

**City Council
Agenda Memo**



**City Council
Meeting Date: April 9th 2015**

TO: David A. Vela, Interim City Manager

FROM: T. Daniel Santee, City Attorney

SUBJECT: Public Hearing Application for a license of public convenience and necessity to operate an Ambulance Service in the City of Abilene

GENERAL INFORMATION

The City has received an application for a license under Section 5-26 of the Ambulance Ordinance. Under this section the council shall cause a public hearing to be held concerning such application. Notice of the hearing has been given in writing to the applicant (Allegiance Ambulance) and to all persons holding licenses for ambulance service in the city (MetroCare). Notice has also been given to the public by publication in the newspaper published in the city.

Section 5-27 Ascertaining public convenience, necessity.

In determining whether public convenience and necessity require the licensing of a proposed ambulance service, the city council shall consider whether the public is, at any time, adequately served, the financial responsibility of the applicant, the number, kind and type of equipment to be operated by the applicant, a schedule of rates proposed to be charged, whether the safe use of the streets by the public, both vehicular and pedestrian will be preserved, and such other facts as the city council shall consider relevant.

The council must make specific findings if it determines that a license of public convenience and necessity to operate an ambulance service in the city of Abilene should be granted. We have prepared two written resolutions, one that states that the applicant has met its burden, and one that it has not.

SPECIAL CIRCUMSTANCES

The application process, presentation and consideration of this item is complicated and involves numerous factors for consideration. It is my recommendation that the council allow Allegiance Ambulance to provide a full presentation and request, followed by any comments or presentation by the Abilene Fire Chief Ken Dozier, and then open the public hearing as required by the ordinance.

STAFF RECOMMENDATION

Staff believes that Allegiance Ambulance has presented a complete application and is entitled under the ordinance to a public hearing on their application.

ATTACHMENT

Resolution

Prepared by:

Name: Danette Dunlap/T. Daniel Santee

Title: City Secretary/City Attorney

Item No. 7.7

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
GRANTING A LICENSE OF PUBLIC CONVENIENCE AND NECESSITY TO
OPERATE AN AMBULANCE SERVICE IN THE CITY OF ABILENE**

WHEREAS, the City has received an application for a license under Section 5-26 of the Ambulance Ordinance, of the Code of the City of Abilene; and,

WHEREAS, Under this section the council shall cause a public hearing to be held concerning such application within 30 days of said application being deemed complete; and

WHEREAS, notice of the hearing has been given in writing to the applicant (Allegiance Ambulance), to all persons holding licenses for ambulance service in the city (MetroCare) and to the public by publication in the newspaper published in the city, as required; and,

WHEREAS, Section 5-27 of the Ambulance Ordinance, of the Code of the City of Abilene establishes the criteria for determining whether public convenience and necessity require the licensing of a proposed ambulance service; and

WHEREAS, Section 5-28 of the Ambulance Ordinance, of the Code of the City of Abilene establishes the prerequisite findings that allow the city council to grant a license of public convenience and necessity to operate an ambulance service in the City of Abilene.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1. That the City Council has accepted and reviewed the application of Allegiance Ambulance for a license of public convenience and necessity to operate an ambulance service in the City of Abilene and hereby deems said application complete.

Part 2. That the City Council has held a public hearing within the timeframes established by ordinance, and the requisite notice requirements have been met for said public hearing.

Part 3. That the City Council hereby finds that Allegiance Ambulance has established each of the following prerequisites for issuance of a license of public convenience and necessity to operate an ambulance service in the City of Abilene:

(a) That all operators shall provide similar emergency service and transfer service per city requirements.

(b) That the public convenience and necessity require the proposed emergency or transfer ambulance service for which the application has been submitted, and that such service would not adversely affect total ambulance service to the people of this city nor adversely affect the overall costs or quality thereof.

(c) That the ambulance service for which the application has been submitted is needed to enhance service.

(d) That the applicant has demonstrated a financial and business stability by and through financial documentation and/or previous experience in providing the same or similar ambulance service in other locations. If said applicant is a new provider, evidence of financial resources to supply all equipment and services shall be submitted.

(e) That the applicant possesses or has submitted a binding agreement to provide ambulance vehicles and equipment, complying with the standards herein required.

(f) That the applicant has procured or submitted a binding agreement to secure the insurance, as required by this article.

(g) That the applicant and all attendants, drivers and attendant drivers are fit and proper persons to conduct the proposed ambulance service.

(h) That all the requirements of this chapter, all other applicable ordinances of the city, and all applicable state laws have been met by the applicant.

Part 4. That the City Manager or designee is hereby authorized to issue a license of public convenience and necessity to operate an ambulance service in the City of Abilene to Allegiance Ambulance after they have provided and executed any documents or agreements necessary to begin operation within the City of Abilene.

This resolution is effective upon adoption.

ADOPTED this 9th day of April, 2015.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

T. Daniel Santee, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
DENYING A LICENSE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE
AN AMBULANCE SERVICE IN THE CITY OF ABILENE**

WHEREAS, the City has received an application for a license under Section 5-26 of the Ambulance Ordinance, of the Code of the City of Abilene; and,

WHEREAS, Under this section the council shall cause a public hearing to be held concerning such application within 30 days of said application being deemed complete; and

WHEREAS, notice of the hearing has been given in writing to the applicant (Allegiance Ambulance), to all persons holding licenses for ambulance service in the city (MetroCare) and to the public by publication in the newspaper published in the city, as required; and,

WHEREAS, Section 5-27 of the Ambulance Ordinance, of the Code of the City of Abilene establishes the criteria for determining whether public convenience and necessity require the licensing of a proposed ambulance service; and

WHEREAS, Section 5-28 of the Ambulance Ordinance, of the Code of the City of Abilene establishes the prerequisite findings that allow the city council to grant a license of public convenience and necessity to operate an ambulance service in the City of Abilene.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1. That the City Council has accepted and reviewed the application of Allegiance Ambulance for a license of public convenience and necessity to operate an ambulance service in the City of Abilene and hereby deems said application complete.

Part 2. That the City Council has held a public hearing within the timeframes established by ordinance, and the requisite notice requirements have been met for said public hearing.

Part 3. That the City Council hereby finds that Allegiance Ambulance has failed to establish one or more of the following prerequisites for issuance of a license of public convenience and necessity to operate an ambulance service in the City of Abilene:

- (a) That all operators shall provide similar emergency service and transfer service per city requirements.

- (b) That the public convenience and necessity require the proposed emergency or transfer ambulance service for which the application has been submitted, and that such service would not adversely affect total ambulance service to the people of this city nor adversely affect the overall costs or quality thereof.

(c) That the ambulance service for which the application has been submitted is needed to enhance service.

(d) That the applicant has demonstrated a financial and business stability by and through financial documentation and/or previous experience in providing the same or similar ambulance service in other locations. If said applicant is a new provider, evidence of financial resources to supply all equipment and services shall be submitted.

(e) That the applicant possesses or has submitted a binding agreement to provide ambulance vehicles and equipment, complying with the standards herein required.

(f) That the applicant has procured or submitted a binding agreement to secure the insurance, as required by this article.

(g) That the applicant and all attendants, drivers and attendant drivers are fit and proper persons to conduct the proposed ambulance service.

(h) That all the requirements of this chapter, all other applicable ordinances of the city, and all applicable state laws have been met by the applicant.

Part 4. That the application of Allegiance Ambulance for a license of public convenience and necessity to operate an ambulance service in the City of Abilene is hereby denied without prejudice to reapplication.

This resolution is effective upon adoption.

ADOPTED this 9th day of April, 2015.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

T. Daniel Santee, City Attorney