 (5) A franchisee, or its corporate parents at any level, enter into any transaction that
10 materially increases the debt that is to be borne by the franchisee, directly or indirectly, in a manner
11 that will adversely affect users of the ambulance service.

12 "Transponder" means an electronic device affixed to an ambulance that activates the private access
13 gates located within the franchise service area.

14 "Unforeseen economic circumstance" means:

15 (1) That within a given twelve-month calculation period the percentage change in the
16 CPI-MCS was greater than ten percent or less than zero (decrease); or

17 (2) Another circumstance or set of circumstances which the City Council determines to
18 have had a significant effect on the cost of providing ambulance service.

19 "Volunteer ambulance service" means volunteer ambulance service which is authorized and operated
20 under the direct supervision of the Fire Department.

21 SECTION 2: Title 6, Chapter 8, Section 130 of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.08.130:** (A) No franchisee shall deviate from the color scheme, logo or design approved by
24 the Fire Chief without his or her prior consent.

25 (B) The franchisee shall maintain records within the City and allow for audits as
26 provided in applicable Sections of this Chapter and Title 6 of this Code.

27 (C) A franchisee shall adhere to response time standards and staffing requirements
28 of this Chapter in its service area and individually in each subzone that the franchisee is authorized

1 to serve. The franchisee shall ensure that each sub-zone in its service area receives the same level of
2 service or level of performance as compares with other sub-zones it serves within the franchise service
3 area.

4 (D) A franchisee shall not use, encourage, advocate or solicit the use of any
5 telephone number or system of communication in lieu of the 911 emergency telephone system number
6 for the dispatch of an ambulance to any call except for non-emergency service as defined by this
7 Chapter.

8 (E) Unless otherwise specified in its franchise agreement or required by AOC
9 regulations and procedures, when a franchisee receives, through any means, a request for service
10 which if processed through EMS priority dispatch protocols would be determined to be a Category
11 A, B, C, D, or E level call for EMS ambulance service the franchisee shall electronically transfer
12 information on the call to the FAO, including patient location, condition and call-back number.

13 (F) Any ambulance used for emergency 911 responses by a franchisee shall be
14 replaced no later than when the vehicle mileage reaches 300,000 miles. Any franchisee that has a
15 current franchise agreement with the City on June 1, 2009, shall have until June 30, 2011, to comply
16 with this Subsection (F).

17 (G) Except with respect to nonemergency ambulance service, when a franchisee is
18 providing special event medical service and a patient's condition requires transport, or a franchisee
19 is directly called to transport a patient from a special event, the franchisee shall electronically transfer
20 information on patient location, condition, availability of or need for the dispatch of an ambulance and
21 call-back number to the FAO.

22 SECTION 3: Title 6, Chapter 8, Section 150 of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.08.150:** (A) Requests for ambulance service which are received through the FAO, including
25 seven-digit requests for emergency service, or through a 911-emergency telephone system shall meet
26 the following response time performance standards:

27 (1) For all EMS priority dispatch B, C, D and E level emergency calls, the
28 response time shall be not greater than [eight] eleven minutes and fifty-nine seconds [(8:59).] (11:59).

1 (2) [For all EMS priority dispatch B level emergency calls, the response
2 time shall be no greater than twelve minutes and fifty-nine seconds (12:59).

3 (3)] For all EMS priority dispatch A level emergency calls, the response time
4 shall be no greater than nineteen minutes and fifty-nine seconds (19:59).

5 (B) A franchisee must have ninety percent compliance with the response time
6 standards of Subsection (A) of this Section for the combined total of EMS priority dispatch B, C, D,
7 and E level emergency calls during each calendar month within a service area or each sub-zone of the
8 service area as such service area or sub-zones thereof are established or amended in accordance with
9 the terms of the franchise agreement.

10 (C) In addition to the provisions of Subsection (A) of this Section, a franchisee's
11 failure to arrive on the scene in response to EMS priority dispatch C, D and E level emergency calls
12 within fourteen minutes and fifty-nine seconds (14:59) of dispatch by the FAO may be cited in the
13 franchise agreement as grounds for taking further disciplinary action against a franchisee.

14 (D) A franchisee's failure to comply with the response time requirements of this
15 Chapter and resulting penalties may be waived by the Director after his or her consideration of any
16 recommendations made by the AOC, and provided that such waiver is not contrary to the provisions
17 of the franchise agreement[, under the following circumstances:

18 (1) A] when a franchisee was unable to locate the incident due to incorrect
19 or inaccurate dispatch information from the FAO, such as incorrect number of a street address, street
20 name, direction, street designator or fire district and phantom grids as maintained by the FAO.]; or

21 (2) Due to circumstances beyond the franchisee's control, including
22 detention of ambulance and crew at a hospital emergency department for excessive lengths of time
23 waiting for hospital staff to accept transfer of care of a patient.]

24 (E) Calls not canceled by the FAO before the response time requirement has
25 expired but for which the ambulance crew failed to substantiate the on-scene time through usage of
26 AVL/GPS data reports or, if the AVL/GPS was not functioning, failed to report through alternative
27 methods established by the AOC, will be considered as failing to meet the [8:59, 12:59,] 11:59, 14:59
28 or 19:59 response time requirements of this Section.

1 (F) ~~[Calls]~~ A call for which an ambulance did not respond within the applicable
2 ~~[8:59, 12:59,]~~ 11:59 14:59 or 19:59 response time requirements of this Section, either by the
3 franchisee or by another ambulance service provider through a mutual aid agreement, [and the call was
4 not canceled by the FAO before expiration of the response time requirement,] will be considered as
5 failing to meet the response time requirements of this Section if the call was not canceled by the FAO
6 before the expiration of the response time requirements.

7 (G) When the FAO closes a call, the call is terminated and the applicable response
8 time standard specified in this Section will apply. If the FAO reopens the call, the franchisee shall
9 consider it a new call and calculate the response time from the time the franchisee receives
10 information that the call has been reopened to the time when the ambulance dispatched to the incident
11 arrives and reports that it is "on scene," as that term is defined by the AOC, or when the dispatched
12 ambulance en route to an incident is canceled by the FAO dispatch.

13 ~~[(G)]~~ (H) When multiple ambulances are dispatched by FAO to a single incident, the
14 applicable ~~[8:59, 12:59,]~~ 11:59 or 14:59 response time standard specified in this Section will apply
15 only to the first ambulance dispatched by FAO, and additional ambulances responding to the incident
16 will not have a response time requirement nor be counted as a separate call by a franchisee in
17 calculating its monthly ninety percent response time compliance required by this Section.

18 ~~[(H)]~~ (I) When a franchisee requests mutual aid from another franchisee, the requesting
19 franchisee will count that call in its total monthly calls in calculating its ninety percent on-time
20 response requirements of this Section and will be responsible for any incidental late penalties for such
21 response.

22 ~~[(I)]~~ (J) The franchise agreement may specify an area of the City wherein the response
23 time requirements of this Section shall not apply.

24 ~~[(J)]~~ (K) In addition to any other remedy and penalty provided in this Chapter or the
25 franchise agreement, failure of a franchisee to meet the monthly ninety percent response time
26 requirements set forth in this Chapter within its service area or any sub-zone thereof, as defined by the
27 franchise agreement, for any [three] four months during any [twelve-month] period consisting of
28 twelve consecutive calendar months shall be grounds for readjustment of the service area[, revocation

1 of the franchise] or any other appropriate action as may be determined by the City Council, in its sole
2 discretion[.], including but not limited to action authorized by Section 6.08.290.

3 SECTION 4: Title 6, Chapter 8, Section 160 of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.08.160:** (A) Except as otherwise provided by Subsection (B) of this Section, the following
6 procedures shall apply:

7 (1) Upon arrival at the scene of an incident where patient care is being
8 provided by Fire Department personnel, the ambulance franchisee's personnel shall:

9 (a) Seek out the officer or paramedic in charge (Incident
10 Commander) for an information report on patient care already provided;

11 (b) Request possible assignments to assist in any additional care;

12 (c) Avoid duplicating any patient assessment or treatment already
13 completed; and

14 (d) Work under the direction of the Incident Commander.

15 (2) Upon arrival at the scene of an incident where patient care is being
16 provided by ambulance franchisee's personnel, the Fire Department may assume command of the
17 scene. In the event that the Fire Department does assume command of the scene it shall:

18 (a) Seek out the ambulance franchisee's employee in charge for a
19 report on the condition of the patient, and any treatment that may have been provided;

20 (b) Request transfer of information from the ambulance franchisee's
21 personnel; and

22 (c) Remain in charge of the scene while at the scene.

23 (3) Upon the Fire Department's assumption of command of an incident
24 scene, care of a patient or patients shall be the responsibility of the Fire Department personnel until
25 such personnel have ceased to provide patient care and responsibility has been transferred to
26 franchisee personnel; provided, however, that at no time shall ambulance franchisees' personnel delay
27 initiation of appropriate treatment or transportation of a patient in anticipation of Fire Department
28 response. It is the responsibility of all agencies providing patient care to cooperate and assist in

1 treatment and transportation requirements.

2 (4) A franchisee responding to an FAO call shall not send additional
3 ambulances to an incident unless so authorized by the Incident Commander or the FAO.

4 (B) If a call is closed by a Fire Department unit by changing status to available, the
5 franchisee shall continue to the scene unless the franchisee receives notification from the FAO that
6 the call is cancelled. The franchisee shall substantiate the on-scene time through usage of AVL/GPS
7 data reports or, if the AVL/GPS was not functioning, through alternative methods established by the
8 AOC. If the franchisee cannot electronically transfer data to the FAO due to the closing of the call,
9 the data in the franchisee's CAD will be verification of the official response time.

10 (C) Nothing in Subsection (A) of this Section shall be deemed to require or
11 authorize the interruption of patient care in progress.

12 SECTION 5: Title 6, Chapter 8, Section 200 of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.08.200:** (A) At the request of either the Director or AOC, a franchisee shall submit reports,
15 records and other information regarding emergency and nonemergency transports that are necessary
16 to verify the franchisee's compliance with this Code and franchise agreements executed pursuant to
17 this Chapter. These reports, records and information shall be submitted in the format and on the date
18 requested by the Director or AOC.

19 (B) A franchisee may keep records using account numbers or patient numbers rather
20 than names and addresses; provided, however, that such records shall include the FAO incident
21 number.

22 (C) The franchisee shall provide an annual report to the City Manager or AOC
23 listing all ambulance vehicles, by vehicle identification number, vehicle number and license plate, that
24 are used for emergency 911 response and indicating the odometer mileage reading of each vehicle.
25 The mileage reading shall be documented for each vehicle during the month of January of each year,
26 and the date of the reading for each vehicle shall be included in the list. The mileage report shall be
27 due no later than March 1 of each year.

28 SECTION 6: This Ordinance shall become effective on June 1, 2009.

SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this day of , 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 4-1-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2009-17
(Updates Municipal Code standards and requirements for ambulance services
provided by means of franchise)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-17, that will update Municipal Code standards and requirements for ambulance services provided by means of franchise.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable. The ordinance language was developed cooperatively with the only business to be impacted.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Unable to identify

Beneficial effects:

Updated standards that are either beneficial or satisfactory to the affected business

Direct effects:

Updated standards that are either beneficial or satisfactory to the affected business

Indirect effects:

Not applicable

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

The language of the rule was mutually developed with the affected business

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: April 1, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 5, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 5, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

